

Government Land Standing Advisory Committee

Tranche 19 Report

6 Lawrence Street, Beaufort

13 July 2018

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List of Abbreviations

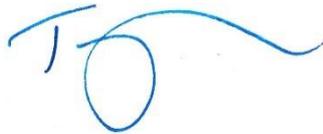
DELWP	Department of Environment, Land, Water and Planning
DTF	Department of Treasury and Finance
EAO	Environmental Audit Overlay
GRZ	General Residential Zone
HO	Heritage Overlay
PUZ	Public Use Zone

About this report

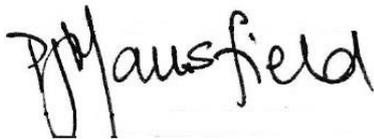
On 28 January 2018, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as Tranche 19:

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

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 6 Lawrence Street, Beaufort.



Trevor McCullough, Chair



Prue Mansfield, Member

13 July 2018

1 Summary and recommendation

1.1 The site



Figure 1: Site location

The site is rectangular in shape and comprises one lot with an area of 2,015 square metres. It is located at the north-western corner of Lawrence Street and Willoby Street. The site was formerly used as a depot and contains three main buildings: a flat-roofed, single-storey brick office building located in the south-eastern corner, a metal-clad office building, and a large metal shed. Car parking canopies and smaller sheds are located in the north-western corner of the site.

1.2 Issues raised in submissions

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided to it as well as its observations from inspections of the site.

Submissions addressed:

- VicRoads current planning for the new Beaufort bypass and the impact on Lawrence Street
- The importance of Lawrence Street as the key north-south link to the town centre, pedestrian link from the railway station to the centre of town and new town entrance

- Whether Commercial 1 or Commercial 2 Zone best provided for this outcome
- Whether the existing Heritage Overlay provides sufficient guidance for built form outcomes
- The amenity impacts of any change on the neighbours living opposite the site on the south side of Willoby Street
- The opportunity to review and comment on any planning permit applications for the site.

1.3 Committee conclusions

The site owner proposes to rezone the subject land from Public Use Zone – Local Government to the Commercial 2 Zone. The Committee agrees that a commercial zone is an appropriate zone if the land is to be sold, but has concluded that the Commercial 1 Zone is more appropriate for the reasons set out in this report.

The Committee agrees that the Heritage Overlay should continue to apply to the site.

Given the previous use of this site for a depot, Minister’s Direction No. 1 – Potentially Contaminated Land applies. This requires that if a zoning change will allow sensitive uses such as residential use and childcare, then an Environmental Audit Overlay must be applied to the land. If the Committee recommendation to apply the Commercial 1 Zone is implemented, then an EAO must also be applied.

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

Table 1: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Advisory Committee Recommendation
Public Use Zone – Local Government	Commercial 2 Zone	Commercial 1 Zone
Environmental Audit Overlay	Not required if Commercial 2 Zone	Apply
Heritage Overlay – Schedule 502	Retain	Retain

1.4 Recommendation

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

1. Rezone 6 Lawrence Street, Beaufort to the Commercial 1 Zone
2. Apply the Environmental Audit Overlay to the site
3. Retain the current Heritage Overlay, Schedule 502

2 Process issues for this site

2.1 Process summary

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

Table 2: Proposal summary

Proposal summary	
Tranche and site reference	Tranche 19: site reference GL109
Site address	6 Lawrence Street, Beaufort
Previous use	A Department of Environment, Land, Water and Planning Depot
Site owner	Department of Treasury and Finance (DTF) on behalf of Department of Environment, Land, Water and Planning (DELWP)
Council	Pyrenees Shire Council
Exhibition	Between 13 March and 22 May 2018
Submissions	Three in total: The Department of Treasury and Finance on behalf of the land owner; Pyrenees Council; and Ms Hill and Mr Van Roevan

Table 3: Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Local Government	Commercial 2 Zone
Heritage Overlay – Schedule 502	Retain

Table 4: Committee process

Committee process	
Members	Trevor McCullough (Chair) and Prue Mansfield
Information session	Beeripmo Centre, Beaufort, 27 March 2018
Hearing	Beaufort Community Bank Complex, 28 June 2018
Site inspections	28 June 2018
Appearances	Mr Gerard Gilfedder for the Department of Treasury and Finance on behalf of the land owner; Pyrenees Council Ms Jennifer Hill provided a further written submission
Date of this Report	13 July 2018

2.2 Process issues

Ms Hill was unable to present her submission to the hearing and sought to make an additional written submission. The Committee gave her until 11 July to provide a further written submission and a response was received from DTF on behalf of the land owner 12 July 2018.

3 Introduction

3.1 Zoning context

Figures 2 and 3 show the current and proposed zonings.

Figure 2: Current zoning



Figure 3: Proposed zoning



3.2 Physical constraints

(i) History of the site

The site is a former Government depot, used for offices, vehicle parking and storage of goods and materials.

(ii) Current site conditions

The site is cleared, and contains 3 single storey main buildings: a brick office building in the south-east corner; a metal clad office building and a large metal shed. There are several minor outbuildings.

(iii) Interface with surrounds

The site has the following frontage:

- 40.23 metre eastern frontage to Lawrence Street
- 50.09 metre southern frontage to Willoby Street.

The site is centrally located in the township to the north of the main retail centre and the Western Highway. Surrounding the site is a mixture of commercial, public facilities and residential properties, including:

- To the east of the site is the Pyrenees Shire offices and town hall
- The western boundary of the site abuts an ambulance station
- Abutting the southern side of Willoby Street are residential properties
- The northern interface includes the Beaufort Hotel at the intersection of Lawrence Street and Pratt Street. A residential dwelling is located to its west at 25 Pratt Street, whilst the Beaufort Senior Citizens building at 27 Pratt Street sits alongside the north-western corner of the site

- To the south of the site is the commercial area of the township, which generally fronts the Western Highway, approximately 125 metres to the south. Willoby Street also features restricted retail and accommodation uses
- Approximately 150 metres to the northwest of the subject site is the Beaufort Railway Station. This also features a bus interchange providing connections to surrounding centres
- Approximately one kilometer to the south of the subject site is the Beaufort Primary School and Beaufort Secondary College. Further to north-west is a large conservation and resource area.

(iv) Access

The Western Highway is an important east-west route for western Victoria, and provides immediate connections to Ballarat. Lawrence Street becomes the Beaufort-Loxton Road to the north and provides links to Maryborough and Bendigo. As the Beaufort-Skipton Road it also provides connections to the south. There is a good supply of on-street car parking in vicinity of the site, along with off-street parking in Willoby Street.

VicRoads is actively planning a Beaufort bypass. This will relocate the Western Highway from its current route through the centre of Beaufort, most likely to a route to the north. This is still in the planning stages, and 2 routes are currently under consideration. Whichever route and/or variation is ultimately selected, Lawrence Street will very likely become the site of a new town entrance and the main north-south route into the centre of Beaufort.

4 Issues with the proposed changes

4.1 What zone is suitable

(i) Submissions

The landowner proposed that the Commercial 2 Zone be applied to the site as this would allow for uses most similar to the historic use, and would obviate the need for an Environmental Audit Overlay. The landowner contended that the Heritage Overlay, which they recommended be retained, would provide sufficient control for issues associated with buildings and works, including bulk and design.

Council submitted that a commercial zone was appropriate, but submitted a Commercial 1 zone was more appropriate.

It argued that:

- Lawrence Street was already a commercial and civic spine of some importance; that this would increase with the completion of the new bypass
- Lawrence Street was an important pedestrian link, already experiencing greater use since the Art-Trax redevelopment at the railway station
- Commercial 1 Zone allowed for uses most similar to the other current and expected future uses in this precinct
- The risk of a bulky goods or warehouse type development allowed for in the Commercial 2 Zone would undermine the potential of this area to contribute to an active centre of the town.

Council also submitted that the Commercial 1 Zone would allow for residential development, prohibited in the zone proposed, providing more flexibility in potential uses for the site.

Ms Hill and Mr Van Roeyan live opposite the site in Willoby Street. Their submission concurred with Council about the preference for Commercial 1 zone. They also expressed concern about the impact of warehouse/bulky goods type developments not only on their own amenity, including appearance, noise and traffic, but also on the design and integrity of the area.

(ii) Discussion

6 Lawrence Street is a site that will increase in importance for Beaufort. It is a key redevelopment and infill site, on what will become the north-south link into the town, with the new key town entrance just to the north when the bypass is complete. Lawrence Street already has a generally active edge to the street front. With a hotel to the north, and a senior citizens centre and the railway station precinct immediately to the north west, the potential for active frontages should be reinforced.

While the landowner submitted that the Heritage Overlay controls could adequately manage the design of any new building or works, the Committee were not convinced. The purpose of the Commercial 2 Zone is to allow for offices, appropriate manufacturing and industry and bulky goods retailing. The purpose of a Commercial 1 Zone is to create vibrant mixed use commercial centres, with complementary residential uses. The Committee believes that it is

this purpose that best creates the possibility of a redeveloped 6 Lawrence Street contributing to the active centre of Beaufort.

The concerns of Ms Hill and Mr Van Roewan can be better resolved through the controls set out in the Commercial 1 Zone.

(iii) Conclusion

The Committee concludes that the Commercial 1 Zone is the most appropriate zone to be applied to 6 Lawrence Street.

4.2 What overlays are suitable

(i) Submissions

The previous use as a depot, including possible storage of fuel and chemicals, means the site may present some risk of contamination. The landowner proposed that the application of the Commercial 2 Zone would obviate the need for an Environmental Audit Overlay, which is required if the site is to be rezoned to allow for sensitive uses such as residential.

Council submitted that the importance of potentially better long term outcomes for Beaufort in use, design and levels of activity warrant the Commercial 1 Zone being applied, and this would outweigh any limitation associated with the requirement for an EAO.

The site is already subject to the Heritage Overlay (Schedule 502) in the Pyrenees Planning Scheme. The site owner and Council agree that this should be retained with no changes. Ms Hill and Mr Van Roewan strongly supported the retention of the Heritage Overlay in protecting the heritage context of the surrounding properties.

Ms Hill and Mr Van Roewan made submissions about the Development Plan Overlay, Land Subject to Inundation Overlay and the Bushfire Management Overlay.

(ii) Discussion

Given the previous use of this site for a depot, Minister's Direction No. 1 – Potentially Contaminated Land applies. This requires that if a zoning change will allow sensitive uses such as residential use and childcare, then an Environmental Audit Overlay must be applied to the land. Community safety is protected as the required environmental assessments are completed and appropriate actions taken, determined by the results of the assessment, before the land can be redeveloped for the sensitive use. If the Committee recommendation to apply the Commercial 1 Zone is implemented, then an EAO must also be applied.

The landowner proposes the existing Heritage Overlay be retained without changes. The Pyrenees Shire Heritage Precinct report (2002) is an incorporated document in the Pyrenees Planning Scheme and applies to this site. It sets out directions that generally encourage use of traditional architectural characteristics, materials, and the bulk, form scale and style existing in the Precinct.

The retention of the Overlay is supported by all submitters. Of more concern to Ms Hill and Mr Van Roewan was whether the Heritage Overlay on its own was sufficient to ensure an appropriately designed redevelopment on this important site.

Ms Hill and Mr Van Roewan's submissions about the Development Plan Overlay, Land Subject to Inundation Overlay and the Bushfire Management Overlay seemed to be on the mistaken belief that those overlays apply to the site. That is not correct, the overlays do not apply and there is no proposal to apply them.

(iii) Conclusion

As the Committee recommends that Commercial 1 Zone be applied to the site, an Environmental Audit Overlay must be applied, in compliance with Minister's Direction No. 1.

The Committee supports the landowner and all submitters in recommending the retention of the existing Heritage Overlay, unchanged.

4.3 Other issues raised by Ms Hill and Mr Van Roewan

(i) Submissions

Ms Hill and Mr Van Roewan noted that the *"future use and development of the land can be properly considered through the planning permit process"*, and requested that *"advice and information be made available to us with any such proposals put forward to Council for the future development regarding 6 Lawrence Street and to do so in a timely manner, so as we too have time to put forward our concerns we believe, could detrimentally affect the amenity of our property in the neighbourhood"*.

In response, the land owner advised:

- *The future development of the site will require a permit under the Commercial 2 Zone and Heritage Overlay and there is sufficient direction through the planning framework particularly the Heritage Overlay to minimise the visual impact of the future built form; and,*
- *An application for buildings and works would be exempt from the notice, decision and review provisions of the Planning and Environment Act under either the Commercial 1 or Commercial 2 Zone unless it is within 30m of land in a residential zone. As the site adjoins land in a General Residential zone any application could be advertised. A permit application for buildings and works in the Heritage Overlay would also be subject to notice.*

(ii) Discussion and conclusion

The Committee notes the response of the land owner that a permit will be required for development and may be required for buildings and works. This will provide the opportunity for adjoining land owners to be notified of proposals and make submissions as part of the normal planning permit process. No exemptions for notice or review are provided under the proposed controls.

Appendix A: About the Government Land Standing Advisory Committee

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

A revised Terms of Reference for the Committee was approved in April 2018.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Trevor McCullough and Mandy Elliott
- Members: Gordon Anderson, Elissa Bell, Alan Chuck, Jenny Fraser, Prue Mansfield, Jane Monk, Rachael O'Neill, John Ostroff, Tania Quick, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Ms Emily To, Project Officer with Planning Panels Victoria.

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

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

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

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