

BENALLA PLANNING SCHEME

AMENDMENT C43bena

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Benalla Rural City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Oxley & Company on behalf of the landowner.

Land affected by the amendment

The amendment applies to approximately 16ha of land at 167 Sydney Road, Benalla (Lot 1 TP 123512X) as shown on the plan below.



What the amendment does

The amendment proposes to:

- Rezone land from Special Use Zone 3 (SUZ3) to Industrial 1 Zone (IN1Z).
- Amend Planning Scheme Map No. 10.
- Delete Schedule 3 to the Special Use Zone accordingly.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to allow for re-development and alternative uses of the former CAL Community Farm.

The existing SUZ3 zoning has a narrow land use focus, with the specified purpose of providing for a 'community farm, educational centre and associated uses', associated with the use of the land for the CAL Community Farm.

The community farm is now closed, and future use and redevelopment of the land is restricted by the inflexible requirements of the SUZ3.

The IN1Z will allow for a variety of industrial and warehousing uses, as well as a select number of other uses with lower amenity expectations. IN1Z is compatible with the zoning to the west (INZ1).

The land to the east is within the FZ, however the subject site is less than half the minimum lot size within the FZ, with minimal strategic potential to consolidate the land with adjoining parcels to create a viable agricultural holding.

The Benalla Rural City Council's Industrial Land Review was undertaken in 2009, and concentrated on the supply of industrial land on Benalla's north eastern urban fringe, which was eventually rezoned IN2Z as part of Amendment C5 in 2009.

A further review of the supply and demand for industrial land was undertaken in 2013 as part of the Urban Development Program *Regional Industrial Report*. The Report found that Benalla had at that stage an adequate supply of industrial land, however the Report noted that economic/ employment activity can and will invariably change. The Report also noted that there was an identified lack of available supply for smaller allotments, such as is able to be provided as part of this Amendment.

More recently, over the past two years, Council has experienced significant growth in industrial enterprise within the town, such as the acquisition of large scale industrial land (120 acres) by company NOIA in 2018, adjacent to the existing government owned munitions manufacturing plant, and the more recent manufacture of materials to implement the West Gate Tunnel, currently being undertaken in Benalla.

This amendment allows a minor increase in the supply of IN1Z land around Benalla, to provide diversity of choice and flexibility for prospective new industries, in an area enjoying convenient accessibility to transport infrastructure. Providing for industry on an existing brownfields site that abuts existing IN1Z avoids the loss of farming land and minimises impacts upon the health, wellbeing and safety of residential zones.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria as the rezoning will allow the ongoing use of the land to provide for the fair, orderly, economic and sustainable use, and development of the land.

How does the amendment address any environmental, social and economic effects?

The amendment will rezone the entire land as a single development site, which will allow the opportunity to protect any remnant vegetation and drainage areas. The Rural Floodway Overlay applies to a small area in the north of the site, and future developments will therefore be required to ensure unacceptable detriment to the floodplain and biodiversity are avoided.

The amendment is accompanied by a Section 173 Agreement that will require protection and retention of the native vegetation to the north of the property.

The proposal will have positive social and economic effects by facilitating the re-development and re-use of an existing disused brownfield site at Benalla's eastern gateway. Future uses of the land would provide employment and other economic benefits, while mitigating the impact on any residential land.

Does the amendment address relevant bushfire risk?

The land is within a bushfire prone area. The amendment does not introduce a sensitive use to the land and it is considered any future redevelopment of the land will likely reduce the risk of fire, due to the associated increase in vegetation management.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with the requirements of the Ministerial Direction -The Form and Content of Planning Schemes (section 7(5) of the Act), Ministerial Direction 11 – Strategic Assessment of Amendments and was referred to the EPA in accordance with Ministerial Direction 19: *Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health*. EPA comments are provided later in the report.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports the following Planning Policy Framework (PPF):

Clause 11 Settlement – The Amendment will provide additional industrial land in close proximity to compatible land uses and existing infrastructure and services.

Clause 11.01-1R Settlement – Hume – The Amendment will facilitate growth and development in Benalla and provide additional employment opportunities.

Clause 12.02-1S Protection of Biodiversity; Clause 12.01-2S – Native vegetation management – The Amendment will protect stands of established native vegetation on site to protect important habitat and biodiversity links.

Clause 13.03-1S Floodplain management – The Amendment will protect areas of the land identified as important flood carrying and storage areas.

Clause 17.01-1S Diversified economy – The Amendment will allow for the diversification of the land and new employment opportunities.

Clause 17.03-1S Industrial land supply – The Amendment will ensure availability of land for industry with appropriate buffers to nearby sensitive land uses with good access for employees, freight and road transport.

Clause 17.03-2S Industrial development siting – The Amendment will protect industrial activity in the area.

Clause 17.03-2L Sustainable industry siting – The Amendment will allow for smaller industrial lots in an area with convenient siting to National and State freight networks with access to appropriate services.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment includes additional protection for established native vegetation, minimising vegetation removal for any future development of the site and linking remnant vegetation to improve habitat, in accordance with Clause 02.02-2 of the MPS, Environmental and landscape value.

The amendment recognises the surrounding land uses, the small lot size and layout and provides for new industrial land in any area that will reduce the risk of adverse amenity impacts, in accordance with Clause 02.03-3 Environmental risk and amenity.

The amendment will support industrial development on a small scale in a location that does not compromise existing assets and uses, in accordance with Clause 02.03-7 Economic development.

In answering this question consider:

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment will rezone redundant land to facilitate a development and use outcome appropriate to its location and surrounding land uses.

How does the amendment address the views of any relevant agency?

The Goulburn Broken Catchment Management Authority (GBCMA), Regional Roads Victoria (RRV), the Environment Protection Authority of Victoria (EPA) were consulted prior to the preparation of the Amendment.

GBCMA AND RRV have no initial objections to the rezoning based on the current proposal. The Amendment was referred to EPA in accordance with Ministerial Direction 19, who advised at this stage they have no objection to the amendment and consider the proposal presents an acceptable risk to the environment, amenity and human health.

The Department of Environment, Land, Water and Planning – Biodiversity requested additional protection for the stands of native vegetation on the site. A Section 173 Agreement will be placed on the title in response to this guidance.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will rezone a small area of land to enable industrial land uses and is not expected to significantly impact the transport system.

The site has convenient access to the network of B-Double gazetted roads and national highways and has the theoretical ability to achieve direct access to the railway line running between Melbourne and Sydney, subject to infrastructure provision.

It is accordingly submitted that the proposal is consistent with the Transport System Objectives of the *Transport Integration Act 2010*.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The rezoning may result in a small increase in planning permit applications for the Industrial Zoned land. It is anticipated these can be absorbed into the existing resourcing in the department.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Benalla Rural City Council website at www.benalla.vic.gov.au

The amendment is available for public inspection, free of charge, during office hours at the following places:

Benalla Rural City Council Offices – Customer Service Centre

1 Bridge Street East

Benalla VIC

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment make a submission to the planning authority. Submissions about the amendment must be received by Monday 16 January 2022.

A submission must be sent to:

Benalla Rural City Council

PO Box 227

Benalla VIC 3672

Or via email at council@benalla.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week starting 20 March 2023
- panel hearing: Week starting 24 April 2023.