

Benalla Urban Growth Strategy

Analysis Report



October 2019

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ACRONYMS

Council	Benalla Rural City Council
DCP	Development Contributions Plan
DCPO	Development Contributions Plan Overlay
DPO	Development Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
DET	Department of Education and Training
DHHS	Department of Health and Human Services
DOT	Department of Transport
FUS	Future Urban Structure
ODP	Outline Development Plan
PSA	Planning Scheme Amendment
PSP	Precinct Structure Plan
RDV	Regional Development Victoria
SWOT	Strengths Weaknesses Opportunities Threats Victorian
VPA	Planning Authority

1 PROJECT CONTEXT

1.1 Purpose

The VPA has undertaken this project to assist Benalla Rural City Council (council) develop a long-term strategy to unlock residential land supply that is sufficiently serviced with urban infrastructure and services. This includes providing Council with:

- Information on tools to unlock residential land (strategic/ statutory);
- Necessary considerations when planning for land release (i.e. background technical studies);
- Priorities (staging/ development sequencing);
- A stormwater drainage strategy.

1.2 Background

Benalla Rural City is located in north-eastern Victoria, approximately 200km from Melbourne's CBD. According to the 2016 census, the total population of the municipality was 13,861 with 10,330 people residing in Benalla.

Currently there are two existing reference documents in the *Benalla Planning Scheme* that are intended to guide growth in Benalla:

- North West Outline Development Plan 2005;
- West Benalla Outline Development Plan 2005.

These documents were intended to provide guidance on development staging, zoning and preferred location of residential growth, but Council has determined they require refreshing or replacement. The reports lack detailed consideration of development constraints and sequencing including infrastructure requirements, drainage issues and the provision of services. There is a need to produce a more considered and contemporary growth strategy to cater for Benalla's future.

Council has been awarded a grant from the 2018/19 Streamlining for Growth program to fund studies which will underpin an urban development strategy and will ultimately lead to the rezoning of land to facilitate urban development.

1.2.1 Drainage report

A Stormwater Drainage Assessment was the first study undertaken as part of this project and provides the basis for further studies to inform development planning.

Cardno was engaged by the Victorian Planning Authority (VPA) to undertake a stormwater drainage assessment for the Benalla Urban Growth Strategy. The Cardno assessment has identified several constraints and opportunities associated with existing and future drainage conditions.

Cardno has refined a number of stormwater management options to address site constraints and cater for future planning and design of drainage, water treatment and open space layout within the Benalla area. This includes the conceptual design of pipe network drainage that caters for 10% AEP storm events and alleviates current flooding and ponding of waters throughout the area. Further to the proposed pipe network, Cardno have also proposed two lengths of constructed waterways to convey and treat flow, as well as wetlands which also serve as retarding basins in the southern area of the study area.

From the findings of Cardno's report, land use considerations and advice from council, it has been determined that, in terms of drainage considerations, parts of the council nominated growth study area are suitable for urban growth.

1.2.2 VPA Input

The preparation of this paper has involved input from council regarding local policy, strategies and community expectations. It has also involved input from state agencies about technical matters to identify information gaps as well as resolve and explore issues and opportunities. The advice of agency referred to in this strategy may be subject to further confirmation. Any section of this paper that has been informed by an agency is *not* to be treated as the agency's official position. To require official positions on matters at such an early stage of the planning process would be unnecessarily complicated. The state agencies will be provided with an opportunity to provide official input to any future planning scheme amendment process and/or planning permits.

As such, this paper should be treated as a "point-in-time" document of unofficial "whole of government" advice which can be used by Council to inform how it chooses to progress with planning for Benalla's growth.

1.3 Current situation in Benalla

Historically, Benalla's population growth has been low. However, due to recent and proposed investment, Benalla Rural City is experiencing significant growth through the expansion of existing and new businesses that have been attracted to the area. This investment has led to approximately 900 new jobs. These investments include:

- A concrete batching plant under construction that will employ at least 400 people;
- A 120-bed aged care facility under construction that will employ approximately 200 people;
- Expansion of the D and R Henderson Plant;
- Two solar farms with planning permits issued and the possibility for another three solar farms to be approved in the area;
- A new hydroponic tomato farm employing up to 200 people;
- Expansion of the Australian Defence site which will employ approximately 100 people.

There is limited potential to increase density within the existing township due to flooding constraints. Therefore, a general area south-west of the CBD has been identified by Council for potential residential growth. This boundary is aligned to the framework plan for Benalla in the Hume Regional Growth Plan.

The study area shown in Figure 1 was identified in the Hume Regional Growth Plan as a key residential growth front investigation area, establishing the direction of future growth in Benalla. As part of the early stages of this project funded by the 2018/19 *Streamlining for Growth* program, council identified an indicative 460ha greenfield site located approximately 2km south, west and north west of Benalla's Central Business District. The area includes a golf course, farm land and larger residential lots as shown in Figure 1. The area is not serviced and is very flat and a key priority is to determine how stormwater can be managed.



Figure 1 Council identified growth area

1.3.1 Population

There has been no major change to population in Benalla, with a slight decline over the previous 10 years as a result of an ageing population and natural increase.

However, the realisation of economic potential, including new jobs and investment in the region would likely shift this trajectory, attracting more residents and workers to live locally contributing to dwelling demand. The ageing population would also likely increase the demand and need for greater diversity in housing product and choice within the Benalla urban growth boundary.

1.3.2 Land Supply

An assessment of available residential land including existing vacant lots has been undertaken, using aerial imagery to understand the capacity and need for additional residential supply. This was cross referenced with on the ground surveys by Council. The analysis indicated the Benalla median lot size in newer residential lots averages 792m². and in older developments are 648m². By comparison, the current median lot size in Melbourne is around 400m². and in Geelong is 500sq.m.

While Benalla is unlikely to support significantly smaller lot sizes as seen in Melbourne and Geelong, there would be potential for reduced lot sizes surrounding key open space and amenity drivers, with the market remaining relatively affordable. This is consistent with generally accepted principles of encouraging a diversity of housing supply and higher density residential development in appropriate well-served and accessible locations.

Greenfield land provision

Land supply within Benalla can be considered in two core parts, land available for greenfield type development on the urban fringe of the town and redevelopment opportunities within the existing urban footprint. The provision of residential land in Benalla should provide sufficient opportunities to deliver both fringe and infill development aligning to the following criteria:

- A precinct should be of a size and scale to be considered a growth front for Benalla's future, allowing efficiencies to be established for infrastructure delivery, utility coordination, master planning and development contributions.
- A precinct should be connected to the existing urban area and/or services.
- The location should minimise overall civil, community and transport infrastructure costs.

The availability of supply therefore needs to allow for sufficient land for future urban development to ensure proper functioning of the property market, also taking into account that some land owners may have no intention to subdivide or develop their land.

Land supply potential within Benalla

According to the VPA's own internal analysis, Benalla currently has an estimated 153 hectares of vacant land within the General Residential Zone, of which only 43 hectares is identified as being developable. In addition, there are opportunities for low density and rural living surrounding the town.

It is estimated that between 1,000 – 1,100 additional dwellings are required to 2056. Depending on planned average lot size, it is likely between 60 – 100 hectares of net developable land would be required to achieve long term planned residential land supply if current demand remains consistent. There will likely be a greater land requirement given job investment to the region.

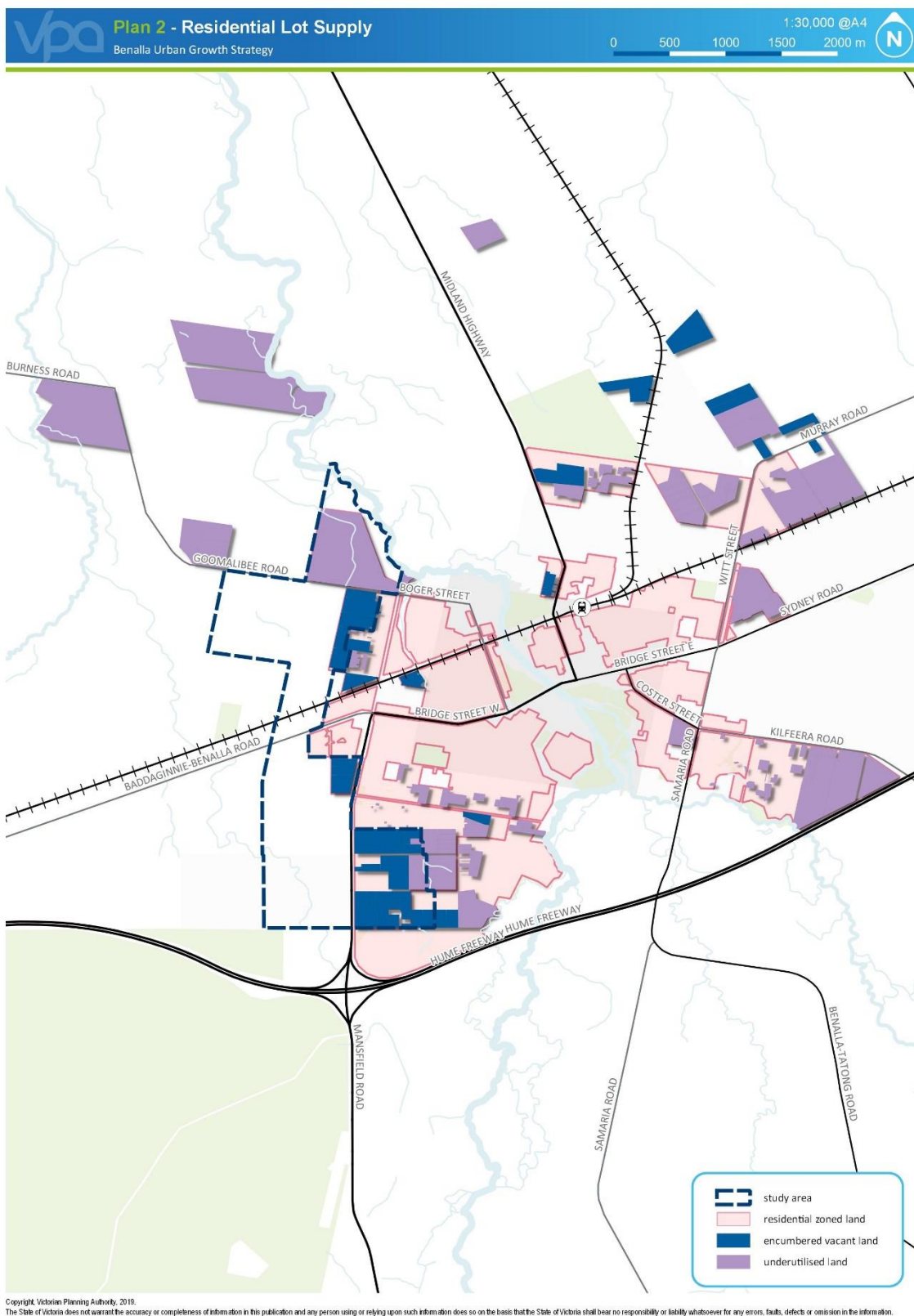


Figure 2 Residential land availability and encumbered land in Benalla

Figure 2 identifies the available land supply of both available and encumbered zoned residential land in Benalla. Of particular concern is the distribution of available lots across a number of parcels and fragmented ownership. The purple shading represented in Figure 2 highlights land that is underutilised. This land has the potential to increase residential land yield. Land that is

shaded blue is encumbered land where further development is restricted. Land shaded in red represents land already zoned and developed for residential purposes.

Current consumption is tracking at around 25 dwellings per year, which would result in the current supply providing around 12.6 years of land, if current land consumption remains consistent, which is below the typical benchmark of 15 years supply for an efficient land market and required under State planning policy. Given potential population growth could be higher than previous predictions residential demand may be significantly higher.

Table 1 Residential and Encumbered land in Benalla

Land supply in Benalla	Provision	Description
Additional dwellings required to 2056	1,000-1,100 dwellings	
Vacant land	153ha	Current vacant land within the General Residential Zone
Developable Land	43ha (315 Lots)	Land that is developable within Vacant Land
Land requirements	60 – 100ha	Current demand for developable land that would be required to achieve long term planned residential land supply if current demand remains consistent.

1.3.3 Issues

There are a number of economic growth initiatives that will likely shift the demand for residential land within Benalla. Current projections are based on a relatively low growth forecast of 0.5% per annum.

Further, nearby regional cities, such as Shepparton, are currently growing at a much higher dwelling yield of about 530 new structural private dwellings per year which could have flow on impacts and attraction to centres such as Benalla to accommodate some of this growth. For example, the attraction of a large employer into the area will likely accelerate demand above the currently slow take up, placing pressure on the Benalla land market if additional land is not planned for in the short to medium term.

Given planning for precincts can be both time consuming and costly, regional towns often plan enough land to accommodate long term needs. Therefore, the estimated 1,000 additional dwellings should sufficiently cater for current long-term growth if population projections remain stable.

2 PLANNING POLICY AND CONTROLS

2.1 Overview

This section outlines key planning controls, background information and strategic planning issues that need to be taken into consideration when undertaking future planning for the Benalla Urban Growth Strategy. This section includes:

- State and local policy, expressed in the Benalla Planning Scheme
- Relevant background studies and council documents
- Planning Zones
- Planning Overlays
- Strategic Planning Issues.

2.2 State Policy

State policy that planning should consider when planning for Benalla's urban growth includes:

- Clause 11.01 (Settlement) - encourage the facilitation of growth and development in regional cities including Benalla
- Clause 11.02-1s (Supply of urban land) - provision of enough land supply for residential use and to support sustainable urban development
- Clause 12.01-1S (Biodiversity) – protection of native vegetation, habitat and biodiversity values
- Clause 12.01-2S (Native vegetation management) – ensuring no net loss of biodiversity because of the removal, destruction or lopping of native vegetation
- Clause 13.03-1s (Floodplain Management) - directing growth outside land effected by the 1 in 100-year flood event outlined in
- Clause 19.03-3S (Integrated water management) - providing for an integrated water management approach.

2.3 Local Policy

The Benalla Urban Growth Strategy intends to support local policy by responding to:

- Clause 21.02 (Settlement, Housing and Character) - the provision of residential land that is not in an urban floodway area and which will provide for the protection of native vegetation open space and pedestrian links
- Clause 21.03 (Environment, Landscape and Heritage values) - identifying and protecting native vegetation by incorporating it into open space and drainage reserves
- Clause 21.8-1 (Benalla) - directing growth to Benalla in recognition of its role as the municipality's major urban centre
 - It encourages development that is consistent with the North West Outline Development Plan, 2005 and the Benalla Urban Growth Project, 2012 which has resolved local drainage issues within much of the Benalla West ODP area (see 2.3.1 for information about the ODPs).
 - The clause also seeks to ensure new development can be protected from the effects of flooding and is located outside the designated urban floodway areas.

2.3.1 Relevant background studies and council documents

Drainage and Flora and Fauna studies to inform future development

Review of east and west main drains at Benalla (1994) - Assessment by Willing and Partners on the existing drain capacity in comparison to appropriate design standards.

Benalla Floodplain Management Study (2002) - This report was undertaken by Cardno to investigate the impacts of a range of structural and non-structural flood mitigation proposals. The study area extends from the Hume Freeway to the northern fringe of urban development approximately 1.5 km downstream of the railway viaduct.

Cowan Street, Benalla – Retarding Basin Concept Design (2011) - Cardno was engaged by the council to undertake a detailed hydraulic for residential areas north of Cowan Street, Benalla.

Benalla Flood Mitigation Project – Feasibility Study (2012) - Cardno was engaged by the council to undertake an assessment of the feasibility of several flood mitigation options. This report details investigations into the various flood mitigation options and their effectiveness at mitigating flooding in the Benalla Township.

Proposed rezoning, 48 Four-Mile road Benalla, Flora and Fauna Assessment (2014) - Biosis Pty Ltd was commissioned to undertake a flora and fauna assessment of an area of land proposed for rezoning for residential development. The majority of the study area supports predominantly introduced vegetation and is of low habitat value for native flora and fauna species. This rezoning is currently under consideration. Details of the Panel Report are outlined in section 2.6.1.

48-88 Four Mile Road, Benalla Drainage Report (2017) - Spiire has been engaged by Vic Properties to provide drainage advice for the proposed estate. The site is an undeveloped site to the north west of Benalla and rezoning for the land is currently under consideration as outlined in section 2.6.1.

Council adopted documents

Your town your future (2001) - A strategic framework that integrates the key economic, social and environmental issues in the former Delatite Shire. This is a council adopted document.

West Benalla Outline Development Plan (2004) – The role of this plan was to outline the mechanisms for change including the council's adoption of the Outline Development Plan (ODP) to guide the future development of the study area, changes to the planning scheme, and the funding of the new infrastructure (**Figure 3**). This is an existing reference document in the *Benalla Planning Scheme*. However, this report, while outlining growth, lacked logical sequencing and infrastructure considerations. Therefore the Benalla Urban Growth Strategy will replace this strategy. This plan was undertaken by David Lock Associates.

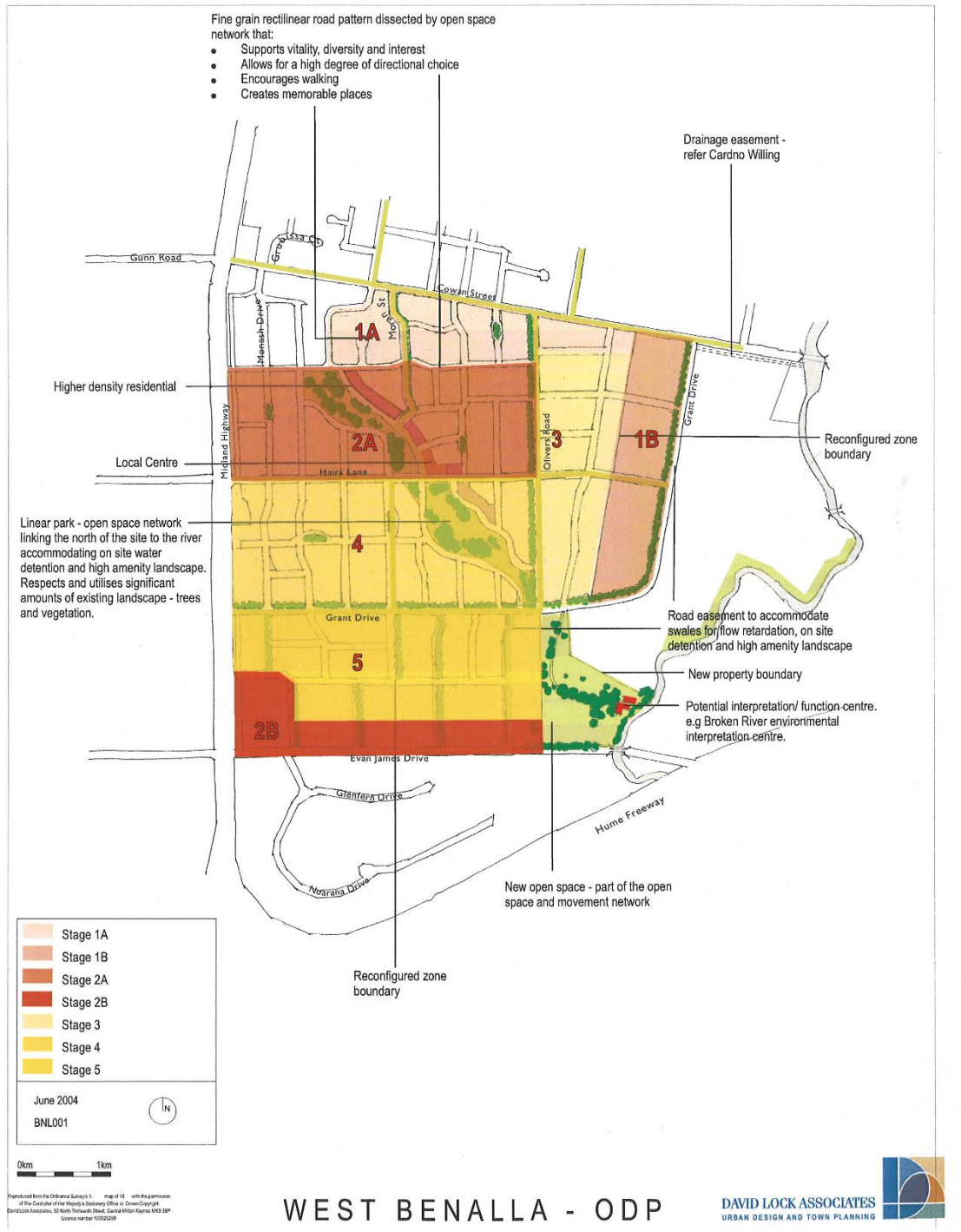


Figure 3 Benalla West Outline Development Plan Staging

North West Benalla Outline Development Plan (2005) – Completed one year after the West Benalla ODP, the role of the North West Benalla ODP, shown in Figure 4, was to guide future development by identifying what infrastructure is to be provided by developers, the relevant service authorities, and Council in the short term (within the next 1 - 5 years) and the longer term (10 – 15 years). Similarly, this report, lacked logical sequencing and infrastructure considerations.

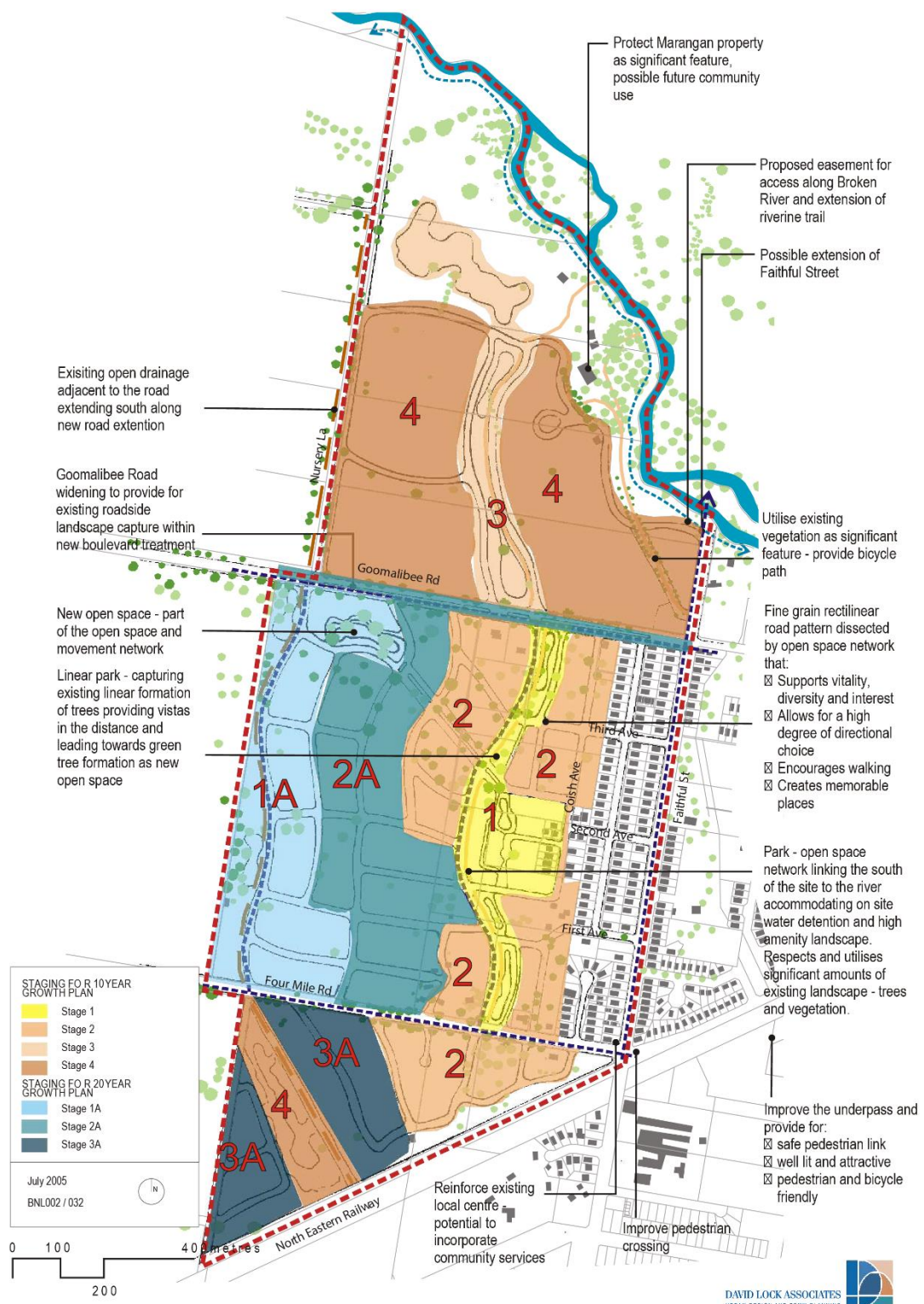


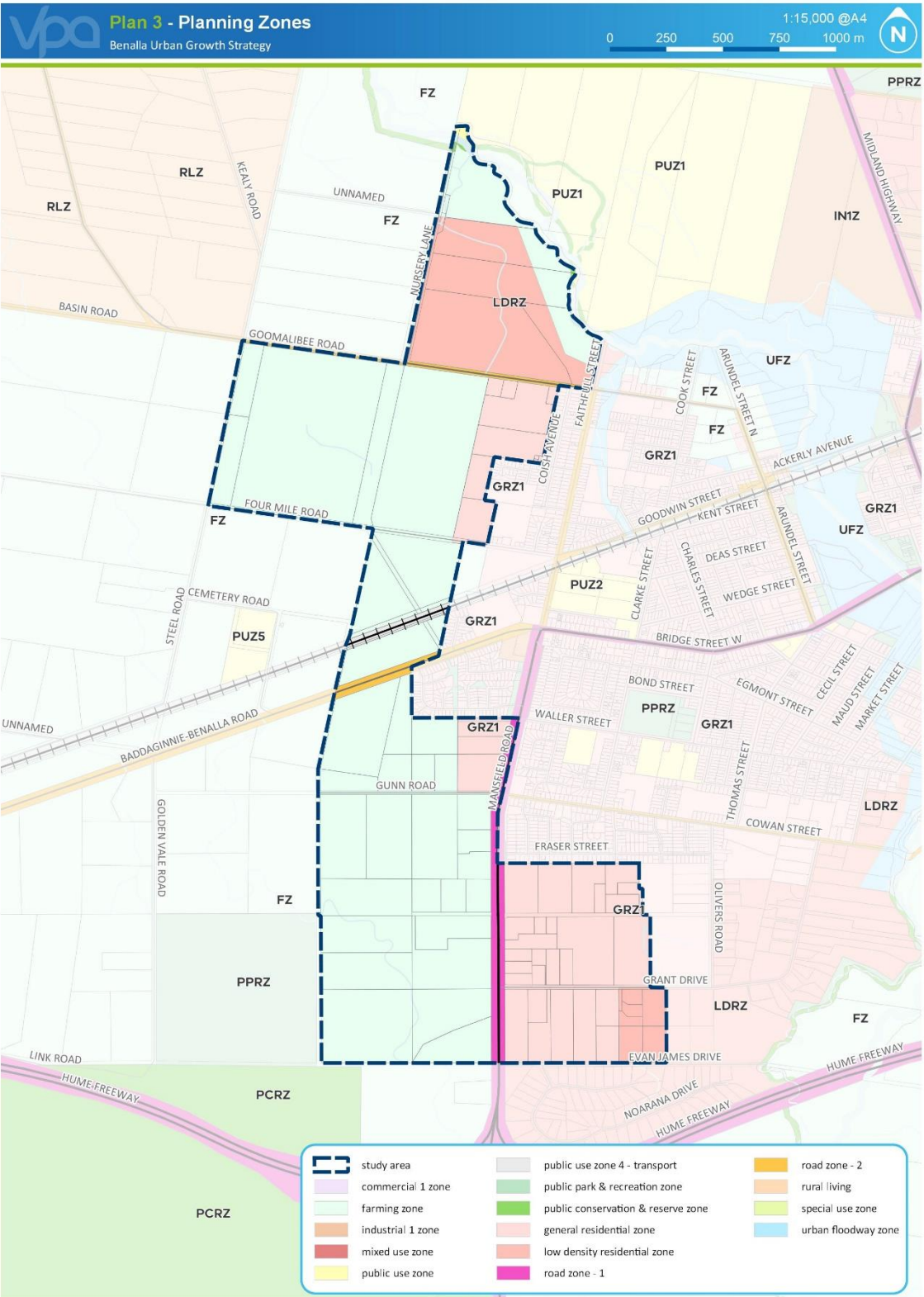
Figure 4 North West Benalla Outline Development Plan Staging

Urban Development Program Regional Residential Report – Rural city of Benalla (2013) – This report provides an analysis of supply and demand for residential and industrial land across parts of regional Victoria. This report includes information on residential supply and demand for Benalla.

2018 Review of Council plan 2017- 2021 - The Council Plan is council's key strategic document and incorporates the Municipal Public Health Plan. A key theme includes planning for engaging and accessible

places and spaces: to provide community spaces and focus on thoughtfully planned growth to maintain and enhance the high amenity and character of Benalla Rural City.

2.4 Planning Zones



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Figure 5 Planning Zones in Benalla

Land within the study area is currently zoned:

- General Residential Zone – 1 (GRZ1): land east of Mansfield Road is already zoned to facilitate residential development, however the area has no access to sewerage/water/drainage which significantly limits the development potential of the precinct.
- Low Density Residential Zone (LDRZ): land directly north of Goomalibee Road is also zoned to accommodate residential growth, however as it is not connected to the town's water and sewerage supply, conventional residential zoning cannot occur.
- Farming Zone (FZ): the majority of the precinct is zoned FZ.
- Road Zone – Category 1 (RDZ1): Mansfield Road which runs north south through the precinct is the responsibility of VicRoads.
- Road Zone – Category 2 (RDZ2): Baddaginnie-Benalla Road and Goomalibee Road run east west through the precinct and are the responsibility of the council.
- Public Use Zone – Transport (PUZ4): The train line traverses east-west of the precinct and is zoned accordingly.
- Public Park and Recreation Zone (PPRZ) – this land is zoned in accordance with the use of a golf course in the south western region of the precinct.

2.5 Planning Overlays

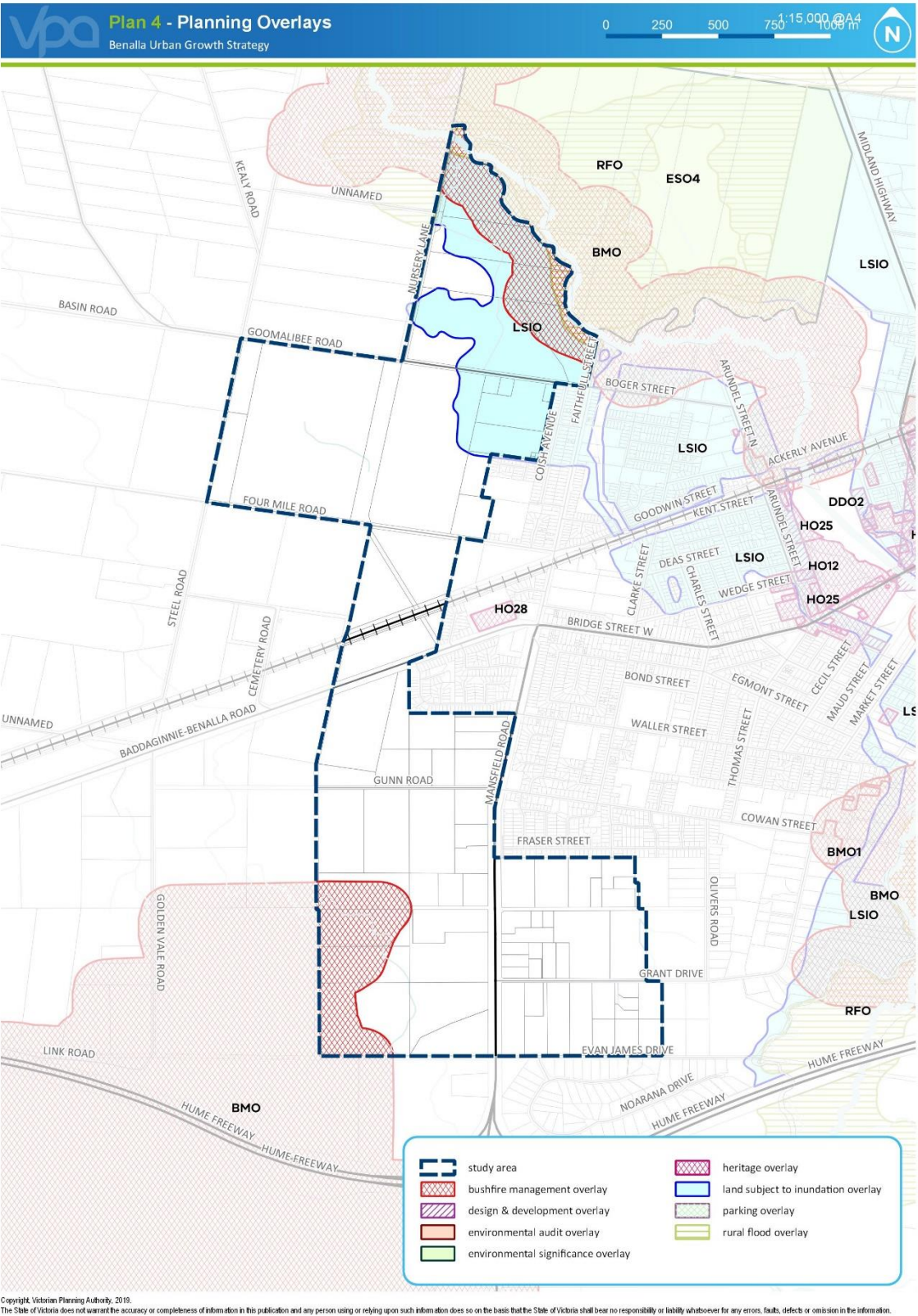


Figure 6 Zoning Overlays Benalla

There are currently four overlays present in the study area (Figure 6). These are:

- Bushfire Management Overlay (BMO): the BMO is located in the south western and most southern region of the precinct adjacent to the PCRZ abutting the precinct boundary. The BMO is also located along the north eastern region of the precinct.
- Land Subject to Inundation Overlay (LSIO): the LSIO is located in the north eastern portion of the precinct and in the south eastern region of the precinct. The purpose of the LSIO includes:
 - To identify land in a flood storage or flood fringe area affected 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.
- Environmental Significance Overlay Category 4 (ESO4): located along the northern creek boundary along the precinct. The objective of the ESO4 includes:
 - To protect inappropriate development that may affect the Benalla Wastewater Treatment Facility
 - Ensure uses are compatible with the treatment facility's operation and avoids residential development
- Aboriginal cultural heritage: Areas of Aboriginal Cultural Heritage Significance are located in the southern region of the precinct surrounding One Mile Creek and in the north of the precinct surrounding the Broken River. This study area is located in the Registered Aboriginal Corporation of the Yorta Yorta Nation Aboriginal Corporation.

2.6 Strategic Planning Issues

2.6.1 48 Four Mile Road Planning Scheme Amendment C33

Panel Report 48 Four Mile Road (2018)

[The Amendment](#)

Amendment C33 to the Benalla Planning Scheme proposes to rezone land from Farming Zone (F1Z) to General Residential 1 Zone (GRZ1) to facilitate residential growth consistent with the North West Benalla Outline Development Plan as illustrated in Figure 7.

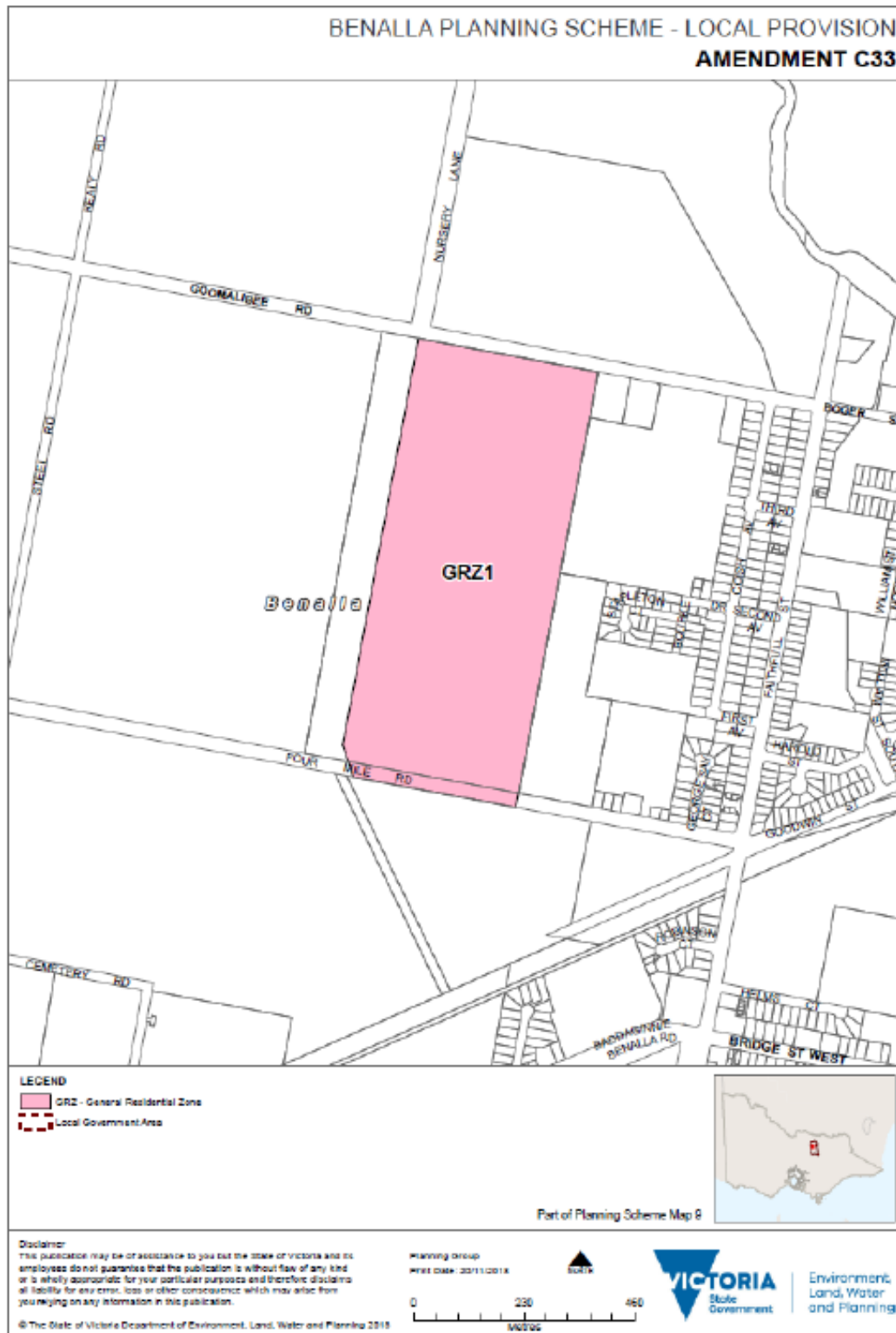


Figure 7 Proposed rezoning map

The Amendment application was received by Council in July 2014 and was supported by the following reports and documents:

- Proposed rezoning, 48 Four Mile Road, Benalla: Flora and Fauna Assessment, 21 July 2014, prepared by Biosis (flora and fauna assessment)

- 48 Four Mile Road Rezoning for Residential Development Benalla Traffic Impact Assessment, 21 May 2014, prepared by Traffic Works (traffic assessment)
- 48-88 Four Mile Road, Benalla Drainage Report – Residential Subdivision 8 August 2017, prepared by Spiire (drainage assessment)
- Draft Concept, drawing CO2, 48 Four Mile Road, 3 October 2014, prepared by Urban Initiatives (development concept). A copy of the development concept is included in Appendix B.

The development concept identifies:

- a yield of 169 lots
- lots ranging between 600sqm to 800sqm in the southern portion of the site
- larger transition lots to the northern half of the site aligning with LSIO, LDRZ land to the north and proposed 8.5ha drainage reserve and open space.

The Amendment provides no reference to the development concept and does not propose to include it in local policy or as a basis for an overlay. Council proposed to reference the development concept and the North West Benalla ODP growth plan map through a s173 agreement.

Authorisation was sought in September 2014 and granted on 6 November 2014 subject to conditions regarding amendment documentation revision which was undertaken prior to exhibition. The Amendment was exhibited between 29 January and 3 March 2015.

Exhibition of the amendment attracted seven submissions which were referred to a Planning Panel.

Overall, the Panel accepted Council's position to apply the General Residential Zone. It also supported and encouraged any future work that Council might undertake to use tools such as the Development Contribution Plan Overlay (DCPO) and Development Plan Overlay (DPO) to provide an effective level of site planning to address vegetation management, drainage and flooding, traffic movement and interfaces. It is not premature for the Amendment to progress without these at this stage.

However, in their absence, the Panel strongly suggested the use of a section 173 Agreement based on the development concept included in Appendix B and the NWB ODP Growth Plan as proposed by Council, to provide guidance and direction around the level of planning required to manage native vegetation, drainage and flooding and the movement network considerations and expectations in the planning permit phase.

The Panel was aware that Council was involved in discussions with the Victorian Planning Authority (VPA) to facilitate the future planning of the North West Benalla growth area. The Panel identified this as a significant opportunity to coordinate the strategic precinct level and infrastructure planning for the entire growth area through a more sophisticated application of the available planning tools. The panel stipulated that the VPA should be engaged in the next phase of site development to ensure that it does not prejudice a coordinated strategic approach to the growth area.

The Panel concluded:

- There is a sound strategic basis for the amendment, with strong policy support for Benalla's future growth being accommodated through the rezoning of the subject land.
- The issues of native vegetation, drainage and flooding and traffic can be managed during the planning permit process.
- The use of a section 173 Agreement in the absence of other overlays to guide planning and infrastructure provision is appropriate to manage expectations around planning for native vegetation, flooding and drainage and the transport network.

The Panel Report was released on 27 December 2018 and is still under consideration by the council.

2.6.2 Current planning permits relevant to the growth area

Goomalibee Road Planning Permit – Council approved a 76-lot subdivision in the northern part of the study area. Land directly north of Goomalibee Road is also zoned to accommodate residential growth, however as it is not connected to the town's water and sewerage supply, conventional residential zoning cannot occur. Planning Permit 2013 expires in October 2019.



3 SWOT AND FUTURE URBAN STRUCTURE

3.1 Overview

Developable areas in the Benalla Urban Growth Strategy were defined by Council as all of the Benalla Urban Growth Area minus areas covered by the Land Subject to Inundation Overlay (LSIO) and properties within the growth area which already have planning permits approved. This effectively covers all properties between Goomalibee Road and the Broken River. It is also assumed that the Benalla Urban Growth Area will be developed with low - medium density residential lots. Areas close to amenities such as parks or transport nodes will aspire to develop to a medium density of 15-20 dwellings per hectare.

Furthermore, the Golf Course has requested its removal from the precinct boundary and expressed the desire for its main function to remain as a golf course with the desire for possible future rezoning. This section provides an outline of the Strengths, Weaknesses, Opportunities and Threats (SWOT) of each precinct that have been identified within the study area, outlined in Figure 8, key infrastructure and land use considerations and the indicative high-level Future Urban Structure (FUS) based on these characteristics.

3.2 Summary and sequencing

GIS mapping and the Stormwater drainage assessment have enabled the high-level FUS to be developed. A high level FUS highlights land uses, infrastructure and built-form outcomes to be reflected by development applications. Using this information including the development sequencing, drainage information and subsequent technical studies, potentially a Development Plan Overlay (DPO) and Development Plan can be prepared to help unlock residential growth. Further technical studies will be required to further refine the FUS and land sequencing.

Based on existing information including GIS mapping, drainage information and feasibility and the SWOT analysis it is evident that Precinct One is the most logical precinct to begin developing first. Additionally, there is evident appetite for land in Precinct One to be developed based on permit applications (Appendix B).

Based on drainage constraints and geographic orientation Precinct Two would be next to develop. However, there is a possibility for Precinct Two to develop in conjunction with Precinct one.

Despite Precinct Three having already been zoned for residential development, it is dependent on drainage infrastructure and development in Precinct Two to be resolved and enable it to drain. Consequently, Precinct Three is the third priority.

3.3 Strengths Weaknesses Opportunities and Threats

Figure 8 highlights the three precincts established in the Benalla Urban Growth Strategy. The SWOT provides an analysis of the entire study area and each precinct. The SWOT was developed in conjunction with advice from council and using information gathered from background studies.

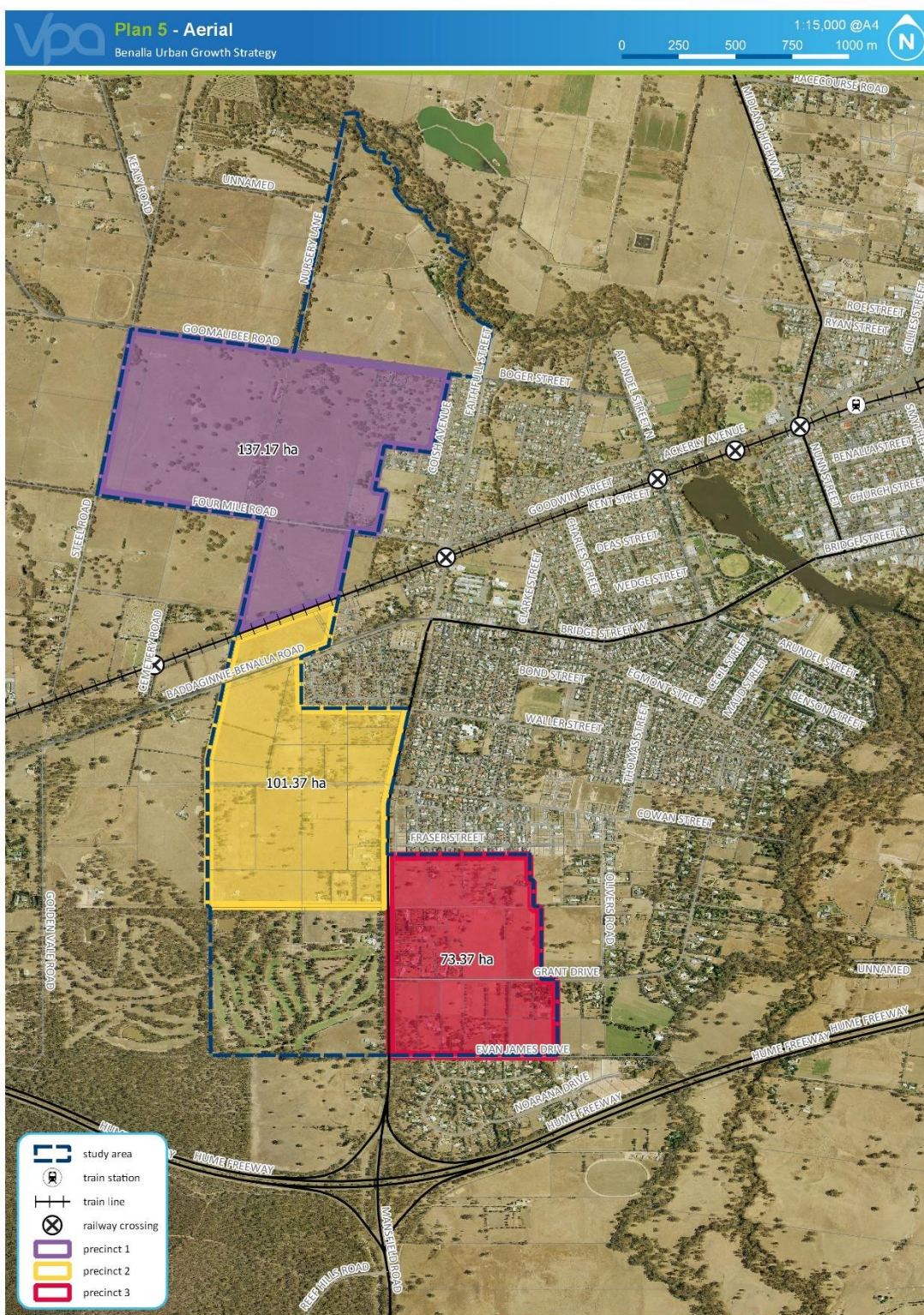


Figure 8 Benalla Urban Growth area precincts

SWOT strategic analysis of Benalla growth areas

	STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
Whole study area	<ul style="list-style-type: none"> • Attraction of new residents • Lifestyle destination • Appeal of more affordable larger lots • Relatively flat landscape and easy to develop • Large scale economic investment in Benalla contributing to residential growth • Close proximity to major arterial roads and Benalla train station 	<ul style="list-style-type: none"> • Large and widespread growth area • Outdated existing development plans that are guiding current residential growth in Benalla • Drainage constraints • There is no drainage network present throughout the site at this stage. The future introduction of a network that will cater for the 10% AEP storm events will help alleviate the current flooding and ponding of waters throughout the entire site. 	<ul style="list-style-type: none"> • Close proximity to Shepparton, Yarrawonga and Wangaratta • Recent economic investment in the region • Proximate to the Broken River - amenity • Mostly existing farmland – unlikely to be needed for that use in the future • Wholistic planning will ensure high quality urban outcomes • Development may add to and improve the town's character • limited significant biodiversity however decent tree coverage can be protected and contribute to the areas character • Improve transport connections including active transport such as bike paths in the growth area and Benalla township • Accommodation and food services expected to experience positive average annual growth in Victoria – opportunity to add economic or employment land • Most of the parcels on site are undeveloped paddocks with a few farmhouses throughout. There are various opportunities to locate and size stormwater management control measures (retarding basins, constructed waterways, etc.) with limited restriction due to existing development and physical hindrances. 	<ul style="list-style-type: none"> • Infrastructure restrictions such as drainage • Large study area therefore risk of patchwork of residential development if not planned well • Limited residential land supply in Benalla which may put pressure on the delivery of the growth areas • Multiple planning permit applications approved or pending approval before a wholistic framework for the growth area is produced • Ageing population in Benalla; growing demand for hospitals and aged care • Flood waters ponding occurs mainly along the waterway and channels across the site and the roads and railway culvert crossings. These crossings are critical points for drainage of the southern section of the site. Development of the southern section of the site must not cause either of these crossings to exceed their capacity in the 1% AEP flood event. No changes to the railway crossings will be proposed as part of this strategy.

	STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
Precinct 1	<ul style="list-style-type: none"> • Top of drainage catchment therefore more strategic to develop first in regard to drainage • Northern section north of Goomalibee road already rezoned • Includes land already zoned which landholders want to develop RE Goomalibee road 76 lot subdivision. Planning permit 2013 • No minimum subdivision area specified in LDRZ • Planning scheme amendment under consideration for rezoning south of Goomalibee Road, directly adjacent to GRZ on the eastern edge of precinct 1 • Appetite for land north and south of Goomalibee Road for subdivision and development • Land within the precinct, east of 48 Four Mile Road is already zoned for residential use. 	<ul style="list-style-type: none"> • Planning permit likely to lapse for Goomalibee road. • Land west and south of 48 Four Mile Road in farming zone and have no noted active interest in developing • Land north of Goomalibee road with a permit for 76 lot subdivision is currently in an LSIO overlay meaning future development could be at risk of flooding. 	<ul style="list-style-type: none"> • Significant portion of the land has landowners that have expressed interest in development • According to the C33 Panel Report native vegetation on the site and roadside can be retained and appropriately managed through the planning permit process 	<ul style="list-style-type: none"> • Large proportion of the precinct is Farming Zone. Therefore there is uncertainty about developer intentions • Significant remnant trees are located adjacent to the southern side of Goomalibee Road
Precinct 2	<ul style="list-style-type: none"> • Permit application for a hotel/ motel in close proximity to Benalla West social housing • Relatively flat landscape • Golf course located within the site providing amenity 	<ul style="list-style-type: none"> • South of precinct one and further down south of water catchment 	<ul style="list-style-type: none"> • Adjacent to the redevelopment site of Department of Health and Human Services (DHHS) housing • Opportunity to integrate future social housing development to better connect Benalla West social housing area • Opportunity to develop in conjunction or after precinct one has or is being developed • Opportunity to ensure that future development has an appropriate interface with the golf course. 	<ul style="list-style-type: none"> • Land fragmentation • South of water catchment and may require precinct one drainage infrastructure to unlock development
Precinct 3	<ul style="list-style-type: none"> • Land already zoned GRZ1 • Land is abutting existing residential development ensuring new lots can connect with existing residential 	<ul style="list-style-type: none"> • Poor drainage • This precinct is at the bottom of the catchment • Drainage constraints mean that residential growth and subdivision is limited 	<ul style="list-style-type: none"> • If precinct two is developed, then precinct three can discharge drainage more efficiently 	<ul style="list-style-type: none"> • The landholders cannot discharge to the existing drainage as it's at capacity so must have onsite detention.

- If a pipe can go under Mansfield Road then water can discharge into Precinct 2 but need the infrastructure or an agreement with the landholder for a retarding basin. Mansfield Road is a VicRoads road and Council is concerned VicRoads may not allow a pipe to go under their asset.
-

3.4 Future Urban Structure

This high level FUS has been developed using existing GIS mapping technology and the Stormwater Drainage Assessment completed by Cardno. Other key background documents including the Flora and Fauna Assessment, Traffic and Transport Assessment, Bushfire Management Assessment and Land Capability Assessment will help to further refine the FUS once completed.

Existing conditions

The first two maps highlight existing natural conditions such as waterways (Figure 9) and built environment conditions (Figure 10) such as street edges and road connections which inform the FUS. These maps illustrate existing natural and built constraints to be considered when preparing a FUS.

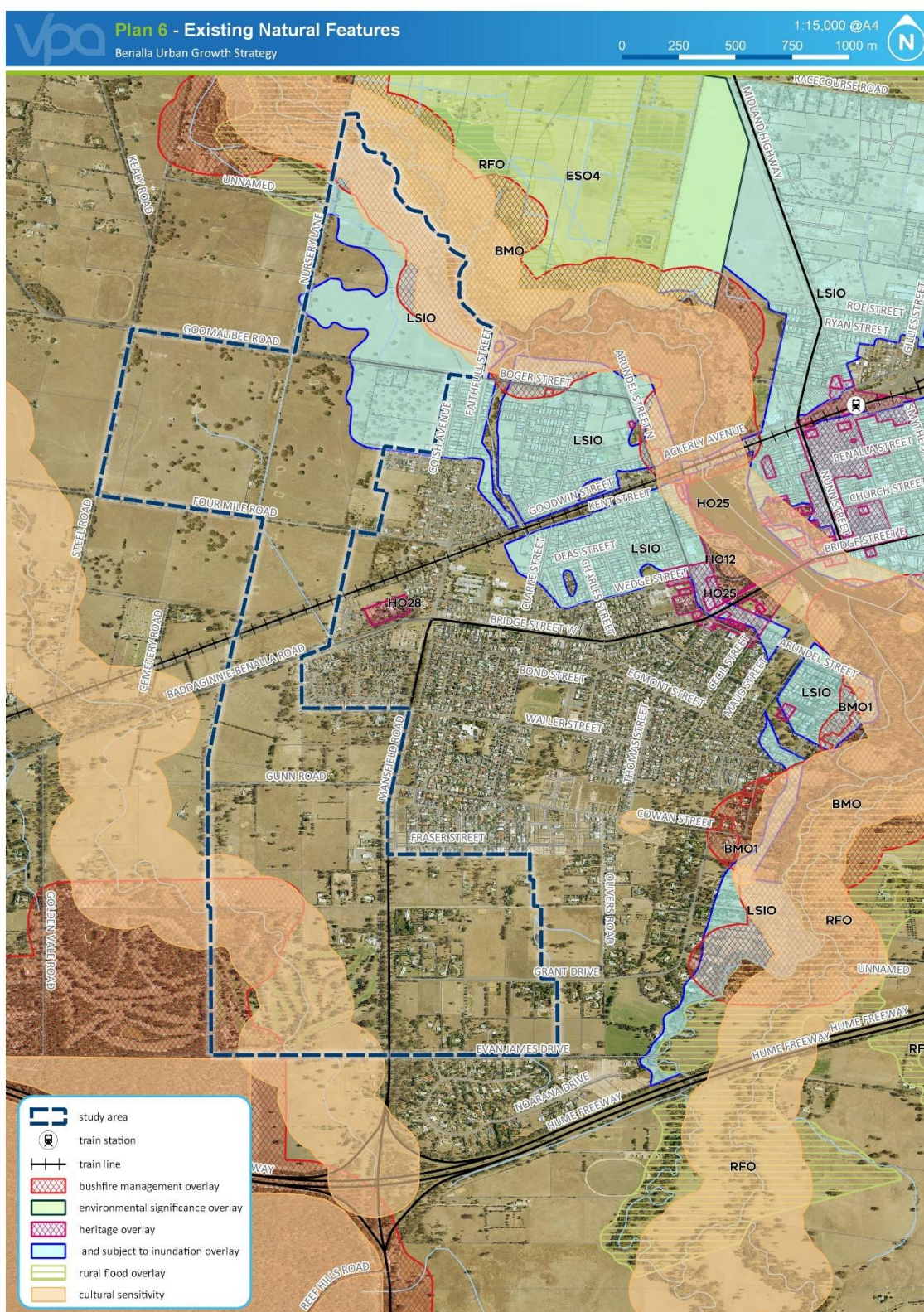


Figure 9 Existing Natural Features

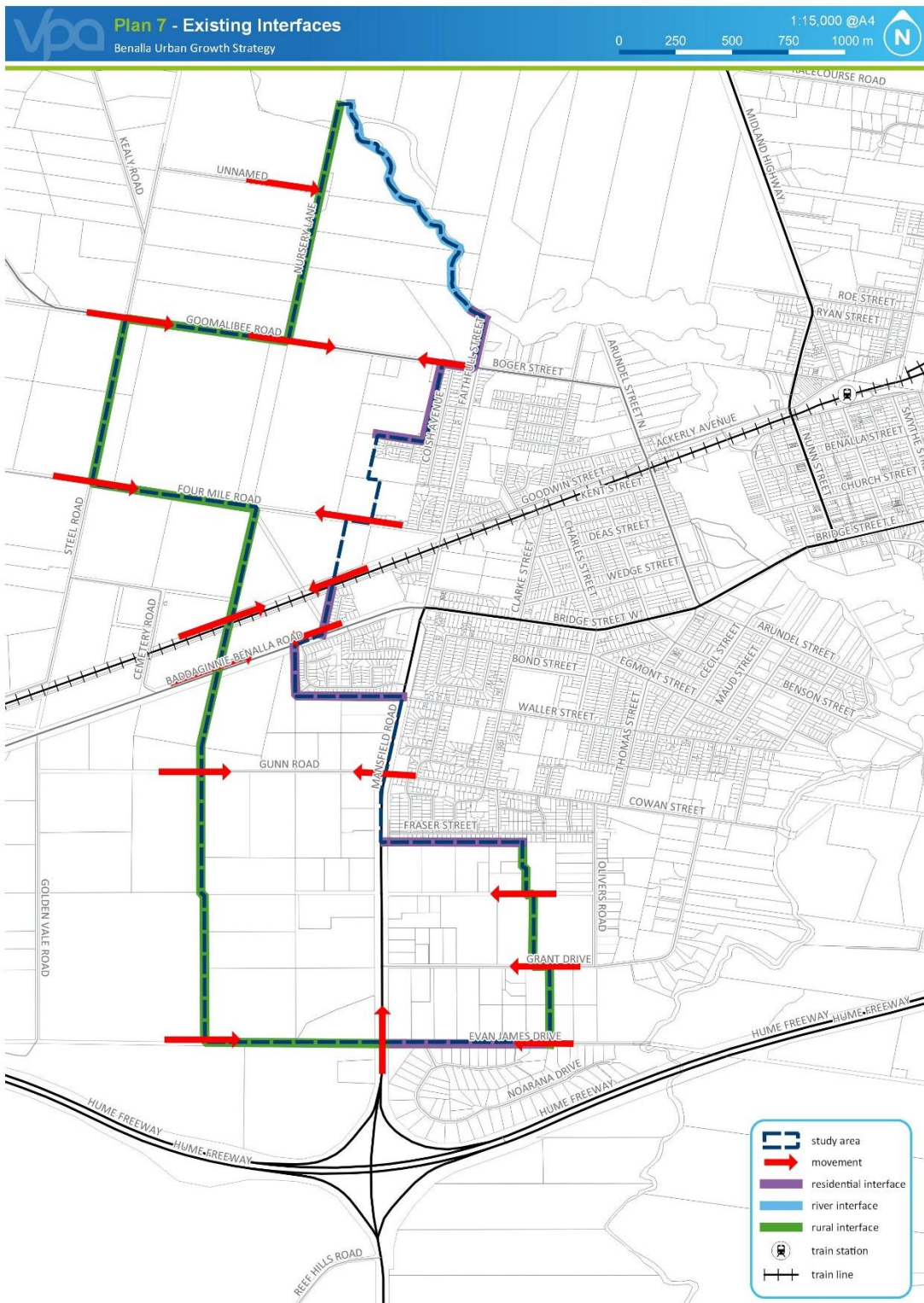


Figure 10 Existing built form interfaces

3.4.1 High Level FUS

Figure 11 shows a high level FUS that takes into consideration existing precincts, existing road networks, natural features and built form and drainage considerations. Figure 11 also shows the location of the Benalla West Housing Estate immediately abutting precinct two and the Golf course.

Precincts 1, 2 and 3 are proposed residential areas. The northern end of the study area is to remain low density residential as it has already been rezoned with an approved permit application. A large proportion of this northern end is under the Land Subject to Inundation Overlay and therefore is outside of the FUS. Benalla West housing estate adjoins Precinct 2. In the southern region of the study area is a golf course which has not been included in the FUS.

The current provision of open space has been informed by the Stormwater Drainage Assessment Report undertaken by Cardno in 2019. The assessment identifies and quantifies constraints and opportunities associated with existing and future drainage conditions through the site; proposes and informs the planning and design of the future urban structure, drainage and open space layout within the area.

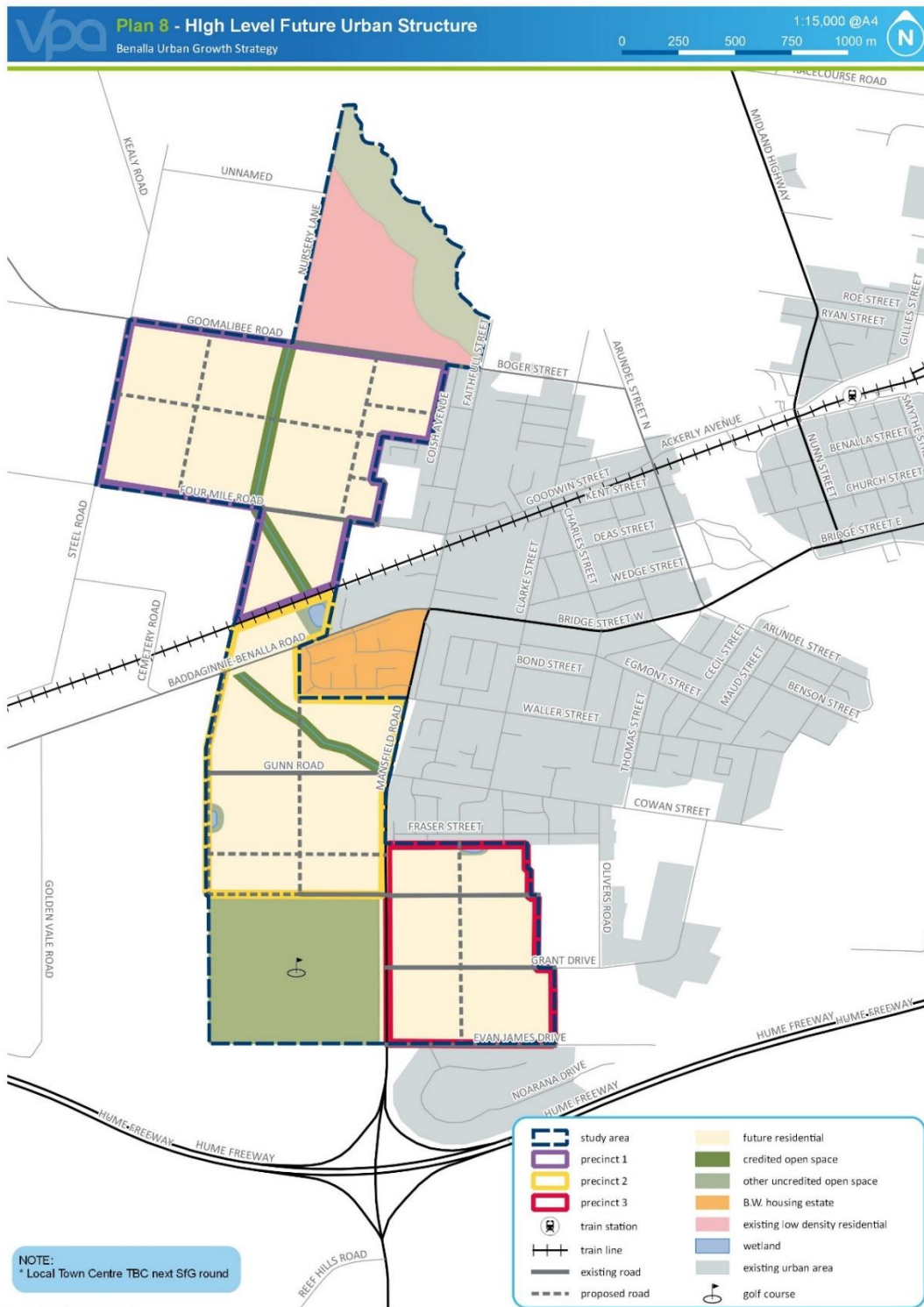


Figure 11 High Level Future Urban Structure

4 NEXT STEPS

4.1 Future implementation

In order to implement the FUS and to facilitate urban growth in Benalla, an amendment to the Benalla Planning Scheme is required. A planning consultant, or the VPA can assist council to draft the planning scheme amendment, including the relevant ordinance, explanatory report, and other associated documentation – all informed during the strategic preparation phase, through technical studies and consultation.

4.1.1 Actions to unlock growth

Below highlight actions require to unlock residential growth. Further details are in section 4.2 below.

Steps	Action
1	Determine appropriate planning tool to manage Benalla's growth
2	Undertake necessary strategic work to inform and justify PSA including background Studies
3	Drafting statutory tools
4	PSA

4.2 Determining and preparing the planning tools to unlock development

The VPA has undertaken a high-level review of Benalla's planning needs and recommends the use of the Development Plan Overlay in the Benalla growth areas (see section 4.2.2). The basis for this approach is that not all background studies will be available at the time of the planning scheme amendment and that the preparation of the development plan be deferred to a later stage. In order to confirm this approach, the background studies identified in this report will enable the decision of the most appropriate planning scheme tools to best implement a structure plan.

The technical studies identified in **Appendix 1: Background Material and Technical Studies** will provide guidance to determine the most appropriate planning scheme tools and process to implement a structure plan. These outputs will be further refined in the next stage of the Streamlining for Growth program in 2019/20.

The VPA recommends that the following studies be completed to inform a future planning scheme amendment and structure plan prior to preparation:

- High level servicing assessment
- Drainage Strategy (completed)
- Flora and Fauna Assessment
- Strategic traffic and transport assessment (high level)
- Land Capability Assessment
- Bushfire management assessment

The following studies can be deferred and be included as a requirement or condition on permit or Council's broader technical investigations:

- Aboriginal cultural heritage Assessment
- Post Contact Heritage Assessment/ Cultural Heritage Management Plan
- Social infrastructure analysis (dependant on whether community infrastructure is to be included in DCP)
- Functional layout plans and costings (dependant on whether a DCPO is to be established)
- Traffic Impact Assessment Report for development parcel aligned with aforementioned strategic report

The list of investigations may change as a result of findings and recommendations from studies that will inform the preparation of the amendment. It may also change as per council's views.

4.2.1 Agency Engagement

Department of Health and Human Services - Benalla West Estate

The Department of Health and Human Services is redeveloping ageing public housing estates across Victoria into better-connected neighbourhoods where people can live in housing that is safe and secure and meets modern standards. To help achieve this in regional Victoria, funding of \$10 million has been allocated to improve the Benalla West Estate.

The funding will be used to improve the design of the estate to better meet the diverse needs of the community. To achieve this, a masterplan will be prepared that will set the direction for revitalisation. This could include improvements to housing, parks, pathways and roads. The masterplan will provide a roadmap to creating better connected and more liveable community over the next five to ten years. It is anticipated the master planning will be completed late in 2020 with the project implementation intended to occur from 2021.

The Benalla Urban Growth Strategy is adjacent to the Benalla West Estate and Council should engage with the Department to ensure that the estate is integrated with future residential land. It is recommended that Council exchange information with the Department while planning for urban growth to promote understand and facilitate orderly development. This includes sharing the Stormwater Drainage Strategy to ensure that the revitalisation of the estate works within the current and future drainage strategy.

Department of Education and Training - School enrolment projections

Council should continue to work with DET to inform them up to date demographic data. This should include an analysis of current capacities of schools and anticipated population growth to determine whether new facilities will be needed.

Regional Development Victoria - Holistic planning for Benalla

Council and VPA should utilise opportunities to partner with Regional Development Victoria (RDV) to ensure a holistic approach to town planning is undertaken to ensure that Benalla Rural City can capitalise on recent economic investments in the town. Opportunities for strategic planning include:

- Transport
- Retail
- Services
- Provision of commercial or employment land in the growth area

A framework plan for the whole town of Benalla could be beneficial to ensure the town capitalises on its growth.

4.2.2 Rezoning

In order to facilitate development, rezoning of the land is required. The planning scheme amendment for this rezoning can be done in conjunction with the introduction of a Development Plan Overlay and Development Plan. However, part of the implementation process will be to determine the quantum of land that is to be rezoned - whether it is the entire urban growth area identified in this strategy or whether only certain precincts are rezoned. The specific zone to be used will be determined once technical studies have been prepared.

4.2.3 Development Plan Overlay

The VPA's view is that the Development Plan Overlay (DPO) which requires the preparation of a development plan is an appropriate tool for Benalla's growth areas, not a Precinct Structure Plan (PSP). PSP's are more appropriate to facilitate growth which is occurring at a much faster rate than Benalla will experience.

A DPO is a flexible tool that can be used to implement a plan to guide the future use and development of the land, such as an outline development plan, detailed development plan or master plan. The purpose of the DPO is to:

- to identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted
- to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.

The DPO is used to:

- require a plan to be prepared to coordinate proposed use or development, before a permit under the zone can be granted
- guide the content of the plan by specifying that it should contain particular requirements
- provide certainty about the nature of the proposed use or development
- remove notice requirements and third-party review rights from planning permit applications for proposals that conform to plan requirements
- ensure that permits granted are in general conformity with the plan
- apply permit conditions that help to implement the plan
- provide statutory force to plans

The DPO will outline the key objectives for the development of the land, and the specific requirements that will need to be addressed in a Development Plan for the land. There is also potential to implement various DPOs and Development Plans, in accordance with each of the precincts highlighted in Figure 8.

Key aspects a Development Plan and DPO include:

The **development plan** will describe:

- The location of land uses and some sub-categories of those land uses
- Local, and where required State, infrastructure to be provided
- The relationship of the site to adjoining development whether existing or planned
- The proposed or likely use of parts of the site not to be immediately developed.

Statutory objectives of a DPO:

- To facilitate urban development and underpin infrastructure development and associated levies
- To ensure planning permits generally accord with the structure plan
- To provide flexibility in the implementation of land use and development
- To remove third party rights for applications that generally accord with the structure plan.

A DPO is suitable when development pressure is likely to occur in a longer time frame e.g. 15-30 years and where standard zones and overlays provide acceptable permit requirements. It is also useful where the description of development requirements usually contained in a structure plan can be deferred to a site or sub-precinct level development plan.

The DPO can include requirements and conditions, but the general intent of the overlay is to allow for the preparation of a Development Plan that addresses these more detailed aspects at the site level.

While a Precinct Structure Plan is an effective tool to unlock residential land for development it is more suitable when land is unlocked in shorter time frames (i.e. 5-15 years), there is a requirement for a structure plan, and where there is significant development pressure.

4.2.4 Development contributions

The most appropriate mechanism to define and provide for developer contributions needs to be subject to further discussion between the VPA and Council. There are two main mechanisms to provide for developer contributions. These include:

- 1) Developing a DCPO to be introduced in conjunction with a DPO and rezoning amendment process:** A DCPO should be written in response to a detailed functional design and costings work building on the drainage strategy. Other infrastructure such as community and civic infrastructure can also be costed to develop a DCP, although this will need to be strategically justified and apportioned accordingly
- 2) Requiring through the DPO that arrangements for developer contributions need to be defined through a Development Plan:** The DPO can require that as part of preparation of DP that infrastructure assessment is prepared and that arrangements are made for the payments of DCs in response to infrastructure assessments. A good example of this is the Lancefield Development Plan Areas DPO24; Schedule 24 to Clause 43.04 DPO, Macedon Ranges Planning Scheme.

5 APPENDIX 1: BACKGROUND STUDIES TO INFORM A FUTURE PLANNING SCHEME AMENDMENT AND PREPARATION OF A DEVELOPMENT PLAN

This Appendix recommends the background studies required, approximate cost and time based on what could be useful to inform the preparation of a planning scheme amendment and structure plan.

Note: The approximate cost is based on previous studies undertaken by the VPA and the consultants that are on the list of VPA preferred suppliers. Council may find that suppliers the VPA normally uses will be more expensive as the VPA has set higher rates and travel expenses. Similarly, local suppliers that Council uses may be more affordable than Melbourne based counterparts

5.1.1 High level servicing assessment

A preliminary servicing assessment has been undertaken. The VPA contacted service providers highlighted below to determine if any key considerations need to be made prior to the planning of the growth areas. Their responses are outlined below.

Further high-level servicing assessment will be required to be undertaken to guide future residential development.

Agencies

- Telstra
- NBN
- Australian Energy Market Operator
- APA
- AusNet
- Northeast Water
- Goulburn Broken Catchment Management Authority

Background

It is important to ensure the Precinct area can be serviced by utility providers (gas, potable water, sewerage, electricity and telecommunications). The level of provision that is of concern for the precinct staged first is trunk infrastructure, the 'arterial road' of utilities. Trunk infrastructure distributes the utility service to enable localised connection/access at the subdivision stage. The provision of this level of infrastructure is not the responsibility of the state, rather the individual utility provider. Therefore, it is important to ensure that the Development Plan and growth area are on the providers' "radar" either through already existing infrastructure or future planned infrastructure. With future planned infrastructure it is important the provider understands the anticipated yields and subsequent population of the future residential growth precinct.

If there are areas of the Precinct that are "out of sequence" considering the utility provider's investment strategy, the developer will need to bring forward the necessary infrastructure at their own cost. It is useful to have this information as it provides certainty to developers but also may assist with determining a likely development sequencing program which could assist informing Council's DCP priorities.

Trunk infrastructure is predominantly located underneath or above roads. If trunk infrastructure is required either in the precinct or on roads that lead into the precinct it is important to identify when drafting relevant road cross sections because trunk infrastructure "widths of service" and clearances need to be considered to ensure there is enough space in the road to accommodate them.

Issues/Opportunities

The VPA received responses from APA Gas, Australian Energy Market Operator (AEMO), Ausnet, Goulburn Broken Catchment Management Authority, North East Water and NBN. The VPA has contacted Telstra however has not received responses. The responses received from each of the utility providers are outlined below. There are no major considerations at this stage however APA have highlighted that the *supply west of the Broken River/Lake Benalla is constrained*.

APA

Contact: Rebecca May

APA provided VPA the following service advice:

- The supply west of the Broken River/Lake Benalla is constrained as it is supplied by a single crossing of the Broken River. The existing infrastructure is suitable to support only a small proportion of growth to the west. To augment or provide a duplicate crossing would be at considerable expense inclusive of the procurement of third party environmental and cultural heritage plans, permits & approvals as well as considerable lead times to obtain these approvals.
- Without any indication of projected land use and yield, it is difficult to provide any further advice.
- In terms of preferred areas to be assessed for growth in Benalla – areas to the east of the Broken River and Lake Benalla would be better serviced for future development.

AEMO

Contact: Ronch Willner

AEMO provided the following advice:

- They have considered the information provided about Benalla and have no comments to provide.

Ausnet

Contact: Shane Carr/ Tom Langstaff

Ausnet provided the following advice:

- The site has three 22kV feeders in close proximity. One of these feeders has no spare capacity. The other two could support approx. 700 residential lots in total without augmentation, however in some locations the O/H conductor is rural grade and may require upgrading.
- The O/H conductor in Mansfield Rd is urban grade and has the sparest capacity. The overhead conductor in Baddaginnie-Benalla Rd has no capacity and would require an upgrade before it could be utilised.
- The zone substation for the Benalla area is located at the corner of Mansfield Rd and Baddaginnie-Benalla Rd. Additional 22kV feeders could be made available from this location. Customer contributions are likely to be required for additional feeders.
- Under system normal conditions there is sufficient capacity to support approx. 10MVA of additional load at Benalla without augmentation of the zone substation.
- AusNet Services' Customer Contribution policies would apply to any augmentation works required.

Goulburn Broken Catchment Management Authority

Contact: Dean Judd

The Goulburn Broken CMA provided the following advice:

- From a floodplain management perspective, the Goulburn Broken CMA would want to ensure that objectives contained in State Planning Policy Section at Clause 13.03, are incorporated into any future growth/ investigation plans.

- The Goulburn Broken CMA is aware the Cardno has prepared some preliminary flood study for the Benalla area and has reviewed the report. It is recommended that VPA seeks local knowledge in relation to any localised drainage issues. Development along natural depression lines should be actively managed to allow the transference of floodwater across the landscape, with drainage of these areas to retain the natural drainage path where practicable and minimise the impact on rural drainage.
- In terms of waterway health, waterways and surrounds need to be protected from encroachment. The Benalla Growth Area encompasses part of the Broken River and other waterways. Therefore, buffers should be applied from development to protect this waterway and riparian zone. Refer to the Guidelines for the Protection of Water Quality (NEPRC, 2016).
- The Goulburn Broken CMA would like to see landscape values and amenities protected from any future development, including the need to avoid and minimise and native vegetation and biodiversity impacts within these growth areas.
- Benalla Rural City Council have adopted the *Goulburn Broken Catchment Roadside Biodiversity Risk Management Protocols* to preserve biodiversity related to roadsides and to manage associated activities and risk.
- If any native vegetation is to be removed, advice from the Department of Environment, Land Water and Planning should be obtained.
- It is recommended that VPA engage with the Traditional Owners of the Benalla Township area to ensure that any cultural heritage values are also protected from future development and growth.

North East Water

Contact: Julie Brooks

North East Water provided the following comments:

- North East Water has not received details from the Benalla Rural City Council in relation to the proposed rezoning of land therefore their current growth planning is based on current zones.
- North East Water's Benalla Wastewater Treatment Plant is located to the north of the proposed development area on the other side of Broken River.
- There is an Environmental Significance Overlay associated with the Plant which is identified in the report;
- Trunk water mains may be required to service the proposed development area with reticulated water;
- The proposed development area north of the existing golf course will require further water pressure investigations once lot yields are identified.
- Sewer pump stations will be required to service the proposed development area with reticulated sewerage.
- Once development areas are refined, including scale and lot yields, modelling can occur for the proposed development area.

In progressing the planning for this area, it is expected that recent changes to the planning scheme around Integrated Water Management will be addressed. North East Water request continual involvement in the planning process, including workshops.

NBN

Contact: Scott Edwards

NBN provided the following advice:

Existing network

- This area is adjacent to the fixed line footprint of the NBN FSA Benalla (3BNL). The NBN FAN site (Figure 13) is co-located within the Telstra Exchange in Benalla located at the corner of Arundel St and Harrison Ave
- Typically supply to potential growth areas would be via the extension of the existing Distribution Network if capacity exists; and

- The area highlighted below indicates the current NBN fixed line footprint of 3BNL.

Proposed network upgrades

- Currently there are no plans to install or upgrade any infrastructure within the area identified. NBN data shows approx. 5221 serviceable locations within the existing fixed line footprint in NBN FSA 3BNL.
- Increase to the serviceable locations due to the proposed growth number would impact the capacity of the FAN site.
- The future capacity restraint will be monitored by NBN ongoing.
- Opportunities may arise to facilitate possible trench sharing opportunities either with Council/Road Authorities or other Utilities. NBN do not foresee any constraints or issues with future standard infrastructure installation.
- There are no plans to extend the network to the Benalla study area unless customer initiated, for example New Development registrations.

Servicing the Benalla study area

- The additional Servicing of the study area would be planned on a case by case application basis and driven by customer-initiated registrations. New infrastructure would be deployed utilising a mixture of existing Telstra, new NBN build also developer supplied & shared trenching arrangements.

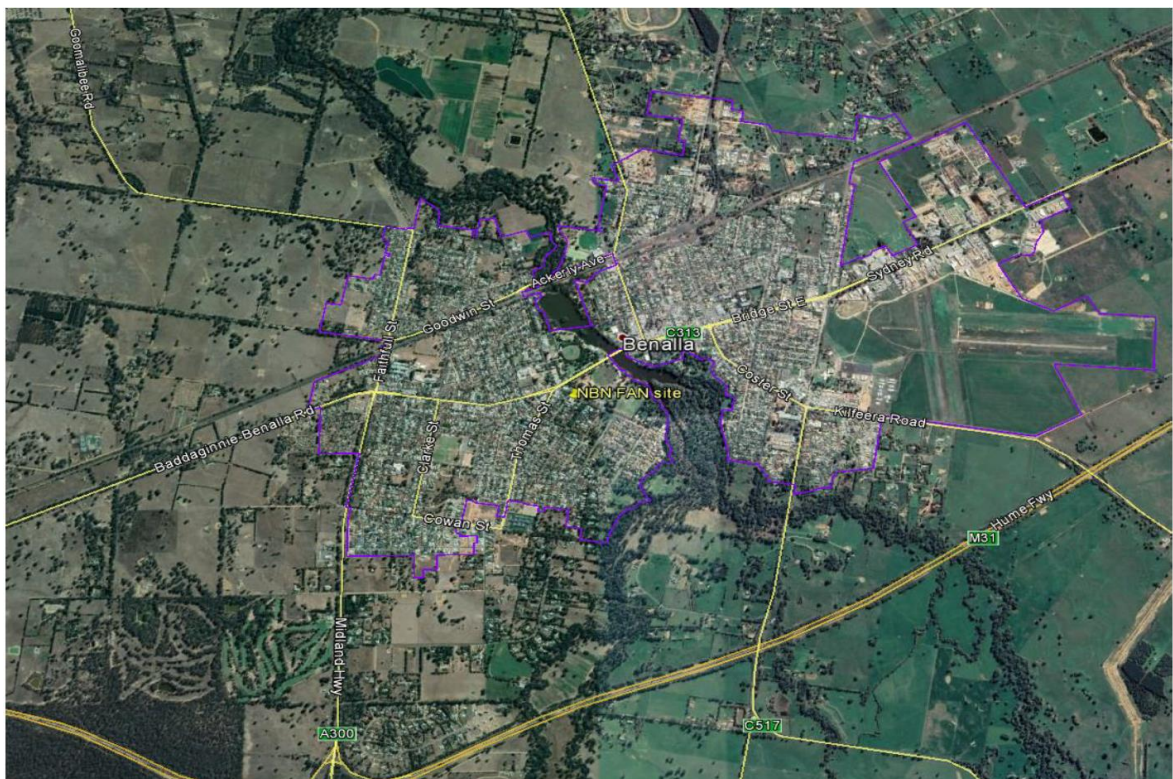


Figure 12 Location of NBN FAN site

5.1.2 Drainage strategy

Cardno was commissioned by the VPA through the Streamlining for Growth Program to complete a Stormwater Drainage Assessment report for the Benalla Urban Growth Strategy's study area. This assessment identifies and quantifies constraints and opportunities associated with existing and future drainage conditions through the site; proposes management and treatment of stormwater drainage to meet relevant Council and Best Practice Environmental Management (BPEM) requirements; and informs the planning and design of the FUS, drainage and open space layout within the area.

The work has involved collaboration with the key water and drainage agencies and is consistent with their policies and can be used by developers at the permit stage to inform their subdivision plans.

Completed July 2019

Cost: **\$50,000** contract awarded to Carndo.

5.1.3 Land Capability

The new Ministerial Direction No 19 provides new imperative to undertake land capability assessments in the early stages of precinct planning.

Land use planning decisions have direct effects on the environment, human health and amenity. Being informed about risks can guarantee better land use planning decisions are made by ensuring risks are known and addressed early. The responsible authority should work with the EPA to assess land use risks and engage a suitably qualified and skilled person to undertake a land capability assessment.

Technically, the land in the precinct does not meet the definition of 'potentially contaminated land' described within the Ministerial Direction as it is currently Farming Zone. However, past farming practices have the potential to contaminate land. Moreover, the *Planning and Environment Act 1987* also requires a planning authority when preparing a planning scheme amendment to 'take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment'.

Ministerial Direction No. 19 – The preparation and content of amendments that may significantly impact the environment, amenity and human health requires the planning authority to seek the views of the EPA in the preparation of a planning scheme amendment that could result in development of land that may have significant impacts on the environment, amenity and human health. Direction No. 19 also applies to development of land within a buffer or separation distance for industry and the development of potentially contaminated land which may trigger Ministerial Direction No 1.

The importance of a land capability assessment is outlined in *Ministerial Direction No. 1 – Potentially Contaminated Land*. This direction identified that where potentially contaminated land is proposed to be rezoned to allow residential land use, it is important that the planning authority satisfy themselves that the environmental conditions of the land are suitable for those uses.

Estimated cost: **\$25,000**

5.1.4 Flora and Fauna Assessment

Suitably qualified and skilled persons will need to be appointed to conduct a desktop assessment of the native vegetation and biodiversity values through the precinct to inform a Future Urban Structure. It is recommended that council procure a consultant in this process as they have access to key existing biodiversity ATLAS information and databases. Furthermore, the consultant provides an independent and professional third-party assessment of the precinct.

The report should determine the likelihood of occurrence of various flora and fauna within the study area. This information can be used by the developer who will undertake a more detailed analysis of flora and fauna at the subdivision planning stage.

The tasks to be undertaken during the flora and fauna assessment include:

- Identify and map any patches of native vegetation and scattered trees within the study area as defined by the DEPI (2013) Permitted Clearing of Native Vegetation Biodiversity Assessment Guidelines (the Guidelines) as well as classify patches into the appropriate Ecological Vegetation Classes (EVCs) and conduct a Vegetation Quality Assessment as prescribed by the relevant DELWP guidelines (i.e. DSE 2004 Vegetation Quality Assessment Manual – guidelines for applying the habitat hectare scoring method – version 1.3)

- Document any rare or threatened flora and fauna species observed or the potential for such species to occur, based on the habitat present and records for rare or threatened species identified by the database searches
- Identify any implications of state and federal biodiversity legislation and the Benalla Planning Scheme on the biodiversity values identified in the precinct
- Provide DELWP with the relevant information, as specified in the Guidelines, to produce a Biodiversity Impact and Offsets Requirement Report (BIOR) when the Future Urban Structure is developed
- Provide a draft report for comment outlining the findings of the investigations, the impact of the proposed development design and the offset prescription identified by DELWP for that impact.

There is also an opportunity to include an arboricultural assessment to assess the health of trees to determine their suitability for retention however this can be undertaken during the development plan stage.

Estimated cost: **\$15,000**

5.1.5 Strategic Traffic and Transport Assessment (high level)

A traffic and transport assessment will be undertaken as a background report to inform the structure plan. This report will later inform the DCP or any future infrastructure costings.

A high-level traffic and transport assessment is required to be undertaken for the entire identified growth area. This study will need to consider the transport infrastructure needed to facilitate development in the precinct including public transport provision, walking and cycling networks as well as access for private motor vehicles including access point locations, intersection upgrades and road cross section requirements.

The assessment will need to undertake strategic transport modelling, determine the anticipated demands and identify existing constraints on the transport network for the growth area as well as in the broader Benalla township. It will also need to identify transport infrastructure that will need to be constructed or upgraded with appropriate triggers.

There are two options that the consultant can utilise for the transport modelling which include S-VITM modelling and first principles spreadsheet modelling. These assessments will require an understanding of future population, housing and job forecasts and how increased development will impact the existing road network within the growth area and the surrounding township of Benalla. This assessment will not require intersection analysis* however it will need to outline which intersections will be the most impacted by development and the proposed treatment type.

Once this strategic assessment has been undertaken, a more detailed transport assessment can be undertaken for each of the precincts identified in the growth strategy at the planning permit stage. This will include an analysis of the intersections within the precinct and any upgrades of key intersections and roads within the existing broader road network.

The assessment will require consultation with DOT, Council and the VPA (if we are involved).

Estimated cost: **\$25,000**

*Note: If a DCP is going to be prepared that collects funds for transport projects, an intersection analysis, design and costing exercise will be required also.

5.1.6 Bushfire Hazard Assessment

A Bushfire Hazard Assessment is required to assess how development enabled by the Benalla Urban Growth Strategy can respond to bushfire risk and comply with the applicable planning and building controls that relate to bushfire. This includes the objectives and strategies of the Victorian Planning Policy Framework (VPP) at Clause 13.02 *Bushfire*, Clause 44.06 *Bushfire Management Overlay (BMO)* and Clause 53.02 *Bushfire Planning* in the Benalla Planning Scheme.

The assessment will be prepared in accordance with the following guidance for the assessment of, and response to bushfire risk:

- *Local planning for bushfire protection*, Planning Practice Note 64 (DELWP, 2015a);

- *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments*, Planning Practice Note 46 (DELWP, 2017a);
- *Planning Permit Applications – Bushfire Management Overlay*, Technical Guide (DELWP, 2017b); and
- *Bushfire State Planning Policy Amendment VC140*, Planning Advisory Note 68, (DELWP, 2018a).

This assessment requires an understanding the above documents as well as the relevant clauses in the planning scheme. As a result, an internal assessment can occur, provided the CFA is consulted throughout the process and supports the conclusions within the report. The VPA has some experience in this assessment and may be able to help facilitate this assessment.

Estimated cost: **Staff time only** (If consultant is required **\$20,000**).

5.1.7 Functional layout plans and costings

The Traffic and Transport Assessment will recommend intersections, roads and cycling/pedestrian paths that will need to be upgraded as a result of the development. In order to complete a DCP, these infrastructure items will need to have a Functional Layout Design so that the land take is known as well as the approximate cost and a DCP rate calculated. This will only need to be completed if a DCP is required. If it is decided that a contributions agreement will be stipulated in the appropriate planning scheme ordinance to trigger an agreement with the developer, the functional layout and costings plan will not be required.

Estimated cost: **\$20,000**

5.2 Further studies required subsequent to a planning scheme amendment

This section outlines the studies that are not required to inform the preparation of a planning scheme amendment but will be required as a requirement of a planning permit or form a condition on permit.

5.2.1 Aboriginal Cultural Heritage Assessment

Considering Aboriginal cultural heritage at the beginning of the planning process is an opportunity to minimise impacts on indigenous heritage and employ a holistic approach to planning and the ability of the Traditional Owner Group (TOG) and/or Registered Aboriginal Party (RAP) to have meaningful input on areas that should be protected and/or interpreted in new communities.

An Aboriginal Cultural Heritage Impact Assessment (ACHIA) is a high-level strategic assessment that can be undertaken in the early planning stages across the entire growth area to inform precinct planning and design work required to respond to significant cultural qualities and determine land use planning objectives associated with cultural heritage and potential constraints for the study area.

Additionally, a Cultural Heritage Values Assessment (CHVA) could be undertaken to complement the ACHIA which is another high-level strategic assessment that identifies Aboriginal oral history and social and cultural values relating to the study area. This may relate directly to landforms in the study area and should identify themes and narratives about the land and environment that can be incorporated into planning for the growth area.

The registered RAP for the area is the Yorta Yorta National Aboriginal Corporation and land within the precinct is subject to an Aboriginal Cultural Heritage Sensitivity Overlay (Figure 9). Land in the most northern edge of Precinct 1, within 200m the Broken River is subject to this overlay. Additionally, land within 200m of One Mile Creek located in the southern and eastern portion of Precinct two and in the south eastern portion of Precinct three adjacent to the Broken River triggers this overlay.

Areas of cultural heritage sensitivity include registered cultural heritage places, named waterways, coastal land, parks, stony rises, volcanic cones, caves, dunes, and land within specified distances of these areas of

cultural heritage sensitivity. Landowners and developers will be required to prepare a Cultural Heritage Management Plan (CHMP) to meet legislative requirements where high impact activities are proposed in areas of Aboriginal cultural heritage sensitivity. This includes developments such as roadworks, park creation and other land use outcomes that will be in place after a plan is complete.

If an area of cultural heritage sensitivity has been subject to 'significant ground disturbance', the level of required investigation may be reduced and the trigger for a mandatory Cultural Heritage Management Plan (CHMP) could be eliminated. Specific evidence must demonstrate that cultural heritage sensitivity may have been negatively affected in all or part of an area. Professional heritage advice is needed if an exemption is being considered.

Policy context

The Victorian Aboriginal Affairs Framework (VAAF) 2018 - 2023 sets out a whole of government approach for progressing change across government to deliver stronger outcomes for and with Aboriginal Victorians. It outlines the goals, objectives, measures and self-determination guiding principles that commit government to significant structural and systemic transformation. The VAAF commits the government to prioritising culture as a Key Action Area. As a land use planning authority, the VPA or local councils have an important role and significant responsibility to enact these priorities and realise the goals of the VAAF.

The *Aboriginal Heritage Act 2006* (the Act) and Aboriginal Heritage Regulations 2018 (the Regulations) provides for the protection and management of Victoria's Aboriginal heritage with processes linked to the Victorian planning system.

The 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. The Act 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.

Benalla Rural City has 209 registered cultural heritage places including an Aboriginal cultural place, burials, artefact scatters, earth features, low density artefact distributions, object collections, a quarry, scarred trees and stone features.

Estimated cost: ~\$60,000 to commission an Aboriginal Cultural Heritage Impact Assessment and cultural values assessment ~\$800 to meet with RAP to discuss commencement of project.

5.2.2 Historical Cultural Heritage Assessment

It is important to understand how Australia's heritage is relevant to today and to the future. Heritage can play a significant role in the future of our new urban environments, providing meaningful links to our past. Taking account of heritage in land use planning offers significant opportunities to enhance the quality and experience of our built environments and overall wellbeing of our communities.

Local government Heritage Overlays identify and manage places of local heritage significance in planning schemes by requiring planning permits for work on identified places. In addition, places of State-level cultural heritage significance are included on the Victorian Heritage Register and protected and managed under the *Heritage Act 2017*.

A cultural heritage assessment is a high-level strategic assessment that can be undertaken in the early planning stages across the entire growth area to inform precinct planning and design work required to respond to significant historical sites and determine land use planning objectives associated with heritage and potential constraints for the study area. A cultural heritage assessment is ideally undertaken as part of the strategic planning stage to then inform a response through the statutory planning process for the growth area.

There are currently no significant State or Local heritage sites or heritage overlays within the precinct boundary, however a heritage assessment has not been undertaken for the area to inform this.

Policy context

Planning is undertaken to ensure the long-term protection and showcasing of heritage places, features and character of land designated for development. Key reasons for incorporating heritage when planning for urban growth include:

- ensuring that places of heritage value remain viable over the long-term.
- heritage places can drive the character of a new community and can create a sense of place and identity that are connected to the stories of an area's past.
- can contribute economic and social value to a new community.

Local governments are responsible for most of the statutory protection afforded to Victoria's heritage places. This protection is generally achieved through the planning system. Local Government are required to meet the objectives of the *Heritage Act 2017* and *Planning and Environment Act 1987* in relation to the protection and management of places of heritage importance. State level heritage is governed by the *Environment Protection Biodiversity and Conservation Act 1999 (Cwth)* which established the Commonwealth Heritage List and National Heritage List in 2004

Local governments must assess applications for building and works to identified heritage places in accordance with the provisions of Clause 43.01 of every Victorian planning scheme

The Significant Landscape Overlay Environmental Significance Overlay and the Vegetation Precinct Overlay can be used to identify and manage historic landscapes and features and may be used in conjunction with the Heritage Overlay. Specific land use controls can allow businesses to operate in heritage places with certainty and flexibility even as a growth area develops.

The importance of a heritage place or feature is captured and expressed in a Statement of Significance. During structure planning investigations, new heritage places may be discovered during heritage investigations, and a Statement of Significance will need to be prepared by a qualified heritage consultant. The preparation of a Statement will help determine what level of heritage protection should be applied if the place is significant.

This process of determining heritage should also include engagement with local heritage groups, the local community and Heritage Victoria.

5.2.3 Social Infrastructure Analysis

Given the predicted population growth, it is necessary to confirm that the community facilities required to service the new population have the capacity to accommodate additional residents. As many of these facilities are Council owned/run, it is appropriate to conduct an internal assessment. Using ABS data and Forecast .id as a basis to understand population demographics as to have an indication for demand on community facilities, council's Community and Recreation department should be contacted to understand:

- The capacity of maternal and child health services
- The capacity of the existing community centre(s)/ the current condition of the building
- The capacity of kindergartens and
- The capacity of sport and recreation facilities.

If Council finds that there is likely to be a significant shortfall in these facilities, it will need to review the findings and cost the anticipated infrastructure required. These items could then be included into a DCP. If Council chooses to include local community infrastructure in the DCP, needs assessment will need to be completed earlier and most likely by Council.

Council will also need to consult with Department Education & Training (DET), to confirm that the existing government primary and secondary schools able to take additional enrolments. Emailing provision.planning@edumail.vic.gov.au will ensure that this analysis can begin.

While not mandatory contacting Catholic Education Office (Sandurst) to advise of the work being undertaken in the Benalla Urban Growth Strategy would also aid in this analysis. By examining the ABS, it is evident that Catholic education has a higher enrolment percentage than the rest of Victoria suggesting that Catholic primary and high schools are one of the preferred education providers in Benalla. Contact Trish Miller on 5445 9902 or tmiller@ceosand.catholic.edu.au.

Estimated cost: **Staff time** (If consultant is required **\$20,000**).