

Planning and Environment Act 1987

Government Land Standing Advisory Committee

Tranche 27 Report

Former Benalla College Oval, Gay Street, Benalla

22 March 2021

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List of Abbreviations

the Act	<i>Planning and Environment Act 1987</i>
Benalla Character Study	<i>Benalla Neighbourhood Character Study 2002</i>
Council	Benalla Rural City Council
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
EPA	Environment Protection Authority Victoria
ESD	Environmentally Sustainable Design
GBCMA	Goulburn Broken Catchment Management Authority
GLSAC	Government Land Standing Advisory Committee
GRZ1	General Residential Zone – Schedule 1
IN1Z	Industrial 1 Zone
LSIO	Land Subject to Inundation Overlay
Planning Report	<i>Planning Report. Rezoning of Surplus Government Land: Benalla College Oval, Gay Street, Benalla, EDM Group, 15 October 2019</i>
PPF	Planning Policy Framework
PPRZ	Public Park and Recreation Zone
Regional Residential Report	<i>Urban Development Program Regional Residential Report – Rural City of Benalla, Department of Transport, Planning and Local Infrastructure 2013</i>

About this report

On 16 February 2020, the Minister for Planning referred the Former Benalla College Oval, Gay Street, Benalla to the Government Land Standing Advisory Committee as Tranche 27.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for the Former Benalla College Oval, Gay Street, Benalla.



Lisa Kendal, Chair



Cazz Redding, Member

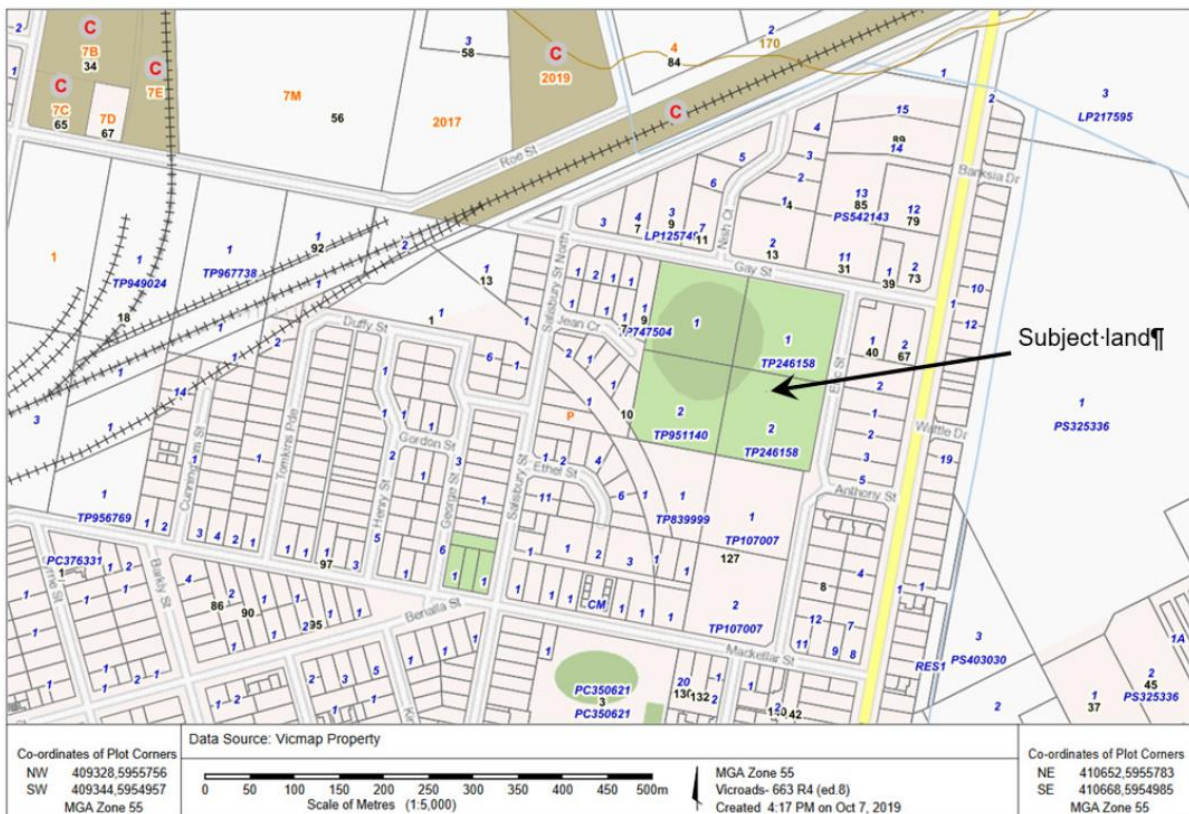
22 March 2021

1 Summary and recommendation

1.1 The site

The former Benalla College Oval site (the site) has a frontage to Gay Street along the northern boundary and an unmade road, Eric Street, to the east. The site is located approximately 1.5 kilometres to the northwest of the Benalla Post Office and has an area of approximately 4.17 hectares (see Figure 1).

Figure 1: Locality Plan



Source: Planning Report, EDM Group, October 2019

The site is surrounded by developed and undeveloped residential land to the west and south. Surrounding industrial land to the north and east contains a mix of light industrial uses, a large vacant commercial building and a number of vacant and derelict dwelling houses.

Along the western boundary the site abuts residential development, with a direct interface with a dead-end road, Jean Crescent, that terminates midway along the western property boundary. The property has frontage to a disused railway reserve at the south western corner (see Figure 2).

The site consists of four parcels of land described as Lots 1 & 2 TP246158 (Vol.08268 Fol.344) and Lots 1 & 2 TP951140 (Vol.11398 Fol.835).

Figure 2: Site context plan



Source: Planning Report, EDM Group, October 2019

1.2 Issues

The Committee considered all written submissions as well as submissions presented to it at the Hearing. In addressing the issues raised in submissions the Committee has been assisted by the information provided to it (see Appendix C: Document List) as well as its observations from inspection of the site.

Issues raised in submissions related to:

- augmentation of sewerage infrastructure to ensure capacity to service the land
- the need for public open space provision as well as housing on the site
- provision for housing affordability and diversity, and providing for an ageing population
- sustainable urban residential design.

As a threshold issue the Committee identified the need to consider whether the site would benefit from master planning guidance to address issues, opportunities and constraints including vegetation, management of flood waters, buffers to industrial land, interface with abutting properties and road connections, access and permeability within the context of the precinct.

1.3 Committee conclusions

The site owner proposes to rezone the subject land from Public Park and Recreation Zone (PPRZ) to General Residential Zone Schedule 1 (GRZ1). The Committee agrees that this is an appropriate zone if the land is to be sold.

The site owner proposes to retain the Land Subject to Inundation Overlay (LSIO) on the site, and the Committee agrees that this is appropriate.

The Committee considered whether additional planning tools would be beneficial to guide site master planning to achieve integrated planning and design outcomes and maximise community benefit. The Committee concludes that this would be beneficial and recommends the introduction of a local policy into the Planning Policy Framework (PPF).

The Committee has provided an example of suggested wording for inclusion in Clause 11.01-1L Former Benalla College Oval, Gay Street Benalla at Appendix E. At the time of writing this report, the PPF translation of the Benalla Planning Scheme has not yet been gazetted. A suggestion of where the proposed local policy could be included in the existing ordinance is also provided at Appendix E.

The proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the *Ministerial Direction on The Form and Content of Planning Schemes*.

Table 1: Existing and proposed controls

Current planning scheme controls	Exhibited planning scheme	Advisory Recommendation	Committee
Public Park and Recreation Zone (PPRZ)	General Residential Zone, Schedule 1 (GRZ1)	General Residential Zone, Schedule 1 (GRZ1)	
Land Subject to Inundation Overlay (LSIO)	Retain	Retain	
			Include master planning guidance for the site through introduction of a local policy - Clause 11.01-1L Local settlements – Benalla.

1.4 Recommendation

The Committee recommends that:

A planning scheme amendment be prepared and approved for the Former Benalla College Oval, Gay Street, Benalla to:

- 1. Rezone the site to apply the General Residential Zone, Schedule 1.**
- 2. Insert a new Local Planning Policy Framework policy at Clause 11.01-1L Settlement, based on the example suggested at Appendix E.**

2 Process issues for this site

2.1 Process summary

The following tables set out the details of the process for this matter.

Table 2: Proposal summary

Proposal summary	
Tranche	27
Site address	Former Benalla College Oval, Gay Street, Benalla
Previous use	Benalla College Oval
Site owner	Department of Education and Training, represented by the Department of Treasury and Finance
Council	Benalla Rural City Council
Exhibition	12 October 2020 to 4 December 2020
Submissions	Five including from the EPA, North East Water and DELWP

Table 3: Committee process

Committee process	
Members	Lisa Kendal, Cazz Redding
Directions Hearing	2 February 2021
Hearing	23 February 2021
Site inspections	14 January 2021
Appearances	Department of Treasury and Finance represented by planning consultant Peter O’Dwyer from EDM Group Mr Howard Bartlett
Date of this Report	22 March 2021

2.2 Process issues

(i) Views of relevant agencies

The proposed explanatory report states that:

The views of Department of Education and Training, Goulburn Broken Catchment Management Authority, EPA and Benalla Rural City Council were sought during the preparation of the amendment. During the exhibition process any other relevant authorities will have an opportunity to comment on the proposal.

During preparation of the Amendment the site owner received written advice from Benalla Rural City Council, Goulburn Broken Catchment Management Authority (GBCMA) and the EPA.

Benalla Rural City Council advised that it supported application of the GRZ1 on the basis that:

The land has a direct interface with land zoned GRZ to the south and west of the site.

Any future development of the land for residential purposes can be designed with appropriate buffer treatments to the Industrial 1 Zoned land to the north and east of the site.

The land is comfortably located within the confines of the Benalla Township.

The land can easily be provided with the full array of services including water, sewer, gas and electricity.

The EPA provided preliminary advice on the Amendment¹ and also made a submission stating that it did not object to the proposal and considered that adequate work had been done to justify the decision to not apply the Environmental Audit Overlay (EAO).

Goulburn Broken CMA advised that it did not object to the proposed rezoning, subject to the conditions outlined in its letter of advice. The conditions are discussed in greater detail in Chapter 3.3.

(ii) Hearing process

The Committee considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, submissions and other material presented to it during the Hearing.

The Committee directed the site owner to provide further information about any vegetation assessment undertaken for the site, and to consider and provide its position on the need for additional controls to guide site master planning.

The Committee wrote to Council seeking its views on:

- whether additional planning policy and controls may be beneficial to guide site master planning and, in the event that this is recommended by the Committee, what planning tools it would consider potentially suitable²
- the status of its PPF translation and requested a copy of its draft PPF local policy.³

These views are documented in Chapter 4.3.

2.3 Limitations

The purpose of the Advisory Committee is to:

- advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and
- provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.⁴

Further information about GLSAC is provided at Appendix A.

Mr Bartlett submitted that a change should be made to Clause 32.08-5 General Residential Zone, specifically to insert the following statement:

¹ Letter from EPA to Department of Treasury and Finance, 30 August 2019

² Document 2

³ Document 7

⁴ GLSAC Terms of Reference, Version 4, May 2020

... where an Agreement under Section 173 of the Planning and Environment Act 1987 has been executed between a Council and Owner for a subdivision providing for house siting, fencing, car parking, landscaping and the contribution to community facilities, no planning permit is necessary to site dwellings in accordance with the Agreement.

At the Hearing Mr Bartlett acknowledged that the request was outside of the Terms of Reference of the Committee, however he also submitted that the Committee request the Minister for Planning to amend the Terms of Reference to allow the Committee to make recommendations relating to the facilitation of development of the site as a sustainable urban residential development.

The Committee notes that the intent of Mr Bartlett's submission was supported by the site owner but that it is outside of the scope of the Committee's Terms of Reference as the proposed change was to a state provision and would impact on all planning schemes in the state. The scope of what the Committee can consider does not go beyond the proposed local provisions for the Benalla Planning Scheme.

The site owner suggested that Mr Bartlett's submission would be better considered through the planning reform process that is being undertaken by the Department of Environment, Land, Water and Planning (DELWP). The Committee agrees.

3 The site

3.1 Planning context

Figures 4 and 5 show the current and proposed zonings.

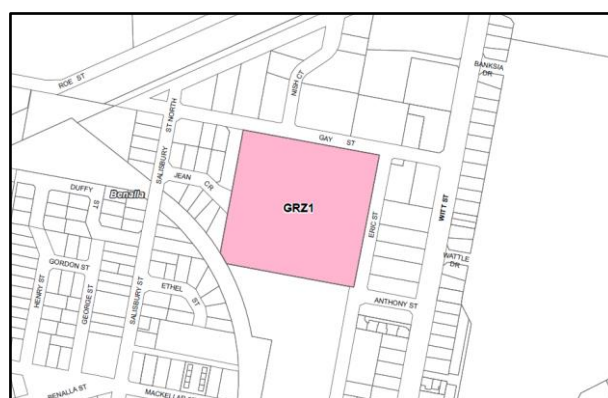
The site is surrounded by developed residential land to the west, undeveloped residential land to the south (GRZ1), and industrial land to the north and east (IN1Z).

A summary of planning context and policies is included at Appendix D.

Figure 3: Current zoning



Figure 4: Proposed zoning



3.2 History of the site

The Surplus Land Declaration Form states that:

The site was previously used as a school oval. Following the amalgamation of four existing schools which created Benalla P-12 College, the site was no longer required for sporting purposes. The Department of Education and Training has determined that there is no enrolment pressure or expected future demand in Benalla for the site to be used for any educational purposes and so the site has been declared surplus.

The site is currently used as open space for informal passive recreation purposes.

3.3 Constraints and opportunities

(i) Site context and conditions

Located approximately 1.5km from the post office, the site is centrally located in Benalla and represents a significant development opportunity for the city.

The Planning Report states that:

The rezoning of the land for residential purposes will facilitate increased housing choice in a well serviced area of Benalla. This will also lead to infrastructure gains through utilisation of existing infrastructure with adequate spare capacity to accommodate the development of the subject land.

The site is a large, relatively flat square-shaped parcel and there are no major physical constraints evident on the site. The land is currently used informally for passive recreation.

The site offers a northerly aspect and its size could provide for a range of allotment and block massing opportunities.

(ii) Neighbourhood character

The Planning Report states that there were “no issues identified in respect of existing landscape or environmental character/constraints” and that:

the general locality lacks a definable neighbourhood character. The subject land in particular either has the rear or side boundaries of residential properties to the east and west and vacant land to the south. This combined with the predominantly vacant light industrial and derelict dwellings to the north also contribute to a setting that is not easily defined.

It also identifies that the site is located in a mixed use locality that is set back from the main roads and is not highly visible, and that there is an opportunity for development of the site to “lift” the area in terms of overall amenity.

The Planning Report references the *Benalla Neighbourhood Character Study 2002* (Benalla Character Study), which identifies the key characteristics of all residential areas across Benalla. This study shows the site abutting and being broadly surrounded by the Character Precinct 7 (see Figure 5) described as “Old Town Garden”. Characteristics of this character area include:

- Large street trees of varied species and spacing
- Mainly post war housing stock
- Mixed fencing
- Established gardens with some large exotic trees
- Some gravel footpaths and brick gutters which create a sense of the old town edge.

The characteristics identified for Character Precinct 7 were observed in the surrounding residential neighbourhood by the Committee during its site inspection.

Figure 5: Neighbourhood Character Precinct 7 - Old Town Garden



(iii) Interface and connections

There is excellent access to the site, with frontages to Gay Street to the north and Eric Street (unmade) to the east. There is potential for road access from Jean Crescent to the west, connecting with the adjacent residential development, and the undeveloped residential land to the south also provides opportunities for future road connections. There is an opportunity

to provide walking or cycling connections along the disused rail reserve at the south western corner of the site.

Council advised that *“any future development of the land for residential purposes can be designed with appropriate buffer treatments to the Industrial 1 Zoned land to the north and east of the site”*.

Figure 6: Looking easterly along Gay Street, frontage of site and showing existing trees



Source: Planning Report, EDM Group, October 2019

Figure 7: Looking south along unmade Eric Street, frontage of site and light industrial land to the left



Source: Planning Report, EDM Group, October 2019

Figure 8: Dead-end road Jean Crescent, looking towards the site



Source: Planning Report, EDM Group, October 2019

Figure 9: Disused Railway Reserve, abutting south western corner of the site



Source: Planning Report, EDM Group, October 2019

(iv) Flooding and drainage

The Planning Report identifies as a constraint that the whole site is subject to flood risk and is covered by the Land Subject to Inundation Overlay (LSIO), and there are stormwater drainage issues.

The Planning Report includes detailed advice from Goulburn Broken CMA and states that:

- extensive areas of Benalla are subject to flooding events

- the 100-year ARI (1% AEP) flood level declared for the area of the subject land under the provisions of the Water Act 1989 is currently set at 169.35 metres AHD⁵
- any future development proposal would be assessed as a greenfields site.

Goulburn Broken CMA advised that its policy:

... with regards to encroachment into floodplain areas through rezoning and development of a “greenfields” site is generally as follows:

- the extent of development is limited to 0.3m below the relevant declared 1% AEP flood level (that is, no development of areas liable to flood depths greater than 0.3m for a 100-year ARI type flood event)
- areas that flood more than 0.5m deep may be considered, but would be subject to detailed hydraulic modelling
- greenfields sites within floodplain areas earmarked for rezoning to residential zone are usually filled to at least the 100-year ARI flood level
- residential lots are to be filled in accordance with the Infrastructure Design Manual.
- any filling should incorporate compensation for loss of flood storage.

The Planning Report concludes that:

... there are significant areas of the subject land that would be currently inundated by flood water at a depth of greater than 0.5m in a 100-year ARI flood event. This notwithstanding it is relevant to note that the subject land is not located within a designated urban floodway area and further that GBCMA raise no objection to the rezoning proceeding on the basis that it is understood that:

- any subsequent development of the site and in particular those sections that would be more than 0.5m deep for a 100-year ARI type flood event but would be subject to detailed hydraulic modelling
- detailed hydraulic modelling would directly influence a subsequent subdivision layout and engineering design
- a Statement of Compliance, under the Subdivision Act 1988, would only be approved when sufficiently detailed plans were provided which show finished ground levels of all fill and borrow areas and as-constructed depths of cut and fill to metres AHD
- computations would also be required which indicate the net cut and fill meet the flood storage factor of 1.3 within areas below the applicable 1% AEP flood level.

(v) Service infrastructure

Council advised that the site *“can easily be provided with the full array of services including, water, sewer, gas and electricity”*.

North East Water submitted that it had no objection to the proposal, *“however` there are reticulated sewerage servicing constraints for the site. North East Water's Gay Street Sewerage Pump Station will need augmenting to ensure capacity to service the land.”*

(vi) Contamination

A Preliminary Environmental Site Assessment prepared by Jacobs (2017) concluded that there is a low likelihood of any significant soil or groundwater contamination being present across

⁵ Letter from Goulburn Broken CMA to EDM Group, 17 August 2017

AEP - Annual Exceedance Probability - is the likelihood of occurrence of a flood of given size or larger occurring in any one year.

ARI – Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long term average number of years, between flood events as large as or larger than the design flood event.

AHD - Australian height datum - is the adopted national height datum that generally relates to height above mean sea level.

the site and is therefore considered likely to be suitable for a future sensitive use such as a residential development.⁶

EPA advised that it considered *“that an adequate level of environmental assessment has been undertaken for the site and does not object to the decision to not apply the EAO”*.

(vii) Vegetation

The Planning Report identifies vegetation on site as a constraint, but did not articulate why. This was explored further through the Hearing process as documented in Chapter 4.3.

It was evident to the Committee from the site inspection and feature survey that there were a significant number of large native and exotic trees on the site which contribute to the character and visual amenity of the area, may have biodiversity value and could contribute to buffers from surrounding industrial land.

(viii) Housing diversity and affordability

Issue

The issues are whether the site should provide a greater level of housing diversity than is currently seen in Benalla, and ensure an increase in affordable housing options.

Submissions

The land owner submitter in its Planning Report that the proposed GRZ was adequate to manage the future development of the land and that:

The proposal will achieve a net community benefit by facilitating infill development of vacant land within an established urban area contributing to housing diversity within the city area in proximity of the Central Business Area of the City.

In relation to subdivision design, the Planning Report stated that:

The proposed subdivision outcome will result in dwelling opportunities on a large vacant holding within essentially a mixed-use locality which includes residential allotments to the immediate west of the land. Subdivision will facilitate development that is complementary to the existing pattern of neighbourhood development to the west. The improved opportunities for development will also facilitate the possibility of a variety of dwelling types that meet the aspirations of different market sections of the community.

In relation to housing diversity, the Planning Report stated:

The rezoning of the land for residential purposes will facilitate increased housing choice in a well serviced area of Benalla. This will also lead to infrastructure gains through utilisation of existing infrastructure with adequate spare capacity to accommodate the development of the subject land.

Mr Bartlett submitted that the site should be designed and developed for sustainable urban residential use and tabled a model for achieving this on the site. The proposed model included:

- a diversity of lot and dwelling sizes, including options for an ageing community such as small houses
- affordable housing
- “made to measure” rather than “off the shelf”
- passive solar/sustainable design including garden areas.

⁶ Planning Report, page 7

Mr Bartlett noted the amendments that have been made to the *Planning and Environment Act 1987* that encourage greater provision of affordable housing, including the definitions of very low, low and moderate incomes and submitted that this site was ideal for well presented, affordable small accommodation for singles and couples.

Mr Bartlett also provided comment that generally the housing stock in Benalla was dilapidated and in poor condition, but that the public infrastructure was generous and in excellent condition.

In response to the questions from the Committee at the Hearing regarding demand for housing in Benalla, there were mixed views:

- The site owner advised that while it had heard of an increased demand due to the COVID-19 pandemic he had not seen this personally. Citing the *Urban Development Program Regional Residential Report – Rural City of Benalla*⁷ (Regional Residential Report) he submitted that there was an established demand for lots between 500 – 1,000 square metres
- Mr Bartlett submitted that he had observed lots of demand for urban living in Benalla where people are within easy walking distance to the city centre, however most new housing was available on the fringe of town, beyond the subject site. As a result of COVID-19 he had heard of an increase in demand and a number of properties selling “sight unseen” similar to other areas of regional Victoria.

The site owner submitted that:

- there are vacant lots in that part of Benalla and there was not a huge demand due to the lack of neighbourhood character and that location was seen as less desirable
- market forces tended to lead demand.

The site owner submitted that if the developer was a known entity and the site was in a more desirable part of the city, then it might be good to look at how to achieve greater housing diversity with planning controls.

The site owner also highlighted that the land may well not be used for housing and that it might be a suitable site for a non-residential use such as a school or church.

Mr Bartlett provided detailed commentary in his submissions about development models that could be employed to create more affordable housing that better met the needs of purchasers than the market currently provides. Whilst this information was interesting to the Committee, the model of development of the land is outside the scope of the Terms of Reference for the Committee.

3.4 Discussion and conclusion

A range of constraints and opportunities have been identified in relation to the site including:

- Constraints:
 - flooding and drainage
 - lack of visibility and visual appeal
 - vegetation
 - unconstructed road frontage.

⁷ *Urban Development Program Regional Residential Report - Rural City of Benalla*, Department of Transport, Planning and Local Infrastructure 2013

- Opportunities
 - to develop the site to improve overall amenity of the area
 - relatively proximate to CBD
 - no major physical constraints
 - could utilise access from Jean Crescent
 - excellent frontage
 - northerly aspect available
 - overall size
 - add to the overall Benalla residential land bank, through infill of a large vacant parcel.

The site is well located and relatively unencumbered and has been identified as suitable for a diverse range of housing to offer a greater choice of housing options in Benalla. According to the Regional Residential Report, and anecdotally, the demand for housing in Benalla is steady if not growing.

The Committee appreciates the somewhat ‘chicken and egg’ scenario described by the site owner, namely that controls to achieve greater housing density could be considered if the developer was known and the site was in a more desirable location. However the Committee does not consider this a sound basis for determining appropriate planning controls, and comments that planning controls can play a role as key drivers of urban renewal which may be appropriate in this context.

The Committee considers that the lack of planning aspiration for the site may reinforce current growth patterns, resulting in underdevelopment of a key potential urban renewal site or see the site lost for housing. The Committee also acknowledges the need to balance planning guidance with the reality of market forces.

Given the location of the site proximate to Benalla Activity Centre, the Committee consider that housing would be the best use of the site to achieve a net community benefit to the community, and that a diversity of lot sizes and housing types on the site would add to the variety of housing options that the Benalla community have. The proposed controls could be strengthened to provide guidance that a diverse range of housing is the preferred outcome on the site. Encouraging a diversity of housing has the potential to create some affordable housing choices.

The Committee concludes that the site provides a significant development opportunity for the City of Benalla that is centrally located and relatively unencumbered, and that planning for the site should take into consideration:

- that it is a large relatively unencumbered centrally located site, well suited to infill residential development
- access to and from the site using existing made and unmade roads, and off-road connections
- that significant areas of the site would be currently inundated by flood water and detailed hydraulic modelling will directly influence subdivision layout and engineering design
- the site contains a number of large trees that are consistent with the surrounding neighbourhood character and may add value to future amenity
- a buffer to the industrial land to the east of the site should be provided to protect it from encroachment.

The Committee concludes that planning controls for the site should be introduced to encourage a diversity of residential uses rather than non-residential uses.

4 What are appropriate planning controls

4.1 What zone is suitable

4.1.1 Submissions

The Planning Report argued that the proposal is consistent with *Planning Practice Note 78 – Applying the Residential Zones*, and that application of the GRZ is appropriate as:

- it supports and gives effect to the State Planning Policy Framework
- is consistent with the Municipal Strategic Statement
- because of the nature of surrounding land as well as the underlying zone of the subject land on the north eastern edge of an established residential area
- the purposes of the GRZ1 have been duly considered
- it will facilitate an urban consolidation outcome consistent with the Benalla Planning Scheme
- it will promote moderate residential change and provide outcomes which achieve reasonable housing choice and diversity in the established urban area
- the requirements of any applicable Minister’s Direction can be met.

The site owner submitted that it considered the proposed rezoning of land to GRZ consistent with policy on the basis that:

The land ... is not situated within a designated urban floodway area and is otherwise in relatively close proximity to a range of community and recreational facilities, schools, childcare and public open space networks.

The future residential development of the land will also allow for a diversity of dwelling types within the existing urban area Benalla and as such, the planning proposal would provide an orderly and desirable planning outcome.

It was Council’s view that GRZ1 was the most appropriate zone.

There were no submissions objecting to the proposal to rezone the land to GRZ1.

4.1.2 Discussion and conclusion

There were no issues relating to the proposal to rezone the land to GRZ1 and the Committee concludes that the General Residential Zone is appropriate.

4.1.3 Recommendation

The Committee recommends that a planning scheme amendment be prepared and approved to:

1. **Rezone the site to apply the General Residential Zone, Schedule 1.**

4.2 What overlays are appropriate

4.2.1 Land Subject to Inundation Overlay

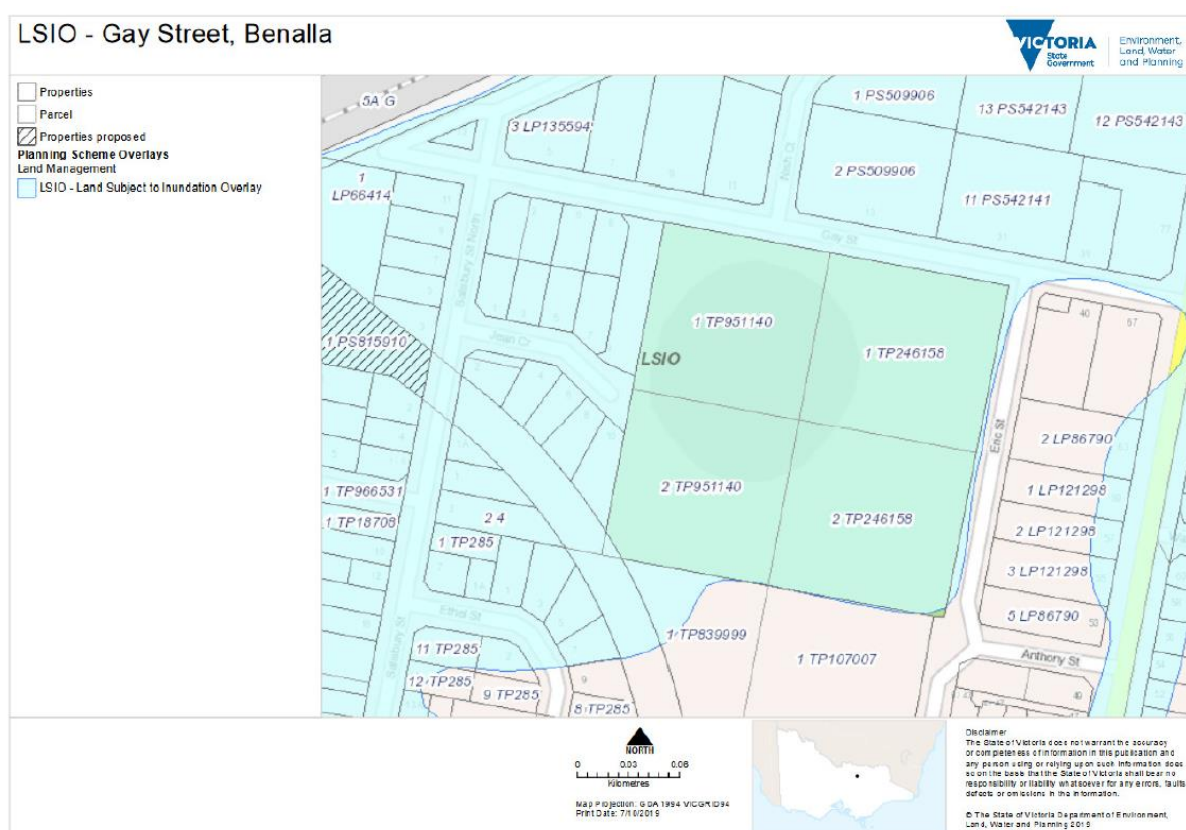
(i) Submissions

The site owner submitted that the bulk of the land was affected by the LSIO (see Figure 10) and stated that purposes of the LSIO include:

- To identify land in a flood storage or fringe area affect by the 1 in 100 year flood or any other area determined by the floodplain management authority.

- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Figure 10: Land Subject to Inundation Overlay Map



Source: Planning Report, EDM Group, October 2019

The site owner submitted that it was appropriate to retain the LSIO on the site, and that this was supported by GBCMA.

The submission from GBCMA provided details on the planning approval process for the site, including the need for detailed hydraulic modelling given the identified flood levels and management requirements.

(ii) Discussion and conclusion

The Committee accepts the advice of GBCMA and position of the site owner and concludes that continued application of the LSIO on the site is appropriate.

Notwithstanding this, the Committee notes that the flood levels are identified as being generally greater than those that would generally be approved in accordance with GBCMA policy and suggests that the requirement for a detailed hydraulic assessment and associated design solution may be most effective if undertaken for the whole site, which lends weight to the recommendation for site master planning controls as discussed in the next section.

4.3 Master planning the site

4.3.1 Would the site benefit from master planning guidance?

(i) Issue

The Committee considered whether additional planning tools would be beneficial to guide site master planning.

The Committee directed the site owner to include in its submission:

- Consideration of, and position on, the need for a local planning policy or planning controls, such as a Development Plan Overlay or a local PPF policy, to address issues relating to:
 - vegetation protection, in particular canopy trees
 - flood mitigation
 - augmentation of sewerage infrastructure
 - buffers to industrial land
 - housing diversity and affordability
 - local open space provision and form of this
 - sustainable urban residential design
 - vehicle and active transport networks
 - interface and integration with abutting residential properties
- Preferred planning tools to guide site master planning, in the event that this is recommended by the Committee

The Committee wrote to Council asking its views on:

... whether additional planning policy and controls may be beneficial to guide site master planning and, in the event that this is recommended by the Committee, what planning tools it would consider potentially suitable.⁸

The Committee also requested and received from Council an update on its PPF translation and a copy of its draft local policy.⁹

(ii) Submissions

The site owner submitted that no additional master planning controls or policy were needed in addition to the proposed GRZ and LSIO on the basis that:

- Council did not consider additional controls necessary
- in relation to the Development Plan Overlay (DPO), it is not a VPP tool used elsewhere in the Benalla Planning Scheme and there was some concern about removing public notice and appeal rights (see Chapter 4.3.2)
- as the proposed use is unknown there is potential for a future mismatch with master planning requirements and future use
- market forces will determine the site design rather than planning.

⁸ Document 2

⁹ Document 7 and Document 9

Council advised the Committee¹⁰ that it considered the following matters would be dealt with through a standard permit assessment process:

- subdivision layout, including roads, lots and public open space
- flood impacts
- vehicle and pedestrian access
- appropriate design treatment of buffers to industrial land
- open space facilities
- landscaping and retention of vegetation
- staging of development.

The site owner commented on the correspondence from Council¹¹, stating that:

It was also noted by Council officers that as the subject land comprises four separately transferable parcels that there may even be the possibility that the eventual development outcome is a single dwelling on each lot only, meaning that a DPO (and/or accompanying Policy) would be superfluous at the end of the day.

In response to a question from the Committee about whether, given its strategic location and site conditions, it would be a good outcome for the land if only four dwellings were constructed, the site owner stated that it would clearly be an underdevelopment of the land.

The site owner submitted that the detailed hydraulic modelling as required by GBCMA was critical and that the development and design response would be driven by this.

The Planning Report stated that vegetation was a constraint but did not provide any further information. In response to directions from the Committee, the site owner provided information about whether a vegetation assessment had been undertaken for the site and justification for this:

given the site characteristics it was concluded that no vegetation assessment was necessary in the circumstances. Should Council be of the opinion that a vegetation assessment was required, this could be readily included as part of the information required for any subsequent planning permit application.

The site owner clarified that it wasn't considered necessary to investigate the vegetation as given the prospective lot sizes were greater than 4,000 square metres and therefore the vegetation was not deemed lost (with reference to Clause 52.17 – Native Vegetation). He also advised that this would be influenced by the proposed future use, and if the future use was non-residential all of the vegetation may be retained, however if the future use was residential the vegetation could be "*in the firing line*". The site owner did not consider the vegetation was of significant quality to require controls to preserve it.

The Committee brought to Mr O'Dwyer's attention that the Benalla Structure Plan showed the site as open space/recreation. The site owner commented that would have to be fixed up at some stage along with other changes to update the Structure Plan, and clarified that the plan does not represent zones as such but preferred land use outcomes.

In response to a question from the Committee to clarify the status of the *Benalla Character Study*, the site owner advised that "*it is intended to remove this document from the Benalla Planning Scheme in the upcoming PPF review as the document is considered to be outdated and in need of review*".¹²

¹⁰ Document 3

¹¹ Document 9

¹² Document 8

Council provided the Committee with a copy of the draft of the proposed Clause 15.01-5L¹³ which indicates that the *Benalla Character Study* remains as a policy / background document, however, there is a sunset clause of three years from gazettal for Council to update this work or remove the reference.

In conclusion the site owner contended that based on site conditions and constraints, market demand (see Chapter 3.3(viii)), Council's advice and need for the Department of Treasury and Finance to discharge its duties that the most appropriate planning tools were the GRZ and LSIO, in conjunction with state policy and Clauses 54, 55 and 56. The site owner also cautioned that additional planning controls may have a reverse impact and create unnecessary constraints on the site, providing examples of if the land was to be sold in parcels, or the land was to be acquired for an institutional use such as a church or private school.

(iii) Discussion

The Committee notes that key local planning issues include population retention and growth and providing a diverse housing mix, and relevant policies (see Appendix D) require consideration of:

- opportunities for the consolidation, redevelopment and intensification of existing urban areas
- facilitation of well located, integrated and diverse housing that meets community needs
- delivery of affordable housing close to jobs, transport and services
- neighbourhood character and landscape considerations, including minimising removal of native vegetation and significant mature trees when redeveloping existing urban areas
- the limits of land capability and natural hazards and environmental quality, including avoiding new urban development and restructure existing residential lots to lower densities on flood prone land
- service limitations and the costs of providing infrastructure, including planning for the provision of sewer to unsewered parts of Benalla to reduce environmental impacts and impediments to growth
- subdivision design to achieve attractive, safe, accessible, diverse and sustainable neighbourhoods
- improving pedestrian and bicycle connections throughout all built up areas.

The Committee also notes that the proposed Clause 02.03 Strategic Directions under the Settlement theme requires that the majority of growth be directed to the township of Benalla.

The Committee considers that while the proposal to rezone to GRZ and retain the LSIO may support use and development that implements policy relating to sustainable, diverse and affordable urban growth, the Amendment as currently drafted provides a passive and reactive approach to achieving some of these policy objectives. Further planning guidance to encourage policy implementation could expand the community benefits achieved on this site.

Acknowledging the constraints and opportunities identified in the Planning Report (see Chapter 3), the Committee agrees that development of the site could "lift" the area in terms of overall amenity and has potential to add to the overall Benalla residential land bank. It also

¹³ Document 9

agrees the potential access via Jean Crescent is an opportunity. These outcomes can be facilitated through appropriate planning guidance.

The Committee agrees with the site owner that the development and design response will be driven by the hydraulic modelling. The Committee does not consider the lack of further consideration of tree protection adequate, noting that large trees exist on the site, are of significance in the surrounding neighbourhood character and provide shading and urban cooling. The Committee considers that given the existing asset and context of the site tree retention should be a critical driver of integrated design to achieve benefits relating to amenity, character, biodiversity, open space and potential for buffers from surrounding industrial land.

Integrated site master planning could encourage flood management, open space provision and vegetation protection to achieve multiple benefits, and the Committee thinks this may not be achieved without additional planning guidance for the site.

In the absence of an updated Structure Plan and Neighbourhood Character Study and associated local policy, the Committee considers it appropriate to apply additional master planning guidance to the site to encourage appropriate residential infill growth and increase the likelihood of a range of policy objectives being achieved.

(iv) Conclusions

The Committee understands this is a rare opportunity for Benalla and that as a significant infill site, if designed and developed intentionally, it could make a positive contribution to housing diversity, amenity and transport connections for the inner urban areas of Benalla.

Without master planning guidance the Committee considers that there is a risk that:

- housing diversity will not be achieved on the site, and it may be underdeveloped
- the multiple benefits of an integrated approach to design may not be achieved.

The Committee concludes that additional master planning guidance that leverages the site's well serviced strategic location and generous size and encourages suitable residential growth would be appropriate. The Committee considers that it would be beneficial to introduce additional planning guidance to:

- encourage residential use and development
- address site constraints and achieve integrated design with consideration of:
 - flood management
 - interface/buffer issues
 - prioritising vegetation and tree protection
 - access and connections
 - open space provision
 - neighbourhood character.

Noting Mr O'Dwyer's concerns about market readiness, the Committee acknowledges that any additional planning controls will need to be cognisant of the market context and designed with an intent to encourage beneficial community outcomes but not dissuade development.

The Committee concludes that the planning scheme amendment should include planning tools to guide site master planning, as detailed in the recommendation below.

4.3.2 What is the best tool for site master planning on this site

(i) Options

The Committee and the parties discussed the range of tools that could be used to provide master planning direction for this site. The three that were considered are:

- a local PPF policy
- the Development Plan Overlay
- the Design and Development Overlay (DDO).

The advantages and disadvantages of each tool for application on this site are summarised below in Table 4.

(ii) Submissions

Each of the proposed tools was discussed at the Hearing with parties.

Development Plan Overlay

The site owner submitted that the DPO was not considered for the site as:

- following consultation with Council there was no conclusion that a DPO would be necessary
- the DPO is not currently a tool applied in the Benalla Planning Scheme
- the opportunity for public input into any future planning application process was desirable and the application of the DPO would extinguish this
- as a site with four separately transferable parcels there was a possibility that they may be developed separately, such as a single dwelling on each lot, making the DPO superfluous.

The submission also referenced Planning Practice Note 23 – Applying the Incorporated Plan and Development Plan Overlays – which states that:

Because the DPO has no public approval process for the plan, it should normally be applied to development proposals that are not likely to significantly affect third-party interests, self-contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas.

In the Hearing, the site owner highlighted the problems associated with DPO's, including the removal of third party appeal rights, the difficulties if there is multiple owners of the land, the issues associated with locking in controls on land that may not be developed for some time and the lack of timelines for the Responsible Authority to adhere to.

The site owner's representative explained his experience using the DPO as a tool in the Indigo Planning Scheme in the past and said that they are problematic and he would not do the same again.

Putting that aside, when asked his preferred tool for site planning, the site owner's representative said "... in the event the Panel recommends such, then the preferred planning tool would be the application of a DPO." However the submission also states:

A DPO is generally used when the development of the land is known. In this case it can't be anticipated who the successful purchaser will be and what will be proposed. Further the proposed introduction of a DPO in this instance would in all likelihood trigger a need for re-exhibition of this current Planning Scheme Amendment.

Design and Development Overlay

The site owner submitted that the DDO was not considered for the site as:

- there was no advice from Council that indicated it would be necessary
- the DDO is generally used in specific locations where design parameters and guidelines have been deemed important
- the overlay is not generally used in a standard residential subdivision context
- there were no special circumstances with the subject land that warranted application of the DDO.

PPF policy

The site owner submitted that no additional policy was required on the basis that:

- as there were no preferred neighbourhood character objectives identified for the site, the existing GRZ1 was considered appropriate (the existing schedule does not contain specific neighbourhood character objectives)
- GRZ1 was considered the most appropriate zone and application of Clauses 54, 55 and 56 would provide a more effective means of facilitating development that respected character of the area
- the existing PPF provided a satisfactory basis for consideration of any permit application
- Interpretation of policy is challenging in practice.

(iii) Discussion

For the reasons outlined in the Chapter 4.3, the Committee is of the view that master planning guidance for the site is desirable.

The Committee has reviewed the DPOs that have been applied at Indigo Shire to better understand the nature of the problems the site owner has raised.

It notes that Schedules 1 – 6 to the DPO in the Indigo Planning Scheme have all been applied to very large tracks of land, based on the zoning of the land. This is not the way the DPO is meant to be applied. DPO7 which relates to the Beechworth Gaol Development Plan is site specific, and a more appropriate application of the DPO.

Whilst appreciating the concerns of the site owner based on his Indigo experiences, the Committee does not think this alone should govern whether a DPO be applied.

The site owner also said that a PPF policy to guide the planning of the site was not required as the zone and Clause 54, 55 and 56 provisions would do an adequate job.

The Committee does not agree. This site is a unique opportunity for Benalla to improve the diversity of the housing offer for the community. There are several issues that should be dealt with holistically, ideally before any subdivision of the land occurs as outlined in Chapter 4.3, and the Committee does not share the confidence of Council and the land owner that these issues will be adequately dealt with under the current planning scheme controls.

In the context of submissions made, and the issues that are relevant to this site, the Committee has identified pros and cons of each of the tools considered which are outlined below in Table 4.

Table 4: Comparison of site planning tools

Pros	Cons
Local PPF Policy	
<p>Can include high level policy direction specific to the site</p> <p>Will not introduce another step in the planning approval process</p> <p>Will apply regardless of proposed use on the site</p> <p>Provides flexibility if the site is not developed for housing</p> <p>Permit application will be subject to public notice and review</p> <p>Can provide guidance for use as well as development</p>	<p>Interpretation of policy can provide challenges</p> <p>Is guidance, not enforceable requirements</p>
Development Plan Overlay	
<p>Can articulate objectives, and permit and development plan requirements</p>	<p>Not currently applied in the Benalla Planning Scheme</p> <p>When future use is not known, can only include high level content</p> <p>Removes public notice and review rights</p> <p>Additional step in planning approval process may be a disincentive for development</p> <p>Cannot control use</p>
Design and Development Overlay	
<p>Can articulate objectives, permit and application requirements for buildings and works and subdivision and decision guidelines</p> <p>Permit application will be subject to public notice and review</p>	<p>Not currently applied in Benalla in a standard residential subdivision context</p> <p>Require strategic work/evidence underpinning specific design and built form requirements</p> <p>Should only be used to address built form issues (not vegetation, flooding and other identified matters)</p> <p>Cannot control use</p>

On balance, the Committee considers the best available tool is the insertion of a Clause 11.01-1L the new PPF which will be gazetted shortly.

The primary reasons for this are:

- third party appeal rights are not extinguished meaning the community will have the opportunity to influence the development of the site
- a PPF policy provides guidance, not requirements, which provides for more flexibility than an overlay control
- use of land can be dealt with in a PPF policy and cannot be dealt with in overlay controls.

The Committee has drafted a policy for potential inclusion in the local PPF. This provides guidance on:

- the preferred use of the land for residential purposes rather than non residential purposes
- undertaking master planning for the site prior to subdivision and development
- undertaking whole of site hydraulic modelling and design for flood mitigation and storage which considers the impact on tree protection
- retaining existing mature vegetation
- linking transport corridors into the surrounding street network
- providing a buffer between the site and the adjacent industrially zoned land
- upgrading the sewerage system as required
- ensuring a diversity of lot sizes.

The policy has been drafted considering the draft PPF translation documents that were provided by Council after the Hearing, that the Committee understands are ready for gazettal.

In the instance that the PPF has not been gazetted at the time this amendment is considered by the Minister for Planning, the draft local policy should be inserted in Clause 21.08-1 Benalla in the Municipal Strategic Statement.

(iv) Recommendation

- 2. Insert a new Local Planning Policy Framework Policy at Clause 11.01-1L Settlement, based on the example suggested at Appendix E.**

5 The need for other controls

5.1 Public open space provision

(i) Issue

The issue is whether adequate provision has been made for public open space provision on the site.

(ii) Submissions

Mr Fricke (Submission 1) submitted that there were no public spaces in this area, and that as well as housing there should be public gardens for BBQs and picnics, sports and a grass area to kick a ball around.

The site owner responded to this submission by stating:

If the land is subdivided, the Subdivision Act will require 5% of land or cash to be provided for Public Open Space.

The site owner also highlighted the difficulty in nominating a location for open space on the site without knowing the future use of the site, and what form development might take in the context of the constraints on the site, in particular flooding.

(iii) Discussion and conclusions

The Committee notes that the Benalla Planning Scheme does not include a local variation to the schedule to Clause 53.01 Public Open Space Contribution and Subdivision which specifies a required local open space contribution.

This means that a contribution for public open space may be required under section 18 of the *Subdivision Act 1988*. Contrary to the site owner's submission, the Committee notes this is not a requirement but something that **may** be required.

The Committee considered whether there is a need to insert a public open space requirement into the planning controls for this site in the form of a contribution amount, a location for open space or the form of open space that should be provided.

The Committee agrees with Mr Fricke that there is only a small amount of open space provided close to the site, but notes that Mackellar Reserve is an open space located less than 400 metres walk from the site, on the corner of Mackellar Street and Salisbury Street.

The Committee sees some merit in potentially incorporating the mature trees on the site in any future open space reservations, in order to preserve them and add to the amenity and habitat values of the site, and this has been addressed in Chapter 4.3.

For the reasons outlined by the site owner, the Committee concludes that it is not appropriate to nominate the location or form of open space given the lack of certainty about the future use, and form of development.

The Committee also considered whether it was appropriate to include an open space requirement into the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision. On balance the Committee does not think this control is justified on the basis that:

- the constraints on the site will add a burden to the future development of the land which is not yet known
- the proximity of Mackellar Reserve which is within very comfortable walking distance of the site
- there is no similar requirement for the rest of the Shire
- Council will have the opportunity to negotiate with the developer to ensure open space provision is adequate for the site under the *Subdivision Act 1988*.

5.2 Sustainable urban residential design

(i) Issues

The issue is how more sustainable urban residential design could be achieved to provide a pleasant places to live.

(ii) Submissions

Mr Bartlett submitted that the site should be used for sustainable residential development, and provided details of how this may be achieved. He highlighted in his submission the work currently being undertaken by a group of Victorian councils addressing how new subdivisions can be more environmentally designed and delivered to achieve multiple benefits, in a cost effective way, over time. Specifically he referenced the *Environmentally Sustainable Design for Subdivisions in Regional Victoria* project.

The site owner submitted that environmentally sustainable design principles were already addressed in the planning scheme and it is understood by the land owner that these will be further broadened through its current work relating to the recently released document *Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system*.¹⁴ The site owner suggested that this program to introduce new environmentally sustainable design policies and standards into the planning system would broadly address Mr Bartlett's concerns, and that his submission might be properly directed to the DELWP environmentally sustainable design team.

(iii) Discussion and conclusion

The Committee notes that the current DELWP environmentally sustainable design program includes a two stage progress to:

- ensure that environmentally sustainable design is more comprehensively addressed throughout the Planning Policy Framework and provide a clearer policy basis for development of new standards.
- introduce new and expanded particular provisions across a range of key environmentally sustainable design elements to help achievement of wider urban sustainability goals. These actions will be supported by further guidance materials and tools.

¹⁴ [Environmentally-sustainable-development-of-buildings-and-subdivisions-A-roadmap-for-Victorias-Planning-System.pdf](#)

In relation to sustainable urban residential design, the Committee is comfortable that the provisions at Clause 54, 55 and 56¹⁵ of the planning scheme are adequate for this site at this point in time. Further strategic work would be required to identify specific or unique needs to warrant special controls for the site.

The Committee understand that the work currently being undertaken by the DELWP environmentally sustainable design team will strengthen environmentally sustainable design controls consistently across all Victorian planning schemes.

The Committee was not provided with any strategic justification or proposed controls to achieve specific environmentally sustainable design outcomes by any party, and concludes that special controls for environmentally sustainable design are not warranted on this site.

¹⁵ Residential development provisions relating to – Clause 54 – One dwelling on a lot, Clause 55 – Two or more dwellings on a lot and residential buildings and Clause 56 – Residential subdivision

Appendix A: About the Government Land Standing Advisory Committee

The Government Land Planning Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) was initially appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

A revised Terms of Reference for the Committee was approved in May 2020.

The Committee currently consists of:

- Chair: Lester Townsend
- Deputy Chairs: Lisa Kendal, Mandy Elliott, Trevor McCullough and Annabel Paul
- Members: Elissa Bell, Meredith Gibbs, Jonathan Halaliku, Prue Mansfield, Elizabeth McIntosh, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Chris Brennan, Project Officer in Planning Panels Victoria.

The Committee's Terms of Reference state that the purpose of the Advisory Committee is to:

- a. advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and
- b. provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.

The Advisory Committee must produce a written report for the Minister for Planning providing:

- a. an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,
- b. consideration of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes,
- c. an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,
- d. an assessment of submissions to the Advisory Committee,
- e. any other relevant matters raised during the hearing(s),
- f. a list of persons who made submissions considered by the Advisory Committee,
- g. a list of persons consulted or heard,
- h. endorsement by the Chair or the Deputy Chair.

Appendix B: List of submitters

No.	Submitter
1	Luke Fricke
2	Environment Protection Authority
3	DELWP – Hume Region Planning and Approvals
4	North East Water
5	Howard Bartlett

Appendix C: Document list

No.	Date	Description	Presented by
1	09/02/2021	Committee Directions	Planning Panels Victoria
2	18/02/2021	Letter to Benalla Rural City Council from Committee dated 10/02/2021 seeking its views	Planning Panels Victoria
3	18/02/2021	Response from Benalla Rural City Council to Committee letter	Planning Panels Victoria
4	22/02/2021	Email on behalf of Department of Treasury and Finance enclosing: <ul style="list-style-type: none"> a) Original planning submission with page numbers b) Further submission elaborating on points with plans c) Response to Nillumbik Draft Housing Strategy 	Mr Howard Bartlett
5	22/02/2021	Hearing submission on behalf of Department of Treasury and Finance	Mr Peter O'Dwyer
6	23/02/2021	Notification Report	Department of Environment, Land, Water and Planning
7	24/02/2021	Letter to Benalla Rural City Council from Committee dated 24/02/2021 seeking a copy of its PPV translation	Planning Panels Victoria
8	24/02/2021	Email on behalf of Department of Treasury and Finance enclosing: <ul style="list-style-type: none"> a) Benalla Neighbourhood Character Study 2002 	Mr Peter O'Dwyer
9	2/03/2021	Response from Benalla Rural City Council to Committee letter enclosing: <ul style="list-style-type: none"> a) Draft PPF translation 	Planning Panels Victoria

Appendix D: Relevant planning context and policies

The objectives of planning in Victoria Section 4 of the *Planning and Environment Act 1987* include:

- providing for the fair, orderly, economic and sustainable use, and development of land
- providing for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- conserving and enhancing those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- protecting public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- facilitating development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- facilitating the provision of affordable housing in Victoria
- balancing the present and future interests of all Victorians.

Relevant State and Regional planning policies include:

- Settlement
 - Clause 11.01-1S - Settlement
 - Clause 11.01-1R – Settlement – Hume
 - Clause 11.02-1S – Supply of urban land
 - Clause 11.03-6S – Regional and local places
- Environmental Risk and Amenity
 - Clause 13.01-1S – Natural hazards and climate change
 - Clause 13.03-1S – Floodplain Management
 - Clause 13.04-1S – Contaminated and potentially contaminated land
- Built Environment and Heritage
 - Clause 15.01-1S – Urban design
 - Clause 15.01-3S – Subdivision design
 - Clause 15.01-4S – Healthy neighbourhoods
 - Clause 15.01-5S – Neighbourhood character
 - Clause 15.03-2S – Aboriginal Cultural Heritage
- Housing
 - Clause 16.01-2S - Location of residential development
 - Clause 16.01-1S - Housing supply
 - Clause 16.01-2S – Housing affordability
 - Clause 16.01-3S – Housing Diversity
- Transport
 - Clause 18.01-1S - Land use and transport planning
 - Clause 18.02-3S – Road system
- Infrastructure
 - Clause 19.02-6S – Open space
 - Clause 19.03-2S – Infrastructure design and provision.

Key planning issues identified in the Municipal Strategic Statement (Clause 21.01) include:

- Population retention and growth
- Providing a diverse housing mix. (Note that this policy is proposed to be deleted in the PPF translation documents provided by Council).

Relevant local planning policies include:

- Urban Growth (Clause 21.02-1). Strategies include:
 - All new residential development is to be fully serviced and occur outside of the designated urban floodway areas.
 - Encourage infill housing development to provide a diversity of choice provided the prevailing character is maintained.
- Housing Diversity (Clause 21.02-2). Strategies include:
 - ... a variety of residential opportunities including medium density housing, traditional residential development (500 to 1000 square metres), low density residential and rural living development.
- Neighbourhood Character (Clause 21.02-4) includes reference to the Benalla Character Study which identifies precincts and characteristics of residential areas.
- Local Areas (Clause 21.08):
 - states that Benalla has been subjected to two major floods in recent years causing considerable damage to both urban and rural areas. Future planning needs to take account of the information gained from previous flood events to minimise damage to property
 - includes a Benalla Structure Plan which shows the site as Open Space/Recreation.

The draft local policy prepared as part of the Planning Policy Framework translation process includes:

- Encourage infill housing development that maintains the prevailing residential character (Clause 11.01-1L Local settlements – Benalla)
- Strategic Directions (Clause 02.03) - Settlement
 - 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
- Strategic Directions (Clause 02.03) – Environmental and landscape values
 - In conserving native flora and fauna, Council seeks to *“minimise vegetation removal for new development and infrastructure, including roads and drainage”*
- Strategic Directions (Clause 02.03) – Environmental risk and amenity (Flooding)
 - Limit development in areas affected by the Land Subject to Inundation Overlay
 - Avoid new urban development and restructure existing residential lots to lower densities on flood prone land
- Strategic Directions (Clause 02.03) – Environmental risk and amenity (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”*
- Strategic Directions (Clause 02.03) - Built environment and heritage (Neighbourhood Character):
 - Protect established neighbourhood character while providing for urban growth

- Ensure that new development responds to the established neighbourhood character of an area
- Retain significant mature trees when redeveloping existing urban areas
- Strategic Directions (Clause 02.03) - Housing (Housing Diversity)
 - Encourage a diverse housing mix that meets the changing demographics of the community, including medium density housing, standard residential development, low density residential and rural living development.
- Strategic Directions (Clause 02.03) – Economic Development (Infrastructure)
 - ensure new residential development is fully serviced
 - plan for the provision of sewer to townships and unsewered parts of Benalla to reduce environmental impacts and impediments to growth
 - encourage water sensitive urban design.
- Local policy – Neighbourhood Character (Clause 15.01-5L)
 - support development that is consistent with the precinct controls identified in the Benalla Character Study.
- Local policy – Pedestrian and cycling connections (Clause 19.02-1L)
 - improve pedestrian and bicycle connections, particularly around Lake Benalla and throughout all built up areas.

Appendix E: Example form and content of a local policy for insertion into the Planning Policy Framework

11.01-1L Former Benalla College Oval, Gay Street, Benalla

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Policy application

This policy applies to the former Benalla College Oval, Gay Street Benalla, [insert title details].

Objective

To develop the former Benalla College Oval, Gay St Benalla as a diverse residential development with a high level of amenity and excellent permeability.

Strategies

Encourage the site to be used for residential development rather than non-residential uses to take advantage of its proximity to the Benalla Activity Centre.

Encourage master planning of the site to enable vegetation preservation, movement, open space provision and flood management to be addressed holistically.

Ensure detailed hydraulic modelling is undertaken for the whole site, and that the design of any cut and fill required for flood mitigation and storage considers the impact on tree protection.

Retain the existing mature trees on the site to provide amenity, character and habitat.

Provide transport corridors (walking, cycling and road) that link in with the surrounding street network to ensure maximum permeability of the site and encourage sustainable personal transport choices.

Provide a generous buffer between the site and the industrially zoned land to the east to minimise amenity impacts.

Provide upgrades to the sewerage system as required to service development.

Ensure a diversity of lot sizes, and range of accommodation types to increase the choice of accommodation options proximate to the Benalla Activity Centre.

Policy guidelines

Consider as relevant:

- Incorporating existing mature trees into open spaces and transport corridors.
- Linking the transport corridors with Jean Court, Anthony Street, Nish Court and the currently unmade Eric Street.
- Providing opportunity for transport linkages to the undeveloped land to the immediate south of the former Benalla College Oval.
- Incorporating vegetation into the buffer between the site and the industrially zoned land to the east.

Note: If the PPF Translation isn't complete at time of gazettal of this amendment, the local policy should be inserted at the end of existing Clause 21.08-1 Benalla.