



Department of Treasury & Finance

7-25 Hill Street Beaufort

Town Planning

Amendment C43 Request

01 March 2018

CB Currie & Brown

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Document History

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15/12/16	4	Final
06/07/17	5	Final (DELWP Review)
14/02/18	6	Final (Amendment Exhibition)
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1. Introduction

The Department of Treasury and Finance have engaged Currie & Brown (Australia) to provide a strategic town planning assessment to support a request to rezone the former Beaufort Primary School site at 7-25 Hill Street, Beaufort, from the Public Use Zone 7 (Other Public Use) to a General Residential Zone.

Currie & Brown has undertaken detailed inspections of the site and the surrounding area, as well as a documentation review of the technical reports prepared for the site and the Pyrenees Shire to form the basis of this assessment.

In preparing this report, Currie & Brown has considered the following key elements:

- The condition of the site;
- The site's context including the surrounding areas;
- The strategic objectives contained within the State and Local Planning Policy Frameworks; and
- The social, environmental and economic effects of the proposed rezoning.

| Background

The site has been developed and used for the purposes of a school and currently contains a number of classroom buildings and an oval. The land is Crown land and a mix of freehold titles.

| Project Appreciation

The Department of Treasury and Finance are seeking to dispose of the former school site via a public sale process. A rezoning is sought to enable disposal to occur and it is not Government policy to sell land within the Public Use Zone. Given that the land is no longer required for a school, the public land zone is no longer appropriate for the site. Victorian Government Land Transactions Policy and Guidelines, April 2016 also states that 'an agency must not offer land for sale where the land is zoned for public purpose'. Therefore, in order for the site to be disposed of, a new zone will need to be introduced.

This project therefore involves the preparation and submission of an amendment request to the Government Land Fast Track Committee.

The Victorian Government Landholding Policy and Guidelines 2015 (VGLP Guidelines) set out the policy framework and process for the purchase or retention of surplus land. Upon declaring the land surplus, 60 days' notice of the agency's intention to dispose of the land must be provided. During this period, any other State, Commonwealth or local government agencies may express an interest in acquiring the land. As there has been no interest from any other government agencies to purchase the land, the VGLP Guidelines require consideration of the 'highest and best use of the land' prior to public sale.

| Methodology

Our approach in preparing this amendment has involved the following tasks:

- Analyse the context of the site and the surrounding area;
- Examine the technical reports prepared for the site and meet with the relevant experts to gain a thorough understanding of the site condition and implications for future use options;
- Review the objectives and strategies of the State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement;

-
- Outline the deficiencies of the existing planning framework for the site and the surrounding area, and outline the benefits of the proposed planning framework;
 - Review and assess the appropriate land zoning for the site;
 - Review and address the social, environmental and economic impacts of the proposed rezoning; and,
 - Seek to address the objectives of the relevant State Government agencies.

We believe that this methodology is sufficiently exhaustive to ensure that all key aspects for consideration are assessed.

| Consultation

Pyrenees Shire

Written advice was provided by Pyrenees Shire Council on 30 June 2016. Points raised included:

- The site is in an area of considerable residential amenity with potential for appropriately-planned infill development;
- The site has opportunities for access frontages and an appropriately designed road and pathway network through the site has the potential to optimise solar orientation on future lots, access to community facilities and amenity for future residents.
- Low-lying sections of the school have a history of flooding and are covered by a Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO). The Urban Floodway Zone (UFZ) is applied to a portion of land south-west of the school site closer to the creek.
- In order to manage constraints and maximise opportunities, consideration be given to a Development Plan Overlay to direct access, links between the site and township, lot density, and floodway management.
- Heritage Overlay, Schedule 502 has been erroneously applied to the north-western corner of the site and could be addressed as part of the amendment process.
- Council has no concerns with the fast-tracking amendment process.

A meeting was held on 8 September 2016 with Pyrenees Shire planning staff. The following advice was provided:

- **Flooding:** The existing overlays may not reflect the current situation as works have been undertaken on the railway culverts north of the town to provide larger culverts. The watercourse through the site is a tributary of a larger stream to the north and is therefore affected by upstream flows. Additionally, the Western Highway acts as a dam immediately to the north and the existing culvert at the southern end of the oval would need to be significantly upgraded;
- **BMO:** The proposed BMO reflects the presence of a pine plantation to the south of the site. This plantation is on land zoned PUZ2 (Education). Council are meeting with DELWP on 10 October to discuss the BMO review and have asked if we can obtain some information on the status of plantation, how it is managed, whether it is to be harvested and what other intentions the Education Department may have for the site;
- **Heritage Overlays:** Council have no objection to the deletion of the HO that applies in the north-west corner of the site (this is part of the Beaufort Township HO) however indicated that the Council and community may have some interest in protecting the buildings on the site;
- **Other Issues:** Council outlined the key issues as residential interfaces, flooding and the ultimate use of the former oval and the number of land parcels including the fact that some are occupied by Hill Street
- **Council Planning Control Position:** Council had no concern with a General Residential Zone, though proposed that the two flood overlays be replaced by an Urban Floodway Zone.

In addition they reiterated the comment about the use of a Development Plan Overlay to address, lot restructure, interface issues, and use of the floodprone land.

2. Subject Site and Surrounds

Subject Site

The site is located in the township of Beaufort, which is a regional centre located in the Central Highlands Region of Victoria and more particularly in the Pyrenees Shire. The site has an irregular shape and comprises fourteen (14) parcels with an area of 2.24ha (refer to Figure 1-8).

The site is bordered by Leichardt Street, Hill Street and Neill Street (Western Highway) and has the following street frontages:

- 70 metre northern frontage to Neill Street;
- 90 metre northern frontage to Hill Street; and,
- 275 metre southern frontage to Leichardt Street.



Figure 1: Subject Site.

Surrounds

The site is centrally located within the Beaufort township, positioned adjacent to the south-east of the commercial precinct. Residential properties feature to the north, east and south. Non-residential uses within the immediate surrounds include the adjacent Anglican Church. A Catholic Church is located to the south of the site opposite the Leichardt Street frontage. The balance of the area is undeveloped.



Figure 2: Surrounding lot pattern. (Source: land.vic.gov.au)

Nearby amenities and services are listed in Figure 11 below:

Amenity / Service	Street Address	Distance
Beaufort Skipton Heath Service	North Western Road	400m W
Beaufort Primary School	Park Road	800m SW
Beaufort Secondary College		
Beaufort Lake Caravan Park	Skipton Road	1.3km SW
Camp Hill Recreation Reserve	Muntz Lane	700m N
Pyrenees Shire Council Offices	Lawrence Street	250m NW
Beaufort Train Station	Pratt Street	450m NW
Beaufort Swimming Pool	Leichardt Street	50m S
Western Highway	Western Highway (Neill Street)	10m N

Figure 3: Nearby Amenities and Services

| Site Particulars

Legal Description

The site consists of nine reserved Crown parcels and five freehold titles (including nine freehold parcels).

Lot/Plan or Crown Description		
Lot 1 TP563434K	Township of Beaufort Allot. 2 Sec. 41	Township of Beaufort Allot. 5 Sec. 4
Lot 2 TP563434K	Township of Beaufort Allot. 2A Sec. 41	Township of Beaufort Allot. 6 Sec. 4
Township of Beaufort Allot. 1 Sec. 4	Township of Beaufort Allot. 3 Sec. 41	Township of Beaufort Allot. 7 Sec. 4
Township of Beaufort Allot. 2 Sec. 4	Township of Beaufort Allot. 4 Sec. 4	Township of Beaufort Allot. 8 Sec. 4
Township of Beaufort Allot. 20A Sec. 4		

Encumbrances, Caveats and Notices

The subject is not burdened by any known encumbrances, caveats or notices including covenants and 173 agreements.

The site is not subject to any known easements.

Current Use and Improvements

The subject site is a vacated primary school site consisting of seven separate buildings and is surrounded by paved playground/sports courts.



Figure 4: Aerial view of the school buildings.

Current vehicular access is via existing crossovers on Hill Street, the main entry, and Leichardt Street.

There is a piped drain under the land which is subject to inundation and Pyrenees Shire Council have requested an easement to cover the drain.

A sewer main traverses through Crown Allotment 20A, Section 4.

3. Existing Planning Framework

3.1 Existing Zone

The majority of the site is currently zoned Public Use Zone 7 (Other Public Use). The purpose of the Public Use Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Under the Public Use Zone, an application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for a permit being made and to the proposed use and development.

A parcel on the eastern end of the site is currently zoned General Residential Zone – Schedule 1 (GRZ1). The purpose of the General Residential Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under the General Residential Zone, an application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For residential development of five or more storeys, an urban context report and design response as required in Clause 52.35.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

Amendment VC110, gazetted on 27 March 2017, introduced the ability for a schedule to the zone to include neighbourhood character objectives.

The approval of Amendment VC110 also introduced a mandatory height limit of 11 metres and 3 storeys in the zone, unless varied by a schedule. It also included a requirement for the provision of garden area, for dwellings and residential buildings, of between 25% for lots of 400sqm to 35% for lots in excess of 650sqm.

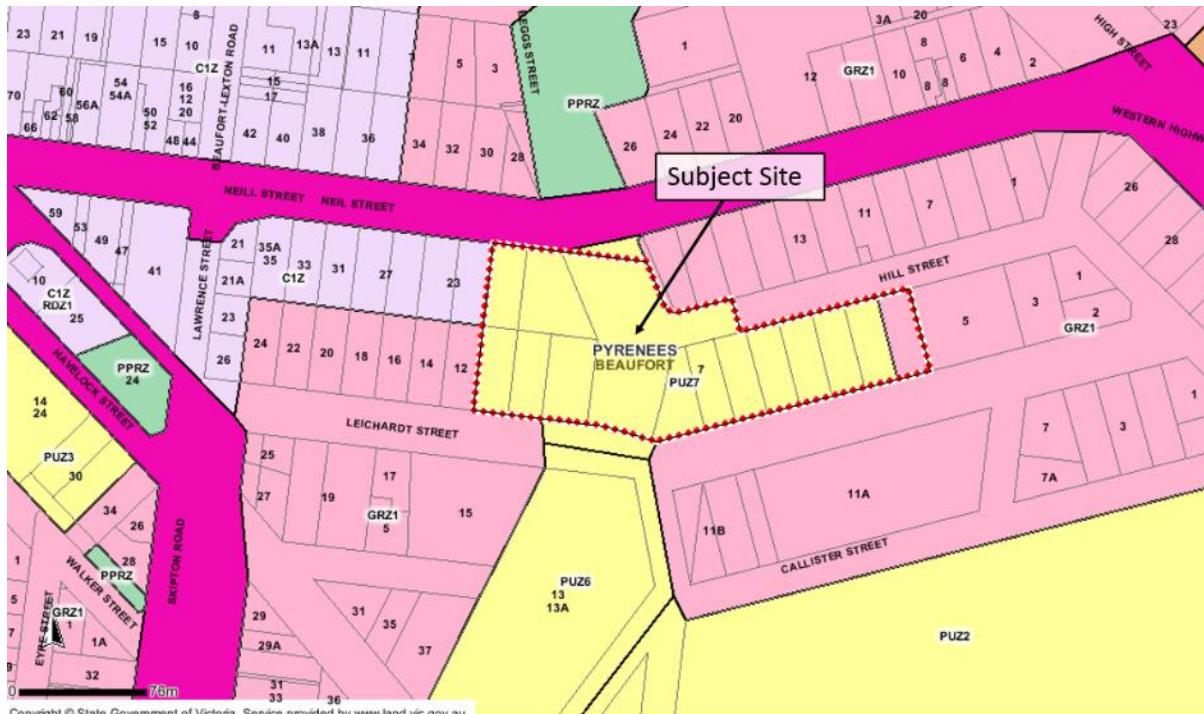


Figure 5: Zone Map (Source: Planning Maps Online)

3.2 Existing Overlays

Three overlays currently apply to the site. These include

- Floodway Overlay (FO)
- Land Subject to Inundation (LSIO)
- Heritage Overlay (HO502)

Floodway Overlay (FO)

The purpose of the Floodway Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Pursuant to Clause 44.03-1, a permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 4500 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.

The Schedule to the Floodway Overlay establishes that the permit is not required to construction the following building and works:

- Any buildings and works, if appropriately detailed information is submitted to the satisfaction of the responsible authority showing that:
 - the natural level of the land on which the buildings and works are proposed is at least 300 millimetres above the 100-year Average Recurrence Interval (ARI) flood level.
 - flood free access is available to the land during floods up to and including the 100-year ARI event.
- A pergola where the ground level will not be increased more than 150 millimetres over and above natural surface level.
- A verandah with a floor raised on stumps or piers provided the cladding applied to the outside edge provides for the free passage of floodwater beneath the structure such as spaced timber boards.
- An open sided carport.
- The addition of a second story, or other additional stories, on top of the existing building where there is no increase in building footprint.
- The alteration of an existing building where the original building footprint remains and the floor level(s) are at and will be retained at more than 300 millimetres above flood level.
- Extension of an existing dwelling on floodway land provided:
 - the floor of the extension is constructed on stumps or piers.
 - the finished floor level will be 300 millimetres or more above the 100-year ARI flood level.
 - the total area of the extension does not exceed 50 square metres.
- An open sports ground excluding change rooms, pavilions, shelters, other buildings, and raised viewing areas, provided that the natural surface level is not altered.
- An outdoor recreation facility, excluding any buildings or structures that alter water movement across or storage capacity of the floodplain, and works that alter the topography of the land.
- Road works or works to any other access way (public or private) that:
 - do not increase the finished level of the road surface; or

- are limited to resurfacing of an existing road.
- Cycle or pedestrian tracks where there is no increase in the natural ground level.
- An outdoor advertising sign fixed to an existing building or to a pole or pylon, where the advertisement area is positioned above the 100 year ARI flood level.
- A mast, antenna, lighting, or a telecommunications tower.

Pursuant to Clause 44.03-2, a permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

Point 2.0 of the Schedule to the Overlay, requires that the Responsible Authority must consider the Beaufort Local Floodplain Development Plan, incorporated at Clause 81 of the Pyrenees Shire Planning Scheme, in addition to the Decision Guidelines in Clause 44.04-6.

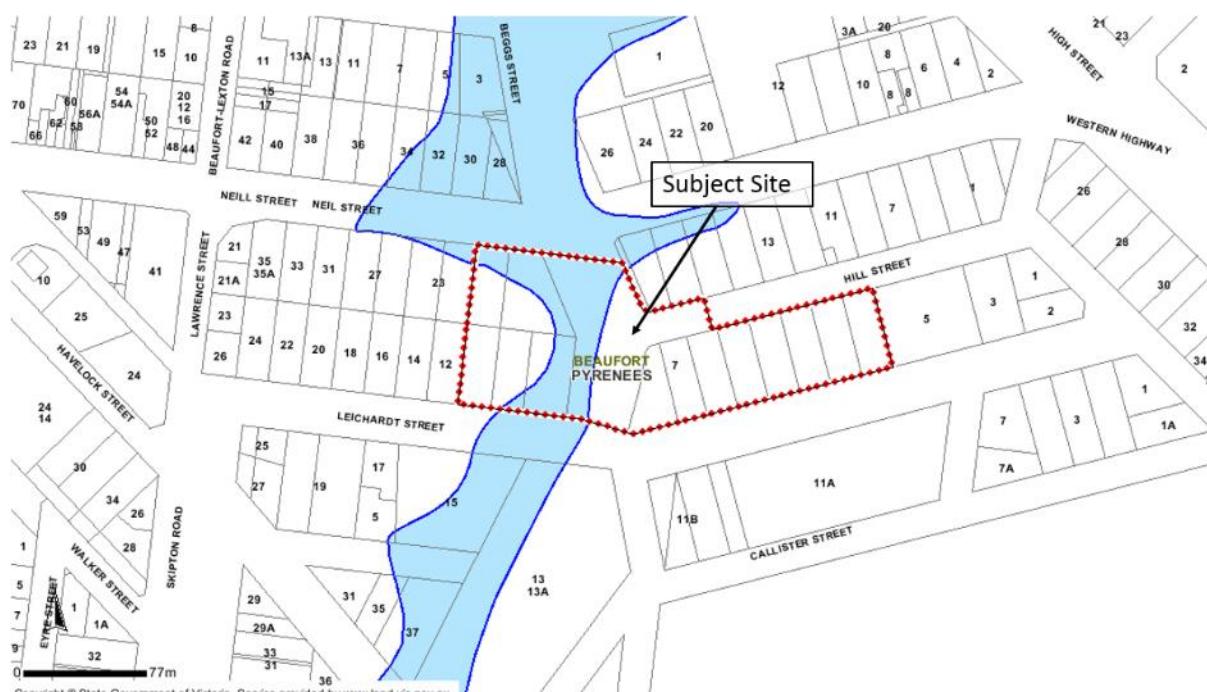


Figure 6: Floodway Overlay.

| Land Subject to Inundation (LSIO)

The purpose of the Land Subject to Inundation Overlay is

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Pursuant to Clause 44.04-1, a permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.

The Schedule to the Land Subject to Inundation establishes that a permit is not required to construction the following building and works:

- Any buildings and works if appropriately detailed information is submitted to the satisfaction of the responsible authority showing the natural level of the land on which the buildings and works are proposed is at least 300 millimetres above the 100-year Average Recurrence Interval flood level.
- A pergola where the ground level will not be increased more than 150 millimetres over and above natural surface level.
- A verandah with a floor raised on stumps or piers provided the cladding applied to the outside edge provides for the free passage of floodwater beneath the structure such as spaced timber boards.
- An open sided carport.
- The addition of a second story, or other additional stories, on top of the existing building where there is no increase in building footprint.
- Extension of an existing dwelling on floodway land provided:
 - the floor of the extension is constructed on stumps or piers and provision is made in any cladding of the sub-floor structure for the free passage of floodwater.
 - the finished floor level will be 300 millimetres or more above the 100-year Average Recurrence Interval (ARI) flood level.
- A non-habitable out-building (including replacement of an existing out-building) or garage which has a floor area less than 20 square metres that is constructed to at least 150 millimetres above the 100-year ARI flood level, and where the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- A replacement building (not including an out-building) if the floor is set at least 300millimetres above the 100-year ARI flood level and the original building footprint remains the same. The responsible authority may require evidence of the existing building envelope.
- Fencing, including any swimming pool fencing, with at least 60% openings and with the plinth (if any) at least 150 millimetres above the flood level.
- An in-ground swimming pool where the perimeter edging of the pool is constructed at natural surface levels and excavated material is removed from the flowpath.
- A sporting surface at existing surface level with fencing designed to minimise obstruction to flows.
- An open sports ground excluding change rooms, pavilions, shelters, other buildings, and raised viewing areas, provided that the natural surface level is not altered.
- An outdoor recreation facility, excluding any buildings or structures that alter water movement across or storage capacity of the floodplain, and works that alter the topography of the land.
- Landscaping works or the construction of driveways, vehicle crossovers, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath will not be obstructed.
- One domestic rainwater tank of 4,500 litres capacity or less.
- Stockyards or haysheds on land in a non-urban zone.
- Radio masts, light poles, or antennas.
- An outdoor advertising sign fixed to an existing building or to a pole or pylon, where the advertisement area is positioned above the 100 year ARI flood level.
- Road works or works to any other access way (public or private) that:
 - do not increase the finished level of the road surface; or
 - are limited to resurfacing of an existing road.
- Cycle or pedestrian tracks where there is no increase in the natural ground level.

The dimensions of both overlays is shown on the plan in Figure 9 below.

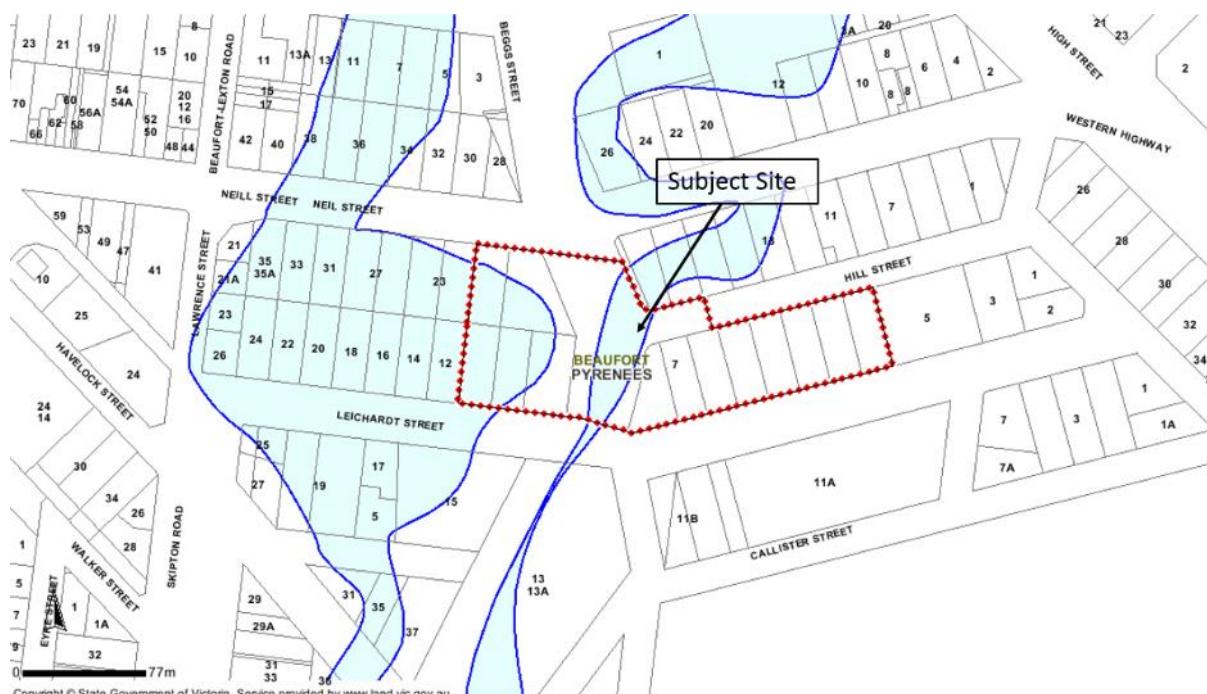


Figure 7: Land Subject to Inundation Overlay

| Heritage Overlay (HO502)

Heritage Overlay (HO502 – Beaufort Township Heritage Precinct) applies to one of the land parcels (Lot 2 Vol 5578 Fol. 524). The purpose of the Heritage Overlay is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To conserve and enhance heritage places of natural or cultural significance.
 - To conserve and enhance those elements which contribute to the significance of heritage places.
 - To ensure that development does not adversely affect the significance of heritage places.
 - To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required to subdivide land, demolish or remove a building and construct a building or construct or carry out works.

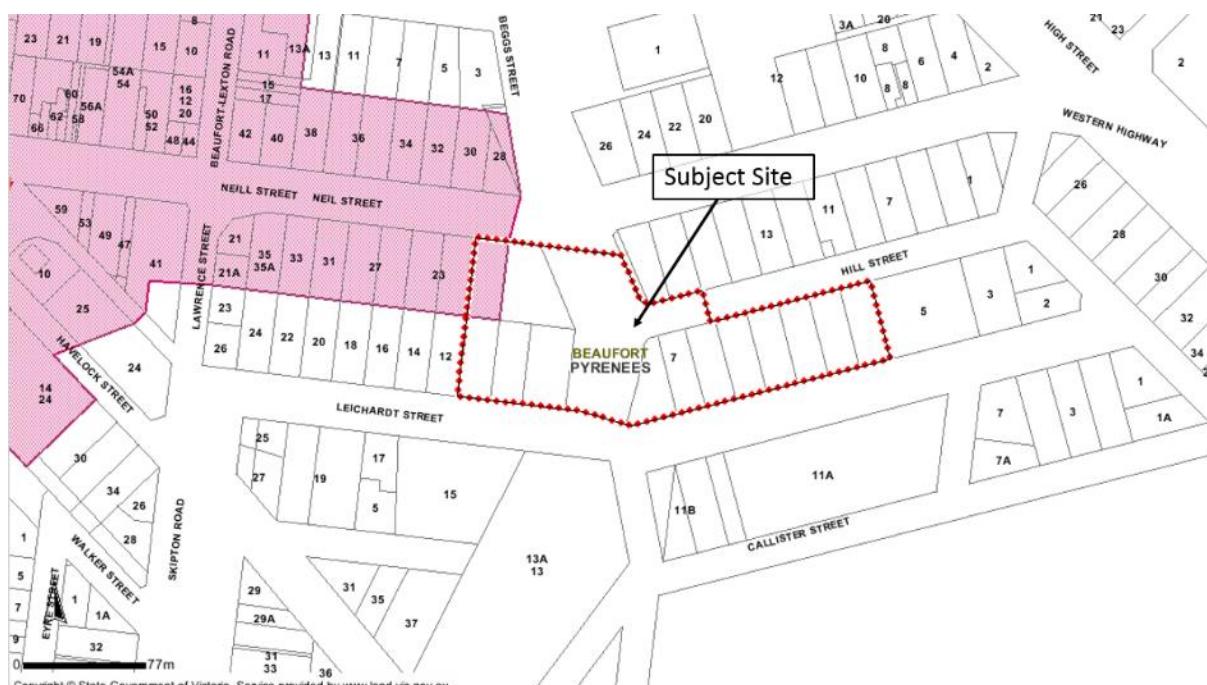


Figure 8: Heritage Overlay Map (Source: Planning Maps Online)

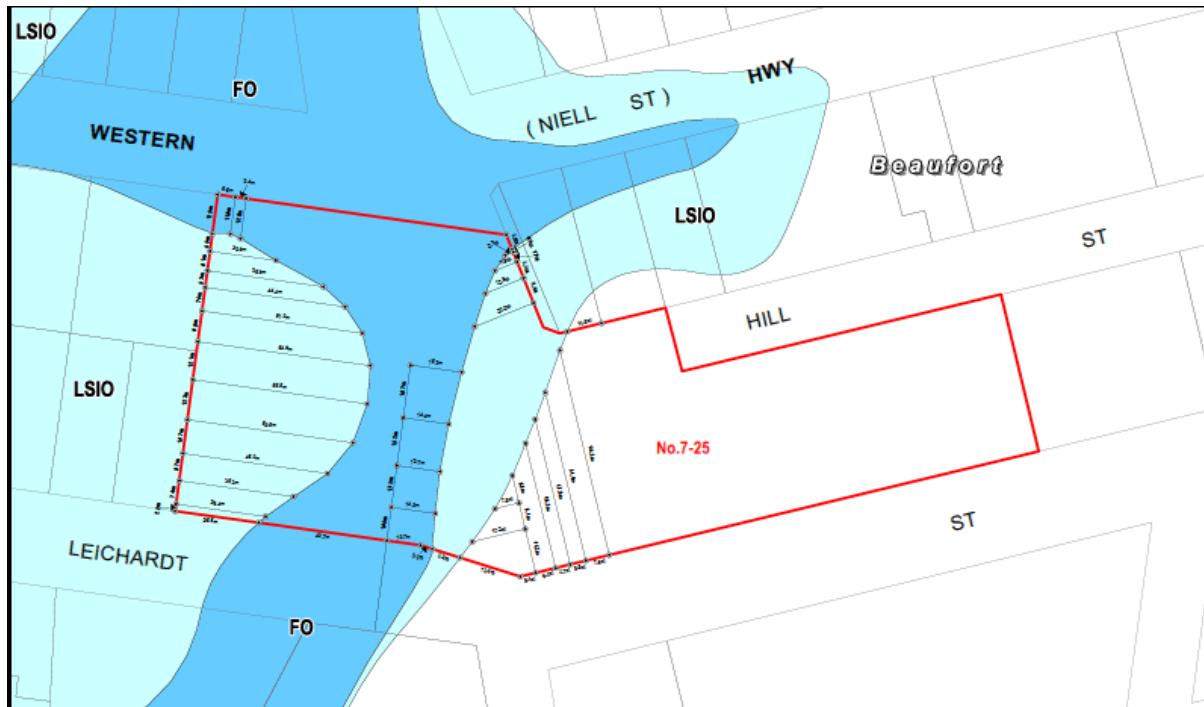


Figure 9: Floodway and Land Subject to Inundation Overlay definition plan

3.3 State Planning Policy Framework

This section provides a summary of the relevant strategic policy context that has guided the preparation of the amendment request.

Clause 9.01 Plan Melbourne

Where relevant, planning and responsible authorities must consider and apply the strategy Plan Melbourne 2017-2050: Metropolitan Strategy (Department of Environment, Land, Water and Planning 2017).

Clause 10.04 Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social well-being affected by land use and development.

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations.

Consistent with the objectives of local government under the Local Government Act 1989, municipal planning authorities are required to identify the potential for regional impacts in their decision-making and co-ordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

Clause 11.01-1 Settlement networks

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements".

Key strategies include:

- Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.
- Deliver networks of high-quality settlements by:
 - Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
 - Developing networks of settlements that will support resilient communities and the ability to adapt and change.
 - Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.
 - Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
 - Encouraging an integrated planning response between settlements within regions and in adjoining regions and states in accordance with the relevant regional growth plan.
 - Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
 - Improving transport network connections within and between regional cities, towns and Melbourne.

Clause 11.02-1 Supply of urban land

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.02-2 Structure planning

To facilitate the orderly development of urban areas.

Clause 11.02-3 Planning for growth areas

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.

Clause 11.02-4 Sequencing of development

To manage the sequence of development in growth areas so that services are available from early in the life of new communities.

Clause 11.07 Regional Victoria

Clause 11.07-1 Regional Planning

To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Key Strategies include:

- Identify and assess the spatial and land use planning implications of a region's strategic directions in Regional Strategic Plans.
- Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.

The Policy also includes a series of principles as follows:

- Support a network of integrated and prosperous regional settlements;

- Maintain and provide for the enhancement of environmental health;
- Maintain and enhance regional Victoria's competitive advantages;
- Respond to the impacts of climate change and natural hazards and promote community safety;
- Support the growth and development of distinctive and diverse regional settlements; and,
- Promote liveable regional settlements and healthy communities.

Clause 11.08 Central Highlands

Clause 11.08-1 Planning for growth

To plan for population growth in sustainable locations throughout the region.

Clause 11.08-2 A diversified economy

To strengthen the region's economy so that it is more diversified and resilient.

Clause 11.08-3 Regional links

To capitalise on the region's close links with other regions and cities.

Clause 11.08-4 Sustainable Communities

To create sustainable and vibrant communities supported by enhanced access to key services.

Strategies include: 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.

11.08-5 A sustainable region

To make the region more self-reliant and sustainable.

11.08-6 Integrated Planning

To integrate planning for growth with the provision of infrastructure.

Clause 11.08-7 Environmental assets

To manage, protect and enhance the region's land, soil, water, and biodiversity.

Clause 11.08-9 Cultural heritage and landscapes

To recognise the importance of cultural heritage and landscapes as economic and community assets.

Clause 13.03-1 Use of contaminated and potentially contaminated land

To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Clause 13.04-1 Noise abatement

To assist the control of noise effects on sensitive land uses.

Clause 13.05-1 Bushfire planning

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The strategies are:

- Protection of human life
- Bushfire hazard identification and assessment
- Settlement planning
- Use and development control in a Bushfire Prone Area

The key outcome is to ensure that any planning scheme amendment will result in a development being able to achieve a BAL 12.5 rating.

Clause 15.01 Urban environment

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-5 Cultural identity and neighbourhood character

To recognise and protect cultural identity, neighbourhood character and sense of place

Clause 15.02-1 Energy and resource efficiency

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 18.02-5 Car parking

To ensure an adequate supply of car parking that is appropriately designed and located.

3.4 Local Planning Policy Framework

| Municipal Strategic Statement

Clause 21.01 Pyrenees Shire Key Influences & Issues

Clause 21.01-2 acknowledges among the key influences the settlement pattern that distributes the shire's population in Beaufort and Avoca and the smaller townships and settlement as supporting the majority of the municipality's population.

Relevant key issues include:

Settlement, built environment and heritage

- The need to generate further employment opportunities.
- The maintenance of viable communities at times of static or low population growth.
- The retention of the established character and ethos of existing townships.
- The protection of the cultural and heritage assets of the Shire.

Environmental and landscape values & risks

- The protection and management of the Shire's natural resources and environment.

Clause 21.02 Strategic Vision

Clause 21.02-2 establishes the Strategic Framework Plan, which addresses the following matters:

- Areas where particular environmental outcomes are required including:
- Areas of environmental hazard (to which the Rural Conservation Zone has been applied).
- Areas to which Environmental Significance overlays have been applied.
- Low lying areas subject to inundation or drainage difficulty.
- General farming areas in which different subdivisional minimums and requirements relating to dwellings apply.
- Areas of inappropriate subdivision which should be restructured.
- Areas suitable for rural living.
- Areas of high suitability for the growing of wine grapes.

Clause 21.03 Settlement, Built Environment and Heritage

Clause 21.03-1 establishes settlement policies for the Shire including:

- 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 allow for urban expansion only in areas which have a suitability for specified uses and which represents an orderly extension of existing settlements and infrastructure.
- To ensure that a compatible relationship exists between residential and industrial uses, including the maintenance of appropriate environmental buffers.
- To establish strategies for the development of small townships and residential settlements that promote future consolidated growth and the provision of improved services and community facilities.
- 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.
- To prepare and implement strategies for visual and landscape enhancement of townships, designed to enhance their inherent qualities and to help create a sense of "place" and unique identity. Particular emphasis should be given to roadside landscaping, and the creation of themed entrances on principal road approaches.

Clause 21.03-2 establishes the objectives and strategies for Housing.

Objective 1 seeks "*To ensure housing meets the needs of the Shire's residents*".

The related strategies include:

- Encourage a diverse range of housing, to attract and maintain a socially diverse population base within the Shire.
- Encourage higher density forms of development in central and accessible areas within established townships.
- Encourage an innovative approach to the development of special housing facilities, particularly for the elderly, and non-family households.
- Encourage site-responsive designs for dwellings which are pleasant to live in, are cost-effective, and do not adversely impact on neighbours or the surrounding environment.

Clause 21.03-3 Heritage sets out the municipal heritage profile including key influences and objectives, strategies and implementation methods for preserving indigenous and post-settlement heritage.

The implementation of the objectives and strategies is to be achieved through:

- Using policy and the exercise of discretion
 - Utilising the Local Planning Policy to protect culturally significant heritage places and areas.
 - Applying the Pyrenees Shire Heritage Precinct Policy Report (an incorporated document) which includes specific local heritage objectives and policies for each of the heritage precincts, together with policy maps and lists of relevant heritage places within the precincts.

The Heritage Overlay is to be applied to identify places and precincts of cultural significance.

Clause 21.04 Environmental and Landscape Values & Risks

The Land Use Capability Assessment at Clause 21.04-4 broadly reviewed the capability of different areas in the Shire to support various land uses as well as areas where environmental sensitivity presents implications in land management.

In the discussions regarding Planning Constraints (third dot point) includes:

- Areas along other creeks and streams which are also considered to be potentially affected by 1 in 100 year probability floods – and which are also programmed for investigation by the Flood-plain Management Unit of the Department of Natural Resources and Environment.

Clause 21.04-5 Areas Subject to Flooding or Drainage Difficulty sets out that areas either known or suspected to be subject to flooding should appropriately have the Zoning and Overlay tools of the Victorian Planning Provisions applied.

It is directed that these areas should be treated in the following ways:

- Under-developed urban areas which are located on active flood plains (and which should therefore be restrained from further development wherever possible) should be included in an Urban Floodway Zone.
- Active flood plains which represent a high level of risk to public safety (due to either the depth or the velocity of floodwater flows) should be subject to a Floodway Overlay control.
- Flood-fringe areas which are predicted to be subject to inundation in a 1% probability flood event should be included in a Land Subject to Inundation Overlay.
- Urban areas which are threatened with flooding due to inadequate drainage systems should be included in a Special Building Overlay.

The Clause contains objectives which include:

- To minimize risks posed by flooding to life, wellbeing and community infrastructure.
- To protect floodplain areas of environmental significance or importance to river health.

Relevant strategies to the subject site include:

- Identify areas which have the greatest risk of being affected by flooding.
- Implement the findings of the Beaufort Floodplain Management Plan study and provide a mechanism to implement the adopted Local Floodplain Development Plan for Beaufort.
- Support Catchment Management Authority investigations into flooding across the Shire.
- Develop a consistent approach to the assessment of planning proposals in areas subject to flooding or drainage difficulties.
- Prevent development from occurring which is likely to be adversely affected by flood inundation and needlessly results in serious risks to life and property.
- Avoid intensifying the impacts of flooding through inappropriately located land use and development.
- Reduce the impacts of flooding through encouragement of developments that are designed to minimize risks to life, wellbeing, property and infrastructure.
- Protect areas subject to flooding or drainage difficulty from inappropriate development.
- Maintain the natural functions of floodplains in conveying and storing floodwater.

The proposed implementation include:

- Using the results of investigations into flooding carried out by or in consultation with the relevant Catchment Management Authority to apply appropriate zoning or overlay provisions to protect areas that are potentially subject to inundation from inappropriate development.

- Applying the following guidelines when considering proposals for the subdivision, use or development of land in potentially flood-prone areas:
 - The potential for flooding and possible implications on development will be considered by the responsible authority when assessing applications for development and use in those areas which are identified as being potentially subject to inundation.
 - A dwelling should not be permitted on land which is subject to flooding, except where the whole of the land in the tenement is so affected.
 - Floor levels in habitable buildings should be elevated so that they are at least 0.3 metres above the known or anticipated 1 in 100 year probability flood line.
 - Private sewerage treatment and effluent disposal systems should be designed so as to minimise the discharge of wastes into stream waters in periods of flood (whether or not they are inundated by flood waters).
 - Buildings and works should not be constructed or carried out on flood plains in such a way as to impede the orderly flow of floodwaters or to modify the performance of the flood-plain to the detriment of other land owners in the locality.
- Pending further investigation, all areas of the Shire which are known or suspected to be subject to flooding or drainage difficulty should be included in a Design and Development Overlay which provides a mechanism to set design and development parameters that will help safeguard life and property.
- Revising the above controls once detailed flood modelling studies have been completed and more specific planning and development controls have been devised for incorporation in the planning scheme.

Clause 21.04-6 establishes objectives, strategies and implementation methods for Public safety and wildfire.

The objectives include:

- To promote community awareness of the need to reduce bushfire risk.
- To encourage development that incorporates suitable precautions against attack by bushfire.
- To discourage or prevent development and land use that may create or aggravate fire risks and hazards

Relevant strategies include:

- Encourage the reduction of fire hazards and programs for the protection of property from destruction by fire.
- Require that subdivisions, buildings, public open space, roads and places of public use be designed, sited and constructed to minimise the impact and emergency conditions arising from fire.
- Require that vehicle access, fencing and location of dams are developed to maximise the ability of emergency service organisations to fight fires and protect life and property.
- Require development to provide adequate water supplies with suitable flow rates.
- Administer discretionary planning controls over the use and development of land in a way that has regard to the relevant strategic initiatives and published guidelines for buildings in bushfire-prone areas.
- Require fuel levels to be modified to suitably minimise fire risk.
- Require development associated with residential and public use to incorporate fire prevention measures in accordance with the relevant fire prevention guidelines.
- Require plantations to be located and designed to minimise the risk and spread of fire.

The identified implementation measure is to: “*Undertake an ongoing review of rural and urban areas that may have a high degree of exposure to wildfire risk in consultation with the Country Fire Authority and apply the Bushfire Management Overlay controls as appropriate*”.

Clause 21.06 Local Areas

Clause 21.06-1 establishes general land use strategy plans for Beaufort.

An identified strength and opportunity includes:

- An excellent range of community services and facilities and excellent accessibility via the Western Highway to Ballarat and Melbourne.
- A potential to accommodate more substantial residential development, ranging from conventional sized lots in the town itself, to low-density and rural residential lots on the periphery.

The objectives for Beaufort include:

- To maintain the town’s existing function as the Shire’s principal town.
- To development the town’s role as a highway service centre.
- To retain Beaufort’s character and sense of place.
- To manage environmental risks and land use conflicts.

Relevant policies directions include:

- Direct residential development to residential areas which have the potential to accommodate significant infill development.
- Seek to achieve a more compact urban form.
- Apply special overlay planning controls to areas which are known or suspected to be subject to flooding or drainage difficulty, so that new development can be appropriately regulated

Among the proposed implementation measures is the application of the General Residential Zone to established residential areas.

| Local Planning Policies

Clause 22.03 Floodplain Management in Beaufort

This policy applies to land in and surrounding Beaufort which is within the Floodway Overlay, the Land Subject to Inundation Overlay, and the Urban Floodway Zone.

The Objectives of the policy include:

- To limit to acceptable levels, the effect of flooding for the well-being, health and safety of flood prone individuals and communities.
- To minimise flood risk and promote sustainable use and development of the floodplain.
- To ensure development and land use on the floodplain is consistent with flood risk.
- To ensure that where permitted, development in the floodplain:
 - maintains the free passage and temporary storage of floodwaters;
 - minimises flood damage;
 - will not cause any significant rise in flood level or flow velocity; and,
 - will not cause any impact on adjacent property.
- To discourage the intensification of land use and development in the floodplains of the Yam Holes, Ding Dong, Cemetery and Cumberland Creeks at Beaufort.
- To recognise the natural flood carrying capacity of rivers, streams and wetlands and the flood storage function of floodplains.

- To protect surface and ground water quality, and preserve important wetlands and areas of environmental significance.
- To minimise risk associated with overland flow of storm water.

With regards to exercising discretion, it is policy to:

- Give effect to the provisions of the Beaufort Local Floodplain Development Plan (March 2013), which has been incorporated at Clause 81 of this Scheme.
- Discourage new buildings and works, including earthworks and vegetation clearance in the Floodway Overlay and the Urban Floodway Zone.
- Discourage landfill in all areas subject to inundation, which is likely to exacerbate flooding impacts on other properties nearby.
- Permit buildings and works on land affected by the Floodway Overlay and Land Subject to Inundation Overlay, only where those buildings and works are demonstrated to be of low flood risk and consistent with the preferred dominant land use outcomes as identified by the stated purposes of the relevant Zone.
- Discourage extensions to buildings at levels below the 100 Year Average Recurrence Interval (ARI) Flood.
- Discourage the construction of levees in areas regarded by the floodplain management authority as important for flood storage and/or environmental values.
- Discourage earthworks that obstruct natural flow paths or drainage lines.
- Encourage the retention of natural drainage corridors with suitable vegetated buffer zones along waterways to maintain the natural drainage function, and stream habitat, to protect the wildlife corridor, and landscape values.
- Encourage new fences to be designed so as to avoid unreasonable obstruction to the orderly flow of flood waters.
- Minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.
- Minimise the quantity of stormwater runoff from developed areas, and retard flow velocities to maintain public safety, and to protect the integrity of existing streams and watercourses.
- Encourage new buildings and works to occur on land which is not subject to flooding threat.

3.5 Council's key strategic documents

| Pyrenees Shire Growth Strategy 2015-2018

The Growth Strategy identified a series of strategies and actions to be undertaken in the 12 to 24 months after the plan's adoption to drive its implementation. These include:

Objective 1: Attract new residents, visitors and investment

Strategy 1 – Promote the benefits and opportunities in the Pyrenees Shire to attract new residents, visitors and investment.

Strategy 2 – Foster improvement of the Pyrenees Shires economic assets and local amenity.

Objective 2: Foster the capability of key economic sectors

Strategy 3 – Participate in regional industry development to grow the agriculture sector.

Strategy 4 – Foster increased capability and reputation of the local wine sector.

Strategy 5 Foster improved capability of the local tourism sector.

Strategy 6 – Leverage presence of the Langi Kal Kal and Hopkins correctional facilities.

Strategy 7 – Leverage opportunities in the renewable energy sector.

Objective 3: Develop local business and employee capability

Strategy 8 – Improve the sustainability of the local economy by fostering local business capacity.

Strategy 9 – Improve the capability of local residents to obtain employment.

This informs the Action Plan which includes a framework of strategic responses and actions.
Actions proposed for Beaufort include:

2.3 Advocate for road infrastructure funding including local roads, the arterial road network, and for the construction of the Beaufort Bypass, and having regard to the importance of the road network in transporting goods to market.

2.4 Advocate to VicRoads to undertake an economic impact study regarding the Beaufort Bypass ahead of the completion of planning for the Bypass.

2.5 Advocate for the completion of a business case to support Government funding for the development of an improved water supply for Moonambel.

2.6 Implement the outcomes of the review of the Pyrenees Planning Scheme to support demand and population growth and incorporate the identification of:

- Opportunities for additional residential development in Beaufort and Avoca
- Opportunities for additional commercial space in Beaufort and Avoca
- Potential site(s) for a major agricultural processing/value adding operation

2.7 Seek government funding to support the development of industrial land in Avoca and Beaufort to stimulate investment and create jobs.

| Beaufort Walkability Plan, October 2015

The plan seeks to improve the health and wellbeing of Beaufort residents through the review of current provision of infrastructure including gaps, documenting best practice, recommending actions, standards and priorities to improve current infrastructure.

The Former Primary School site is identified as a Formalised Pathway Gap. The plan identifies the site in its Medium Term Priorities (page 37), proposing the following actions:

2.5 Investigate future opportunities for pedestrian access through former Primary School Site, particularly if land is likely to be developed rather than kept as open space.

2.8 Investigate the opportunity for a new accessible safe crossing point on Neill Street from Apex Park to the Former Primary School site.

| Beaufort Local Floodplain Development Plan

This plan was adopted by Pyrenees Shire Council on 19 March 2013 and is incorporated in to the Pyrenees Planning Scheme, pursuant to Clause 81.

The Development Plan applies to that part of the floodplain of Yam Holes Creek located north and west of the Beaufort Township, and to the floodplains of the tributary local streams within the township (including Cemetery Creek, Cumberland Creek, and Ding Dong Creek). These floodplain areas are within either the Urban Floodway Zone, the Floodway Overlay, or the Land Subject to Inundation Overlay of the Pyrenees Planning Scheme.

Point 6.0 establishes the Effect of the Local Floodplain Development Plan, which is:

- Every Application for primary or secondary consent to construct a building, to carry out work, or to subdivide land under Clause 37.03 (UFZ), Clause 44.03 (FO), or Clause 44.04 (LSIO) of the Pyrenees Planning must be consistent with this Local Floodplain Development Plan.
- A planning permit may only be granted for a development in a Floodway Overlay area which either:
 - Complies fully with the particular (and relevant) provision in this Local Floodplain Development Plan; or,
 - Meets the requirement of a site-specific Flood Risk Report which has been prepared in accordance with the criteria set out in Clause 44.03-3 of the Pyrenees Planning Scheme, to the satisfaction of the responsible authority.

The plan establishes provisions relating to: Fencing; Building and Works; Subdivision; Chemical Storage; Water Tanks in the UFZ, FO and LSIO.

3.6 Other documents and considerations

| Plan Melbourne

Plan Melbourne is a long-term plan to accommodate Melbourne's future growth in population and employment. It includes:

- 9 principles that underpin a long-term vision for Melbourne
- 7 outcomes to drive Melbourne as a competitive, liveable and sustainable city
- 32 directions setting out how these outcomes can be achieved
- 90 policies outlining how each outcome will be approached, delivered and achieved

Outcome 7 of the Plan is 'Regional Victoria is productive, sustainable and supports jobs and economic growth'. The following directions and policies will help achieve this outcome:

- Direction 7.1: Invest in regional Victoria to support housing and economic growth
- Policy 7.1.1: Stimulate employment and growth in regional cities
- Policy 7.1.2: Support planning for growing towns in peri-urban areas
 - Direction 7.2: Improve connections between cities and regions
- Policy 7.2.1: Improve transport and digital connectivity for regional Victoria
- Policy 7.2.2: Strengthen transport links on national networks for the movement of commodities

The Plan also refers to Regional Growth Plans that are being developed across regional Victoria (the Central Highlands Regional Growth Plan being relevant to the subject site). These are to provide 20-30 year land use strategies and set out how each region can accommodate a greater share of the State's growth.

| Central Highlands Regional Growth Plan (May 2014)

The Central Highlands Regional Growth Plan (the Plan) is the strategic land use plan for the region to guide growth and change for the next 30 years. The plan covers the municipalities of Ararat, Ballarat, Golden Plains, Hepburn, Moorabool, and Pyrenees. The plan has been developed in partnership between local government and state agencies and authorities and reflects state and local government objectives. It is one of eight Regional Growth Plans being prepared for Victoria.

The Plan identifies:

- Where future development will be supported, assessed at a regional scale;
- Environmental, economic, community and cultural assets and resources of regional significance that should be preserved, maintained or developed;
- How the region can respond to opportunities, challenges and long-term drivers for change;
- Key regional priorities for future infrastructure planning and investment to support growth.

The Plan recognises challenges for growth will include: Development pressures in high amenity areas; Spreading the benefits of population growth; Realising employment growth; Changing climate; and, Providing new services and infrastructure, and maintenance of existing services and infrastructure. The plan considers a wide range of land uses including agriculture, tourism and the protection of environmental assets, commercial and residential uses.

The Plan provides a vision for the region (how the region will be characterised in 2041) which is that the future of the Central Highlands region to 2030 and beyond to be a productive, sustainable and liveable region for its people. It also contains a set of regional planning principles to guide growth and change. These include:

- Population growth should be planned in sustainable location throughout the region.
- The region's economy should be strengthened so that it is more diversified and resilient.
- The region should capitalise on its close links with other regions and cities.
- The development of sustainable and vibrant communities should be supported by enhancing the level of access to key services/
- Land use patterns, development and infrastructure should make the region more self-reliant and sustainable.
- Planning for growth should be integrated with the provision of infrastructure.

The Plan recognises that the region has a diverse economy but main driver in the last decade had been population growth. Manufacturing, healthcare, finance, education and construction are leading sectors. Other important economic activities include retail trade, agriculture, professional services, transport, and public administration.

Commercial development

In terms of commercial land uses and development, the Plan lists the following future directions at page 20:

- Support commercial development in each settlement that is consistent with the role and function of that settlement within the region.
- Support commercial activity that will encourage economic self-sufficiency and reduce trade leakage to Melbourne.
- Support commercial development that reinforces the primacy of existing town centres.

Land use policies, strategies and actions for commercial development include:

- Encourage commercial services to be provided to settlements consistent with their role in the regional settlement network, taking into account relationships with other settlements within and outside the region.
- Support commercial land uses in designated locations in planning schemes and provide sufficient appropriately zoned land.
- Support the consolidation of prime commercial activities within existing town centres.
- Regularly review commercial land supply and demand in areas experiencing population growth to ensure that sufficient commercial zoned land is provided.
- Support the implementation of economic development strategies to strengthen commercial activity and enhance the quality of retailing in existing town centres.

Beaufort

Beaufort is listed as a town in the regional settlement framework plan. The future directions for Beaufort include:

- Support Beaufort as a town providing services in the Ballarat hinterland.
- Encourage residential growth to take advantage of existing services.
- Support local employment opportunities.
- Plan for managing the opportunities and impacts associated with upgrades to the Western Highway.

The Plan identifies that Beaufort's central location provides opportunities to commute to Ballarat and Ararat for employment and will be an attractive location for those working in local industries and retirees.

Residential development is to be encouraged to use existing services while having regard for environmental risks such as bushfire and flood. Infill development is to be encouraged with

greenfield settlement to be directed to the west of the existing urban area. Local employment is to be protected and encouraged to limit reliance on surrounding settlements.

Land use policies, strategies and actions for Beaufort include:

- Retain and enhance services and facilities appropriate to servicing the local community.
- Provide for residential growth as required, including infill development and development to the west of Beaufort.
- Monitor the need for additional industrial land and undertake rezoning of land as required.
- Plan for a potential longer-term highway bypass of the town both in terms of a preferred route and in consideration of how to manage any impacts on employment, the existing road network and the character of the town.

| Environmental Sustainability Strategy: A Vision for Pyrenees Shire 2011

The Environmental Sustainability Strategy establishes a strategic operational framework for working towards environmental sustainability in Pyrenees Shire.

The Strategy contains a series of broad actions proposed to be implemented across the Council's operation. Relevant actions related to land use planning included, Develop and promote information for building in fire and flood zone areas.

| Regional Bushfire Planning Assessment – Grampians Region

The 2009 Victorian Bushfires Royal Commission (VBRC) emphasised the importance of considering bushfire matters at all stages of the planning process, including through regional settlement planning and in the LPPF. The SPP for Bushfire also identifies that strategic and settlement planning should assist to strengthen community resilience to bushfire. The Regional Bushfire Planning Assessment (RBPA) supports this approach and is part of the Government's response to the VBRC.

The RBPA provides information about areas where a range of land use planning matters intersects with a bushfire hazard to influence the level of risk to life and property from bushfire. The RBPA is not a statutory planning provision and does not directly translate into planning schemes. However, it provides a basis to initiate further detailed analysis as part of other planning processes such as planning scheme amendments.

The RBPA provides information on matters which may be relevant to strategic and settlement planning and focuses on the factors considered particularly important by the VBRC, including:

- Areas where smaller sized lots (less than 0.4ha) which may be used for residential purposes are in or close to a bushfire hazard;
- Areas where medium sized lots (between 0.4-4ha) which may be used for residential purposes are in or close to a bushfire hazard;
- Areas where there is a settlement or urban interface with the bushfire hazard;
- Locations which may have limited access and egress, indicated by a single access road to and from a settlement in addition to roads which connect a number of settlements in areas with a bushfire hazard;
- Areas where future strategic directions contained in planning schemes may conflict with the bushfire hazard;
- Areas where the broader landscape is particularly affected by a bushfire hazard;
- Areas identified from local information provided by either the relevant fire authority or the council that may need to be considered in planning decision making; and

- Areas where multiple issues occur in a single area.

This information is shown spatially on maps at a strategic scale and is supported by a table that gives a brief explanation for each identified area.

The RBPA is different to the BMO in that it informs a broader consideration of bushfire issues by recognising that, in specific locations, the bushfire hazard increases the potential bushfire risk in very specific ways, for example, due to access constraints. Addressing these factors is an important way that strategic and settlement planning can respond to bushfire issues before specific development proposals are considered. This provides an opportunity to resolve issues and implement mitigation measures early in the planning process and at a strategic level.

The BMO is applied to areas where there is potential for bushfire behaviour such as a crown fire, extreme ember attack and radiant heat. The application of the overlay is based on a technical evaluation of the bushfire hazard validated with relevant fire authorities and councils. The key purpose of the BMO is to identify areas where a planning permit is specifically required to consider the bushfire matters prior to development occurring.

Beaufort is located on the Pyrenees Municipal Map – Map 1 (p 37 of Part 2 of the strategy). The township is identified as having small lots in or close to hazard (0 to 0.4 hectares) with an identified area description (59-017) of “Clusters of small lots in Beaufort which are adjacent to bushfire hazard area to the north and south-east of the township”. Rural area to the north has multiple matters evident. The identified area description (59-007) is:

- Multiple bushfire considerations including clusters of small and medium size lots in a dispersed settlement pattern in or in close proximity to bushfire hazard area associated with the adjacent Great Dividing Range.
- Settlement pattern developed in a linear form along Main Lead road with connecting single access roads servicing surrounding dwellings.
- Northern and southern boundaries of Beaufort interface with bushfire hazard.
- Existing vegetation includes areas of vegetation of high and very high conservation significance.

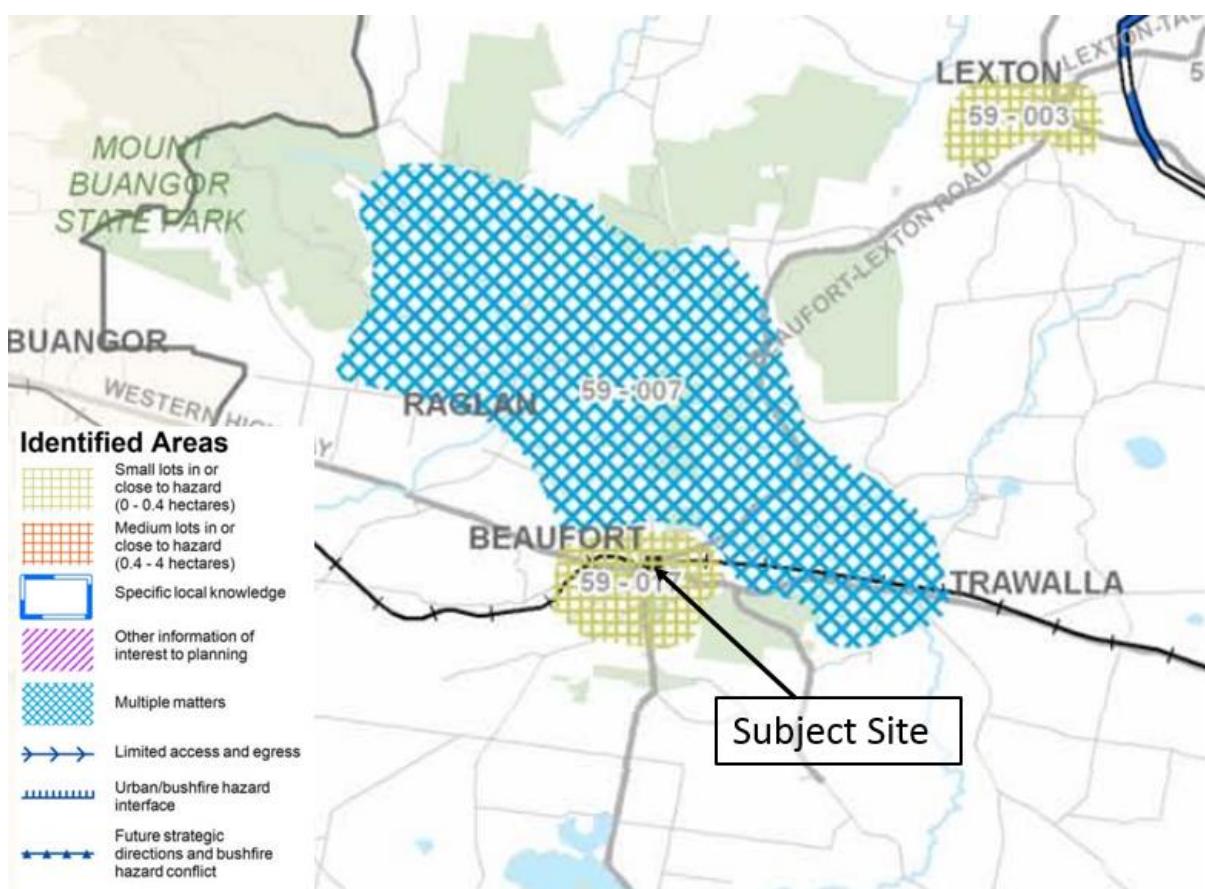


Figure 10: Pyrenees Shire Municipal Map 1 (Source: Regional Bushfire Planning Assessment – Grampians Region)

3.7 Ministerial Directions

| Direction No. 1- Potentially Contaminated Land

The purpose of this Direction is to 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. The direction applies to potentially contaminated land.

In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.

Potentially Contaminated Land, is land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land). This practice note also deals with land that may have been contaminated by other means such as by ancillary activities, contamination from surrounding land, fill using contaminated soil or agricultural uses.

For land that has been identified as potentially contaminated land and where a planning permit application may allow potentially contaminated land to be used for a sensitive use, the SEPP (Prevention and Management of Contamination of Land) 2012 requires that the responsible authority seek a Certificate of Environmental Audit or a Statement of Environmental Audit indicating that the site is suitable for the proposed use.

The Direction requires planning authorities when preparing planning scheme amendments, to satisfy themselves that the environmental conditions of land proposed to be used for a sensitive use (defined as residential, child-care centre, pre-school centre or primary school), agriculture or public open space are, or will be, suitable for that use.

The implementation of this Direction is assisted by a Practice Note on Potentially Contaminated Land.

The purpose of this General Practice Note is to provide guidance for planners and applicants about:

- How to identify if land is potentially contaminated;
- The appropriate level of assessment of contamination for a planning permit scheme amendment or planning permit application;
- Appropriate conditions on planning permits;
- Circumstances where the Environmental Audit Overlay should be applied or removed.

Potentially contaminated land is defined in Ministerial Direction 1 as land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land).

The planning system is acknowledged as the primary means for regulating land use and development and is an important mechanism for triggering the consideration of potentially contaminated land.

The *Planning and Environment Act 1987* requires a planning authority when preparing a planning scheme or 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' (Section 12).

There are two forms of assessment that can be applied. These are:

- Require an environmental audit: a statutory audit undertaken by an environmental auditor under the Environment Protection Act 1970. The outcome is either a Certificate of Environmental Audit or a Statement of Environmental Audit.
- Require a site assessment: a preliminary review of the site history (including current and previous uses and activities) by a suitably qualified environmental professional.

Table 1 of the Practice Note lists the type of land uses that may have potential for contaminating land. High potential, medium potential and low potential land uses are listed. Schools are not a listed use.

The matrix in the follow table indicates the appropriate assessment level, based on proposed land use and current or historic land uses or activities carried out on the land. Including the land within a General Residential Zone would result in a 'C' score for addressing potential contamination.

Environmental consultants were appointed to undertake a site assessment. The tests did not reveal any adverse findings and the consultants have declared the site suitable for residential use.

PROPOSED LAND-USE	POTENTIAL FOR CONTAMINATION (as indicated in Table 1)		
	High	Medium	Low
<i>Sensitive Uses</i>			
<i>Child care centre, pre-school or primary school</i>	A	B	C
<i>Dwellings, residential buildings etc.</i>	A	B	C
<i>Other Uses</i>			
<i>Open space</i>	B	C	C
<i>Agriculture</i>	B	C	C
<i>Retail or office</i>	B	C	C
<i>Industry or warehouse</i>	B	C	C

A: *Require an environmental audit as required by Ministerial Direction No. 1 or the Environmental Audit Overlay when a planning scheme amendment or planning permit application would allow a sensitive use to establish on potentially contaminated land.*
An environmental audit is also strongly recommended by the SEPP where a planning permit application would allow a sensitive use to be established on land with 'high potential' for contamination.

B: *Require a site assessment from a suitably qualified environmental professional if insufficient information is available to determine if an audit is appropriate. If advised that an audit is not required, default to C.*

C: *General duty under Section 12(2)(b) and Section 60(I)(a)(iii) of the Planning and Environment Act 1987.*

Figure 11: Assessment Matrix

| Direction No. 11 Strategic Assessment of Amendments

The purpose of this Direction is to ensure a comprehensive strategic evaluation of an amendment and the outcomes it produces.

In preparing an amendment a planning authority must evaluate and include in the explanatory report a discussion about how the amendment addresses the following strategic considerations:

- Why is an amendment required?
- How does the amendment implement the objectives of planning in Victoria?
- How does the amendment address any environmental effects?
- How does the amendment address any relevant social and economic effects?
- Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

- How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?
- How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?
- Does the amendment make proper use of the Victoria Planning Provisions?
- How does the amendment address the views of any relevant agency?
- Does the amendment address the requirements of the Transport Integration Act 2010?

A response to these ministerial directions is provided in Section 8.

| Practice Note No. 12: Applying the Flood Provision in Planning Schemes (June 2015)

The purpose of this practice note is to provide guidance about applying the flood provision in planning schemes including the preparation of policy, identifying land affected by flooding, preparing a local floodplain development plan and the application and operation of the flood provision, including the preparation of schedules.

The Practice Note addresses how a council can use flood information to articulate local planning objectives and strategies for flooding in its Local Planning Policy Framework (LPPF) and apply the most appropriate flood provision to control land use and development in flood affected areas.

The application of the four types of available flood provisions – Urban Floodway Zone (UFZ), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO) – is guided by the type of flooding and the potential risk to life and property. The level of planning control is commensurate with the potential for flood risk.

Urban or Rural Areas	Urban Floodway Zone	Floodway Overlay	Land Subject to Inundation Overlay	Special Building Overlay
	Urban areas only	Both urban and rural areas	Both urban and rural areas	Urban areas only
Mainstream or stormwater flooding?	Mainstream flooding from a river or stream	Mainstream flooding from a river or stream	Mainstream flooding from a river or stream	Stormwater flooding along overland flow paths
Application	<p>Case 1</p> <ul style="list-style-type: none"> • Urban land which is mainly undeveloped • The stream channel or primary flow path area • Important for conveying and/or storing floodwater • Higher flood depths and/or flow velocities • Higher potential flood risk • Unsuitable for intensive urban development. <p>Case 2</p> <ul style="list-style-type: none"> • Rural land which is mainly undeveloped. <p>Case 3</p> <ul style="list-style-type: none"> • Urban land which is mainly undeveloped • Unsuitable for intensive urban development but may be suitable for development compatible with the flood risk (for example, public purpose uses, such as school grounds, golf courses, sports grounds and recreation areas). <p>Case 4</p> <ul style="list-style-type: none"> • Urban land that is fully or substantially developed (for example, currently zoned residential, commercial or industrial areas). 	<p>All cases</p> <ul style="list-style-type: none"> • The stream channel or primary flow path area • Important for conveying and/or storing floodwater • Higher flood depths and/or flow velocities • Higher potential flood risk, but usually not as severe as in the UFZ. <p>Case 2</p> <ul style="list-style-type: none"> • Rural land which is mainly undeveloped. <p>Case 3</p> <ul style="list-style-type: none"> • Urban land which is mainly undeveloped • Unsuitable for intensive urban development but may be suitable for development compatible with the flood risk (for example, public purpose uses, such as school grounds, golf courses, sports grounds and recreation areas). <p>Case 4</p> <ul style="list-style-type: none"> • Urban land that is fully or substantially developed (for example, currently zoned residential, commercial or industrial areas). 	<p>Case 5</p> <ul style="list-style-type: none"> • Rural or urban areas where the extent of the floodway has not been identified and only the extent of land subject to inundation is known • Areas that cover the total extent of land subject to inundation, including the higher risk floodway component • LSIO can be applied as an interim measure until further mapping of the floodway is carried out. <p>Case 6</p> <ul style="list-style-type: none"> • Rural land that is mainly undeveloped • Areas where the extent of the floodway has been identified and LSIO covers the balance of land subject to inundation, excluding the floodway component • Lower flood depths and/or flow velocities • Lower potential flood risk. <p>Case 7</p> <ul style="list-style-type: none"> • Urban land that is fully or substantially developed ('flood fringe') • Areas where the extent of the floodway has LSIO covers the balance of land subject to inundation, except the floodway component • Lower flood depths, lower flow velocities • Lower potential flood risk. 	<p>Case 8</p> <ul style="list-style-type: none"> • Urban land that is inundated if the capacity of the drainage system is exceeded during heavy rainfall • Currently used by Melbourne Water in the Melbourne metropolitan area • Can be applied by councils for regional towns provided overland flow path areas are delineated.

Figure 12: Table 1 Application of the flood zone and overlays, from page 11 of the Practice Note

3.8 Existing Planning Framework Problems

The site is zoned Public Use, the purpose of which is to provide for public utilities and community services and facilities. Given that the land is no longer required for a school, the public land zone is no longer appropriate for the site. Victorian Government Land Transactions Policy and Guidelines, April 2016 also states that ‘an agency must not offer land for sale where the land is zoned for public purpose’. Therefore, in order for the site to be disposed of, a new zone will need to be introduced.

4. Proposed Planning Framework

4.1 Introduction

In order to determine the most appropriate zone for the site, a detailed analysis of the available suite of zones included within the Victorian Planning Provisions has been undertaken. In order to cater for the desired flexibility that is necessary to allow a range of permitted uses and development of the site, nine (9) zones have been identified as being possible options. These are:

- General Residential Zone (GRZ1)
- Residential Growth Zone (RGZ)
- Commercial 1 (C1Z)
- Commercial 2 Zone (C2Z)
- Mixed Use (MUZ)
- Comprehensive Development Zone (CDZ)
- Urban Floodway Zone (UFZ)
- Public Park & Recreation Zone (PPRZ)
- Public Use Zone 6 (Local Government)

No additional overlay controls were reviewed.

PLANNING CONTROL	PURPOSE OF THE CONTROL	PROS	CONS	COMMENTS
ZONE				
General Residential Zone (GRZ1)	<ul style="list-style-type: none"> ▪ Encourages development that respects the neighbourhood character of the area. ▪ Provides a diversity of housing types. ▪ Allows some non-residential uses. 	<ul style="list-style-type: none"> ▪ Permits subdivision and dwelling development. ▪ Medical centre and residential aged care facility among the allowed uses. ▪ Simple and clear control. 	<ul style="list-style-type: none"> ▪ Some potential to create own character however long term vision for the site cannot be protected. 	<ul style="list-style-type: none"> ▪ Applies to eastern end of the subject site where the basketball court adjoins the neighbouring Anglican Church site. ▪ Regional Growth Plan does not indicate significant population growth in Shire (1100 people in 20 years). ▪ Key link to Ballarat and part of the Ballarat Hinterland. ▪ Land Use policies seek to promote growth with easy access to services and employment. ▪ Land Use strategy seeks to support growth. ▪ Limited growth on fringe or as infill consistent with Council strategies. ▪ Infill development encouraged. ▪ Zone would allow development consistent with the character of the area. ▪ Flooding and Bushfire Hazard are key constraints. ▪ Third party notification is retained.

PLANNING CONTROL	PURPOSE OF THE CONTROL	PROS	CONS	COMMENTS
Residential Growth Zone (RGZ)	<ul style="list-style-type: none">▪ Provide housing at increased densities and encourage a diversity of housing types in locations offering good access to services and transport including activities areas.▪ Allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.	<ul style="list-style-type: none">▪ Could establish a specific character for the site.▪ Allows height to 4 storeys.▪ Adjoins highway and the activity centre.	<ul style="list-style-type: none">▪ Likely to create a prominent development.▪ No Housing Strategy.▪ Part of land constrained by floodways.	<ul style="list-style-type: none">▪ Regional Growth Plan does not indicate significant population growth in Shire (1100 people in 20 years).▪ Key link to Ballarat and part of the Ballarat Hinterland.▪ Land Use policies seek to promote growth with easy access to services and employment.▪ Land Use strategy seeks to support growth.▪ Limited growth on fringe or as infill consistent with Council strategies.▪ Infill development encouraged.▪ Zone would allow development consistent with the character of the area.▪ Site has two road frontages, adjoins the commercial area and adjoins O'Neill Street (Western Highway). It is an infill site that could create its own character.▪ Flooding and Bushfire Hazard are key constraints.▪ Used for former school sites.

PLANNING CONTROL	PURPOSE OF THE CONTROL	PROS	CONS	COMMENTS
Commercial 1 (C1Z)	<ul style="list-style-type: none"> ▪ Creates vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. ▪ Provide for residential uses at densities complementary to the role and scale of the commercial centre. 	<ul style="list-style-type: none"> ▪ Adjoining land to west on Neill Street. 	<ul style="list-style-type: none"> ▪ Contrary to policy to constrain commercial area. ▪ Predominantly residential area. 	<ul style="list-style-type: none"> ▪ Would extend commercial area into residential area. ▪ Access would be difficult. ▪ Topography. ▪ Residential interfaces.
Commercial 2 Zone (C2Z)	<ul style="list-style-type: none"> ▪ Seeks to develop commercial areas for offices, appropriate manufacturing and industrial and limited retail uses that do not affect the safety and amenity of adjacent, more sensitive uses. 	<ul style="list-style-type: none"> ▪ Could provide for offices. ▪ Transition to residential area. ▪ No sensitive uses. 	<ul style="list-style-type: none"> ▪ Intrusion of commercial area into residential area. ▪ Contrary to policy to constrain commercial and industrial areas. 	<ul style="list-style-type: none"> ▪ Would extend commercial area into residential area. ▪ Access would be difficult. ▪ Topography. ▪ Residential interfaces.
Mixed Use (MUZ)	<ul style="list-style-type: none"> ▪ Provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. ▪ Provide for housing at higher densities which responds to the existing or preferred character of an area. 	<ul style="list-style-type: none"> ▪ Residential Zone. ▪ Allows for a variety of uses. 	<ul style="list-style-type: none"> ▪ Allows for commercial uses. 	<ul style="list-style-type: none"> ▪ Residential Zone. ▪ Transition between commercial and residential areas.
Urban Floodway Zone (UFZ)	<ul style="list-style-type: none"> ▪ Identifies waterways and major flood paths within urban areas which have the greatest risk and frequency of being affected by flooding. ▪ Ensure development maintains the free passage and temporary storage of floodwater and minimises flood damage. 	<ul style="list-style-type: none"> ▪ Clearly identifies land subject to flood risk. ▪ Establishes area for flood storage. 	<ul style="list-style-type: none"> ▪ Duplicates existing Flood and Land Subject to Inundation Overlay. ▪ Would limit use and development to agriculture and some recreation uses. 	<ul style="list-style-type: none"> ▪ Duplicates existing overlays. ▪ Significant development constraint. ▪ Does not acknowledge that works could be undertaken to reduce risk. ▪ Defacto open space/public use zone.

PLANNING CONTROL	PURPOSE OF THE CONTROL	PROS	CONS	COMMENTS
Comprehensive Development Zone (CDZ)	<ul style="list-style-type: none">▪ Provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.	<ul style="list-style-type: none">▪ Allows for a site specific proposal.	<ul style="list-style-type: none">▪ Requires an Incorporated Plan.	<ul style="list-style-type: none">▪ Incorporated Plan required, which needs an understanding of future development.
Public Park & Recreation Zone (PPRZ)	<ul style="list-style-type: none">▪ Recognises areas for public recreation and open space.▪ Protects and conserves areas of significance where appropriate.▪ Provides for commercial uses where appropriate.	<ul style="list-style-type: none">▪ Could apply if Council purchases floodprone land.▪ Consistent with walkability strategy.	<ul style="list-style-type: none">▪ Can only apply if Council purchases all or part of the land.	<ul style="list-style-type: none">▪ Land needs to be purchased by Council first.
Public Use Zone 6 (Local Government)	<ul style="list-style-type: none">▪ Recognises public land use for community services and facilities.	<ul style="list-style-type: none">▪ Could apply if Council purchases floodprone land.▪ Consistent with walkability strategy.	<ul style="list-style-type: none">▪ Can only apply if Council purchases all or part of the land.	<ul style="list-style-type: none">▪ Land needs to be purchased by Council first.

OVERLAY

Heritage Overlay (HO502)	<ul style="list-style-type: none"> ▪ Conserve and enhance heritage places of natural or cultural significance. ▪ Ensure that development does not adversely affect the significance of heritage places. 	<ul style="list-style-type: none"> ▪ Council supports removal. ▪ The overlay erroneously covers a section of the schools oval that is vacant. 	<ul style="list-style-type: none"> ▪ Development requires a permit. ▪ The overlay is not appropriate as the section of land covered does not contain nor contribute to the significance of a heritage place. 	<ul style="list-style-type: none"> ▪ Applies to north-west corner of the subject site which covers a section of the schools oval. No development exists on this section. ▪ Council supports removal.
Floodway Overlay (FO)	<ul style="list-style-type: none"> ▪ Identifies major floodpaths and high hazard areas with the greatest risk and frequency of flooding. ▪ Seeks to protect water quality and ensure development maintains free passage of floodwaters and minimises flood damage. 	<ul style="list-style-type: none"> ▪ Provides an alert to flood area on a plan. ▪ Development can occur if the natural level of the land is 300mm above the 1 in 100 year ARI and flood free access is available up to and including the 1 in 100 year ARI. 	<ul style="list-style-type: none"> ▪ Significant development constraint. ▪ Significant depth and speed of flood waters. ▪ Subdivision permitted if no new lots created within the overlay. ▪ Building envelopes need to be defined and have an inundation depth less than 500mm with access over land also with an inundation depth less than or equal to 500mm. The envelope and access route to have a hazard rating of 0.4 sq metres per second. 	<ul style="list-style-type: none"> ▪ Main floodpath with significant hazard. ▪ Reflects depth and speed of main flood path. ▪ Seeks to maintain flow conveyance and capacity in floodplain.
Land Subject to Inundation Overlay (LSIO)	<ul style="list-style-type: none"> ▪ Identifies land in a flood storage or flood fringe area. ▪ Allows for temporary storage of flood waters. 	<ul style="list-style-type: none"> ▪ Development can occur if the natural level of the land is 300mm above the 1 in 100 year ARI. ▪ Provides an alert to flood fringe area on a plan. 	<ul style="list-style-type: none"> ▪ Medium development constraint. ▪ Subdivision permitted. ▪ Building envelopes need to be defined and have an inundation depth less than 500mm with access over land 	<ul style="list-style-type: none"> ▪ Covers 100 year ARI flood extent beyond floodway.

			also with an inundation depth less than or equal to 500mm. The envelope and access route to have a hazard rating of 0.4 sq metres per second.	
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4.2 Proposed Zone for the Subject Site

General Residential Zone

As previously discussed, the current Public Use Zone is no longer appropriate given that the land is to be disposed of through sale process. In order for the land to be sold, a new zone must first be introduced.

A General Residential Zone is now proposed to be applied to the site in its entirety. The purpose of the zone is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The application of the General Residential Zone will allow for development of the site for residential purposes, which is consistent with the use and pattern of development of adjacent properties.

Applying the General Residential Zone to the subject land

The following table provides a summary of the land uses that are ‘as-of-right’, permit required and prohibited under the General Residential Zone.

As of Right	Permit Required	Prohibited
<ul style="list-style-type: none">• Animal keeping (other than Animal boarding) (subject to conditions)• Bed and breakfast (subject to conditions)• Dependent person’s unit (subject to conditions)• Dwelling (other than Bed and breakfast)• Home occupation• Informal outdoor recreation• Medical centre (subject to conditions)• Minor utility installation• Place of worship (subject to conditions)• Railway• Residential aged care facility• Any use listed in Clause 62.01 (must meet requirements of clause)	<ul style="list-style-type: none">• Accommodation (other than Dependent person’s unit, Dwelling and Residential aged care facility)• Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)• Animal keeping (other than Animal boarding) – if the Section 1 condition is not met (subject to conditions)• Car park (subject to conditions)• Car wash (subject to conditions)• Community market• Convenience restaurant (subject to conditions)• Convenience shop• Food and drink premises (other than Convenience restaurant and Take away food premises)• Leisure and recreation (other than Informal outdoor	<ul style="list-style-type: none">• Amusement parlour• Animal boarding• Animal training• Brothel• Cinema based entertainment facility• Horse stables• Industry (other than Car wash)• Intensive animal husbandry• Motor racing track• Nightclub• Office (other than Medical centre)• Retail premises (other than Community market, Convenience shop, Food and drink premises, Plant nursery)• Saleyard• Stone extraction• Transport terminal• Warehouse (other than Store)

	<p>recreation and Motor racing track)</p> <ul style="list-style-type: none">• Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship• Plant nursery• Service station (subject to conditions)• Store (subject to conditions)• Take away food premises (subject to conditions)• Utility installation (other than Minor utility installation and Telecommunication facility)• Any other use not in Section 1 or 3	
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Figure 13: General Residential Zone Use Table

4.3 Summary of Benefits of Applying the General Residential Zone

It is submitted that based on the above analysis, the General Residential Zone provides an appropriate fit for the site. This is based on the following key findings:

- 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; and,
- The provisions of the existing Floodway and Land Subject to Inundation Overlays will continue to apply to the land and any future development will be subject to these controls.

Application of the General Residential Zone



Figure 124: Proposed application of the General Residential Zone.

4.4 Additional Adjustments

The existing Heritage Overlay 502, which applies to a lot on the north-western corner of the site, can be deleted. The overlay is a precinct control for the Beaufort Township. The overlay applies to vacant land in the north-west corner of the property, which has no heritage significance. The Council have no objection to its deletion and in fact consider that it has been applied in error.

Amendment C39 included an Incorporated Document “Planning Permit Exemptions to Heritage Overlay Precincts HO501 & HO502 into the Pyrenees Planning Scheme. The document introduces permit exemptions for minor buildings and works within the Avoca and Beaufort Township Heritage Precincts. The document includes a plan on the second last page, which includes the property to be deleted from the Heritage Overlay. The document and the Heritage Overlay and Incorporated Document Schedules also need to be amended to delete reference to the school site.

5. Justification for amendment

| Why is an amendment required?

The subject site has been declared as being surplus to the government's operating requirements and is therefore required to be disposed. The Victorian Government Land Transactions Policy and Guidelines, April 2016 states that 'an agency must not offer land for sale where the land is zoned for a public purpose'. Given that the land is currently zoned Public Use Zone Schedule 7 (Other public use), it must therefore be rezoned prior to disposal.

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

The amendment ensures that the objectives of planning in Victoria are met by providing for the fair, orderly, economic and sustainable use of the land by including the site in the most appropriate zone.

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

- Providing for the fair, orderly, economic and sustainable use and development of the land

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

- Protecting natural and man-made resources, 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 site is generally cleared and has limited constraints, enabling an appropriate development to be constructed.

- Securing a pleasant, efficient, safe working, living and recreational environment.

The amendment will facilitate a future development that will be consistent to the planning scheme controls and policy objectives relating to amenity. The site is sufficient in size to mitigate off-site amenity impacts. The site is readily and safely accessible to public transport, private vehicles, pedestrians and bicycles.

- Conserving and enhancing places of historic interest and cultural value

The site has been used for a primary school and the original school building features on the land. This issue can be addressed during assessment of any planning permit.

- Protecting and enabling the orderly provision and coordination of public utilities and other facilities

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

- Facilitating development in accordance with the above objectives

The application of the General Residential Zone will allow for the development of residential, and appropriate non-residential uses, that is consistent with each of the above objectives.

- Balancing the present and future needs of all Victorians

The amendment will ensure that the planning controls are sufficiently flexible to respond to a need to provide land for residential development and land uses. The amendment will enable land uses complementary to those on adjacent properties, making appropriate use of the opportunity presented by the site.

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

Environmental Effects

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

Social Impact

The site 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 land within the General Residential Zone and has been predominantly developed for housing. As such, the expected development would be expected to achieve an appropriate in-fill that aligns with the surround built form and use.

Economic Benefits

The proposal will deliver additional residential land within the established town of Beaufort. This will allow for increased population growth to meet increased demand in the Central Highlands Region.

The subject site 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.

| Does the amendment address relevant bushfire risk?

The subject site is located within the urban area of Beaufort and is in a Designated Bushfire Prone area pursuant to DELWP mapping. 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).

| 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 the site, 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 Pensa November 2016* did not reveal any adverse findings and the consultants have declared the site suitable for residential use.

| How does the amendment support or implement the State Planning Policy Framework?

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.

Particular relevant in this amendment are the regional policies, informed by the Central Highlands Regional Growth Plan, that start 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 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.

| How does the amendment support or implement the Local Planning Policy Framework?

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).

| Does the amendment make proper use of the Victorian Planning Provisions?

The amendment makes use of the most appropriate Victoria Planning Provision (VPP) tool for the facilitation of residential land uses and development at the site. The General Residential Zone provides an appropriate fit for the site 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.

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

Pyrenees Shire

Written advice and meetings with Pyrenees Shire staff indicated support for the rezoning to the General Residential Zone through the fast-track amendment process.

Options and issues to address include:

- Low-lying sections of the school have a history of flooding and are covered by a Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO). The Urban Floodway Zone (UFZ) is applied to a portion of land south-west of the school site closer to the creek.
- In order to manage constraints and maximise opportunities, consideration be given to a Development Plan Overlay to direct access, links between the site and township, lot density, and floodway management.
- Heritage Overlay, Schedule 502 has been erroneously applied to the north-western corner of the site and could be addressed as part of the amendment process.
- Council outlined the key issues as residential interfaces, flooding and the ultimate use of the former oval and the number of land parcels including the fact that some are occupied by Hill Street.
- Council had no concerns regarding the fast-track process.

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 development that will be able to readily access the existing road network including the adjacent Western Highway, which provides links to major centre such as Ballarat, and further to Melbourne.

The site is 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. 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.

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

It is expected that the new planning scheme provisions will have a limited impact on the resource and administrative costs of the Pyrenees Shire. Council planning officer resources will be required to assess and implement the amendment, as well as future planning permit applications for development of the site in accordance with the statutory controls. However, the resource and administrative costs to council will not be in excess of the costs typically associated with planning scheme amendments.

6. Conclusion

Conclusion

Currie & Brown has been engaged by the Department of Treasury and Finance to prepare a strategic town planning assessment to outline and provide justification for the proposed rezoning of the former Beaufort Primary School site at 7-25 Hill Street, Beaufort.

Currie & Brown has undertaken detailed inspections of the site and the surrounding area, as well as a review of the policies of the Pyrenees Shire to form the basis of this assessment.

Our review has found that:

- The site represents a considerable redevelopment site within the Beaufort township with a total area of 2.24ha. It is located to the east of the Beaufort commercial centre within an established residential area. The site adjacent the Western Highway and is readily accessible to services within the Beaufort township;
- The site has been historically used as a primary school and contains buildings consistent to this type of operation. The site has some vegetation but has been cleared to allow construction of buildings and establishment of ovals;
- The site has been declared as being surplus to the government's operating requirements and is therefore required to be disposed. The Victorian Government Land Transactions Policy and Guidelines, April 2016 states that 'an agency must not offer land for sale where the land is zoned for a public purpose'. Given that the land is currently in the Public Use Zone, a rezoning is required before a disposal can take place;
- The amendment request is based on a number of assessments that confirm and demonstrate the need for additional Residential Zoned land within Beaufort and the appropriateness of applying this zone to the subject land;
- The amendment will support and implement the SPPF and LPPF by facilitating the redevelopment of a strategic redevelopment site and providing infill housing opportunities in a location that is accessible to the town's commercial area, transport options, and employment areas. The site is in a single ownership and is of an appropriate scale to allow development that complements the surrounding housing form;
- Constraints such as bushfire and flooding can be appropriately managed; and,
- The amendment will not have any negative environmental, social or economic impacts and will result in a net community benefit.

Request

Having regard to the detailed strategic justification outlined in this report and discussions with Council, it is respectfully requested that the proposed amendment to rezone the site to General Residential Zone and remove Heritage Overlay 502 be considered.

The amendment is justified on the following basis:

- 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 provisions of the existing Floodway and Land Subject to Inundation Overlays will continue to apply to the land and any future development will be subject to these controls;
- The deletion of the Heritage Overlay will remove an anomaly from the Pyrenees Planning Scheme, which is supported by the Council; and,
- The amendment to the Incorporated Document Planning Permit Exemptions to Heritage Overlay Precincts HO501 & HO502 and the associated Heritage Overlay and Incorporated

Document Schedules will ensure consistency with the removal of the Heritage Overlay from part of the site.

Appendices

Appendix A – Site Photos



Figure 15: Leichardt Street frontage looking west.



Figure 136: Leichardt Street frontage.



Figure 147: Views in site from Hill Street, at north eastern corner of the site.



Figure 158: Views from Hill Street, from north.



Figure 169: Northern boundary of the site adjacent Neill Street (Western Highway).



Figure 20: View from northern boundary looking south east.



Figure 21: View of former oval from northern boundary looking south west.



Figure 172: Leichardt Street frontage looking east including the adjacent Anglican Church.



Figure 183: Internal site views of school buildings.



Figure 194: Internal views of school buildings.