

PYRENEES PLANNING SCHEME

AMENDMENT C43

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The Amendment has been made at the request of Currie & Brown on behalf of the Department of Treasury and Finance.

Land affected by the Amendment

The Amendment applies to land at the following locations:

- 7-25 Hill Street, Beaufort
- 6 Lawrence Street, Beaufort
- 31 Camp Hill Road, Beaufort

The sites are shown on the plan below:



What the amendment does

The amendment rezones surplus government land in Beaufort to facilitate its disposal and deletes the Heritage Overlay from 7-25 Hill Street, Beaufort (HO502).

The amendment introduces the following changes to the planning scheme:

- 7-25 Hill Street, Beaufort:
 - Rezone the land from Public Use Zone 7 to General Residential Zone – Schedule 1;
 - Amend Planning Scheme Map 20HO to remove 7-25 Hill Street, Beaufort from HO502 “Beaufort Township Heritage Precinct”;
 - Amend the Incorporated Document “Planning Permit Exemptions to Heritage Overlay Precincts HO501 and HO502 to remove 7-25 Hill Street, Beaufort from the Heritage Overlay 502 Beaufort Township Heritage Precinct Property Categorisation plan forming part of the document;
 - Amend the Schedule to the Heritage Overlay to reflect the updated Incorporated Document; and,
 - Amend the Schedule to Clause 81.01 to reflect the updated Incorporated Document;
- 6 Lawrence Street, Beaufort:
 - Rezone the land from Public Use Zone 6 (Local Government) to Commercial 2 Zone (C2Z); and,
 - Insert Clause 34.02 Commercial 2 Zone into the Pyrenees Planning Scheme;
- 31 Camp Hill Road, Beaufort:
 - Rezone the land from Public Use Zone 7 (Other Public Use) to Industrial 3 Zone (I3Z); and,
 - Insert Clause 33.03 Industrial 3 Zone into the Pyrenees Planning Scheme.

Strategic assessment of the Amendment

Why is the Amendment required?

Land at 7-25 Hill Street, 6 Lawrence Street and 31 Camp Hill Road, Beaufort is zoned Public Use and has been declared surplus to government operating requirements. The land will need to be rezoned to facilitate its disposal, as Government Land Monitor policy states “an agency must not offer land for sale where the land is zoned for a public purpose”.

The application of the General Residential Zone to 7-25 Hill Street, Beaufort will allow for appropriate residential development to be established in forms appropriate for the location and is consistent with that applied to adjacent residential land.

The deletion of the Heritage Overlay from 7-25 Hill Street, Beaufort (HO502) and associated changes to the Incorporated Document “Planning Permit Exemptions to Heritage Overlay Precincts HO501 and HO502 will remove an anomaly from the Pyrenees Planning Scheme.

The application of the Commercial 2 Zone at 6 Lawrence Street, Beaufort provides an appropriate transition from the commercial precinct to the surrounding land in the General Residential Zone. It will allow for offices, appropriate manufacturing and industrial and limited retail uses that do not affect the safety and amenity of adjacent, more sensitive uses.

The application of the Industrial 3 Zone at 31 Camp Hill Road, Beaufort would facilitate uses consistent with the previous use of the site. It would be compatible with the proposed future bypass and provide a buffer to adjoining residential uses.

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

The amendment implements the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987* by:

S4(1)(a) - Providing for the fair, orderly, economic and sustainable use, and development of land

The amendment implements this objective by including the sites in the most appropriate zone and overlay that will enable the sites to be used to their full potential. This will be achieved through providing a planning control that can facilitate development and land uses that are encouraged to provide for the ongoing economic stability of the township and region.

S4(1)(b) - Protecting natural and man-made resources and the maintenance of ecological processes and genetic diversity

The amendment will not impact significant flora and fauna habitats. The amendment proposes to rezone land that is significantly altered from its natural state. The sites are generally cleared and have limited constraints, enabling construction of appropriate development.

S4(1)(c) - Securing a pleasant, efficient and safe working, living and recreational environment

The amendment will facilitate future development that will be consistent with the planning scheme controls and policy objectives relating to amenity. The sites are of sufficient size to mitigate off-site amenity impacts. The sites are readily and safely accessible to private vehicles, pedestrians and bicycles.

S4(1)(d) - Conserving and enhancing places of historic interest and cultural value

The subject sites are not identified as having historical interest or cultural value. The amendment is consistent with this ideal.

S4(1)(e) - Protecting and enabling the orderly provision and coordination of public utilities and other facilities

The amendment will allow for appropriate residential and commercial development that is able to be connected to existing infrastructure and will not exceed the capacity of existing infrastructure.

S4(1)(f) - Facilitating development in accordance with the above objectives

The amendment will facilitate the construction of residential, appropriate non-residential uses and small commercial development that is consistent with each of the above objectives.

S4(1)(g) - Balancing the present and future interests of all Victorians

The amendment will ensure that the planning controls are sufficiently flexible to respond to a need to provide land for residential and commercial development and land uses. The amendment will enable a wide range of employment generating land uses in addition to providing uses complementary to those on adjacent properties, which will make appropriate use of the unique opportunities presented by each site.

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

Environmental Effects

The amendment request to rezone the sites will have no adverse effects on the environment. The sites are located within an existing urban area within the Beaufort township boundaries and will therefore support further development consistent to the new zoning.

While there is sparse coverage of vegetation at 31 Camp Hill Road and 6 Lawrence Street, the vegetation does not have a high retention value and does not contribute to the diversity of the area in terms of flora and fauna. The vegetation does not consist of large trees with a high amenity value.

Social Impact

7-25 Hill Street is well located and will provide opportunities for additional housing within the town boundaries. The site is centrally located to the east of the central commercial core with some abuttal to the Western Highway to the north. The balance of the site, particularly where the existing school

buildings are located, is adjacent to land within the General Residential Zone, which has been predominantly developed for housing. As such, the expected development could achieve an appropriate in-fill that aligns with the surrounding built form and use.

The rezoning of the land at 31 Camp Hill Road & 6 Lawrence Street is considered to pose a neutral social impact to the township. Both sites have not been identified as having social or heritage significance and currently feature buildings with minimal architectural merit that do not positively contribute to the current urban fabric. While development is not proposed at both sites, rezoning the land will facilitate the eventual redevelopment of the properties. Inclusion of land within the Industrial 3 Zone or Commercial 2 Zone will mean that all new buildings on both sites will require a planning permit. This will provide Council with the ability to control development at both sites to ensure that it is respectful of neighbourhood character. In terms of introducing new uses to each site, while it is acknowledged that the Commercial 2 Zone & Industrial 3 Zone support a broad range of uses including office, some industry, and bulky goods retailing, this will occur in a manner that does not affect the safety and amenity of adjacent, more sensitive uses. While the surrounds of each site feature a mixture of uses, including nearby residential properties, any issues associated with future use and development of the land can be properly considered through the planning permit process.

Economic Benefits

The proposal will deliver additional residential and commercial land within the established town of Beaufort. This will allow for increased population growth to meet increased demand in the Central Highlands Region. 7-25 Hill Street is located near to the east of the retail centre and adjacent the Western Highway. It is adjacent existing residential development, which will allow for the efficient use of existing infrastructure.

The potential for increased population provides population support for government and community services and increased demand for retail and services.

The proposed amendment also seeks to facilitate additional supply of Commercial and Industrial zoned land, which will have a positive impact on the economy of Beaufort and the surrounding region. Clause 22.04 of the Pyrenees planning scheme seeks *“To encourage the consolidation and enhancement of existing urban centres, through the provision of the widest possible range of services and facilities and the provision of a diverse range of housing types and lifestyle opportunities”*.

6 Lawrence Street is located to the north of Beaufort’s commercial centre approximately 125 metres from the Western Highway. The Pyrenees Shire Growth Strategy 2015-2018 includes among its measures, a review of the Pyrenees Planning Scheme to support demand and population growth through the identification of additional commercial space in Beaufort.

31 Camp Hill Road is located to the north of Beaufort’s commercial centre approximately 700 metres from the Western Highway. The Pyrenees Shire Growth Strategy 2015-2018 includes among its measures, to seek government funding to support the development of industrial land in Avoca and Beaufort to stimulate investment and create jobs.

The Central Highlands Regional Growth Plan (May 2014) includes “support local employment opportunities” among its policy directions for Beaufort.

Both 6 Lawrence Street and 31 Camp Hill Road are considered to be appropriately located for a commercial or industrial enterprise to make use of its proximity to the Western Highway. The sites are modest in size meaning they have lesser capability for use by larger enterprises associated with generating large volumes of traffic and other amenity impacts. It is likely that these sites will be used for small operations that provides appropriate services for other businesses or residential uses within the township.

Does the Amendment address relevant bushfire risk?

While there are substantial areas of vegetation that could fuel a bushfire that surround the township, there is a clear division between these areas and the sparsely vegetated urban area. The amendment will not facilitate an unacceptable risk to human life and is consistent with State Policy in this regard (particular reference is given to clause 13.05-1 – Bushfire Planning).

7-25 Hill Street is located within the urban area of Beaufort and is in a Designated Bushfire Prone area pursuant to DELWP mapping. The site is not included in a Bushfire Management Overlay.

6 Lawrence Street is located within the urban area of Beaufort and is not in a Designated Bushfire Prone area pursuant to DELWP mapping. On this basis there is no need for additional protection measure to be applied to the land.

31 Camp Hill Road is within a Bushfire Management Overlay. It is noted that an industrial use will have a lower level of risk. On this basis there is no need for additional protection measure to be applied to the land. It is considered that the proposed amendment appropriately addresses bushfire risk.

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

Ministerial Direction 11

Ministerial Direction No.11 (Strategic Assessment of Amendments) is the relevant Minister's Direction with regard to the proposed amendment. This section of the report outlines the proposed amendment's compliance with the Strategic Assessment Guidelines. The amendment documents also comply with the Ministerial Direction on the Form and Content of Planning Schemes.

Ministerial Direction 1

Also relevant is Ministerial Direction 1 (Potentially Contaminated Land). The purpose of the Direction is ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by any contamination.

It is considered that 7-25 Hill Street, as an unlisted use in Table 1 of the Potentially Contaminated Land Practice Note, rates in the low potential category. Environmental consultants were appointed to undertake a site assessment. The report titled • *Preliminary Site Investigation 7-25 Hill Street Beaufort, Victoria Prensa November 2016* did not reveal any adverse findings and the consultants have declared the site suitable for residential use.

6 Lawrence Street and 31 Camp Hill Road, as depots in Table 1 of the Potentially Contaminated Land Practice Note, rate in the high potential category. The assessment matrix in the Practice Note indicates that including the land within a Commercial 2 Zone and Industrial 3 Zone would result in a 'B' score for addressing potential contamination. This score requires a site assessment from a suitably qualified environment professional if insufficient information is available to determine if an audit is appropriate. If advised that an audit is not required, a default to 'C' occurs. The Preliminary Environmental Site Assessment has been completed and confirmed that the risk of contamination is appropriately rated as C for the retail, office, industrial, or warehouse uses.

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

7-25 Hill Street, Beaufort

The amendment will increase the supply of land available for residential use and development in Beaufort. This is consistent with Clause 11.04-2 (Housing choice and affordability) by providing for "a diversity of housing in defined locations that cater for different households and are close to jobs and services". Clause 16.01 (Residential development) also includes the strategy of increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Particularly relevant in this amendment are the regional policies, informed by the Central Highlands Regional Growth Plan, that commence with Clause 11.06-1 (Planning for growth) which has the objective "to plan for population growth in sustainable locations throughout the region". The strategies include to provide local and sub-regional services in town including Beaufort to support ongoing growth, particularly close to Melbourne and Ballarat where towns will provide a key opportunity to target growth pressure.

Clause 11.06-4 (Sustainable communities) includes among its strategies: "Plan for growth by directing it to well serviced settlements with good access to Melbourne or Ballarat, particularly Bacchus Marsh, Ballan, Creswick, Clunes, Beaufort and Smythesdale".

The rezoning of the subject land to a General Residential Zone provides additional land for housing in a township that can accommodate growth. This allows for the efficient use of existing infrastructure and provides population to create service demand for services and employment. This achieves further aims of the state policy of accommodating this growth in a means that might provide demand relief in other locations.

6 Lawrence Street & 31 Camp Hill Road

The amendment will increase the supply of land available for commercial and industrial use and development in Beaufort. This will help to ensure that business development and resultant employment opportunities continue to grow in the township and municipality. Both State policy and regional strategies recognise the importance that the industrial sector plays in providing ongoing employment opportunities and economic sustainability within regional Victoria. A strategy of Clause 11.06-2 (A diversified economy) includes "Support growth through the development of employment opportunities in towns identified for population growth".

The Amendment will achieve an appropriate balance between the various needs and expectation of society in terms of their economic, environmental and social well-being. The Amendment will provide economic benefits to the community and will promote the sustainable growth of Beaufort. This will not occur at the unreasonable expense of the environment and the social fabric of the community.

The Amendment will not pose an unreasonable impact to the environment. The site does not contain flora and fauna habitat that is of high retention value. The site has been historically used for industrial type uses that are consistent with the operation of a depot. The Amendment will retain the urban nature of the land use and will primarily serve to enable a private owner to purchase the site and continue/establish a commercial use.

The Amendment will not pose an unacceptable threat to the social fabric of the Beaufort community. The land parcels are considered to be appropriately located to be included in the Industrial 3 and Commercial 2 Zone. It is again noted that the land was previously being used for industrial type uses and the Amendment will only serve to enable a private entity to purchase and use the land.

While it is acknowledged that there are residences in close proximity to the sites, it is submitted that the Commercial 2 and Industrial 3 Zone require ample consideration for the amenity of surrounding sensitive land uses. This is specifically referenced in one of the Purposes of the zone: "To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses".

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

7-25 Hill Street, Beaufort

The amendment will provide additional residential land, which is supported by local planning policy. Clause 21.05-2 Townships and Small Settlements provides policy direction for Beaufort in recognition of its "potential to accommodate more substantial residential development". This is supported by the policy direction to direct residential development to residential areas which have the potential to accommodate significant infill development.

Further direction and support is provided through Clause 22.04 (Settlement Policies) which encourages new urban development which makes efficient use of existing physical and servicing infrastructure. Clause 22.06-4 encourages the provision of widest possible choice of housing as means of both attracting and maintaining a socially diverse population base in the Shire.

It is acknowledged that sections of the site are compromised by flooding potential but it is considered that this is appropriately managed through the application of the Floodway Overlay and the Land Subject to Inundation Overlay, the policy guidance of Clause 21.05-1.7 (Areas Subject to Flooding or Drainage Difficulty) and Clause 22.07 (Floodplain Management in Beaufort).

6 Lawrence Street & 31 Camp Hill Road

The amendment will provide additional commercial land, which is supported by local planning policy. This includes in Clause 21.01 (General Policies) that "*local employment opportunities should be developed, in particular through value adding to local product*".

The policy directions of Clause 22.04 applicable to the Amendment includes:

- To encourage the consolidation and enhancement of existing urban centres, through the provision of the widest possible range of services and facilities and the provision of a diverse range of housing types and lifestyle opportunities.
- To encourage new urban development which makes efficient use of existing physical and servicing infrastructure.
- To promote the retention of existing industries and employment uses and the attraction of new use and development which can take advantage of the Shire's natural and cultural resources.
- To encourage the maintenance and improvement of retail and commercial enterprises in the larger towns so as to provide the best possible levels of service to residents and visitors.

The Amendment will provide local employment opportunities in Beaufort consistent with Clause 22.05.

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

The amendment makes use of the most appropriate Victoria Planning Provision (VPP) tool for the facilitation of residential and commercial land uses and development of the three properties.

The General Residential Zone provides an appropriate fit for 7-25 Hill Street for the following reasons:

- The General Residential Zone will allow for appropriate residential development to be established in forms appropriate for the location.
- The zoning is consistent with that applied to adjacent residential land.
- The application of the General Residential Zone does not inhibit the ability of flooding controls of the Floodway Overlay or Land Subject to minimise risk as it does not imply inherent development rights.

The Commercial 2 and Industrial 3 Zone provide an appropriate fit for 6 Lawrence Street and 31 Camp Hill Road for the following reasons:

- The Commercial 2 & Industrial 3 Zone provides for a range of uses at the subject site that will provide flexibility for a future purchaser;
- The Zone provides adequate restrictions to ensure that any future development or uses will address and cater for the amenity of surrounding sensitive residential land;
- Given the proximity to surrounding residential development, any application for buildings and works will be capable of being notified publicly if it is deemed that the application will cause material detriment;
- Both State policy and regional strategies recognise the importance of developing local employment opportunities for communities.

The amendment does not seek to apply any additional VPP tools (such as overlays) to any of the three sites.

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

Pyrenees Shire

Written advice and meetings with Pyrenees Shire staff indicated general support for the proposed controls. The Council could provide a further submission during the exhibition process.

Department of Employment, Land, Water and Planning (DELWP)

The Department will provide strategic and statutory input into the amendment process and its merits. DELWP's role will be to make recommendations to the Minister for Planning on whether the amendment should be approved.

Department of Economic Development, Jobs, Transport and Resources

The views of Public Transport Victoria and VicRoads will be considered during the amendment process.

Country Fire Authority

The views of the Country Fire Authority will be considered during the amendment process.

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

The amendment will not create a significant impact on the existing transport system as defined by Section 3 of the Transport Integration Act 2010. The amendment will allow for residential, commercial and industrial development that will be readily accessible to the surrounding neighbourhood due to its close proximity to the Western Highway, which will provide road links to the major regional centres towns in the area as well as Melbourne and Adelaide. The sites are also close to the Beaufort Train Station and adjacent bus interchange.

Appreciable increases in private vehicle traffic volumes are not expected as a result of the amendment, particularly in comparison with the previous primary school use at 7-25 Hill Street. A small commercial development at both 6 Lawrence Street and 31 Camp Hill Road could also be

expected to generate a similar amount of vehicle movements to the previous depot use on each site. Further, any car parking and traffic impacts of a future development will be capable of being assessed and addressed at any future planning permit stage.

It is noted that the provisions of Division 2 (Transport System Objectives) and Division 3 (Decision Making Principles) of the Transport Integration Act 2010 have been extensively considered in the formulation of the amendment.

Resource and administrative costs

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

The amendment will have a limited impact on the resources and administrative costs of the Pyrenees Shire Council. Council planning officer resources will be required to approve any subsequent permit applications, which is no different from the current situation.

Where you may inspect this Amendment

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

- Beaufort Community Resource Centre
72 Neill Street, Beaufort
- Pyrenees Shire Council offices
5 Lawrence Street, Beaufort

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