

**PYRENEES**  
SHIRE



# **PYRENEES PLANNING SCHEME**

**PLANNING SCHEME REVIEW 2014**

## **REPORT TO THE MINISTER FOR PLANNING**

Prepared by

**Network Planning Consultants Pty Ltd**

In association with

**Officers of the Pyrenees Shire Council**

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**TABLE OF CONTENTS**

<b>1.0</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>2.0</b>	<b>BACKGROUND</b>	<b>2</b>
<b>3.0</b>	<b>STRATEGIC PLANNING CONTEXT</b>	<b>5</b>
<b>4.0</b>	<b>COUNCIL'S STRATEGIC CONTEXT</b>	<b>22</b>
<b>5.0</b>	<b>REGIONAL CONTEXT</b>	<b>28</b>
<b>6.0</b>	<b>STATE INITIATIVES SINCE LAST REVIEW REPORT</b>	<b>31</b>
<b>7.0</b>	<b>COMMUNITY CONSULTATION AND INTERNAL REVIEW PROCESSES</b>	<b>40</b>
<b>8.0</b>	<b>MONITORING AND REVIEW OF PLANNING SCHEME OPERATION</b>	<b>48</b>
<b>9.0</b>	<b>RECOMMENDED STRATEGIC PLANNING INITIATIVES</b>	<b>56</b>
<b>10.0</b>	<b>LIST OF PRIORITIES</b>	<b>63</b>
<b>11.0</b>	<b>CONCLUSIONS</b>	<b>65</b>



## **1.0 INTRODUCTION**

- 1.1 This review report has been prepared in accordance with the requirements of Section 12B of the Planning and Environment Act 1987, which requires all Victorian Councils to review their Planning Schemes every four years.
- 1.2 The Pyrenees Planning Scheme was gazetted on 12 November 1998. Since that time, two Municipal Strategic Statement Reviews have been undertaken (in 2001 and 2004) as was required under the former provisions of Section 12A, together with a full Planning Scheme review in 2010 under Section 12B of the Planning and Environment Act 1987.
- 1.3 The Pyrenees Shire Council was required to adopt its current Plan in June 2013. Under the provisions of the Act therefore, this review is now due to be completed.
- 1.4 The Planning Scheme Review is intended to be an informed examination of the performance of the Planning Scheme at a point of time.
- 1.5 It is expected that a suitable community consultation process is followed in the execution of each Planning Scheme Review. In the case of this review, a concerted notification process was undertaken in March 2014. Invitations were extended both generally and personally to groups and individuals throughout the Shire, to make submissions/suggestions on issues which they believe should be addressed. This notification process provided useful inputs on issues that require consideration, and priorities for future work.
- 1.6 This report presents the results of the review process and the initiatives which the Council proposes to undertake in the short term (ie: in the next four years) and longer term, to guide and promote the effective planning and development of the Shire for the benefit of all its residents.

## 2.0 BACKGROUND

2.1 In accordance with Section 12B of the Planning and Environment Act 1987, the Pyrenees Shire Council is undertaking a review of its Planning Scheme, which came into operation on 12 November 1998. The review is being undertaken by Network Planning Consultants Pty Ltd, with the assistance of officers of the Pyrenees Shire Council.

2.2 Restructuring of Local Government Councils occurred in the early 1990s. The Pyrenees Shire Council was subsequently formed, and comprised the former Shires of Avoca, Lexton and Ripon.

2.3 Shortly after the completion of Local Government restructuring, the State Government of Victoria introduced a new standardised Planning Scheme format known as the Victoria Planning Provisions (“VPPs”). All Councils throughout the State were then required to prepare new Planning Schemes for their municipal areas, in the precise format of the VPPs. The new Schemes were therefore required to contain the following elements:

- A Local Planning Policy Framework comprising a Municipal Strategic Statement (“MSS”) in Clause 21, and Local Planning Policies in Clause 22. Both of these instruments were to set a strategic planning framework in place for the municipal area, which although visionary and tailored to local community needs and aspirations, were also to be consistent with both the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act) and the State Planning Policy Framework (carried forward in the VPPs).
- Zoning and Overlay controls and related statutory planning “tools” derived from the standardised formats in the VPPs.

2.4 Historically, it was required by Section 12A of the Planning and Environment Act that the MSS should be reviewed by the Planning Authority (ie: the Council in this instance) at least once every three years, to ensure that measures were employed to keep it up to date and relevant to the then-current State Planning Policies and relevant Government/Ministerial Directions.

- 2.5 In May 2005 however, Section 12A was repealed and Section 12B was inserted (and then amended in September 2007), to the effect that instead of each Planning Authority having to review the MSS in its Planning Scheme at least every three years, it was required to review the whole of its Planning Scheme within 12 months after the date by which it is required to approve a Council Plan (ie: on a four year cycle). The current Council Plan (for the Pyrenees Shire Council) was due to be approved by June 2013. Accordingly, this current Planning Scheme review is now required to be completed.
- 2.6 In February 2006, the Department of Sustainability and Environment (responsible for the planning portfolio at that time) published a General Practice Note which suggests a process for conducting and reporting on a Planning Scheme review. The purposes of the review are as follows:
- To assess whether the Scheme provisions have been effective and efficient in achieving the objectives and strategies of the Planning Scheme.
  - To evaluate the Scheme, to ensure that it is consistent with all relevant State Planning Policies and Ministerial Directions/Guidelines.
  - To identify changes or additional strategic planning work which should be undertaken to improve the performance of the Planning Scheme.
- 2.7 The General Practice Note incorporates a publication also prepared by the Department, entitled “Continuous Improvement Review Kit for Planning and Responsible Authorities”, which sets out a methodology for undertaking a Planning Scheme review. This includes:
- Clarifying the objectives and scope of the review
  - Tailoring the data collection process to the specific project objectives
  - Processes for engagement with local communities and key stakeholders

- A format for completing a structured examination both of the Planning Scheme and the processes which have been used by the Council to administer it (including “a thorough examination of a sample of completed planning files”)
- An analysis of data and examination findings and the formulation of recommendations for future action, including:
  - Possible changes to the strategic objectives of the Local Planning Policy Framework
  - Possible changes to the implementation tools (ie: Zones and/or Overlay controls) to achieve the strategic objectives
  - Matters requiring further strategic work
  - Possible measures for streamlining the Planning Permit process (both in terms of changes to the Planning Scheme and/or changes to internal practices and procedures)
- An implementation plan setting out the scope and priorities for strategic planning work which should be done over the following four years.



### **3.0 STRATEGIC PLANNING CONTEXT**

#### **3.1 The Current Pyrenees Planning Scheme**

The current Pyrenees Planning Scheme was prepared in the mid to late 1990s, with the assistance of Network Planning Consultants Pty Ltd. This work involved the preparation of a general planning strategy for the Shire, taking into account a range of factors including economic, physical and social influences. The strategy was based on the following key documents:

- Land Use and Development Strategy Plan 1997 (Pyrenees Shire Council/Network Planning Consultants Pty Ltd)
- Economic Profile and Prospects for the Pyrenees Shire Council 1997 (Neil L Noelker)
- Restructure Plan – Clause 45.05 1997 (Network Planning Consultants Pty Ltd)

These studies were supplemented with other historical work including:

- Beaufort Business Area Strategy 1992
- Avoca Heritage Study 1995

The rural planning areas of the Shire were based on land systems and land capability information available at the time, and provided the rationale for rural zoning boundaries. This information also provided a key input into the Restructure Overlay provisions which apply across the Shire, and formed the basis of local planning policy.

Nothing has happened since the inception of the Scheme to cause the fundamentals of the rural planning policies of the Shire to be changed. There are no major gaps that have arisen therefore since the gazettal of the current Pyrenees Planning Scheme in November 1998.

However, the Minister's Guidelines for development in open potable water supply catchments (which came into effect in November 2012 and set a site and dwelling density at one per 40 hectares in absence of a Domestic Wastewater Management Plan) have created troublesome

uncertainty to all stakeholders and have limited housing potentials in the Shire, particularly in Lexton and Waubra.

The Council has therefore recognised the need for a new Domestic Wastewater Management Plan (“DWMP”) to be developed for the whole of the Shire (both in rural and township areas). The DWMP will function as a guide to subdivision and development in various areas, as well as informing existing planning controls (in particular Environmental Significance Overlay controls) as to how they should be interpreted and applied.

The draft plan has been accepted by Council for consultation purposes and is in its final stages of review by the relevant water authorities. It is expected to be adopted by Council in mid 2015.

The Council and the relevant Catchment Management Authorities (“CMAs”) have also recognised the need for specific flooding studies to be undertaken particularly in established township areas that have demonstrated flooding or drainage difficulties. A detailed study has been completed for Beaufort, and new overlay planning controls for flood affected areas and a Floodplain Development Plan have already been incorporated into the Planning Scheme. A detailed flood study has recently been completed for the Landsborough township and creeks/watercourses within the balance of the Wimmera CMA’s catchment. The study includes recommendations for applying Floodway Overlay and Land Subject to Inundation Overlay controls based on the flood level recommendations from the consultant’s report.

Grant funding Applications have been lodged to complete flood studies for Avoca and Lexton.

Finally, the proliferation of wind farm development proposals in the Shire has necessitated the development of a policy to deal with proposed dwellings in the vicinity (ie: within 2 kilometres) of existing and proposed turbine sites. Where these do not need a Planning Permit (ie: in the Farming Zone on lots of greater than 40 hectares), submissions have been made to the Department to make a change to the VPPs to enable Councils to schedule-in a Permit trigger. In circumstances where a trigger already applies, Council has developed a

policy for dealing with potential noise impacts on the proposed dwelling, in consultation with the relevant wind farm company.

### **3.2 Previous Review Findings**

The Pyrenees Shire Council (together with Network Planning Consultants Pty Ltd) has undertaken a previous review of the Pyrenees Planning Scheme (as required under Section 12B of the Planning and Environment Act), in 2010. Earlier reviews of the Municipal Strategic Statement were also undertaken in 2001 and 2004. Several issues were identified as a result of those reviews, some of which have been resolved and some which remain outstanding. Accordingly, the following section has been split into relevant sub-sections:

#### **3.2.1 Resolved Issues:**

a) Heritage Planning

In 2001, the *‘Pyrenees Shire Heritage Precinct Study’* was prepared by Authentic Heritage Services Pty Ltd. Consequently, Amendment C7 was instigated and approved in 2004, which introduced heritage controls over the eight precincts identified in the report.

In 2013, Council (with the assistance of its heritage advisor Amanda Jean) prepared an exemptions document which will permit specified minor works to be undertaken to heritage sites and buildings in Beaufort and Avoca without the need for planning consent. The report is proposed to be incorporated into the Planning Scheme under Amendment C39.

b) Fire Management

CFA (together with the then Department of Infrastructure) undertook a detailed mapping exercise of areas at risk of wildfire. Amendment C10 to the Pyrenees Planning Scheme was approved in June 2007, which saw the introduction of the Wildfire Management Overlay to these areas.

The controls were subsequently updated in November 2011 (under Amendment VC83) to introduce the Bushfire Management Overlay control – a more comprehensive tool in fire prevention.

DTPLI is undertaking a review of the extent of this control (from a mapping perspective) across the State.

c) Economic Planning

*Economic Development Strategy (February 2006)*

This Strategy was prepared by Neil Noelker Consulting.

Key initiatives formulated in the Strategy are focussed on the following issues:

- Wine and tourism events
- Nature tourism
- Turf and Golf Club development
- Aged care
- Residential development
- Home occupations
- Value adding to traditional agriculture
- Increasing accommodation options to encourage higher numbers of tourists.
- Intensification of agriculture
- Development of industrial estates
- Development of retail sector
- Infrastructure improvement

*Beaufort and Avoca Industrial Land Strategy (February 2002)*

This strategy was prepared by Network Planning Consultants Pty Ltd, in consultation with Essential Economics Pty Ltd. The

strategy undertook a detailed examination of existing industrial land in the townships, and an analysis of anticipated future demand.

In 2005, a review of the Strategy was undertaken (by the same consultants as outlined above), due to the success the Council had with attracting new industry to the Shire, and the rapid take-up of industrially-zoned land (beyond that which was originally anticipated).

The outcomes and recommendations of the strategy (and subsequent review) were taken into consideration in the formulation of the Beaufort and Avoca Structure Plan studies.

Since that time, a substantial proportion of industrial land in both Beaufort and Avoca has been taken up, and there is a need to secure additional areas which are suitable for future industrial growth.

Suitable areas in both townships have recently (2014) been identified and are in the process of being purchased by Council to ensure it can continue with its program of industrial estate developments.

The land secured in Beaufort is already zoned industrial and has had a long history of industrial use. It is already cleared and is available for further subdivision and development. The land at Avoca is adjacent to the existing industrial estate and is able to be developed as a logical extension of the estate (in terms of road connections and infrastructure). The land is in a Farming Zone and is in the process of being rezoned to Industrial.

Existing industrial estates in Avoca and Beaufort are now substantially committed and although these estates have capacity to accommodate growth, there is a need for additional land to be secured in the short term to enable Council to continue with its campaign of providing low cost serviced industrial land for new industrial enterprises – in order to promote the economic development of the towns and to broaden the range of services available to local urban and rural communities. Thus there is a

need for certainty as to where and how industrial opportunities can be created in not only the short and medium term but also the longer term.

As far as Beaufort is concerned, it is encouraging to note that the former 'Lyco' industrial site on the southern periphery of Beaufort has recently been purchased and committed for the development of a storage and distribution centre for confectionary and other speciality food stuffs. Had it not been for this latest outcome, Council would have pursued an alternative strategy for rezoning the land to make it available for rural residential purposes.

*Pyrenees Shire Economic Overview (October 2011)*

This report was prepared by Essential Economics Pty Ltd following the previous Planning Scheme review, as a baseline study for better understanding of the local economy and to identify opportunities or directions for further economic development.

The report provided a broadly-based commentary on the demographic and socio-economic characteristics of the Shire and will be a useful resource to inform the Local Planning Policy Framework rewrite (scheduled to be completed in mid 2015).

Key findings were:

- agriculture and manufacturing are key elements of the local economy
- these sectors need to be supported to ensure their ongoing viability
- diversification of the economy should also be encouraged

d) Rural Planning

In 2008/09, the Council (with the assistance of Network Planning Consultants Pty Ltd) undertook a review of rural planning in particular areas (*Rural Planning Study – May 2009*). The study was in two distinct phases, namely:

A – To review the planning controls which affect Mountain Creek valley

B – To review and assess the effectiveness of the Restructure Overlay provisions which apply throughout the Shire.

### Phase A

The Mountain Creek Valley is an established wine producing area approximately 18 kilometres north-west of Avoca. It includes the township of Moonambel, which acts as a service centre to the nearby wineries.

There is strong policy support (at both State and local level) for the development of the winery and tourism industries. In particular, the Mountain Creek valley is identified in the MSS of the Planning Scheme as being suitable for increased viticulture activity.

The study therefore recommended that a portion of the valley be rezoned to the Rural Activity Zone (which has been undertaken under Amendment C26), to enable a wider range of land uses to establish (subject to planning approval) – consistent with the overarching policy directives for the area.

### Phase B

The Restructure Overlay controls were included in the New Format Planning Scheme. The purpose of these controls was to prevent areas of old and inappropriate small lot subdivision being developed with dwellings on an ad hoc lot by lot basis, and to create real incentives for subdivisional restructuring.

The study found that whilst the Restructure Overlay control is a technique that is working (in terms of limiting housing development and achieving restructure), there is room for improvement.

The study made several recommendations regarding how the Restructure Overlay control could be recast. The report was adopted by Council in October 2009.

A Planning Scheme Amendment (C27) was prepared to introduce the proposed revised controls into the Scheme, however Council decided on review (at its meeting in February 2014) that it is satisfied with the controls in their current form, and that the Amendment should not proceed.

The material amassed in the preparation of the study and Amendment has and will continue to provide a useful tool to officers of the Council in applying the existing Restructure Overlay controls, and in assessing Planning Permit Applications in general.

f) Land Systems Analysis

In 2010, the Council commissioned a comprehensive land systems analysis of the entire Shire. The work was undertaken by Dr Robert van de Graaff (a well regarded soil scientist) and was completed in November 2011.

The study has provided the Council with a complete inventory of land systems information across the Shire. This information is a valuable tool in both statutory and strategic planning processes. It is key to understanding fragilities and susceptibilities of land – and its capability to receive effluent.

g) Areas Potentially Subject to Flooding

A detailed Floodplain Study for Beaufort was undertaken by Water Technology Pty Ltd (in June 2008 on behalf of the Glenelg Hopkins CMA).

The study identified areas of Beaufort which are at particularly high risk of flooding.

A steering committee was subsequently formed in December 2009 (by the same consultants) to examine flood mitigation options for the town, which focussed on increasing the size and number of culverts under the railway line (which is a key contributor to flooding risk in Beaufort), together with other associated channel modification works.



The recommendations in a subsequent Planning Controls Report (January 2010), largely revolved around applying a Land Subject to Inundation Overlay control over large areas of the town.

These controls (together with a Floodplain Development Plan) were introduced into the Planning Scheme in July 2013 (under Amendment C31).

h) Townships

Detailed Structure Plans have now been prepared and adopted for the Shire's three largest townships: Beaufort, Avoca and Snake Valley. These will be referenced in the Scheme in conjunction with the current rewrite of the Local Planning Policy Framework.

*Beaufort Structure Plan*

The original Beaufort Structure Plan was prepared by Network Planning Consultants Pty Ltd and was adopted by the Council on 18 October 2005. It was reviewed in November 2013 by PS Planning Pty Ltd, which resulted in an addendum report (adopted by Council in May 2014).

Key outcomes of the Planning Strategy as a whole (as confirmed by the review) for Beaufort can be broadly summarised as follows:

- Infill development should be encouraged within the serviced areas of the township, which are already zoned for urban purposes.
- Sequential urban expansion should occur to the west and south-west of the town – within areas that can be commanded by urban infrastructure (especially water and sewer).
- The existing Rural Living area to the south-east of the township has potential for increased capacity – particularly given that the provisions of the Rural Living Zone were recently changed (under Amendment VC103) to reduce the default minimum lot size for subdivision. It is recommended

that the minimum lot size under the subdivision provisions for this area be retained to 2 hectares.

- Additional rural residential development should be encouraged within the existing area to the south-east (which has potential for increased capacity) and to the south-west of the town.
- Areas subject to flooding have been appropriately recognised following completion of the Beaufort Flood Study (June 2008) and the introduction of specific flood-based controls under Amendment C31.
- Land to the north of the town is appropriate for additional low density residential development.
- Long term growth options for industrial expansion need to be identified.

As a result of the review and submissions received in relation to public notice given of it, the original study report is being updated to provide a single consolidated Structure Plan.

It is proposed to include the recommendations of the updated Structure Plan report in the Planning Scheme by way of a Planning Scheme Amendment. The study will also be included as a reference in the Planning Scheme.

#### Avoca Structure Plan

The Avoca Structure Plan was prepared by Network Planning Consultants Pty Ltd (in 2005) and was subsequently revised and adopted by the Council in November 2012.

Key features of the updated Planning Strategy for Avoca are summarised as follows:

- Priority should be given to infill development within the township, together with the implementation of various landscaping improvements.

- That areas to the immediate north and to the east of the town are suitable to cater to increased urban growth and should be rezoned for residential purposes when required.
- The Olive Grove area to the south of the township could be considered as a long term option for urban expansion.
- The area to the east of the town which is partially committed to rural living has a high degree of suitability for more intensive rural residential development and has significant potential to provide a wider range of settlement opportunities in the immediate vicinity of the township (ie: without this commitment there is a substantial gap in the range of available residential settlement options – for low density rural residential purposes). A selected portion of this area should be rezoned to Rural Living in the short term.
- A range of development densities should be provided for in the current Rural Living Zone land to the west of the town (ie: to the east of the railway line). This area should be rezoned to Low Density Residential with lot sizes varying depending on availability of mains sewerage.
- The area further west of the town (ie: to the west of the railway line) should be retained in a Rural Living Zone, with a minimum lot size for subdivision of 8 hectares (to reflect and maintain the predominant subdivision and development pattern). Given that the default minimum lot size for subdivision is now 2 hectares, the introduction of a new Schedule to the Rural Living Zone should be considered.
- Land to the immediate north and north-east of the existing industrial precinct is suitable for future industrial expansion, should this be required.

It is proposed to initiate the necessary Planning Scheme Amendments to provide for the recommendations in the Planning Scheme, and to include the Structure Plan as a reference document.

*Snake Valley Structure Plan*

This Plan has been prepared by Network Planning Consultants Pty Ltd and was adopted by Council in its final form in September 2012.

Key features of the Planning Strategy for Snake Valley include:

- Facilitate additional infill development now that a common effluent system has been installed, together with the extension of the existing water supply to the east of the town.
- The area to the immediate north-east of the existing township provides the only feasible opportunity for incremental urban expansion. This area should remain in a Farming Zone until its development for urban purposes is justified. A Development Plan Overlay control should also be applied to ensure the orderly planning of the area.
- There is a small area on the western perimeter of the township which has a substantial commitment to rural living development (both subdivision and housing development). This area is currently in the Farming Zone, but it has been earmarked in the adopted Structure Plan for rezoning to Rural Living – in recognition of the contribution which it makes to the diversity of housing choices within the township.
- Otherwise, the minimum lot size for subdivision for land currently zoned Rural Living around the township should remain at 8 hectares (which will necessitate a new Schedule to the Rural Living Zone). There are instances of significant tracts of native vegetation in these areas, which should be managed by way of a Vegetation Protection Overlay control.
- Land in the Farming Zone is being adequately protected from inappropriate development by way of Restructure Overlay controls. It may be appropriate to also apply Vegetation Protection Overlay controls in certain areas.

Planning Scheme Amendments and policy adjustments will be instigated now that the Structure Plan has been finalised (which will be included as a Reference Document).

### **3.2.2 Work In Progress:**

#### a) Outline Development Plans for Snake Valley

Council has recently commissioned the preparation of Outline Development Plans for all areas of the township which have been flagged in the Snake Valley Structure Plan for further residential development. This strategy is also aimed at strengthening the role of the township as a satellite of the Ballarat West urban expansion area.

The draft Plans are expected to be presented to Council in April/May.

#### b) Local Planning Policy Framework rewrite

A complete rewrite of the current Local Planning Policy Framework has recently been commissioned by the Council (with State Government funding assistance).

This will involve two stages, the first of which will be to prepare a policy-neutral update, to restructure the Municipal Strategic Statement. The process will also involve identifying policy gaps and issues which will need addressing in the second stage of the project.

The second stage of the project will take into account the planning policy settings which have emerged from various planning studies which have been undertaken since the Planning Scheme was first gazetted in 1998 (including those studies that have been referred to in this and previous Planning Scheme reviews).

It is expected that a Planning Scheme Amendment that provides for the promulgation of the new Local Planning Policy Framework will be instigated in the second quarter of 2015.

c) Landsborough Flood Study

A detailed flood study was recently completed for the Landsborough township and the greater Wimmera catchment. The relevant Floodway Overlay and Land Subject to Inundation Overlay mapping and required supporting documentation (to enable a Planning Scheme Amendment) has been prepared and should be prioritised.

d) Environmental Planning

Environmental planning (including effective water resource management and rural landscape protection) is an issue which will require careful consideration over the next four year period. This may well include Planning Scheme Amendment initiatives that provide a range of checks and balances which can ensure that problems of environmental mismanagement do not occur or eventuate.

DEPI recently completed a Biodiversity Mapping exercise across the state, including datasets relating to the Native Vegetation Regulations 2013. The work assessed all areas throughout the Shire, for a variety of conservation values (including biodiversity, native vegetation and habitat) which should be protected.

Council needs to be better equipped to interpret this information and translate it meaningfully in the assessment of new Planning Permit Applications (where discretionary powers enable this to occur).

Environmental planning is an area where priority will need to be given over the next four year period.

e) Amendments on-Foot

As at the time of writing this review, two Planning Scheme Amendments were poised to be introduced:

- Amendment C39 – proposes to incorporate a document which exempts minor works within the heritage precincts of Beaufort and Avoca from requiring a Planning Permit.

- Amendment C40 – proposes to correct a zoning anomaly in Moonambel.
- Amendment C41 – rezoning of future Avoca industrial land and inclusion of appropriate reference to the updated Structure Plan in the Scheme.
- Amendment C42 – first stage of Local Planning Policy Framework rewrite.

### 3.2.3 Outstanding Issues:

#### a) Waterways and Watercourses

Glenelg Hopkins Catchment Management Authority (“CMA”) has prepared its Regional Catchment Strategy for 2013 to 2019 (gazetted in May 2013).

The Regional Management Strategies produced by the CMAs have limited applicability in terms of policy and direction of the planning process.

Further investigations need to be undertaken in consultation with the CMAs to determine the development of specific policies and the application of controls.

#### b) Areas Potentially Subject to Flooding

Applications have been lodged for grant funding to enable floodplain studies to be undertaken for Avoca and Lexton.

#### d) Review of Rural Living Areas

The default minimum lot size for subdivision was recently reduced to 2 hectares (under Amendment VC103). Land in both the Avoca and Snake Valley Structure Plans have been earmarked as being suitable for rezoning to or retention in the Rural Living Zone at densities higher than now exists.

It is a timely reminder that a review of all areas of rural living (both that which is zoned and that which is used in a de facto

setting for this purpose) across the Shire should be undertaken. It is likely that the outcome of such a review will recommend a variety of lot sizes (reflected in a suite of Schedules) to deal with varying densities in particular locations.

Both the minimum lot size for subdivision and the minimum lot size for a dwelling without the need for a Permit should be considered under such a review.

e) Lake Goldsmith

The Lake Goldsmith Steam Preservation Association (which has been in operation since 1942) owns a 15.3 hectare parcel of land on the shores of Lake Goldsmith. Since the 1960s it has overseen the development of a substantial complex of buildings, roads and other infrastructure – occupied by private individuals who enthusiastically store, restore, maintain and exhibit antique and vintage machinery (predominantly steam driven).

Although existing use rights apply, it is necessary and appropriate to legalise the existing buildings/equipment, together with major annual events through the application of appropriate statutory planning controls.

Discussions with the Department of Planning and Community Development over recent years have revealed that it may support the application of a Special Use Zone.

A new Strategic Plan for the further development, and use and management of the land has been prepared for the Association, with the financial assistance of a number of Government agencies (including the Council). It includes basic master planning options (currently in diagrammatical format) for the future staged development of the site in the short, medium and longer terms, and an accompanying business plan and funding model for the implementation of the strategic plan and the ongoing conduct of the association.

It is timely therefore that this substantial facility is recognised by the Planning Scheme and provision is made to enable the further use and development of the land to be appropriately overseen



(bearing in mind that the organised rallies attract a large number of visitors and the facility operates as a permanent entertainment venue – akin to a ‘showgrounds’).

f) Landscape Assessment

The varied geomorphology of the Shire contributes significantly to a diverse set of landscape features, which are pivotal to the definition of the Shire’s high landscape qualities. Some of these features have varying degrees of sensitivity and therefore the risk of their degradation will vary.

Council should undertake a landscape impact sensitivity analysis of these features so that it is well positioned to understand development proposals and the degree to which they could undermine significant landscape features. The reality is that areas with high landscape sensitivity should be protected by appropriate Planning Scheme Overlay controls so that the use and development of surrounding land can be sensitively regulated in order to achieve balanced planning outcomes (ie: a Permit trigger via Overlay recognising landscape values may be seen to be a useful tool).

The South West Victoria Landscape Assessment Study was prepared by Planisphere (with funding assistance and guidance from the State Government, and in consultation with the Council) in June 2013. The report makes various recommendations which should be considered as part of the Local Planning Policy Framework re-write and to inform the work outlined above.

## 4.0 COUNCIL'S STRATEGIC CONTEXT

### 4.1 Council Plan 2013-2017

The adoption of each new Council Plan provides a trigger for the relevant Planning Scheme to be reviewed. This is to ensure that the Planning Scheme is not only kept up to date and consistent with all re State Planning Policies and Government directions, but also to ensure that the Planning Scheme is responsive to the wider social, cultural, environmental, and economic goals and policies that have been identified in the Council Plan.

The Council Plan for the period 2013-2017 was adopted by the Council in April 2013.

Key features of the Plan are outlined as follows:

- The “Vision” for the municipality is:

*“We want the Pyrenees Shire to be a healthy, vibrant, prosperous and connected community”.*

- Council’s Strategic Objectives for 2013-2017 are:

*“We will maintain a safe and effective road system that caters for all road users within the Shire.*

*We will provide safe, functional and well utilised assets and services, to enhance the quality of life of residents and promote connected, active and resilient communities.*

*We will provide community leadership and advocacy to ensure financially sustainability and improve the economic, social and environmental wellbeing of the Pyrenees Shire.*

*We will develop the local economy and increase the population of the Pyrenees Shire.*

*We will show effective leadership in the management of the natural and built environments.”*

For the period covered by this Plan, the Council intends focussing on seven key 'Areas of Achievement', these being:

a) Road Infrastructure

Key strategies of this Area include:

- *Implement the asset management strategy and review the policy annually.*
- *Continue to participate in the MAV's STEP Asset Management Program and the National Asset Management Association Framework to ensure that road management within the Shire complies with the requirements of the Framework.*
- *Develop a gravel road maintenance strategy.*
- *Communicate to residents regarding the management of the road network.*

b) Community Infrastructure and Wellbeing

Key strategies of this Area include:

- *Complete and implement the community infrastructure asset management strategy and review the policy annually.*
- *Implement and update Council's recreation strategy to ensure our communities have access to resources and facilities that encourage participation.*
- *Use Community Action Plans to inform Council's priorities for determining the use, and future needs for, community facilities.*
- *Support and promote the development of community hubs as a means of increasing the utilisation of community assets throughout the Shire.*
- *Promote, develop and maintain tidy, attractive and functional streetscapes that encourage tourism, town pride and new residents.*

- *Provide responsive and sustainable community services in aged care, child care and maternal and child health.*
- *Facilitate youth involvement in community activities.*
- *Utilise Council's health and wellbeing plan to improve the health of the community.*
- *Support arts and cultural initiatives within the Shire to enhance community participation and wellbeing.*
- *Promote the use of community resource centres to enhance the community's educational, training and social networking opportunities.*

c) Good Governance and Leadership

Key strategies of this Area include:

- *Communicate the Council's decisions, policies and activities and the reasons behind them, in a form relevant to ratepayer needs and expectations in accordance to Council's Communication Strategy.*
- *Mitigate risk and improve employee safety through proactive risk management.*
- *Continue Councillor training and development and ensure adherence to the Councillor Code of Conduct.*
- *Work with the State and Federal Governments and the Municipal Association of Victoria on a new and sustainable funding mode for Local Government.*
- *Advocate to ensure adequate grant funding to provide and improve infrastructure, such as telecommunications, housing, water, sewerage and energy.*
- *Develop and implement the emergency management plan.*
- *Work with the MAV and State Government departments to bring about improvements in guidelines and regulations regarding wind farm development.*

- *Respond to the community in a timely manner, in accordance with Council's customer service charter.*
- *Pursue efficiencies and productivity increases throughout the organisation and communicate achievements to the community.*

d) Economic, Agriculture and Tourism Development

Key strategies of this Area include:

- *Continue Council's involvement with Central Highlands Regional Strategic Plan, Grampians Tourism, the Regional Management Forum, and Regional Development Australia, to maintain and expand the regional development focus.*
- *Implement the priority actions in the economic development strategy and the tourism strategy to attract, retain and develop business, industry and tourism.*
- *Work with telecommunications companies and government representatives to improve mobile phone and broadband internet access throughout the Shire.*
- *Review industrial land requirements in Beaufort and Avoca in conjunction with the review of the current industrial land strategy.*
- *Review residential land requirements in Beaufort and Avoca in conjunction with the review of the current residential land strategy.*
- *Demonstrate the liveability of the Shire by continuing to support existing and promoting future events in the Shire.*
- *Advocate for the Landsborough pipeline.*
- *Maximise commercial opportunities from Shire Caravan Parks.*

e) The Environment

Key strategies of this Area include:

- *Implement the Municipal Waste Management Plan to reduce the amount of waste sent to landfill and to encourage recycling.*
- *Review land use planning strategies.*
- *Prepare and implement Council's floodplain management plans.*
- *Implement the environmental and sustainability strategy.*
- *Review the roadside management plan to include weeds and pest management.*
- *Support the development of renewable energy projects where they will not be to the detriment of the community.*
- *Minimise the transportation impacts of industry on infrastructure and the environment.*

#### **4.2 Council Growth Strategy 2014 – 2018 (DRAFT)**

Council is in the process of preparing an updated 'Growth Strategy' to replace the Growth and Development Strategy 2010 – 2014 document. The strategy will include the following elements:

- Geographic profile and demographic trends
- Regional influences
- Economic infrastructure assets
- Liveability, amenity and affordability
- Stakeholder feedback
- Economic profile
- Key economic sectors
- Key focus areas

At the time of writing this report the document was still in draft form, however it is expected that it will be published in its final form in the near future.

## **5.0 REGIONAL CONTEXT**

### **5.1 Central Highlands Regional Strategic Plan (June 2010)**

This document was prepared by Parsons Brickerhoff in conjunction with SGS Economics and Planning. The Plan contains ‘Strategic Directions and Actions’ for the Central Highlands Region.

A summary of the Plan was released in 2012, which re-presents the key challenges to the Region, whilst also acknowledging any major changes which have occurred since the Plan was first published – including:

- Management of population growth
- Cohesion of regional networks
- Improvement of connectivity
- Maintenance of service provision
- Facilitation of education and training
- Management of natural resources and environmental assets

### **5.2 Central Highlands Regional Growth Plan (2014)**

The Central Highlands Regional Growth Plan provides a longer term view of the region, as well as providing for short term actions and overarching land use directions.

The document contains a series of principles and directions for regional growth, including:

- Planning for population growth in sustainable locations
- Strengthen the region’s economy so that it is more diversified
- Capitalisation on links with other regions and cities
- Enhancing access to services to facilitate vibrant and sustainable communities
- Make the region self-reliant through careful land use planning



- Provision of infrastructure to be integrated with population growth planning
- Effective management of the region's resources
- Support for long term agricultural productivity
- Recognition of the importance of cultural heritage and landscapes

### **5.3 Central Highlands Councils Victoria – Regional Investment Plan (Transformational Projects 2014)**

This Plan flags projects of varying degrees of importance in the Central Highlands region. The Western Highway Upgrade is flagged as a 'transformational project' with specific costings for the provision of a bypass of Beaufort.

'Council projects' which have been recognised in the Plan include streetscape works in Landsborough, Amphitheatre, Raglan and Redbank, provision of additional industrial land in Beaufort and Avoca, natural gas supply for Beaufort, Lexton community hub and sewerage scheme investigation.

### **5.4 Western Highway Duplication**

In recent years, the State Government and (to a lesser extent perhaps) the Commonwealth Government have been formulating proposals for suitable upgrading of the Western Highway, as it progresses outward from Melbourne.

The "Western Highway M8/A8 Corridor Strategy" (VicRoads 2000) envisaged that the corridor should be upgraded to the following standards:

- Full freeway standard between Melbourne and Ballarat
- Divided carriageway/limited property access standard between Ballarat and Stawell
- Non-divided rural arterial standard between Stawell and the South Australian border

In 2009, VicRoads commenced detailed cost-benefit evaluations and preliminary design work for the Ballarat-Stawell section of the highway upgrade.

There is no current proposal to bypass Beaufort, however VicRoads indicated it would investigate options if community consultation demanded it. The strong community view is that a bypass would be desirable provided that prolonged uncertainty with implementation of such a project would be avoided.

VicRoads and Council subsequently undertook a number of feasibility studies to find suitable/preferred locations for such a route. The preferred location is to the immediate north of the township – ‘not too close’ as to directly impact on the town and its amenity, but ‘not too far’ so as to result in functional isolation of the town from the transport corridor. Following an extensive process of both broad community consultation and detailed discussions with potentially affected landowners, a preferred corridor (as distinct from a specific alignment) has now been identified and it is intended that this corridor should be incorporated into the upgraded version of the Beaufort Structure Plan.

VicRoads is now undertaking more detailed feasibility studies for the design and construction of the bypass, based on two northern alignment options.

Council is being closely consulted regarding the outcome of those studies, with wider community consultation expected to take place in early 2015.

At the time of writing this report, there are no formal commitments by either State or Federal Governments as to whether or not this project will be implemented or when this may occur if a commitment is given.

## 6.0 STATE INITIATIVES SINCE LAST REVIEW REPORT

Since the most recent Review of the Planning Scheme (completed in 2010), there have been several substantial changes made to the State planning context of the Planning Scheme. These include (as relevant to the Pyrenees Shire):

### 6.1 Changes to the VPPs and State Government Policy:

#### a) Revised State Planning Policy Framework

Amendment VC71 was gazetted in September 2010 – which introduced a revised State Planning Policy Framework. This was a policy-neutral translation of the existing framework under new themes in a new structure.

#### b) Wind Energy Facilities

Clause 52.32 was first introduced to the VPPs under Amendment VC16, gazetted on 8 October 2002. It contains specific requirements as to the type of information which must be submitted with Applications for new “wind farms” for electricity generation, and guidelines as to how such Applications must be assessed. These provisions also accompanied changes to Zone controls, which effectively made a “Wind energy facility” a discretionary use in all non-urban Zones.

Amendment VC78 was gazetted in March 2011, which removed the Minister’s decision-making powers regarding wind energy facilities of 30 megawatts or more. As a result even though Council played no part in the approvals process for large-scale wind energy facilities prior to that date, it has now become the Responsible Authority for the administration and enforcement of those Permits. For the time being however, most of the secondary consent provisions of those Permits remain vested in the Minister for Planning. Fortunately therefore, issues associated with wind energy facilities start-up (including in particular noise control) are still the responsibility of the Minister. A process is being formulated for an orderly handover of Responsible Authority functions to the Council – which hopefully, will enable Council to draw on expert advice and assistance from relevant Government

agencies (after it has become the principal planning regulator). This was of particular concern to the Council – given that under the previous system it was excluded from the assessment process.

In August 2011, Amendment VC82 was approved which provides that a wind farm turbine site may not be established if it is within 2 kilometres of an existing dwelling on a non-stakeholder property, unless that owner has provided written consent to this.

The new State Government has indicated an intention to introduce a less restrictive policy regarding buffer distance requirements and to more effectively facilitate future wind farm development.

c) Bush Fire Protection

New Bushfire Management Overlay controls were introduced in November 2011 under Amendment VC83 to replace the former Wildfire Management Overlay. The new controls provide a comprehensive approach to managing fire risk, and include a range of formula which are to be used to create appropriate areas of ‘defendable space’. This Amendment also resulted in changes to the native vegetation protection measures in Clause 52.17 – to deal with the removal of native vegetation in order to meet the requirements of the BMO control.

The new controls are multi-faceted and require specialist input from a fire management consultant in order to satisfy the various requirements. As previously mentioned in Section 3.1 – DTPLI is undertaking a State-wide review of BMO mapping – taking into account (in particular) the results of scientific research that has been undertaken since the Black Saturday bushfires and more accurate ground proofing.

d) New Residential Zones

Amendment GC11 was finalised in June 2014, and saw the introduction of the new General Residential Zone into the Pyrenees Planning Scheme, to replace the former Residential 1 Zone.

The new Zone control was a literal translation of existing land in the Residential 1 Zone.

The changes are relatively minor and of little consequence insofar as the Pyrenees Planning Scheme is concerned.

e) Reformed Rural Zones

In September 2013, Amendment VC103 was gazetted – which saw the introduction of a reformed suite of Rural Zones.

There are a number of implications for the Pyrenees Shire which arise from this zoning change. Distinguishing features of the new Zones are:

(i) The Farming Zone

- Removal of biodiversity conservation objectives
- Increased conditional as-of-right uses, including bed and breakfast, primary produce sales, rural industry, and rural store.
- Discretionary uses include most accommodation types, industry, education centre, warehouse, trade supplies, innominate uses.
- Permits for single lot excisions may be granted without the need for a Section 173 Agreement to be entered into, which would prevent any further subdivision of the residue land.
- The changes generally resulted in a relaxing of the controls.

(ii) The Rural Living Zone

- The only change of any significance insofar as the Pyrenees Shire is concerned was a reduction in the minimum lot size from 8 hectares to 2 hectares.
- This is particularly significant for recently completed studies such as the Structure Plans for Snake Valley,

Beaufort and Avoca - which included recommendations for particular areas to be retained at the existing (former) subdivision pattern. A new schedule will now be required in order to achieve this.

(iii) The Rural Conservation Zone

- Innominate uses are now discretionary.

(iv) The Rural Activity Zone

- No substantial change, which has resulted in little distinction now being able to be drawn between this Zone and the reformed Farming Zone.

f) Native Vegetation

Changes to the native vegetation removal provisions of Clause 52.17 were made via Amendment VC105 to the Planning Scheme (December 2013).

The changes are based on the reforms to Victoria's Native Vegetation Permitted Clearing Regulations – which are focussed on a 'no net loss' approach instead of 'net gain'.

Whilst remaining a complex set of controls, the Amendment has resulted in a more streamlined approach to native vegetation removal to achieve the necessary bushfire protection measures required under the Bushfire Management Overlay control.

g) VicSmart Process

In September 2014, a new suite of controls were introduced to the Planning Scheme to streamline the dealing of straightforward Applications (under Amendment VC114).

'VicSmart' sets out a framework in which simple Applications are exempted from advertising requirements and are able to be dealt with within 10 days under delegated authority. The new controls set out the types of Applications and under which circumstances they might be suitable to be dealt with in this fashion, including:

- Particular subdivisions which meet specific criteria and are in certain zones
- Minor buildings and works (including fences)
- Single tree removal
- Demolition of an outbuilding in a Heritage Overlay
- Display a particular type of sign
- Reduce the number of car spaces required by less than 5
- Reduce or waive the loading requirements

h) Development in Open Potable Water Supply Catchments

In December 2010, the Supreme Court of Victoria handed down a decision on a dispute which was brought before it as to how the Guidelines should be interpreted and applied (“*Rozen v Macedon Ranges Shire Council and ANOR*”). In its decision, the Court held that the Guidelines once having been formalised, should be considered in every instance where they may be applicable, and should be given significant weight in the determination of Planning Permit Applications for the subdivision, use, or development of land. The Court came to this view because the Guidelines have the status of policy under the Environment Protection Act and (in turn) SEPP (Waters of Victoria) – all of which require the application of the “precautionary principle”. In essence, the Court held that the Guidelines should take priority over all other potentially conflicting/competing policy objectives of the Planning Scheme.

Subsequently, in February 2012, VCAT handed down a decision on a case which was disputed between Goulburn Murray Water and Central Highlands Water in regard to the way in which an “open potable water supply catchment” should be defined. In its decision, VCAT took a particularly conservative position, and directed that any catchment which supplies water to a reservoir from which water is taken (in no

matter how small a quantity) for distribution in a potable water supply system, then it must be treated as an “open potable water supply catchment” for the purpose of the Guidelines.

As a result of these two decisions, the water authorities have been obliged to take a particularly rigorous stance in insisting on full compliance with the Guidelines, even though this results in a negation of important town planning policies and regulatory instruments.

In November 2012, the Minister for Water issued a revised set of Guidelines which are aimed at relieving the constraints which their predecessors were having on many forms of use and development of land. Under these new Guidelines and accompanying Ministerial Orders, the way is open for individual Councils to prepare interim policy documents that will enable modest unsewered developments to proceed at least in areas which have only low and medium sensitivity to water quality in streams which feed into potable water supply reservoirs. At this stage however, no action has been taken to amend the definition of “open potable water supply catchment” and therefore, insofar as Pyrenees Shire is concerned, that part of the Laanecoorie Catchment which is within the Shire continues to be caught by these controls.

The key provisions of the Guidelines were (and remain):

- The density of dwellings on a catchment-wide basis within the Municipality must not exceed one dwelling per 40 hectares.
- Every lot created in a subdivision (regardless of zoning) must have an area of at least 40 hectares.
- In any zone where a Planning Permit is required for a dwelling, a minimum lot size of 40 hectares will be required.
- A Land Capability Assessment must be undertaken for every housing development proposal.



- Planning Permits must include conditions which govern the ongoing operation and maintenance of private septic tanks (including annual inspections to ensure compliance with Permit conditions and desludging of septic tanks at least every three years).
- On-site septic tanks and effluent disposal areas must comply with specified setback distances from reservoirs and feeder watercourses.

e) Timber Industry Action Plan

This document was prepared by the State Government and was released in 2011. It recommends removal of all requirements for a Planning Permit for Timber production of any size (ie: remove the potential for local Councils to “schedule-in” a Permit requirement, and the ability of Overlay controls to trigger a Permit for plantation preparation works).

There is no proposal to change the existing Code – an Incorporated Document in all Planning Schemes.

## **6.2 Council’s Response to the VPP Changes:**

In order to respond to the VPP and state planning policy changes described in Section 6.1, Council has taken the following initiatives:

a) Wind Energy Facilities

Council has been expressing concern to the Government over the past three years as to the inadequacy of existing planning controls to deal with proposals for construction of new dwellings within wind farm noise buffer areas (ie: sites within existing or approved turbines). There is particular concern that within the noise buffer areas of the Waubra and Stockyard Hill wind farms there are a large number of lots which under the Farming Zone and Rural Living Zone provisions can have dwellings built on them without the need for a Planning Permit. Council sees it as important that at least there is a permit trigger that would enable noise and other

potential adverse amenity impacts on a proposed dwelling to be taken into account in an orderly planning assessment process.

Council has sought agreement from the Department of Transport, Planning and Local Infrastructure to amend the Planning Scheme to provide a discretion to Councils to schedule-in Permit trigger in such instances in the Farming Zone.

To date, the Department has not taken any further action on this issue.

Council has prepared its own internal policy document – to deal with housing proposals within 2 kilometres of an existing or approved turbine, where a Permit trigger already exists. The process which is to be followed involves obtaining an acoustic impact assessment on the proposed dwelling site, any adverse amenity impacts associated with it and recommendations to reduce these effects (through orientation, relocation, material selection – or a combination of all of these things).

Such a policy should be formalised in the Planning Scheme – and should be considered for inclusion in the Local Planning Policy Framework re-write which is now underway.

Further policy directives may be required to respond to planning initiatives introduced by the new State Government.

b) Domestic Wastewater Management Plan

Strict control of development in open potable water supply catchment areas is a major issue insofar as State planning policy is concerned. A multi-pronged approach is required to deal effectively with this issue, particularly in regard to the impact of discharges from private septic tank systems on streams and water courses which provide potable water supply to urban communities. It is Government policy that new format DWMP's should be the key driving force in this regard.

The introduction and interpretation of the Minister for Water's guidelines for development in open potable water supply

catchments has created a sense of urgency for developing a plan of this type.

Evansford and Lexton are located within the Laanecoorie Reservoir Catchment. Effluent disposal in these areas must be carefully managed. In addition, more carefully-directed strategies are needed, to guide future development in a way that helps safeguard water quality in the waterways that feed this reservoir.

Councils have been given strict instructions to prepare new domestic wastewater management plans which adopt a science-based approach to the regulation of subdivision and housing development to help minimise threats to the quality of potable urban water supplies due to the inappropriate location of private septic tank systems.

Council (in consultation with Dr Robert van de Graaff and Paul Williams and Associates Pty Ltd) has now prepared the draft of a Domestic Wastewater Management Plan – for final review with the relevant water authorities (notably Goulburn-Murray Water and Central Highlands Water) prior to formal adoption, which is expected to occur mid 2015.

The DWMP will become a formal reference document for the implementation of the new local policies and related Overlay controls.

c) Statutory Planning Services

The services of Rob Milner from the 10 consulting group were recently engaged to undertake a review and provide recommendations with relation to the improvement of statutory planning services. Those recommendations are summarised as follows:

- Improved checklists and new checklists for Vic Smart applications
- Easier to follow web info for simple applications and example plans for main application types. This will include

details of local consultants that can assist in preparing supporting plans / documents for applications

- New process for the acceptance of applications to enable the assessment to be undertaken within service charter timeframes
- Improvements to front counter set out and availability of information

Council officers are in the process of implementing these recommendations.

## **7.0 COMMUNITY CONSULTATION AND INTERNAL REVIEW PROCESSES**

### **7.1 Community Consultation**

An important feature of this review has been the structured process of community consultation, which was undertaken at the outset of the Study in March 2014.

This process included:

- Publication of Public Notices in the three major newspapers that circulate within the Shire (ie: the Pyrenees Advocate, the Maryborough Advertiser, and the Ballarat Courier).
- A Public Notice sent to each rate payer within the Shire.
- Personal letters sent to a select number of agencies, authorities, and leading figures within the Shire.

As a result of the above processes, a number of submissions were made. Key issues raised include:

- Request to delete BMO controls from a property in Trawalla
- Request to rezone land from Farming to Rural Living in Snake Valley
- Drainage issues and quality of new housing at Snake Valley
- Buffer distances around extractive industry operations
- Update Environmental Significance (Schedule 2) Overlay mapping so it is more accurate, and make provision for flood management in controls
- Final version of DWMP to be included as a reference document in the Planning Scheme
- Public facilities to be appropriately zoned (ie: for a public purpose) with a buffer area provided for by way of an Environmental Significance Overlay control.

## **7.2 Internal Review**

In addition, Council officers conducted an internal review of the Planning Scheme to identify key issues which will need to be addressed as part of this process.

The following summary highlights the key points to emerge from this process:

- a. Planning controls in open potable water supply catchments
- b. Flood plain studies for Avoca, Lexton and Landsborough
- c. Improve quality of township strategy plans at Clause 21.07
- d. Western Highway ByPass
- e. Preparation of Structure Plan for Lexton
- f. Beaufort Structure Plan – document consolidation
- g. The provision of additional industrial land in Beaufort and Avoca
- h. Infrastructure in Beaufort to enable additional residential growth
- i. Potential adverse amenity impacts of wind energy facilities on proposed dwellings
- j. Potential adverse amenity impacts of broiler farms on nearby properties
- k. Rural living review

## **7.3 Response to Submissions/Issues Raised**

### a) Deletion of BMO control

The Department of Transport, Planning and Local Infrastructure is undertaking a State-wide review of the WMO mapping, based on criteria established by the Royal Commission into the Black Saturday bushfires.

There is no action which Council needs to take in relation to this matter at this stage.

b) Snake Valley rezoning

The recommendations of the Snake Valley Structure Plan study are sound, and no further changes are necessary.

c) Drainage issues and quality of new housing at Snake Valley

The installation of the sewerage scheme has opened up new opportunities for infill development the town, which will provide for smaller (ie: more appropriate) residential lots. Council believes that this process of consolidation will assist to develop a stronger character of the town (in conjunction with streetscape works being undertaken).

An urban design framework is to be prepared for Snake Valley.

Council will review the existing drainage infrastructure in consultation with Central Highlands Water.

d) Buffer distances around extractive industry operations

The legislation governing these facilities is complex, and their locations are dictated by geographical factors.

There may be case for Council making representations to DTPLI to introduce a Permit trigger for dwellings within two kilometres of an existing or proposed facility (along similar lines as was suggested for wind turbines).

e) Environmental Significance (Schedule 2) Overlay provisions and mapping

ESO2 mapping should be reviewed in light of more detailed contour information that is now available.

A review of the legal status of watercourses within open potable water supply catchments should be undertaken.

- f) Planning controls in open potable water supply catchments, and DWMP to be included as a reference document in the Planning Scheme

As previously identified, this is a major issue for the Council.

Section 6.2 of this report outlines the current status of the draft DWMP.

- g) Appropriate zoning of public facilities

Public assets should be included in a Public Use Zone, and that buffer areas should apply (in the form of an ESO3 control) to the immediate environs of wastewater treatment facilities.

- h) Floodplain studies for Avoca and Landsborough

A study covering Landsborough and the Wimmera catchment rural creeks has recently been completed and the existing flooding controls will need to be reviewed in light of the recommendations of the final report.

Funding is being sought to undertake a similar study for Avoca and Lexton.

- i) Improve quality of township strategy plans at Clause 21.07

Better quality strategy plans (than those currently existing at Clause 21.07) are currently being prepared by the Department of Transport, Planning and Local Infrastructure. The plans will be reviewed and updated where necessary (eg: to take into account recommendations in adopted Structure Plans).

- j) Western Highway ByPass

As previously mentioned (in Section 5.2) there is no formal commitment for this to occur. Preliminary studies are underway however.

- k) Beaufort Structure Plan – document consolidation

This work has been commissioned.



l) The provision of additional industrial land in Beaufort and Avoca

The supply of land in Council's industrial estate in both towns is sufficient only to meet short to medium term demands. Additional sites in both Beaufort and Avoca have been considered over the past two years and preferred sites have been identified.

m) Infrastructure in Beaufort to enable additional residential growth

Additional residential land is required to be developed, given the success of Council's Correa Park (Stages 1 and 2) subdivision. Stages 3, 4 and 5 are currently under consideration by the Council, and are expected to be equally as successful.

Discussions must be had with CHW to facilitate the provision of essential infrastructure/services to those areas preferred for residential growth.

n) Potential adverse amenity impacts of wind energy facilities on proposed dwellings

As previously mentioned in Section 6.2 of this Report, Council is concerned about the potential adverse amenity impacts on proposed dwellings within turbine noise buffer areas. Given the fact that there are substantial wind energy facilities which are now seriously entertained, there are significant opportunities for houses to be committed within 2 kilometres of existing or approved wind farm turbines.

Council has sought agreement from the Department of Transport, Planning and Local Infrastructure to amend the Planning Scheme to provide a discretion to Councils to schedule-in Permit trigger in such instances in the Farming Zone.

To date, the Department has not taken any further action on this issue. Senior officers from the Department were recently contacted in relation to this issue and provided an undertaking to provide a response to Council's submission.

o) Potential adverse amenity impacts of broiler farms on nearby properties

There are freak climatic conditions to the east of Trawalla which can expose a dwelling to significant odours from broiler farm activity. These climatic conditions are not foreseen in the Broiler Farm Code of Practice. There is a need to develop a local policy to address this issue (which may also provide guidance on setback distances from areas committed to rural living development).

p) Rural living review

As previously mentioned, a comprehensive review needs to be undertaken of the existing rural living areas across the Shire, with consideration given to additional areas which may be suitable for this purpose (and which may exist as de facto rural living areas in other Zones). It may be necessary to back zone some areas of rural living that are inappropriate for that purpose

## **8.0 MONITORING AND REVIEW OF PLANNING SCHEME OPERATION**

### **8.1 Recent Planning Permit History**

The application and permit data is recorded within the Planning Permit Activity Report System (now operated by the Department of Planning and Community Development) does require Council officers to provide systematic input on the nature and frequency of Planning Permit Applications that are received and on the outcomes resulting from their assessment.

The computer system currently used for the recording and tracking of Planning and subdivision applications (Synergy Soft) is capable of managing the permit work load of the Shire. Updated automated templates for further information requests, advertising notices and delegates reports/permits are capable of being generated and are utilised where needed in the assessment of applications. Synergy soft is capable of adapting to the requirements of assessing Vic Smart applications within 10 working days.

The following observations are made in relation to the DPCD Planning Permit Activity Report:

- (i) The number of Permit Applications received annually has been relatively constant – ranging from between 165 (2010/11) and 139 (2013/14).
- (ii) Statutory planning in the Shire occurs in a closely consultative manner with the local community. A consensus approach to the dealing of Planning Permit Applications invariably applies – with the result that out of a total of 475 Applications that were received over the review period:
  - There were only four refusals issued.
  - There were only 18 Applications which received third party objection, and five resulted in a VCAT Appeal.

- 496 Permits (i.e. 92% of Applications decided – excluding those withdrawn, not required or lapsed) were granted without any form of disputation.
- Just under 40% of all Applications received were advertised, which is close to the State average for rural municipalities.
- 92% of Applications received were determined within 60 days, with the State average for rural municipalities being 72%.

Observations have also been made by Council's town planner in regard to the general operation of the Planning Scheme, as are recorded below:

## **8.2 Native Vegetation**

Council has attempted to address the lack of public awareness of the native vegetation regulations through updating information available to applicants via the Council web site and through improving checklists. Processes have been introduced whereby the skills of Council's environmental officer can be called upon to assist in assisting applicants in preparing the NVIM reports required to be submitted with planning applications. The NVIM tool is reasonably complicated to use for many applicants and requires a reasonable degree of IT skills for its operation.

The recent reforms to the native vegetation controls (under Clause 52.17) have not addressed the complexities around the requirements for lodging an Application for vegetation removal. All 'medium risk' category Applications require applicants to submit a 'habitat hectare assessment', resulting in additional costs being incurred by applicants for fairly straight-forward proposals. There are also inconsistencies in the Permit exemptions stated in the supporting documents released by DEPI, and Clause 52.17 – which should be resolved as a priority.

## **8.3 Other Issues**

### Restructure Overlay

There is an issue with the State standard provision of these controls which prevent minor buildings and works from being exempted from requiring a Permit via the Schedule. It is anticipated that not having the

ability to exempt these minor Applications results in Council needing to consider additional planning Applications for minor developments that are otherwise exempted under the Schedule to the zoning controls.

It is recommended that Council write to the Department of Planning and Community Development requesting that this issue be addressed through changes to the current Victoria Planning Provisions.

#### Rural Living Zone

The Pyrenees Shire Council has used the Schedule to the Rural Living Zone to reduce the minimum lot size for which no permit is required to construct a dwelling to 2 hectares. The minimum subdivision lot size however has not been varied from the 2 hectares minimum provided for in Clause 35.03-3 (reduced from 8 hectares via Amendment VC103 in September 2013). It is recommended that consideration be given to investigating the possibility of including multiple Schedules within the Rural Living Zone to permit a range of minimum lot sizes. A variety of subdivisional limits may be required to achieve preferred development outcomes for identified rural living communities. A broadly based assessment of all rural living land in the Shire would be required to determine the appropriate density pattern of development based on land capability, biodiversity values and degree to which the site is subject to flooding and risk of wildfire.

#### Lake Goldsmith Steam Rally

The Pyrenees Shire Council recognises that the existing non-conforming use at Lake Goldsmith is not satisfactory.

Permits for new shed developments on this site are currently being issued using the Clause 63 (Existing Use Rights) provisions of the Planning Scheme.

As mentioned in Section 3.2.3 of this report, a new Strategic Plan has recently been prepared for the land.

It is recommended that a detailed Master Plan be prepared (based on the diagrammatical version contained within the Strategic Plan), which provides Council (and relevant agencies) to reasonably oversee the future orderly development of the land and its use and management.

Consideration should be given to preparing an Amendment to rezone this site to Special Use Zone (with a new Schedule), which will provide that the land must be used and developed in accordance with the approved Master Plan. Development undertaken generally in accordance with the approved Master Plan will be exempted from third party notice and review rights.

#### Heritage controls

In 2014, Council adopted a Heritage Strategy for the 2014-2018 period, which identifies a range of heritage actions and initiatives. These include:

- Preparing Shire-specific heritage and urban design guidelines with local examples (for which funding can be sought from the Regional Flying Squad Program)
- Preparing background citations for 26 individually listed heritage properties within the southern part of the Shire.

#### The former Beaufort Primary School

A new primary school has recently been constructed and opened in Beaufort, which has rendered the former primary school in Leichardt Street (which was recently closed) surplus to requirements.

It is understood that the property will be disposed of.

The property contains a number of substantial buildings and associated infrastructure, some of which may be of heritage significance.

There is a need for the Council to be actively involved in the future re-use of the land and its facilities (which should be retained if possible) – so that a (preferably) comprehensively-based adaptive land use outcome can be sought and facilitated.

The relevant Government agencies should be urged to undertake a suitably detailed feasibility study, to identify opportunities and constraints for the future use and development of the land, and to establish and evaluate suitable potential alternative land use concepts.

Council's heritage advisor has been engaged to undertake an assessment of the potential heritage significance of the original school buildings and provide recommendations on practical reuse options for the site.

#### **8.4 Outcomes of Planning Process Examination**

##### Registration, Lodgement and Referral of Applications

An examination of applications determined in the last two years has found that in general, the planning Applications assessed were registered on Council's electronic file recording system (Synergy Soft) within five working days of receipt. Acknowledgement letters were sent to Permit Applicants at the time the hard copy planning file was created by Council's records department.

Applications are referred to internal units and external departments within 10 working days from lodgement. Most authorities were found to have provided responses within designated statutory timeframes.

It is Council policy to complete an initial assessment within 10-15 days of lodgement. Any requirement for essential additional information needed to assess the application is requested within this timeframe.

A site inspection is undertaken for most applications either at the initial application stage, or prior to the officer report being prepared. In some cases site inspections are not undertaken for minor Applications in such as shed extensions in remote parts of the Shire in situations where a permit requirement was only called up by the Restructure Overlay provisions.

All applications are assessed against the relevant provisions of the State and Local Planning Policy Frameworks and adequate internal procedures were considered in the delegate report template.

#### **8.5 Planning Enforcement**

##### Enforcement

In the last 18 months Council has engaged the services of a part time planning enforcement officer who works one day per week. The issue of illegal dwellings/converted sheds being used for unauthorised weekend accommodation has been an on-going issue for the shire and where the

enforcement resources are being targeted. A joint approach of enforcement under both the planning & environment act and building regulations is being used in most cases.

Internal resources also being utilised to undertake pro-active enforcement of previously issued accommodation/dwellings within areas affected by the BMO controls to ensure that the CFA condition requirements have been met. The skills of Council's environmental officer are also used in the undertaking of enforcement inspections where reports of illegal native vegetation are received.



## **9.0 RECOMMENDED STRATEGIC PLANNING INITIATIVES**

### **9.1 Overview**

The assessment work recorded in the preceding sections of this Report has led the Review team to conclude that there are no serious planning crises in the Shire at the moment, due primarily to the fact that there are no major pressures for change and therefore, few planning conflicts.

One issue of concern is that the Planning Scheme has a number of policy gaps (due in a large measure to the Local Planning Policy Framework being out of date, and therefore out of step with some strategic planning work which has more recently been done for the main towns/townships). Clearly there is a need to rewrite the MSS and Local Planning Policies, to take account of the current strategic planning context of the Shire, and directions for the drafting of Planning Schemes which are now emerging from the Department of Transport, Planning and Local Infrastructure.

Aspects of the Planning Scheme which (it is considered) require refinement are set out as follows:

### **9.2 Rural Areas**

- a) There are areas of low-lying (sometimes flood prone) land in the environs of important rivers and streams where sensitive land management practices and development outcomes are required – to protect their environmental qualities and to reduce the risk of flooding. A Design and Development Overlay control has been used, given the lack of accurate and detailed data on this subject.

Detailed flood studies are therefore required (particularly in Lexton and Avoca) together with interrogation of detailed topographic and land systems information, in order to apply more suitable flood planning control mechanisms as appropriate.

- b) A detailed review should be undertaken of all Rural Living Zone areas, to determine whether the current Schedule to the Zone provision (particularly in relation to minimum lot size for subdivision) is capable

of achieving preferred planning outcomes. This would include an analysis of land use capabilities and constraints; current subdivision, settlement/ownership and land use patterns, and other planning factors which would indicate the most appropriate form and density of future development. A range of Overlay controls may also be considered to more specifically direct the land use and development outcomes that are intended to be achieved.

- c) An approach should be made to the Department of Planning and Community Development to amend the standard provisions in the Restructure Overlay control, so that exemptions for minor buildings and works (ie: dwelling extensions and domestic outbuildings) may be scheduled-in.

### **9.3 Urban Areas**

Now that detailed Structure Plans for Beaufort, Avoca and Snake Valley have been prepared, these should be given formal recognition by way of appropriate Planning Scheme Amendments. This will involve both a modification of the Local Planning Policy Framework and a number of relatively modest changes to the Zone and Overlay controls.

Subject to the outcomes of these reviews, the following changes are envisaged:

#### For Beaufort

- Adjustments to urban development areas and their Zone/Overlay boundaries having regard to identified servicing and infrastructure constraints (including water supply, drainage and sewerage).
- Consideration of a variety of lot sizes for subdivision in the Rural Living Zone.

#### For Snake Valley

- Make appropriate adjustments to the boundaries of the Township Zone (or if appropriate, related use-specific urban Zones).

- Addition of Development Plan Overlay controls over areas which have a demonstrated capability to be developed for urban residential purposes.
- Preparation of Outline Development Plans for areas within the town with potential for future development.
- Apply appropriate Overlay controls over areas subject to flooding or drainage difficulties.
- Rezone an area of land to the west of the town to Rural Living.

For Avoca:

- Rezoning of land to the immediate east of the township to General Residential Zone, given its capacity for future growth and existing service arrangements.
- Areas further east and west of the township should be considered for a range of densities under the Rural Living and Low Density Residential Zones.
- Provision of additional industrial land
- Crown land to the south of the township rezoned for residential purposes (with the relevant Overlay controls applied as necessary).

#### **9.4 Additional Strategic Planning Work**

In addition to the various planning review tasks that need to be done (as highlighted previously in this report) there are a number of new specific planning studies that need to be undertaken. These include:

- a) A staged review of the current Local Planning Policy Framework, (recently commissioned).
- b) Preparation of a Structure Plan for Lexton
- c) Preparation of a Structure Plan for Waubra (now that a sewerage scheme for the township has been developed)

- d) Implementation of flood controls for Landsborough (based on the recommendations of the flood study)
- e) Preparation of a Strategic Review for Evansford (now that a draft Domestic Wastewater Management Plan has been prepared)
- f) Preparation of flood studies for Avoca and Lexton

## 10.0 LIST OF PRIORITIES

The following section provides a reasonably accurate order of priorities in terms of further strategic work to be undertaken. The timelines provided however are intended as a general guide only and may be subject to change.

### 10.1 Over the next 12 Months

- Rewrite of the Local Planning Policy Framework
- Consolidation of Beaufort Structure Plan and Review report
- Preparation of Planning Scheme Amendments to implement the findings of the Avoca, Beaufort and Snake Valley Structure plans
- Preparation of a Structure Plan for Lexton
- Outline Development Plans for Snake Valley
- Implement the findings of the Landsborough (and environs) flood study (both in terms of identified flood risk and protection of streamside environs), via a Planning Scheme Amendment.

### 10.2 Over the next 2 Years

- Preparation of a Structure Plan for Waubra
- Development of a comprehensive Masterplan for the Steam Engine Preservation Society at Lake Goldsmith (and subsequent Planning Scheme Amendment)
- Rural Living Zone Review
- Undertake flood study (and associated Planning Scheme Amendments) for Avoca

### 10.3 Over the next 3 to 4 Years

- Preparation of Planning Scheme Amendments to implement the findings/recommendations of the Structure Plans for Lexton and Waubra.
- Preparation of a Strategic Review for Evansford

- Preparation of significant landscape assessment strategy (which will be informed by the work which the Department is undertaking)
- Preparation of a general Planning Scheme Amendment to capture various minor issues (on a regular basis)

## 11.0 CONCLUSIONS

11.1 From the work undertaken as part of this review, the following conclusions are drawn:

- The Planning Scheme is soundly-based.
- The MSS and Local Planning Policy Framework are out of date and need to be reviewed to take account of:
  - Changes which have occurred over the past 16 years to the social and economic profile of the Shire (in particular in townships)
  - Changes in Government policy in respect of both urban and rural strategic planning issues
  - Detailed Structure Plans which have now been prepared for Avoca, Beaufort and Snake Valley
  - Environmental planning issues (in particular development in open potable water supply catchments)
  - Significant landscape assessment methodology
  - Changes to the rural environment and related planning policy implications most notably with wind farm, broiler farm and timber plantation developments.
- There are a number of Zoning and Overlay adjustments which should be made to the townships of Avoca, Beaufort and Snake Valley, now that detailed Structure Plans have been prepared.
- There are a number of specific planning studies which should be undertaken for Waubra, Landsborough, Lexton and Evansford in order to further refine existing planning controls and to establish appropriate policy settings to enable Council to more proactively guide and direct future land use and development in these areas.

- Environmental planning is emerging as an important issue in the Shire and a comprehensive strategy needs to be formulated to adequately address the various components associated with it.

**Network Planning Consultants Pty Ltd**

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