

## PYRENEES PLANNING SCHEME

### AMENDMENT C50

#### EXPLANATORY REPORT

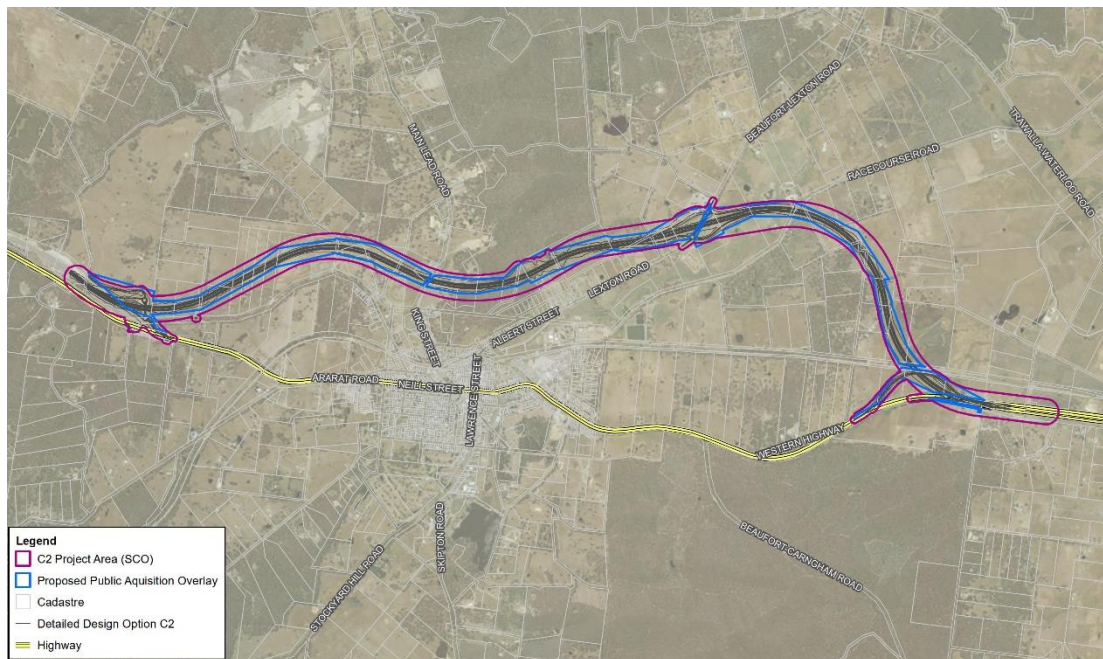
##### Who is the planning authority?

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

The amendment has been made at the request of Regional Roads Victoria (RRV), an administrative office in the Department of Transport.

##### Land affected by the amendment

The amendment applies to land required for the Beaufort Bypass Project (the project), shown as 19SCO and 20SCO in the Pyrenees Planning Scheme (see Attachment A). A map of the area affected by this amendment is provided below.



##### What the amendment does

The amendment introduces the *Beaufort Bypass Project Incorporated Document, [insert date] 2021* into the Pyrenees Planning Scheme (the scheme), introduces Clause 45.12 Specific Controls Overlay (SCO) into the scheme, and applies the Public Acquisition Overlay and Specific Controls Overlay to the project area.

Specifically, the amendment:

- Inserts Clause 45.12 SCO into the scheme.
- Inserts a new Schedule to Clause 45.12 Specific Controls Overlay (SCOX), to allow all use and development for the Beaufort Bypass Project in accordance with the specific controls in the *Beaufort Bypass Project Incorporated Document, May 2021*.

- Applies SCOX and PAO1 to land associated with the Beaufort Bypass Project.
- Amends Pyrenees Planning Scheme Map No. 19PAO.
- Inserts Pyrenees Planning Scheme Map No. 20PAO.
- Amends the Schedule to Clause 72.03 (What does this planning scheme consist of?), to include Pyrenees Planning Scheme Maps 19SCO, 20SCO and 20PAO.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the *Beaufort Bypass Project, Incorporated Document, May 2021* as in Incorporated Document.

## **Strategic assessment of the Amendment**

### **Why is the amendment required?**

This amendment is required to facilitate the timely, coordinated and consistent delivery of the Beaufort Bypass Project.

The Western Highway is one of Victoria's busiest rural highways, with over 6,000 vehicles travelling on the road west of Ballarat each day. Of these vehicles, 1,500 are classified as heavy commercial vehicles. As the principal road link between Melbourne and Adelaide, the Western Highway serves interstate trade between Victoria and South Australia. It is also the key transport corridor through Victoria's western districts, supporting farming, regional tourism, and a range of manufacturing and service activities. The highway currently passes through the town of Beaufort.

RRV proposes to bypass Beaufort with a new section of the Western Highway, linking completed sections of the Western Highway duplication to the east and west of Beaufort. The project includes construction of 11km of freeway standard road, two (2) tie-in interchanges, one (1) diamond interchange, one (1) road over rail bridge and four (4) overpass bridge structures.

The key drivers for the Beaufort Bypass Project are as follows:

- Delays on the Western Highway increasing transport costs and reducing competitiveness of producers in Western Victoria.
- High freight traffic through Beaufort substantially diminishes the liveability and tourist potential of the town.
- Road safety in Beaufort is compromised by the high freight and commuter traffic levels.

The project area includes multiple parcels of land in different ownership that are affected by multiple planning controls.

The *Beaufort Bypass Project, Incorporated Document, May 2021* is an appropriate approval mechanism for a project of this type and scale. It has the effect of exempting the project from the usual requirements of the Pyrenees Planning Scheme and permitting the use and development of land within the project area for the project, providing the use and development is in accordance with the specific controls outlined in the incorporated document.

### **How does the amendment implement the objectives of planning in Victoria?**

This amendment supports the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987*. The following objectives are particularly relevant to the amendment:

- 1(a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*

1(b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

1(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

1(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

1(e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.

1(g) To balance the present and future interests of all Victorians.

The amendment implements these objectives by facilitating the delivery of a project that will reduce congestion, contribute to a more reliable road system and improve connectivity for road users. It will facilitate a project that will contribute to the more efficient use of road infrastructure by improving the reliability and capacity of the road network, as well as improving its safety.

Potential environmental, social and economic effects of the project have been considered via the Environment Effects Statement (EES) process pursuant to the *Environment Effects Act 1978*. This amendment will ensure that any potential environmental effects identified as part of the EES process, (including biodiversity, historic and aboriginal cultural heritage, bushfire) will be appropriately managed and mitigated, by ensuring the project is carried out in accordance with an Environmental Management Framework (EMF), as required by the incorporated document, and which must be prepared to the satisfaction of the Minister for Planning.

This approach is consistent with the objectives of planning in Victoria and will ensure the appropriate protection of natural resources whilst also providing for a pleasant and safe environment for both Victorians and visitors to Victoria, and which balances the present and future interests of all Victorians.

### **How does the amendment address any environmental, social and economic effects?**

The amendment implements a project which has been assessed under the *Environment Effects Act 1978*. As part of this process, the project's potential environmental, social and economic effects have been considered. A summary of how this amendment addresses these effects is provided below.

#### Environmental Management Framework

The planning controls introduced by this amendment seek to facilitate the project subject to it being designed to appropriately take into consideration sensitive interfaces within the project area and surrounds. The EES has addresses potential impacts to the environment and amenity, with mitigation measures to be implemented through an Environmental Management Framework (EMF), which is a requirement of the Incorporated Document that accompanies this amendment.

The EMF is a framework that is put in place to ensure that the Project will comply with relevant statutory requirements and minimise environmental impacts. The requirements of the EMF have been informed by detailed technical studies that have considered the following environmental effects:

- Traffic and transport
- Biodiversity and habitat
- Aboriginal and historic heritage
- Catchment values and hydrology
- Social
- Land use and planning
- Regional economy
- Landscape and visual
- Soils and geology
- Groundwater
- Noise and vibration
- Air quality and greenhouse gas

- Matters of National Environmental Significance
- Cumulative Impacts.

### Social Effects

The EES has assessed social values and impacts and proposes mitigation through the EMF for the construction and operational phases. Feedback from the community and stakeholders during the options assessment and EES process has provided insights into the community identity, values, goals and perceived impacts and benefits of the project.

Reduced traffic flow through the township will have a positive impact on Beaufort's social fabric due to reduced air and noise pollution, enhanced road safety and improved pedestrian access and safety in the town centre.

### Economic Effects

The amendment will facilitate a project with a range of economic benefits, In the short term, the project will create;

- additional demand for overnight accommodation in Beaufort during construction
- temporary uplift in revenues of Beaufort's retail business associated with the construction phase
- temporary uplift to revenues of construction aligned industry located in Beaufort, wider Pyrenees Shire Council and Ballarat region during the construction phase.

The project will provide longer term economic benefit through improvement to transport networks and capacity for people and freight.

### **Does the amendment address relevant bushfire risk?**

The project area is affected by a Bushfire Management Overlay (BMO) and/or bushfire prone areas, or has the potential for bushfires to occur. The project does not require planning approval under the BMO.

The objective and strategies of Clause 13.02-1S Bushfire Planning have been considered in the preparation of this amendment to ensure that the future development of the land within the proposed settlement boundary will not result in a 'net increase in risk to existing and future residents, property and community infrastructure.'

To meet the objective of Clause 13.02-1S (Bushfire Planning) RRV will prepare a Bushfire Management Plan (or equivalent, procedure, plan/ sub-plan) as part of the EMF, in consultation with Fire Rescue Victoria.

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

Section 12(2)(a) of the *Planning and Environment Act 1987* requires that in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions. The following Minister's Directions are relevant to this amendment:

#### Ministerial Direction on the Form and Content of Planning Schemes

This amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes issued under Section 7(5) of the *Planning and Environment Act 1987*.

This amendment is also consistent with and has been prepared with regard to the following Ministerial Directions:

### Ministerial Direction No. 11 – Strategic Assessment of Amendments.

The amendment is consistent with the Strategic Assessment Guidelines, The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces, an evaluation is provided in this explanatory report.

### Ministerial Direction No. 15 – The Planning Scheme Amendment Process

The purpose of MD15 is to set times for completing steps in the planning scheme amendment process. The amendment will be carried out in accordance with this direction.

### Ministerial Direction No. 19 – Preparation and content of amendments that may significantly impact the environment, amenity and human health.

The purpose of MD19 to require planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

The Department of Transport sought the written views of EPA, who provided comments on the 10 March 2021. The EPA was supportive of the amendment documents and recommended minor changes to the incorporated document which have been addressed.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

This amendment supports or implements the Planning Policy Framework as follows:

- Settlement (Clause 11): The project will promote the sustainable growth of Beaufort and surrounding areas by improving travel efficiency, access, connectivity, safety and capacity of the transport network. The project will improve connections between Beaufort and surrounding towns, as well as the connection between Melbourne and Adelaide, a key trade route for both States and also a nationally significant freight route.
- Environment and Landscape Values (Clause 12), Biodiversity (Clause 12.01), Protection of biodiversity (Clause 12.01-1S): The project appropriately addresses the key policy directions of these clauses and has sought to avoid, minimise and offset as per the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) and other relevant policy documents and guidelines.
- Water bodies and Wetlands (Clause 12.03), River corridors, waterways, lakes and wetlands (Clause 12.03-1S): Cultural heritage and ecological assessments of water bodies have been undertaken and identified environmental mitigation measures will be included within the EMF. This will ensure the protection and enhancement of the environmental, cultural and landscape values of watercourses and floodplains.
- Significant Environments and Landscapes (Clause 12.05), Environmentally sensitive areas (Clause 12.05-1S): Landscapes – Central Highlands (Clause 12.05-2R): The project has incorporated various mitigation measures to ensure impacts to either the Yam Holes Creek and Camp Hill have been minimised.
- Environmental Risks and Amenity (Clause 13): The project is consistent with the policy directions of these clauses. As previously discussed, the Incorporated Document that this amendment seeks to implement includes the requirement for an EMF to implement environmental management and risk management approaches. Management plans or assessments are required to be produced prior to works for a range of environmental hazards and potential hazards and changes. These measures address Climate Change Impacts (Clause 13.01), Bushfire (Clause 13.02), Floodplain (Clause 13.03), Soil Degradation (Clause 13.04), Contaminated and Potentially Contaminated Land (Clause 13.04-1S), and Noise abatement

(Clause 13.05-1S). The project also has a potential to act as a fire break between the Camp Hill State Forest and the Beaufort township.

- Natural Resource Management (Clause 14), Protection of agricultural land (Clause 14.01-1S and Clause 14.01-1L): The project will involve the removal of some agricultural land to the eastern and western extents of Beaufort, however, where possible, this has been minimised to avoid impacts to agricultural land of high-quality.
- Built Environment and Heritage (Clause 15), Heritage (Clause 15.03): The project has assessed and produced mitigation measures to protect places and sites with significant heritage and cultural significance. The key policy directions in relation to heritage conservation (Clause 15.03-1S and Clause 15.03-1L) and Aboriginal cultural heritage (Clause 15.03-2S) are met as the project ensures conservation of places of heritage significance and will identify, assess and document places of Aboriginal cultural heritage significance, pursuant to the *Heritage Act 2017* and the *Aboriginal Heritage Act 2006*.
- Transport (Clause 18), Land use and transport planning (Clause 18.01-1S), Transport system – Central Highlands (Clause 18.01-2R), Public Transport (Clause 18.02-2S), and Freight links (Clause 18.05-1S): Consistent with the policy direction of these clauses, the project will contribute to an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability and coordinates reliable movement of people and goods. The project considers transport connectivity, improving road capacity and the function of the Western Highway which is recognised as a nationally significant freight route and vital to the economy of Victoria.
- Infrastructure (Clause 19), Infrastructure design and provision and Integrated water management (Clause 19.03-2S and Clause 19.03-3L): The facilitation of the project as part of the RRV program by a planning scheme amendment aims to provide the timely, efficient and cost-effective development infrastructure that meets the needs of the community, consistent with key directions of these clauses.

### How does the amendment support or implement the Municipal Planning Strategy?

This amendment supports or implements the following policy directions of the Municipal Planning Strategy of the Pyrenees Planning Scheme:

#### Settlement (Clause 02.03-1)

The Pyrenees Planning Scheme contains no local planning policy of expanding settlement into the project area. Further to this, three principal road entrances to Beaufort have been included in the design. This is consistent with the policy to create and enhance principal road entrances to Beaufort. The clause also identifies Beaufort as the Shire's principal town for urban development and that this role should be supported through;

- **Retaining Beaufort's character and sense of place.** The Planning Scheme Amendment supports this by facilitating a project which reduces through traffic and improves community safety allowing for a transition from a highway service town to a regional destination.
- **Retaining the rural character and the amenity of areas adjacent to the Western Highway on the eastern approach to the township.** The project alignment has been designed to retain the rural character and amenity of areas adjacent to the Western highway by being located north of the Township and existing rural properties. The visual impact of the project on the amenity of these areas is discussed in the Landscape and Visual Impact assessment which has been prepared as part of the EES.
- **Accommodating further community facilities within the existing commercial precinct.** The project does not create direct opportunities for accommodating additional community facilities but provides reduced traffic and improved pedestrian safety within the township which may improve access to existing facilities.

- **Managing and mitigating the impacts of flooding and drainage problems in low-lying sections of the town.** The project area is outside of the Beaufort township and therefore will not impact flooding and draining problems in the township.

#### Environmental risks and amenity (Clause 02.03-2)

Environmental risks and amenity (Clause 02.03-2) provides strategic direction for Pyrenees Shire's management of Bushfire, floodplains and Native Vegetation to;

- **Discourage use and development that causes pollution of water resources.** A technical assessment of Catchments and Hydrology has described the criteria defined in the State legislation and best practice guidelines for impacts to waterways as project targets. An evaluation of the likely potential impact of the project identified that the project will have low impacts to water quality.
- **Minimise use and development that causes land degradation, fire hazards or other adverse environmental impacts.** Consultation between the Fire Rescue Victoria and Department of Land, Environment, Water and Planning indicated the need to maintain fire management access within the Camp Hill State Forest, where the project would sever existing fire access. The project will also provide a fire break to the north of Beaufort. This will provide substantial assistance to stop or slow a bushfire either moving north to south or travelling from the south west.
- **Protect existing native vegetation and encouraging further planting of native vegetation, particularly on land in areas with erosion and salinity problems.** The preferred project alignment has the least impact to native vegetation and threatened ecological communities. Mitigation measures for the project include planting native vegetation. A soils and geology assessment has been completed which identifies the impacts of the project on soils as low and likelihood of erosion and sedimentation to be medium.
- **Discourage development on land demonstrated to have serious environmental management constraints.** The preferred project alignment has been selected to avoid any serious environmental management constraints.

#### Natural Resource Management (Clause 02.03-2)

Natural Resource Management (Clause 02.03-2) outlines strategies to manage impacts on Land Systems, Rural Subdivision, Agriculture, Viticulture and Water through the following directions;

- **Encouraging sustainable and diverse agriculture.** The project will not impact upon the ability of agricultural activities to continue to operate adjacent to the bypass during construction or operation, therefore encouraging current uses to continue.
- **Discouraging rural-residential development where it impacts on agricultural land.** The municipal planning strategy for Beaufort does not encourage development to the north of the township, where the project is to be located, preventing rural-residential development from impacting agricultural land.
- **Facilitating the further development of viticultural operations.** As above, the project does not impact upon the ability of viticultural activity to continue during construction and operation of the bypass.
- **Protecting land of high suitability for viticulture from incompatible development.** The bypass project is compatible with viticultural land use.
- **Conserving water resources. Minimising possible contamination of water supplies from urban, industrial and agricultural land use.** The soil and geology impact assessment completed for this project provides mitigations for minimising possible water contamination.

#### Built Environment and Heritage (Clause 02.03-4):

Built Environment and Heritage (Clause 02.03-4) provides Pyrenees Shire's strategic direction to protect its heritage and built environment by:

- Conserving cultural and heritage assets, including buildings, streetscapes, places, landscapes, mining-related areas and infrastructure that contribute to the identity of the Shire. Impacts to cultural and historic heritage have been assessed as part of the EES documents and were considered during the selection of the preferred project alignment.
- Protecting known Aboriginal heritage places from development. Impacts to known Aboriginal heritage places will be protected through a Cultural Heritage Management Plan, which will be assessed and approved by the Wadawurrung Traditional Owners Aboriginal Corporation.
- Retaining the established character of existing townships. The project occurs entirely outside the Beaufort township, therefore the established character of the township will be retained.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

This amendment makes proper use of the Victoria Planning Provisions and is consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

Clause 45.01 (Public Acquisition Overlay) allows land to be reserved for a public purpose and ensures that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired. The application of the PAO is therefore entirely appropriate in the context of the project.

Clause 45.12 (Specific Controls Overlay) allows land to be used or developed in accordance with a specific control contained in an incorporated document corresponding to that land. It allows large scale or complex projects to be delivered in a coordinated, consistent and timely manner under a single control.

Given the project land includes multiple owners and affected by a range of zone and overlay controls, as well as various other requirements under the provisions of the Pyrenees Planning Scheme, the application of the SCO to the project land is also entirely appropriate. The amendment will provide an exemption the project from these multiple and varied planning scheme requirements, and instead, incorporate a single, project-specific control into the scheme to facilitate the project.

### **How does the amendment address the views of any relevant agency?**

The views of relevant agencies and stakeholders have been considered through an extensive consultation framework as part of the EES process under the *Environment Effects Act 1978*.

A Technical Reference Group (TRG) was established as part of the assessment of the project under the *Environment Effects Act 1978*. The TRG was convened by the Department of Environment, Land, Water and Planning (DELWP) and comprised representatives of the following departments and authorities with statutory interests or specialised expertise relevant to the project, including:

- DELWP
- Department of Transport
- Heritage Victoria
- Central Highlands Water
- Southern Rural Water
- Glenelg Hopkins CMA
- Fire Rescue Victoria
- First Peoples – State Relations
- Parks Victoria



- Pyrenees Shire Council.

RRV also consulted the Wadawurrung Traditional Owner Aboriginal Corporation outside of the TRG process on Aboriginal Cultural Heritage matters in relation to the Cultural Heritage Management Plan and an intangible values assessment.

These departments and authorities will also be provided with the opportunity to make a submission and be heard at the public hearing as part of the Inquiry and Advisory Committee (IAC) through the EES process. Submissions and other evidence from these departments and authorities will be considered by the IAC.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

This amendment facilitates a project that will have a positive impact on the transport system as defined in Section 3 of the *Transport Integration Act 2010*. As set out below, the amendment addresses key transport system objectives and decision-making principles set out in Part 2, Divisions 2 and 3 of the *Transport Integration Act 2010*.

#### ***Division 2 – Transport system objectives***

- *S8 Social and economic inclusion*: The project will reduce congestion and travel times, in turn, improving access to employment. The construction of the project is expected to enhance the social amenity of Beaufort by improving pedestrian access and safety in the town centre and major activity areas as a result of the reduction in the amount of freight and through traffic travelling along the main street.
- *S9 Economic prosperity*: The project will facilitate economic prosperity through improved transport capacity. Improved freight movement and efficiency is expected to provide further opportunities to local industries and the local economy.
- *S10 Environmental sustainability*: The project adopts an ‘avoid and minimise’ approach to managing possible impacts on remnant native vegetation, fauna habitats, adjacent areas of ecological, environmental or landscape significance and Aboriginal and historic heritage.
- *S11 Integration of transport and land use*: The project will improve the capacity of the road network and improve freight efficiency. Reducing the amount of freight and through traffic travelling along the main street will result in reduced pedestrian and freight conflict in the town centre.
- *S12 Efficiency, coordination and reliability*: The project will facilitate network-wide efficient, coordinated and reliable movements of persons and vehicles.
- *S13 Safety and health and wellbeing*: The program of works will reduce congestion and improve road safety for all users. The number of road safety incidents is expected to be reduced as a result of the project. Reducing the amount of freight and through traffic travelling along the main street will result in reduced pedestrian and freight conflict in the town centre.

#### ***Division 3 – Decision-making principles***

- *S15 Principle of integrated decision-making*: The project has been the subject of an EES process under the *Environment Effects Act 1978* which involved extensive consultation between RRV, statutory authorities, local government and other relevant agencies. It is funded by the Victorian Government and will be delivered with the support of Pyrenees Shire Council and DELWP.
- *S16 Principle of triple bottom line assessment*: The economic, social and environmental costs and benefits have been taken into account in the development of the project.
- *S17 Principle of equity*: The project will improve the overall operation of the transport system within the vicinity and will cater for the needs of existing and future communities.

- *S18 Principle of transport system user perspective:* The project will enhance the reliability, safety and connectivity of the transport system, improve the user experience with reduced congestion.
- *S19 Precautionary principle:* The precautionary principle was considered throughout the development of the project, with extensive technical investigations aiming to avoid irreversible environmental and cultural heritage damage.
- *S20 Principle of stakeholder engagement and community participation:* This amendment is supported by an extensive consultation and stakeholder engagement process including a public exhibition and hearing as part of the IAC through the EES process. Additionally, the Pyrenees Council supports the Minister for Planning being the planning authority for this amendment.
- *S21 Principle of transparency:* The project has been assessed through the EES process under the *Environment Effects Act 1978* and together with the IAC report and the Minister's assessment, this process has informed the preparation of the amendment.

## Resource and administrative costs

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

This amendment is not expected to have a significant impact on the resources and administrative costs of the responsible authority. The amendment will reduce the regulatory burden for council by regulating the use and development of the project in accordance with the specific control in the Incorporated Document.

### Where you may inspect this amendment?

This amendment is available for public inspection, free of charge, during office hours at the following place:

Pyrenees Shire Council  
5 Lawrence Street  
Beaufort VIC 3373

The amendment can also be inspected free of charge at the DELWP website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

## ATTACHMENT A - Mapping reference table

Location	Land/Area Affected	Mapping Reference
Beaufort	Land north of Beaufort	Pyrenees C50 Specific Controls Overlay Map 19SCO and 19PAO
Beaufort	Land north of Beaufort	Pyrenees C50 Specific Controls Overlay Map 20SCO and 20PAO

# Beaufort Bypass Project

**Incorporated Document**

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**June 2021**

## 1. INTRODUCTION

This document is an incorporated document in the Pyrenees Planning Scheme (the planning scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3 of this document may be used or developed in accordance with the specific control in Clause 4 of this document.

The control in Clause 4 prevails over any contrary or inconsistent provision in the planning scheme.

## 2. PURPOSE

The purpose of the specific control is to allow the use and development of land described in Clause 3 for the purposes of constructing the Beaufort Bypass Project (the project).

## 3. LAND

The control in Clause 4 applies to the land affected by Specific Controls Overlay - Schedule 1 (project land) as shown on Planning Scheme Maps 19SCO and 20SCO.

## 4. CONTROL

### EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

- 4.1 Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no provision in the planning scheme operates to prohibit, restrict or regulate the use and development of the project land for the purposes of the project in accordance with this Incorporated Document.
- 4.2 The use and development of the project land for the purposes of, or related to, the project includes, but is not limited to:
- a) Construction of a freeway standard road, two (2) tie-in interchanges, one (1) diamond interchange, one (1) road over rail bridge and four (4) overpass bridge structures.
  - b) Creating or altering access to roads, including roads in a Road Zone Category 1 or land in a Public Acquisition Overlay.
  - c) Ancillary activities including, but not limited to:
    - i) Creating and using lay down areas for construction purposes.
    - ii) Stockpiling of excavation materials.
    - iii) Constructing and using temporary site workshops and storage administration and amenities buildings.
    - iv) Removing, destroying or lopping trees and vegetation, including dead vegetation.
    - v) Constructing scaffolding, working platforms and provision of pedestrian access to construction or maintenance sites.
    - vi) Demolishing and removing buildings, structures and works.
    - vii) Installing and Relocating Utilities and associated services.
    - viii) Installing lighting at interchanges
    - ix) Constructing and using temporary access roads, diversion roads and vehicle parking areas.
    - x) Constructing fences, temporary site barriers and site security.
    - xi) Constructing or carrying out works to create or alter roads, carparking areas, bunds, mounds, shared use paths, landscaping, excavate land, salvage artefacts and alter drainage.
    - xii) Earthworks including cutting and spoil removal, and formation of drainage works.
    - xiii) Displaying signs.
    - xiv) Subdividing and consolidating land.
    - xv) Storage and assembly of materials required for the project.
    - xvi) Creating, varying and removing easements resulting from works required for the project.
    - xvii) Restoration and reinstatement works.

## 5. CONDITIONS

- 5.1 The use and development permitted by this incorporated document must be undertaken in accordance with the following conditions:

### ENVIRONMENTAL MANAGEMENT FRAMEWORK

- 5.1.1 Prior to the commencement of any development (excluding preparatory buildings and works under Clause 5.2), an Environmental Management Framework (EMF) must be prepared, to the satisfaction of the Minister for Planning. The EMF must include:

- a) the approvals, consents and related statutory instruments that will underpin environmental management for the project.
- b) the relevant requirements as set out in the Minister for Planning's Assessment under the *Environment Effects Act 1978* and the relevant aspects of the Environmental Effects Statement (EES) prepared for the project.
- c) the process and timing for development of the Construction Environmental Management Plan, and other plans and procedures required, in consultation and to the satisfaction of Department of Environment, Land, Water and Planning (DELWP), Pyrenees Shire Council, Heritage Victoria, Wadawurrung Traditional Owners Aboriginal Corporation, the Roads Corporation, Central Highlands Water, Southern Rural Water, Glenelg Hopkins Catchment Management Authority, Major Transport Infrastructure Authority, Fire Rescue Victoria and the Environment Protection Authority, as defined in the EMF.
- d) the processes for monitoring, reporting, auditing and evaluating performance and environmental outcomes, as well as revising management measures and must be accompanied by a statement explaining any difference between it, and the matters set out in the Minister's Assessment under the *Environment Effects Act 1978* dated [insert date].

- 5.1.2 The EMF may be amended from time to time, to the satisfaction of the Minister for Planning. An application for approval of an amendment to the EMF must be accompanied by:

- a) a 'track changes' version with a schedule explaining the proposed amendment/s and how it would be consistent with project objectives in the EES prepared for the project.
- b) a description of the form and extent of any consultation undertaken concerning the proposed amendment/s with relevant councils, relevant government agencies and other stakeholders.
- c) any written comments from relevant councils, relevant government agencies and other stakeholders.

### NATIVE VEGETATION

- 5.1.3 Prior to the removal of native vegetation (excluding native vegetation removed under Clause 5.2), a Native Vegetation Management Plan must be prepared in consultation with the department administering the *Conservation, Forests and Lands Act 1987*, to the satisfaction of the Secretary to the Department administering the *Conservation, Forests and Lands Act 1987*. For the avoidance of doubt, the information provided to the Secretary must include information about any native vegetation that has been, or is to be, removed under Clause 5.2.

The plan must include an assessment of native vegetation to be removed, lopped or destroyed for the project in accordance with the requirements of the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* (Guidelines) or its successor.

- 5.1.4 Prior to removal of native vegetation (excluding native vegetation removed under Clause 5.2), an offset statement must be prepared in accordance with the Guidelines or its successor. The offset statement must be prepared in consultation with and then submitted to and approved by the Secretary to the Department administering the *Conservation, Forests and Lands Act 1987*.
- 5.1.5 Prior to removal of native vegetation (excluding native vegetation removed under Clause 5.2), the project must secure native vegetation offsets in accordance with the Guidelines or its successor and provide evidence that the required offsets are secured to the satisfaction of the Secretary to the Department administering the *Conservation, Forests and Lands Act 1987*. The secured offset(s) for the project may be reconciled at the completion of the project in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation (DELWP, October 2018)*.

## THREATENED SPECIES MANAGEMENT PLAN

5.1.7 Prior to the commencement of works, a Threatened Species Management Plan must be prepared for the project in consultation with the department administering the Conservation, Forests and Lands Act 1987 and the department administering the Environment Protection and Biodiversity Conservation Act 1999, which must then be submitted to and approved by the Secretary to the department administering the Conservation, Forests and Lands Act 1987. The document must describe the actions and management strategies to be implemented to protect and minimise potential impacts of the project to threatened species and communities, and habitat that are discovered within the project area during design, construction or delivery of the project.

## UTILITY INSTALLATION

5.1.6 Where, but for this incorporated document, a planning permit would be required under the Pyrenees Planning Scheme for buildings and works associated with an above-ground utility installation, site plans and elevations must be prepared to the satisfaction of the Minister for Planning.

## LANDSCAPE STRATEGY

5.1.7 Prior to the commencement of development (excluding preparatory buildings and works under Clause 5.2), a landscape strategy for the project must be prepared to the satisfaction of the Minister for Planning.

The landscape strategy may be developed and approved in stages or in parts and may be amended from time to time with the approval of the Minister for Planning.

## FLOOD MANAGEMENT

5.1.8 Buildings and works on land within the Land Subject to Inundation Overlay or Floodway Overlay must be undertaken to the satisfaction of the Glenelg Hopkins Catchment Management Authority.

## OTHER CONDITIONS

5.1.9 Unless otherwise stated, the conditions in Clause 5 must be satisfied prior to the commencement of development. The conditions may be satisfied for separate components or stages of the project, but each condition must be satisfied prior to the commencement of development for that component or stage.

5.1.10 The plans and documents required under Clause 5 may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority. In deciding whether a plan or document is satisfactory or whether to consent to an amendment to a plan or document, the Minister for Planning or relevant approving authority, may seek the views of Pyrenees Shire Council, or any other relevant approving authority.

5.1.11 The use and development of land for the project must be undertaken generally in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning or relevant approving authority.

## **5.2 PREPARATORY BUILDINGS AND WORKS**

Preparatory buildings and works may be undertaken on the land described in Clause 3 before the conditions in Clause 5 are satisfied.

5.2.1 Preparatory works for the project include, but are not limited to:

- a) Works associated with the project, including vegetation removal, where but for this incorporated document a planning permit would not be required under the provisions of the Pyrenees Planning Scheme.
- b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
- c) Construction, protection, modification, removal or relocation of utility services, rail signaling, overhead and associated infrastructure.
- d) Establishment of environment and traffic controls, including designation of “no-go” zones.
- e) Establishment of temporary car parking.
- f) Demolition to the minimum extent necessary to enable preparatory works.
- g) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.

h) Salvage of aboriginal cultural heritage material and other management actions required to be undertaken in compliance with a Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act.

5.2.2 Prior to the removal of native vegetation under Clause 5.2.1, information about the native vegetation to be removed must be provided to the Secretary to the department administering the *Conservation, Forests and Lands Act 1987*. The information provided to the Secretary must include a description of, and maps showing, the native vegetation to be removed in accordance with Application Requirement 1 of the Guidelines.

5.2.3 The biodiversity impacts from the removal of native vegetation under Clause 5.2 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 5.1.4.

## 6. EXPIRY

The controls in this document expire if any of the following circumstances apply:

The development allowed by the control is not started by 1 September 2030.

The development allowed by the control is not completed by 30 September 2032.

The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.

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*Planning and Environment Act 1987*

**PYRENEES PLANNING SCHEME**

**AMENDMENT C50**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

The Pyrenees Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of four (4) attached map sheets.

**Overlay Maps**

1. Amend Planning Scheme Map No. 19PAO in the manner shown on the one (1) attached map marked "Pyrenees Planning Scheme, Amendment C".
2. Insert new Planning Scheme Map Nos. 20PAO, 19SCO and 20SCO in the manner shown on the three (3) attached maps marked "Pyrenees Planning Scheme, Amendment C50".

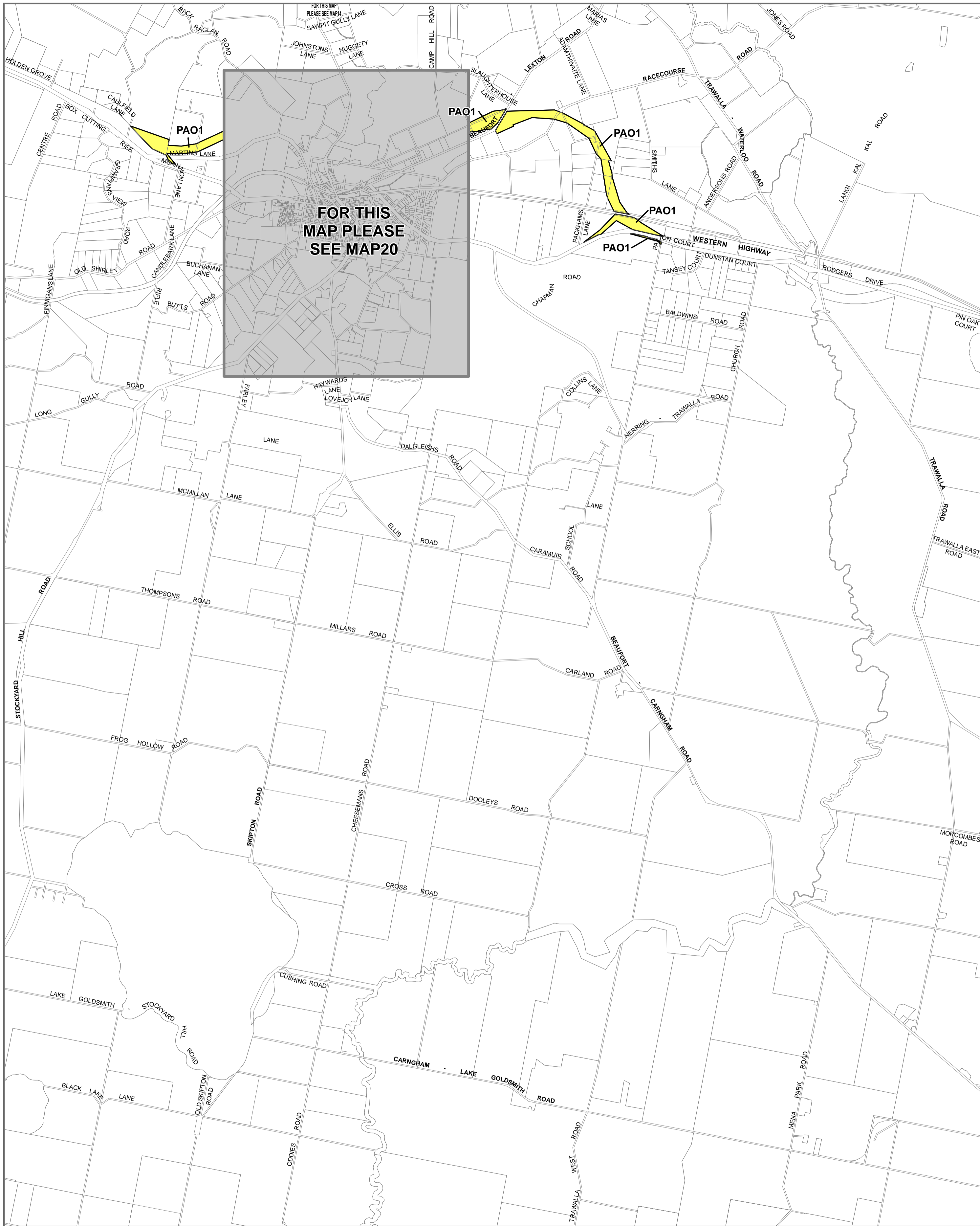
**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In **Overlays** – Clause 45.01, replace the Schedule in the form of the attached document
4. In **Overlays** – Clause 45.12, insert a new Schedule in the form of the attached document.
5. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.
6. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document



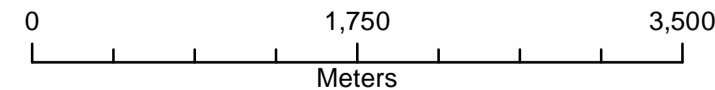


**LEGEND**  
 PAO1 - Public Acquisition Overlay - Schedule 1

Municipal Boundary

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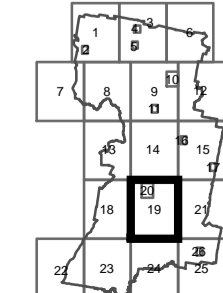
Australian Map Grid Zone 54



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INDEX TO ADJOINING SCHEME MAPS



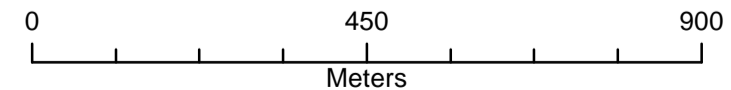


**LEGEND**  
 PAO1 - Public Acquisition Overlay - Schedule 1

Municipal Boundary

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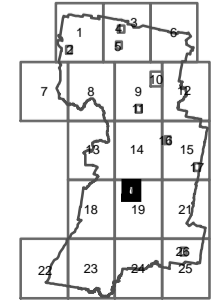
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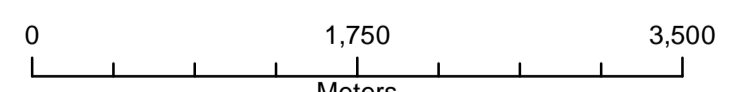


**FOR THIS  
 MAP PLEASE  
 SEE MAP20**

**LEGEND**  
 SCO - Specific Controls Overlay

Municipal Boundary

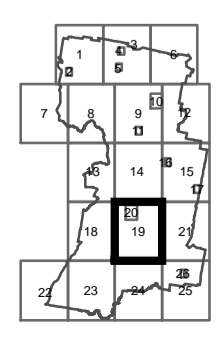
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**INDEX TO ADJOINING SCHEME MAPS**



# PYRENEES PLANNING SCHEME - LOCAL PROVISION AMENDMENT C50pyrn

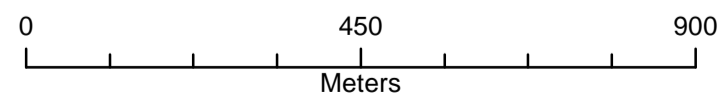


**LEGEND**  
 SCO - Specific Controls Overlay

Municipal Boundary

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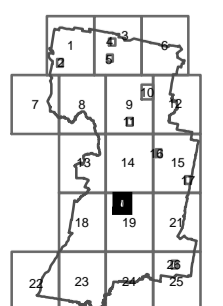


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INDEX TO ADJOINING SCHEME MAPS



DD/MM/2021  
C50

## SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

1.0

### Specific controls

DD/MM/2021  
C50

PS Map Ref	Name of incorporated document
SCOX	Beaufort Bypass Project, Incorporated Document, [Month] 2021.

DD/MM/2021  
C50

## SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

### 1.0 Maps comprising part of this planning scheme:

DD/MM/2021  
C50

- 1, 1DDO, 1EAO, 1ESO, 1HO, 1RO, 1BMO.
- 2, 2ESO, 2DDO, 2HO, 2RO, 2BMO.
- 3, 3DDO, 3EAO, 3ESO, 3HO, 3RO, 3BMO.
- 4, 4ESO, 4DDO, 4RO, 4BMO.
- 5, 5DDO, 5HO, 5RO, 5BMO.
- 6, 6DDO, 6ESO, 6HO, 6RO, 6BMO.
- 7, 7DDO, 7ESO, 7RO, 7BMO.
- 8, 8DDO, 8ESO, 8RO, 8VPO, 8BMO.
- 9, 9DDO, 9EAO, 9ESO, 9HO, 9RO, 9BMO.
- 10, 10DDO, 10EAO, 10ESO, 10HO, 10RO, 10BMO.
- 11, 11ESO, 11RO, 11BMO
- 12, 12DDO, 12ESO, 12HO, 12RO, 12VPO, 12BMO.
- 13, 13ESO, 13HO, 13PAO, 13RO, 13VPO, 13BMO.
- 14, 14ESO, 14HO, 14PAO, 14RO, 14VPO, 14BMO.
- 15, 15EAO, 15ESO, 15HO, 15RO, 15VPO, 15BMO.
- 16, 16ESO, 16RO, 16VPO, 16BMO.
- 17, 17ESO, 17HO.
- 18, 18ESO, 18HO, 18PAO, 18RO, 18VPO, 18BMO.
- 19, 19ESO, 19HO, 19LSIO-FO, 19PAO, 19RO, 19VPO, 19BMO, 19SCO.
- 20, 20EAO, 20HO, 20LSIO-FO, 20RO, 20VPO, 20BMO, 20DPO, 20SCO, 20PAO.
- 21, 21ESO, 21HO, 21PAO, 21RO, 21VPO, 21BMO.
- 22, 22ESO, 22VPO.
- 23, 23ESO, 23HO, 23VPO, 23BMO.
- 24, 24ESO, 24RO, 24VPO, 24BMO.
- 25, 25EAO, 25ESO, 25HO, 25RO, 25BMO.
- 26, 26HO, 26RO, 26BMO.

DD/MM/YYYY  
C50

**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME**

**1.0 Incorporated documents**

DD/MM/2021  
C50

Name of document	Introduced by:
Beaufort Bypass Project, Incorporated Document, Month 2021	C50
Beaufort Local Floodplain Development Plan, March 2013	C31
Goulburn-Murray Water Native Vegetation Code of Practice, February 2011	C33
Pyrenees Planning Scheme Incorporated Plan, Planning Permit Exemptions to Heritage Overlay Precincts HO501 & HO502, February 2015	C39
Pyrenees Shire Heritage Precinct Policy Report, 2002, prepared by David Rowe of Authentic Heritage Services	C7
Restructure Plans for Areas Specified in the Schedule to Clause 45.05 of the Pyrenees Planning Scheme, October 2007 (Revised March 2013):	
Restructure Plan No 1 (Wattle Creek and Environs 1), October 2007	C18
Restructure Plan No 2 (Wattle Creek and Environs 2), October 2007	C18
Restructure Plan No 3 (Landsborough North Environs), October 2007	C18
Restructure Plan No 4 (Malakoff Creek Catchment), October 2007	C18
Restructure Plan No 5 (Redbank and Reservoir Creek Environs), October 2007	C18
Restructure Plan No 6 (Wimmera River (Crowlands) Environs), October 2007	C18
Restructure Plan No 7 (Mountain Creek (Moonambel) Environs), March 2013	C32
Restructure Plan No 8 (Glenpatrick Creek and Nowhere Creek Environs), October 2007	C18
Restructure Plan No 9 (Natte Yallock Environs), October 2007	C18
Restructure Plan No 10 (Avoca Environs), October 2007	C18
Restructure Plan No 11 (Greenhill Creek (Avoca South) Environs), October 2007	C18
Restructure Plan No 12 (Bung Bong Crown Township), October 2007	C18
Restructure Plan No 13 (Evansford and Talbot Reservoir Catchment Environs) October 2007	C18
Restructure Plan No 14 (Amphitheatre Environs), October 2007	C18
Restructure Plan No 15 (Percydale Environs), October 2007	C18
Restructure Plan No 16 (Middle Creek (Warrenmang) Environs), October 2007	C18
Restructure Plan No 17 (Lexton Environs), October 2007	C18
Restructure Plan No 18 (Snake Valley & Carngham Environs), October 2007	C18

**PYRENEES PLANNING SCHEME**

<b>Name of document</b>	<b>Introduced by:</b>
Restructure Plan No 19 (Chepstowe & Baillies Creek Environs), October 2007	C18
Restructure Plan No 20 (Homebush Environs), October 2007	C18
Restructure Plan No 21 (Raglan Environs), October 2007	C18
Restructure Plan No 22 (Waterloo Environs), October 2007	C18
Restructure Plan No 23 (Stockyard Hill Crown Township), October 2007	C18
Restructure Plan No 24 (Middle Creek Crown Township), October 2007	C18
Restructure Plan No 25 (McCallum Creek Environs), October 2007	C18
Restructure Plan No 26 (Shirley Crown Township), October 2007	C18
Restructure Plan No 27 (Beaufort Environs Sheet A & B), October 2007	C18
Restructure Plan No 28 (Mountain Creek (Sunraysia Highway) Environs), October 2007	C18
Restructure Plan No 29 (Lamplough (Bet Bet Creek) Environs), October 2007	C18
Site Specific Control under the Schedule to Clause 51.01 of the Pyrenees Planning Scheme, Jack Smiths Lane Lexton, October 2008 (amended July 2013)	C38
Western Highway Project: Section 2 – Beaufort to Ararat Incorporated Document, July 2013	C37
Restructure Plan No 23 (Stockyard Hill Crown Township), October 2007	C18
Restructure Plan No 24 (Middle Creek Crown Township), October 2007	C18
Restructure Plan No 25 (McCallum Creek Environs), October 2007	C18
Restructure Plan No 26 (Shirley Crown Township), October 2007	C18
Restructure Plan No 27 (Beaufort Environs Sheet A & B), October 2007	C18
Restructure Plan No 28 (Mountain Creek (Sunraysia Highway) Environs), October 2007	C18
Restructure Plan No 29 (Lamplough (Bet Bet Creek) Environs), October 2007	C18
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