

Government Land Standing Advisory Committee

Tranche 19 Report

7-25 Hill Street, Beaufort

12 September 2018

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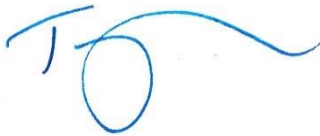
BAL	Bushfire Attach Level
BPS60	Old Beaufort Primary School 60 Committee
DPO	Development Plan Overlay
DTF	Department of Treasury and Finance
FO	Floodway Overlay
GLSAC	Government Land Standing Advisory Committee
GRZ1	General Residential Zone Schedule 1
Heritage Assessment	Heritage Assessment Report Beaufort Primary School (former), 30 April 2018
HO	Heritage Overlay
LSIO	Land Subject to Inundation Overlay
PUZ	Public Use Zone
UFZ	Urban Floodway Zone

About this report

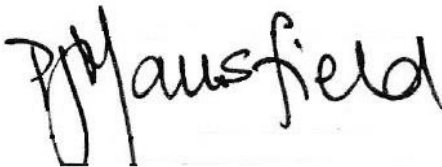
On 28 January 2018, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as Tranche 19:

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

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 7-25 Hill Street, Beaufort.



Trevor McCullough, Chair



Prue Mansfield, Member

12 September 2018

1 Summary and recommendation

1.1 The site

Figure 1: Site location



The site is bordered by Leichardt Street, Hill Street and Neill Street (Western Highway), Beaufort.

The site consists of nine reserved Crown parcels and five freehold titles (including nine freehold parcels) and was previously used as the former Beaufort Primary School. The site is irregular in shape and has an area of 2.24 hectares. It currently contains a number of classroom buildings and an oval.

1.2 Issues raised in submissions

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

Submissions addressed:

- Future use of the school site
- Flooding, drainage and the opportunity of the creek
- Heritage significance of the school buildings
- Visual prominence of the site on the approach to the town from the east, and the centre of town
- Whether the Amendment as proposed, provided adequate direction for the site to be developed appropriately.

1.3 Committee conclusion

The site owner proposes to rezone the subject land from Public Use Zone 7 – Other Public Use to the General Residential Zone – Schedule 1. The Committee agrees that this is an appropriate zone if the land is to be sold.

The Committee recommends placing a Heritage Overlay over four elements as recommended in the Heritage Assessment, being the original school building, 1869-1925; the Higher Elementary School building, 1925; the Memorial Gateway, 1936; and the Cookery Classroom, being the Mt Rowan School, built in about the 1870s and relocated in 1952.

The Committee recommends that the introduction of a Development Plan Overlay Schedule 1 over the site would help transparently set out constraints and opportunities to prospective developers of the site and ensure the Council and community objectives for the site are achieved.

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

Table 1: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Advisory Recommendation	Committee Recommendation
Public Use Zone 7 – Other Public Use	General Residential Zone – Schedule 1	General Residential Zone – Schedule 1	
General Residential Zone – Schedule 1	Retain	Retain	
Floodway Overlay	Retain	Retain	
Land Subject to Inundation Overlay	Retain	Retain	
Heritage Overlay – Schedule 502	Delete	Delete	
	Heritage Overlay (proposed at first hearing)	Heritage Overlay	
	Development Plan Overlay Schedule 1 (included in second exhibition)	Development Plan Overlay Schedule 1	

1.4 Recommendations

The Committee recommends that a planning scheme amendment be prepared and approved to apply planning controls to 7-25 Hill Street, Beaufort as follows:

Apply the General Residential Zone - Schedule 1 to the whole of the site.

Delete the existing Heritage Overlay - Schedule 502.

Apply a Heritage Overlay to part of the site, consistent with the recommendations of the Heritage Assessment Report Beaufort Primary School (former), 30 April 2018.

Retain the existing Floodway and Land Subject to Inundation Overlays.

Apply a Development Plan Overlay - Schedule 1, as shown in Appendix D of this report, to the whole of the site.

2 Process issues for this site

2.1 Process summary

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

Table 2: Proposal summary

Proposal summary	
Tranche and site reference	Tranche 19: site reference GL68
Site address	7-25 Hill Street, Beaufort
Previous use	The former Beaufort Primary School
Site owner	Currie and Brown at the request of Department of Treasury and Finance (DTF) on behalf of Department of Education and Training
Council	Pyrenees Shire Council
Exhibition	Between 13 March and 22 May 2018; and between 23 July and 17 August 2018
Submissions	10 submissions were made to the first exhibition, including DTF on behalf of the landowner; the Pyrenees Shire Council; Old Beaufort Primary School 60 Committee (BPS60); and 7 residents. One submission was received in response to the second exhibition, from Pyrenees Shire Council.

Table 3: Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone 7 – Other Public Use (PUZ7)	General Residential Zone – Schedule 1
General Residential Zone – Schedule 1 (GRZ1)	Retain
Floodway Overlay (FO)	Retain
Land Subject to Inundation Overlay (LSIO)	Retain
Heritage Overlay – Schedule 502 (HO502)	Delete
	Heritage Overlay (proposed at first hearing in response to heritage assessment)
	Development Plan Overlay Schedule 1 (proposed in second exhibition)

Table 4: Committee process

Committee process	
Members	Trevor McCullough (Chair) and Prue Mansfield
Information session	Beeripmo Development Centre, Beaufort, 27 March 2018
Hearings	Beaufort Community Bank Complex, Beaufort, 28 June 2018 Planning Panels Victoria, Melbourne, 3 September 2018
Site inspections	27 March and 28 June 2018
Appearances	Mr Gerard Gilfedder of Currie and Brown for the DTF on behalf of the site owner Ms Maria Marshall of Maddocks Lawyers on behalf of the Pyrenees Shire Council Mr George Kirsanovs and others on behalf of BPS60
Date of this Report	12 September 2018

2.2 Process issues

Following the information session in Beaufort on 27 March 2018, the Committee directed the proponent to commission a heritage assessment by a suitably qualified heritage consultant. *Heritage Assessment Report Beaufort Primary School (former), 30 April 2018*, authored by Heritage Intelligence was provided to the Committee on 1 May 2018. Consequently, the period for making a submission was extended until 22 May 2018 to allow submitters to comment on the Heritage Assessment. Ten submissions were received in response to the first exhibition period.

Following the first hearing on 28 June 2018, the Committee directed that DTF prepare and exhibit a draft Development Plan Overlay (DPO) Schedule for the site. The DPO was exhibited between 23 July and 14 August 2018 and one further submission, from Pyrenees Shire Council, was received.

Maddocks Lawyers, on behalf of Council, wrote to the Panel on 20 July 2018 objecting to the process for preparing the DPO Schedule and sought a recommendation from the Committee that the Amendment not proceed. It submitted that instead further work should be undertaken to develop a more detailed DPO Schedule, followed by further community consultation. The Panel responded on 23 July 2018 that it preferred the issues to be aired in submissions and at a public Hearing.

Council subsequently provided a more detailed submission on its preferred approach to planning controls for the site. Council spoke to its submission at the second Hearing on 3 September 2018 and the issues are discussed in Chapter 4 of this report.

3 Site constraints and opportunities

3.1 Zoning context

Figures 2 and 3 show the current and proposed zones. The site is currently zone PUZ7, except for one lot on the eastern end of the site that is currently zoned GRZ1. The Amendment proposed to rezone the entire site to the GRZ1.

Figure 2: Current zones

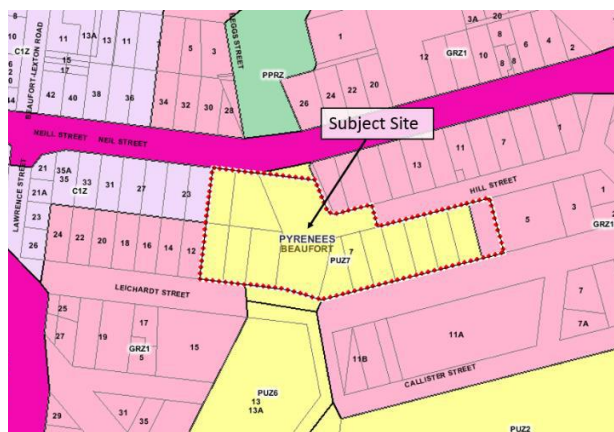


Figure 3: Proposed zone



3.2 Physical opportunities and constraints

(i) History of the site

The Beaufort Primary School was one of 700 Common Schools established by the government in Victoria in 1863. In 1989 there were only 126 left, of which Beaufort is one. The Heritage Report notes that there are no other known Common Schools of identical design and age to the one at Beaufort.

(ii) Heritage controls

A Heritage Overlay is proposed in response to the issues raised in the Heritage Assessment of the former school site. The preferred outcome by the Council and community members is to see the heritage school buildings preserved and re-purposed, potentially with a community use component. The extent of proposed heritage controls is discussed in Chapter 4 and shown in Appendix C.

(iii) Bushfire

The site is in a designated Bushfire Prone Area but is not subject to a Bushfire Management Overlay. The Committee understands that no bushfire risk assessment has been done for the site.

Clause 13.02 Bushfire sets out strategies for bushfire hazard identification and assessment:

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.*
- *Considering and assessing the bushfire hazard on the basis of:*
 - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*
 - *Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;*
 - *Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and*
 - *The site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented. (Panel emphasis)*

Council submitted that bushfire risk had not been satisfactorily assessed, and nor had there been consultation with emergency management agencies.

Clause 13.02 requires that, in a bushfire prone area, bushfire risk should be considered when assessing planning applications for a range of uses and development, including accommodation.

Clause 13.02 states:

When assessing a planning permit application for the above uses and development:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

Council submitted that a DPO Schedule provides an opportunity to ensure that a proper bushfire risk assessment is carried out and buildings are not constructed with a BAL greater than 12.5.

(iv) Watercourse

The Committee received several submissions, including from Ms Thurgood (Submission 1), about the importance of the watercourse that runs through the site. Referred to as Cemetery Creek (also known as Garibaldi Creek), the watercourse was covered over to provide a larger useable oval space for the school. Ms Thurgood submitted that the watercourse should be reopened and returned to its natural state.

Council expressed a preference to see the covered drain re-opened and the watercourse returned to its natural state to provide a linear north-south pathway through the site consistent with the *Beaufort Walkability Strategy 2015*.

Council proposed that this vision should be addressed through the requirements in a DPO Schedule.

This part of the site is subject to flooding and is covered by a FO and a LSIO. Any urban development in the FO and LSIO will be subject to design constraints.

(v) Asset easements

The subject site is not burdened by any known encumbrances, caveats or notices including covenants and 173 agreements. The site is not subject to any known easements. A sewer main traverses through Crown Allotment 20A, Section 4.

(vi) Current site conditions

The former school buildings sit on a slightly elevated site. The main buildings sit in close proximity to each other and have typical ancillary structures, such as covered walkways, shelter sheds and hard stand areas. The land drops away to the west, where the playing area and oval are located. There is little remaining of any landscaping on the site. The buildings remain in fairly good condition and are secure.

(vii) Interface with surrounds

The site is centrally located within the Beaufort township, positioned adjacent to the south-east of the commercial precinct. Residential properties are located to the north, east and south. An Anglican Church is located adjacent to the site. A Catholic Church is located to the south of the site opposite the Leichardt Street frontage. The balance of the area is undeveloped. The site has the following street frontages:

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

The following amenities and services are in vicinity of the subject site:

- Beaufort Skipton Health Service – 400 metres west
- Beaufort Primary School and Beaufort Secondary College – 800 metres south west
- Beaufort Lake Caravan Park – 1.3 kilometres south west
- Camp Hill Recreation Reserve – 700 metres north
- Pyrenees Shire Council Offices – 250 metres north west
- Beaufort Train Station – 450 metres north west

- Beaufort Swimming Pool – 50 metres south
- Western Highway – 10 metres north.

The close proximity to the Beaufort commercial area and other amenities is a substantial positive in developing the site for residential use.

Council submitted that the rezoning and development of this site has the potential to “*be a significant transforming element in the structure of the town*”.

(viii) Access

Current vehicular access is via existing crossovers on Hill Street, the main entry, and Leichardt Street. Pedestrian access from the town centre is possible across the oval.

The site has opportunities for access to several frontages and an appropriately designed road and pathway network through the site.

3.3 Strategic planning context

(i) Planning Policy Framework and Regional Growth Plan

The land owner noted in its Hearing submission that (with the approval of Amendment VC148) the key Regional settlement strategy for the township is now included at Clause 11.01-1R Settlement-Central Highlands. The key strategies are:

- *Support Ballarat as the main centre for regional growth, services and employment with major growth focussed to the west.*
- *Provide local and sub-regional services at Avoca, Ballan, Beaufort, Clunes, Creswick, Daylesford and Smythesdale to support ongoing growth, particularly closer to Melbourne and Ballarat where towns will provide a key opportunity to target growth pressure.*
- *Direct growth to well serviced settlements with good access to Melbourne or Ballarat, particularly Bacchus Marsh, Ballan, Creswick, Clunes, Beaufort and Smythesdale.*

The *Central Highlands Regional Growth Plan 2014* identifies Beaufort as one of the towns for provision of local and sub-regional services to support ongoing growth. Beaufort is identified as a town where sustainable change is supported.

(ii) Planning Practice Notes and Ministerial Directions

Planning Practice Note 23 - Applying the Incorporated and Development Plan Overlays explains the functions of the DPO, provides advice on when the overlay should be used and provides guidance on how to use the tool.

The Practice Note has been considered in providing advice on whether a DPO should apply and the form of the proposed schedule.

The Ministerial Direction on the Form and Content of Planning Schemes governs the form and content of all schemes and assists in the drafting of schedules. It includes the template for a Development Plan Overlay Schedule.

4 The proposed planning controls

4.1 The most appropriate zone

(i) Submissions

The landowner submitted that the whole of the site was suitable to be rezoned to the General Residential Zone Schedule 1 (GRZ1). It submitted that this allows for infill development to occur, close to the centre of the town, that would complement the Beaufort township.

In its initial written submission, Council submitted that the Urban Floodway Zone (UFZ) should be applied over that part of the site currently covered by the FO and the LSIO. Council presented a map to the Committee showing the most recent flood mapping, which delineated the areas of UFZ immediately downstream of the Beaufort Reservoir to the south of the subject site, and the application of the FO and LSIO further downstream, including over the lower reaches of the school site. No further evidence was presented as to why the UFZ should be considered.

Council confirmed in the second hearing that it supports the application of the GRZ1 over the entire site, provided that a DPO is also applied that provides direction in relation to managing the floodway.

BPS60 submitted that the site should be retained in the PUZ, given their strong desire to retain the whole of the site in public ownership for various community purposes.

(ii) Discussion

The Committee agrees that the site is an ideal location for infill development to support growth in Beaufort. It is located between the commercial zoned town centre and existing residential areas. It is visible from the current Western Highway entrance to the town from the east. While the Western Highway will no longer use Neill Street when the bypass currently being planned by VicRoads is complete, the site will remain highly visible from the town on what will still be a significant access point for local traffic.

Council is in agreement with the application of the GRZ1 as the most appropriate zone to replace the PUZ. Council submitted that, given the significance of the site, the rezoning provided a rare opportunity for *“Beaufort to re-invent itself”*. Council, however, also submitted that the proposed planning regime did not provide sufficient guidance to achieve this outcome and proposed a DPO be applied to the site. This issue is discussed in more detail in the following sections.

The BPS60 Committee members, several of whom presented eloquently to the Panel about their vision for the whole of the site, were passionate in their desire to see the whole of the site retained in community ownership and over time developed as a Community Hub, with community activities supported by appropriate commercial ventures that would support the Hub. It was explained to the BPS60 submitters that the land had been declared surplus by the State Government and it is beyond the Terms of Reference of the Committee to consider retention in public use. The Committee noted that in any case the uses envisaged by BPS60 would likely be allowable uses (with permit) in the GRZ1.

(iii) Conclusion

The Committee concludes that the GRZ1 is the most appropriate zone to be applied to the entire site.

(iv) Recommendation

Apply the General Residential Zone – Schedule 1 to the entire site

4.2 Heritage Overlays

(i) Background

The Minister’s referral of the Beaufort tranche of sites to the GLSAC reads *“In terms of 7 Hill Street, Beaufort, please consider any potential local heritage significance worth protecting”*. Following the Information Session in Beaufort on 27 March 2018, the Committee directed the proponent to commission a heritage assessment by a suitably qualified heritage consultant to consider whether any buildings on the site or any other aspects of the site have local heritage significance, and provide recommendations on any planning controls required to protect the site. A Heritage Assessment was prepared by Lorraine Huddle of Heritage Intelligence.

HO502, which applies to the Beaufort Township Heritage Precinct applies to the parcel of land to the north east of the subject site and forms the edge of the precinct. This site contains no heritage assets and is separated from the rest of the precinct by a disused petrol station.

(ii) Submissions

The Heritage Assessment identified ten elements within the school complex, and recommended that four of them met the criteria for protection with an individual heritage overlay over the whole of the allotments on which they sit:

- the original school building was one of the early Common School buildings, being Number 60 out of 700 such schools. It was originally built in 1878, and extended to accommodate the growing school population several times between 1908 and 1925
- the Higher Elementary School, 1925
- the Memorial Gateway, 1936
- the Cookery School, formally the Mt Rowan School, relocated to Beaufort School in 1952.

No other building elements on the site were assessed as having heritage significance.

In addition, Ms Huddle recommended that only landscaping be permitted between the buildings and Hill Street to retain the historic setting and views to the three front elements.

It was recommended that the former Mt Rowan school (which sits behind the main school buildings and so is not as visible from Hill Street) be retained in situ. However, as the building had been relocated, it could be acceptable to relocate it to another site to the east of Cemetery Creek, or back to Mt Rowan, provided it is visible from the public realm and with protected with a Heritage Overlay on either new site.

The Heritage Assessment recommended paint controls be applied to the heritage buildings, consistent with HO502 Beaufort Township Heritage Precinct and other schools in Pyrenees HO Schedule.

The full recommendation from the Heritage Assessment are reproduced in Appendix C.

The landowner, Council and the BPS60 all endorsed the Heritage assessment in its entirety. The landowner agreed to apply the Heritage Overlay as detailed in the Huddle report. There was also agreement between the parties that in order to maximize the chance of contemporary reuse of the heritage buildings, the provision in the overlay that allows for otherwise prohibited uses to be considered should also be applied.

As part of the BPS60 submission to the first Hearing, local historian Pam Weller provided the Committee with her summary of the heritage significance of the school buildings. When asked by the Committee whether she thought the Heritage Assessment report had got it right, she replied that it was 100 per cent correct.

Two historic churches are linked to the site, one adjacent to the east and the other immediately across Leichardt Street to the south. Both are prominent buildings of significant size and scale in the context of Beaufort, and this is reinforced by their elevated location above the township. Together with the school buildings, they reinforce the historic development of Beaufort as a place and community.

There is one parcel of land on the north west corner of the site that is included within the Heritage Overlay 502-Beaufort Township Heritage Precinct. There are no heritage assets on this site, and it is separated from the rest of the heritage precinct by a disused petrol station. It is proposed to remove the HO from this parcel. This was not opposed by any party.

(iii) Discussion and conclusion

The heritage advice for the former school buildings is clear and uncontested. The Committee supports the implementation of the recommendations of the Heritage Assessment Report Beaufort Primary School (former), 30 April 2018.

No heritage overlay was prepared or exhibited as part of the Amendment process. The Panel is of the view that, given that the Heritage Assessment was exhibited and its findings are uncontested, a heritage overlay can be prepared and implemented without further exhibition provided it is prepared in strict accordance with the recommendations of the Heritage Assessment.

The Committee agrees that it is appropriate to remove HO502 from the north west corner of the site.

(iv) Recommendation

The Committee recommends:

Delete existing Heritage Overlay – Schedule 502

Apply a Heritage Overlay to part of the site, consistent with the recommendations of the Heritage Assessment Report Beaufort Primary School (former), 30 April 2018.

4.3 Floodway and Land Subject to Inundation Overlays

(i) Discussion

The area subject to flooding is currently covered by the FO and LSIO. There is no proposal to change the overlays. No submissions were received that suggested that the overlays should be removed.

The Committee agrees that the FO and LSIO should be retained.

(ii) Recommendation

Retain the existing Floodway and Land Subject to Inundation Overlays.

4.4 Development Plan Overlay

(i) The issues

The issues are:

- Should a DPO be applied to the site?
- If so what form should it take?

(ii) Context

DTF on behalf of the landowner advised the Committee that it intended to sell the site as a consolidated site. It is not intended to subdivide the site before sale.

The site opportunities and constraints are discussed in Chapter 3 of this report. In summary, they are as follows:

Opportunities:

- Proximity to commercial centre, community facilities and amenities
- View lines from the Western Highway
- Opportunity to open up the waterway and create a natural open space link
- The importance of the site providing a link as outlined in the Beaufort Walkability Plan along the alignment of Cemetery Creek and the opportunity for good urban design to reinforce and enhance this link
- View lines to the heritage school buildings and historic churches beyond
- Opportunity for adaptive re-use for the former school buildings, including a potential community use component.

Constraints:

- Heritage controls on former school buildings may restrict potential uses
- The assessment and building requirements associated with being in a Bushfire Prone Area
- Restrictions on building and development in the flood prone area of the site affected by the FO and LSIO.

(iii) Submissions

The initial exhibited form of the Amendment did not include a DPO on the site. The landowner initially submitted that it was not necessary as the zone controls and existing overlays (FO and LSIO) and the proposed HO provide sufficient guidance.

The landowner submitted that the introduction of a DPO removes third party notice and review rights and questioned whether this is desirable given the community interest in the future development of the site.

Council submitted that this site could be redeveloped to positively contribute to Beaufort's vibrancy, character, prosperity and sense of community. It submitted that, in order to achieve that, and given the complexity of the site and the need to take best advantage of the new local investment that would occur, greater guidance than just a residential zone was required. Council submitted that a DPO was required to provide guidance to future developers on how best to manage the constraints and opportunities of the site.

The landowner subsequently agreed to the preparation of a DPO, but was of the view it should be limited to a relatively simple schedule, and did not need to include a concept plan.

The landowner prepared and exhibited a draft DPO in accordance with the Committee's directions.

Council submitted that the DPO should include a 'mud map' or concept plan visual representation of the opportunities and constraints of the whole of the site. Council submitted that the concept plan should be prepared by an urban designer and developed in consultation with the community prior to finalising the form of the DPO Schedule.

(iv) Discussion

On balance, the Committee agrees that a DPO would add value for the following reasons:

- A DPO Schedule will provide the opportunity to transparently set out development constraints and opportunities for the site
- A DPO Schedule will provide the opportunity to 'master plan' the site to get the best overall outcome for the town
- The Committee is concerned about the absence of any bushfire risk assessment. The DPO Schedule provides the opportunity to require that a bushfire assessment report be prepared and that a development plan respond to identified risks.

The Committee is of the view that if a DPO is applied to the site it should not be overly prescriptive. The Committee is conscious that an overly prescriptive set of planning controls may make development of the site unviable.

Planning Practice Note 23 states that a DPO "*should be underpinned by a strategic framework that sets out the desired development outcomes and the overall layout of the land ...*". The Practice Note goes on to say:

The strategic framework should be prepared before the overlay is applied to:

- *identify and address opportunities and constraints for the development of the land*

- *provide direction about development outcomes and the overall form of development*
- *provide certainty to landowners and third parties about the form of development*
- *assist in choosing the appropriate planning tools to achieve the desired development outcomes and form of development*
- *ensure the schedule to the overlay is drafted to achieve the desired development outcomes and facilitate the development.*

The strategic framework should be set out in the planning scheme or form part of the amendment introducing the overlay into the planning scheme.

The development of the strategic framework provides an opportunity to engage property owners, the community and servicing authorities about the desired outcomes for the site and the future form of development before the overlay is applied and the plan is approved. Appropriate strategic planning and community consultation from the start also ensures that once the overlays are in place the council is able to make decisions on planning applications without the need to further consult.

In this case, the questions for the Committee are whether there is a sufficient strategic basis for a DPO to be introduced and whether it would add value to embark on further work before a DPO is introduced? On balance, the Committee is satisfied that there is sufficient strategic justification for the site to be rezoned to the GRZ1 and there is sufficient strategic work on the site's constraints and opportunities for a DPO Schedule to be prepared.

Strategic support for the requirements in the DPO schedule is drawn from the following sources:

- Clause 11.01-R Settlement – Central Highlands
- *Central Highlands Regional Growth Plan 2014*
- Beaufort Local Floodway Development Plan (incorporated document)
- *Heritage Assessment Report Beaufort Primary School (former), 30 April 2018*
- Clause 13.02 Bushfire
- *Beaufort Walkability Plan, October 2015.*

In addition, general support is drawn from the *Pyrenees Shire Growth Strategy 2015-2018* and the relevant sections of the Municipal Strategic Statement.

The role of the site in the longer term development of Beaufort would benefit from a more prescriptive town structure plan or the like. The Committee understands that Council is looking at a 'Beaufort Strategy', but it is not certain what form this will take or when it will be prepared. In any case, Council did not argue that the DPO should be delayed until the Beaufort Strategy was prepared, just that a concept plan should be included in the DPO.

The Committee is not convinced that a detailed concept plan is required, however it does see value in a basic site plan that shows the location of the main constraints and opportunities on the site as summarised under the Context section above. The Committee believes that the site constraints and opportunities are clear and can be expressed on a site plan without the need for further urban planning advice.

In drawing this conclusion, the Committee considers that there needs to be a balance between retaining flexibility for a prospective developer to come up with its own innovative response to the site and the need to address site constraints. Part of that development plan response could include preparing a more detailed concept plan that responds to the site constraints but realises sufficient value for the developer.

The Committee preferred DPO Schedule includes requirements for a bushfire risk assessment report, an integrated water management plan and a response to urban design, heritage, built form, access and open space requirements. Collectively this will give Council the controls it needs over development of the site.

The Committee understands Council's desire to have further consultation on the planning controls site before it is offered for sale. Council is particularly concerned that the introduction of the DPO will remove future third party notification and review rights.

The Committee believes that this can at least be partly overcome by the inclusion of a consultation mechanism in the DPO Schedule. The Committee has suggested a possible wording that is aimed at giving the community the opportunity to comment on draft plans and for Council to consider any comments before approving a development plan.

The Committee has considered the guidance provided by Planning Practice Note 23 and concludes that a DPO is appropriate for the site, is strategically supported and, subject to the changes to the Schedule recommended by the Committee, provides an appropriate framework for preparing a development plan and assessing permit applications.

(v) Conclusions

The Committee concludes:

- A DPO is appropriate for the site
- Sufficient strategic work has been done to prepare a DPO Schedule
- The DPO Schedule would benefit from the inclusion of a site plan showing the sites constraints and opportunities
- The DPO Schedule should include a requirement to prepare a bushfire risk assessment report
- The DPO Schedule should include a requirement for a community engagement strategy.

(vi) Content of the DPO Schedule

The Committee's preferred DPO Schedule is attached as Appendix D to this report. The Schedule reflects the Committee's conclusions as set out above and considers the suggestions made by the landowner and Council in the second Hearing. Track changes are against the exhibited version.

The main changes from the exhibited version are:

- Add Objectives (as required by changes introduced in Amendment VC148)
- Delete second paragraph of proposed requirement before a permit is granted
- Add a permit requirement that subdivision must provide for an open space corridor along the alignment of Cemetery Creek

- Remove requirement to address Heritage Assessment report (as this is covered in the new Heritage Overlay)
- Add requirement for community engagement strategy
- Remove references to Clauses 54, 55 and 56 (as this is required under the zone i.e. duplicated)
- Add site analysis requirement
- Add view lines requirement
- Add requirement for bushfire risk assessment
- Add heritage interface built form requirement
- Modify water management plan requirement
- Modify access and movement requirement
- Modify open space and landscaping requirements
- List reports required under a single heading
- Add site plan.

(vii) Recommendation

Apply a Development Plan Overlay - Schedule 1, as shown in Appendix D of this report, to the whole of the site

Appendix A About the Government Land Standing Advisory Committee

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

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

The Committee consists of:

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

The Committee is assisted by Ms Greta Grivas, Project Officer with Planning Panels Victoria.

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

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

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

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

Appendix B List of Submitters

No.	Submitter
1	Elizabeth Thurgood
2	Department of Treasury and Finance
3	Sharon Roxburgh
4	Pyrenees Shire Council
5	Murray Walker
6	Penelope Liston
7	Helen Roxburgh
8	Old Beaufort Primary School 60 Committee (BPS60)
9	Shannon Roxburgh
10	Kerry Schuurmans

Appendix C Extract from Heritage Assessment

The following is an extract from the Summary of Opinions and Recommendations at pages 2 and 3 of the Heritage Assessment Beaufort Primary School (former) 30 April 2018.

The heritage values of extant elements have been assessed in the context of the historical development of the primary school in Beaufort, and primary schools in Victoria. The extant places have been categorised into ten groups A to J. (Figure 2.2)

It is recommended that:

- 2.1. **Elements A, B, C and D** be retained on site and protected with an individual Heritage Overlay over the whole of the allotments on which they sit, 11, 13, 15 Hill St, shown in pink in Figure 2.1. The precise location of the buildings relative to the allotment boundaries should be determined by a surveyor and, if necessary, the boundaries realigned to include of the elements A, B, C and D with a minimum of one metre distant from the walls.
- 2.2. **Elements A, B and C** must be fully visible from Hill St to retain the historic setting of the entry to the school and panoramic views to all three elements from Hill St. Therefore it is strongly recommended that building works on the land between the front elevations of Elements A and B as shown in Figure 2.3 be restricted to landscaping.
- 2.3. **Element D - former Mt Rowan Primary School.**
 - 2.3.1. It is recommended that the whole of allotment 11 Hill St with the former Mt Rowan Primary School be protected with a Heritage Overlay and that it is preferable for it to remain in situ as it was used there as the Cookery Classroom at Beaufort Primary School for over 60 years.
 - 2.3.2. However, it also has an historical association, albeit to a lesser extent, with Mt Rowan and the relocation process. Therefore, relocation of the building on another part of the existing Primary School site east of the Garibaldi Creek, would be acceptable providing it is clearly visible from the public realm, and it is protected with a Heritage Overlay on the new site.
 - 2.3.3. It would also be appropriate for it to be relocated back to Mt Rowan providing it is protected with a Heritage Overlay on the new site.
- 2.4. **The elements E, F, G, H, I and J** are not significant.
- 2.5. Paint Controls are recommended, which is consistent with HO502 Beaufort Township Heritage Precinct and other schools in Pyrenees Shire HO Schedule.
- 2.6. Interior controls are not recommended.
- 2.7. Tree controls are not recommended.



Figure 2.1
The pink shaded area is recommended for a Heritage Overlay.



Figure 2.2
The extant places have been categorised into ten groups (A to J).

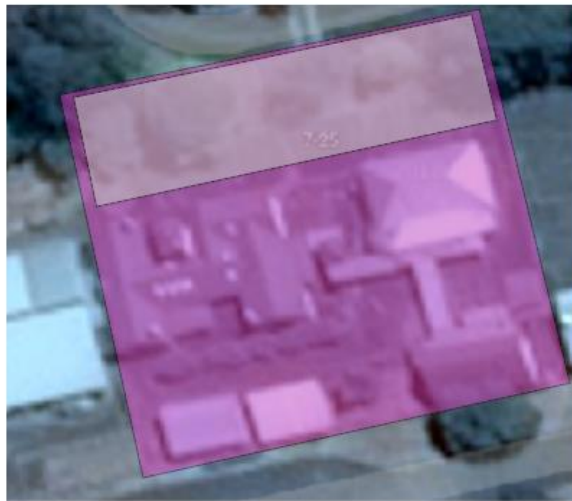


Figure 2.3 The whole of the pink shaded area is recommended for a Heritage Overlay and the pale pink section within it, between Hill St road reserve and the front elevations of Elements A and B should not be built on.

Appendix D Panel preferred version of DPO1

Track changes are shown against the exhibited version.

PYRENEES PLANNING SCHEME

~~4.4.4~~
Proposed C43

SCHEDULE 1 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO1**.

FORMER BEAUFORT PRIMARY SCHOOL SITE

1.0 Objectives

~~4.4.4~~
Proposed

- To develop the site to take advantage of its central location in the township of Beaufort and promote connectivity to the town.
- ~~To contribute positively to the surrounding public realm~~
- To integrate and support the adaptive reuse of the heritage school buildings.
- To manage environmental risks impacting the site, including flooding and bushfire.
- To create a pedestrian link along Cemetary Creek to link with the wider open space network.
- ~~promote appropriate Water Sensitive Urban Design outcomes~~
- ~~To ensure appropriate bushfire protection measures~~

2.0 Requirement before a permit is granted

A permit may be granted before a development plan has been approved provided the responsible authority is satisfied that it will not prejudice the future use and development of the land.

~~A permit may be granted for use or to subdivide land or to construct a building or to construct or carry out works that is not in accordance with the development plan.~~

23.0

Conditions and requirements for permits

~~4.4.4~~
Proposed C43

The following conditions and/or requirements apply to permits:

- Subdivision must provide for an open space corridor along the alignment of Cemetery Creek.
- All residential development must be serviced with reticulated water and sewerage, and reticulated electricity.
- ~~A permit to develop land or to construct or carry out works must address as appropriate:~~
 - ~~Heritage Assessment Report, Beaufort Primary School (Former), Heritage Intelligence Pty Ltd, April 2018.~~

34.0

Requirements for development plan

~~4.4.4~~
Proposed C43

Prior to the preparation of a Development Plan, a Community Engagement Strategy must be prepared to the satisfaction of the Responsible Authority which establishes the mechanisms by which the residents and the community will be provided with information and opportunities for feedback during the preparation of the Development Plan. The Strategy must include a requirement that the Development Plan be made available for

PYRENEES PLANNING SCHEME

public inspection for 20 business days prior to its consideration by the Responsible Authority.

A development plan must be prepared for the whole site and address the following matters to the satisfaction of the responsible authority:

Urban design

- ~~A site analysis showing key view lines, frontages, surrounding road and footpath connections, the height and location of existing buildings and canopy trees on site and on surrounding land~~
- How the development will link with other key destinations in Beaufort, including the main shopping strip, open space networks and community facilities.
- The general layout of the proposed development, showing how it can facilitate social inclusion by providing a variety of lot sizes and dwelling types and orientations.
- ~~How the development plan has been designed to enable the subdivision to satisfy the requirements of Clause 55 or Clause 56 as relevant.~~
- ~~How lots within the plan have been designed to enable future dwellings to satisfy the requirements of Clauses 54.~~
- How the plan has been designed to enable the construction of dwellings with active frontages and individual pedestrian access on lots that abut the existing road reservations of Hill and Leichardt Streets.
- The maintenance of key view lines from the Western Highway to the buildings of heritage significance.
- How Water Sensitive Urban Design principles have been incorporated to minimise the impact of flooding and manage and treat stormwater.
- ~~How the An integrated water management plan which implements appropriate Water Sensitive Urban Design principles which and demonstrates that new development can safely manage the impact of flooding and stormwater treatment and management through the site to the satisfaction of the responsible authority and the relevant floodplain management authority.~~
- Consideration of the topography of the land has been considered, particularly with regard to the provision of useable open space, site features such as vegetation, waterways, and places of cultural heritage significance.
- How the development will provide appropriate bushfire protection measures to address the identified bushfire risk.
- Details of the nature of non-residential uses, where they are proposed. ~~Where non-residential uses are proposed, provide details of the nature of proposed use.~~

Built form

- The ~~Indicative~~ indicative height and scale of any proposed development.
- How ~~Identifies any~~ sites of heritage significance ~~and the means by which they~~ will be managed, ~~can~~ be adaptively reused and integrated with the development of the site.
- How the development appropriately addresses the interface between the proposed development and the existing heritage buildings.

Access and movement

PYRENEES PLANNING SCHEME

- ~~The preparation of a comprehensive transport analysis, which identifies expected traffic volumes associated with the proposed development, including trip generations.~~
- The proposed movement network, which must:
 - Provide convenient internal and external access and linkages.
 - Allow for the safe and efficient operation of emergency vehicles.
 - Provide attractive, convenient, safe and legible pedestrian and bicycle networks within the site and linkages to the surrounding area.
 - Provide a north-south pedestrian and bicycle path along the Cemetery Creek alignment.
- ~~Shows~~ The location of public roads, bike paths, car and bicycle parking within the public realm and how they ~~which reflects~~ the topography of the site and integrates with the surrounding road and pathway network.

Open space and landscaping

- The design and location of public open space to best meet the needs of residents within the new development and existing development and provides links to existing and proposed internal and external open space areas.
- The design of dwellings adjoining public open space to be oriented towards and have active frontages overlooking the public open space so as to enhance surveillance of the area.
- ~~Appropriate~~ The landscape theme(s) for nature strips and public open space, using native, indigenous and exotic plants that reflects the existing vegetation in surrounding streets.
- How view corridors to and from the internal ridgeline have been considered.
- ~~The preparation of an Arborists report and~~ The identification of Any vegetation which is to be retained and protected.

Servicing

- The allowance for the provision of water, drainage, electricity, sewerage, data cable conduits, gas and the common trenching of compatible services.

Staging

- The staging ~~and density~~ of the development.
- How the staging supports the conservation and adaptive reuse of the heritage buildings.

Reports required:

The following reports are required to inform the preparation of the development plan.

- A site analysis showing key view lines, frontages, surrounding road and footpath connections, the height and location of existing buildings and canopy trees on site and on surrounding land.
- An integrated water management plan which implements appropriate Water Sensitive Urban Design principles which and demonstrates that new development can safely manage the impact of flooding and stormwater treatment and management through the site to the satisfaction of the responsible authority and the relevant floodplain management authority.

PYRENEES PLANNING SCHEME

- A bushfire risk assessment report that identifies bushfire hazards in accordance with Clause 13.02-1S Bushfire planning.
- The preparation of a comprehensive transport analysis, which identifies expected traffic volumes associated with the proposed development, including trip generations.
- The preparation of an Arborists report which identifies vegetation to be retained and protected.

ADD SITE PLAN SHOWING
SITE CONSTRAINTS AND OPPORTUNITIES