SPECIFIC-PURPOSE POLICIES

22.06-01 Native Vegetation Protection

Policy Basis

The retention of native vegetation (and the planting of additional vegetation) is important from an environmental viewpoint as a means of minimising the potential for erosion and salinity problems and to maintain the health of catchments. Except where specific vegetation protection controls are imposed, the general native vegetation protection controls in Clause 52.17 will apply.

Objectives

- To conserve and enhance existing vegetation throughout the Shire wherever practicable.
- To protect significant and sensitive areas including wetlands from the negative effects of vegetation clearance and modification.

Policy

It is policy that:

- Trees having a height of greater than 5 metres should be retained where possible and reasonable.
- Areas of remnant understorey should be retained.
- Native vegetation in areas included in the Rural Conservation Zone or to which an Environmental Significance Overlay has been applied should be retained.
- Native vegetation in gullies and along streams and drainage lines should not be removed except where this is necessary to improve streamway or flood plain management.
- In considering applications for the removal of native vegetation the responsible authority should take into account the likely effect of the removal of such vegetation and the desirability of including conditions in any Permit requiring planting or replanting of native vegetation on other parts of the land.

22.06-2 Construction of Large Dams in Rural Areas

Policy Basis

The construction of dams (in particular, dams required in association with the use of land for viticulture) has been a contentious issue in the past. The following policies are aimed at creating greater certainty as to the circumstances under which planning controls over large dams should apply, and the ways in which a balance between development, amenity, and environmental outcomes might be achieved. The following policy applies to dams having a capacity of more than 10 megalitres.

Policy

It is policy that:

- The location of the dams should be appropriate to the terrain characteristics of the land
and the capacity of the catchment area.

- Large dams should not be located or constructed so as to cause an unacceptable risk or hazard to adjoining land uses or to any public assets.
- Spillways should be designed to cater for a 1 in 5 year storm level.
- The removal of trees should be minimised.
- Soil types on the site should be suitable for water retention and if not suitable, adequate mechanical or chemical means should be employed to create an impermeable base for the dam.
- Top soil stripped from the site should be spread on any exposed batters, and exposed soils should be revegetated with perennial grasses and appropriate indigenous vegetation as soon as possible after construction.
- The contractor or the applicant should have consulted with the Department of Natural Resources and Environment and should be familiar with recommended dam construction techniques.
- A landscape plan should be provided to show the location of the dam on the allotment, contours and finished levels, extent of vegetation clearing works proposed, dimensions and capacity, where necessary.

   Comments should be sought from the Department of Natural Resources and Environment and any relevant Drainage or Water Authority.

### 22.06-03 Wildfire Land Use Safety Policies

**Policy Basis**

To reduce or minimise the fire risk in the Shire by appropriate design and development standards on use and development of land including subdivision.

**Policy**

It is policy that:

- Adequate fire protection measures should be employed by requiring that:
  - Subdivisions, buildings, public open space, roads and places of public use should be designed, sited and constructed to minimise the impact and the emergency conditions arising from fire.
  - Development associated with residential and public use should incorporate fire prevention measures in accordance with the relevant fire prevention guidelines.
  - Vehicle access, fencing and location of dams should be developed to maximise the ability of emergency service organisations to fight fires and protect life and property.
  - Adequate water supplies with suitable flow rates should be provided.
  - Plantations should be located and designed to minimise the risk and spread of fire.
  - Fuel levels should be modified to suitably minimise fire risk.
- Where relevant applicants be encouraged to use the “Building in a Wildfire Management Overlay Applicant’s Kit”(Country Fire Authority, 2002) and any other related or subsequent document in the preparation of permit applications for the development and use of land.
When assessing applications for subdivision, land use or development, the responsible authority should consider, where appropriate, the following documents:

- “Requirements for water supply and access for subdivision in residential 1 and 2 and township zones” (Country Fire Authority, 2004)
- “Building in a Wildfire Management Overlay Applicant’s Kit” (Country Fire Authority, 2002)
- “AS 3959-1999: Construction of buildings in bushfire-prone areas” Australian Standards
- “Code of Practice for Fire Management in Plantations” (Country Fire Authority, 1996)
- “SA HB36-1993: Building in Bushfire-Prone Areas” CSIRO & Standards Australia
- “Planning Conditions and Guidelines for Subdivisions” (Country Fire Authority, 1991)
- “Guidelines Fire Safety in Sawmills” (Country Fire Authority, 1997)

The responsible authority should consider whether a section 173 Agreement under the Planning and Environment Act is appropriate to meet any of the above requirements.

Policy

It is policy that:

- Traditional housing forms should be accepted as a legitimate accommodation choice by the majority of the Shire’s residents.
- Encouragement should be given for the provision of the widest possible choice of
housing, as means of both attracting and maintaining a socially diverse population base within the Shire.

- Higher density forms of development should be encouraged in central and accessible areas within established townships.
- An innovative approach should be encouraged to the development of special housing facilities, particularly for the elderly, and non-family households.
- Encouragement should be given to site-responsive designs for dwellings which are pleasant to live in, are cost-effective, and do not adversely impact on neighbours or the surrounding environment.

22.06-05 Heritage

Policy basis

- There are a number of dispersed heritage places within the Shire that have been identified in the Avoca Shire Heritage Study as being of state heritage significance. In particular a collection of heritage places within the core area of the Avoca township.
- There are a substantial number of heritage places both in urban and rural areas of the Shire that have been identified in the Avoca Shire Heritage Study and the Pyrenees Shire Heritage Precinct Study as being of either proven or potential local heritage significance.
- There are a number of urban precincts in townships throughout the Shire which have been found to have strong heritage character and sense of place due to the presence of a collection of buildings, works, objects and sites that are of either individual or contributory heritage significance.
- The policies and decision guidelines set out in the Pyrenees Shire Heritage Precinct Policy Report, 2002 (a document which is incorporated in Clause 81 of this Scheme).

Definitions

- A heritage place is a place identified for its heritage value and could include a site, area, building, group of buildings, structure, archaeological site, memorial, tree, garden, geological formation, fossil site, habitat of natural or cultural significance and its associated land.
- Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present and future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, association, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.
- Heritage places of individual significance are individually significant for having heritage values at either state, regional or local levels and make a contribution to the heritage values of the wider municipality. These places are included in a Heritage Overlay either as an area or an individually listed heritage place.
- Contributory heritage places are places with heritage values that contribute to the streetscape and visual amenity of a Heritage Overlay area. Through restoration or reconstruction they may be brought back to a condition that enables the place to achieve individual significance. Currently identified contributory places and details of their significance are noted in the Pyrenees Shire Heritage Precinct Policy Report, 2002.
- Fabric means all the physical material of the place including components, fixtures, contents and objects.
- Conservation means all the processes of looking after a place so as to retain its cultural significance.
These definitions guide decision making when considering planning applications and Council’s strategic policy directions on heritage conservation.

**Objectives**

- To encourage the retention of individually significant and contributory heritage places within Heritage Overlay areas, namely:
  1. Avoca Township Heritage Precinct
  2. Beaufort Township Heritage Precinct
  3. Landsborough Township Heritage Precinct
  4. Landsborough Camp Hill Heritage Precinct
  5. Moonambel Township Heritage Precinct
  6. Snake Valley Heritage Precinct
  7. Snake Valley Memorial Heritage Precinct
  8. Waubra Heritage Precinct

- Each Heritage Precinct is designated as an individual Heritage Overlay area (in either HO501, HO502, HO503, HO504, HO505, HO506, HO507, or HO508). The Pyrenees Shire Heritage Precinct Policy Report, 2002 sets out a specific policy basis, objectives and policies for each precinct. This includes provisions for the exercise of discretion, performance measures and decision guidelines for use in assessing proposals. Each precinct includes a list of individually significant and contributory heritage places. This report also provides wider heritage strategies to be promoted for the appropriate design response for infill sites and public works within heritage precincts.

- To encourage development to be undertaken in accordance with the accepted conservation standards of the Australia ICOMOS Burra Charter;

- To conserve and enhance the natural or cultural features of an area or site and to ensure that any alterations or development complement their form and appearance;

- To ensure that new development and external alterations of existing heritage places make a positive contribution to the built form and amenity of the area and complement existing heritage characteristics including (but not limited to) siting, scale, mass, bulk, form, texture and colour;

- To encourage the retention and re-instatement of streetworks including street trees and bluestone kerbs;

- To discourage the demolition of heritage places;

- To provide guidance on heritage management for known remnant sites and objects which relate to pre-European settlement and to undertake further study of Aboriginal cultural heritage to contribute to and guide Council’s strategies on heritage management.

**Policy**

**Exercising discretion**

Where a permit is required for demolition, it is policy to:

- Require the application to be supported with documentation that demonstrates that the demolition will not prejudice the long-term conservation of any place which is of either local or state heritage significance.
Discourage demolition of places that are of cultural heritage significance within a heritage area until a planning permit for the replacement development is approved and a bona-fide contract for the new work has been confirmed.

Where a permit is required for subdivision, use or development, it is policy to:

- Require the preparation and inclusion of a conservation management plan for all applications for major development and subdivision of large or complex places. The plan should be prepared in accordance with the principles of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter).
- Require all applications to subdivide land to include documentation which demonstrates:
  - the significance of the original subdivision will not be adversely affected by the proposed subdivision pattern;
  - the subdivision will enhance/conserve the significance of the surrounding heritage places and area;
  - the effects of the subdivision on the cultural heritage significance of the place are minimised.
- Employ the Pyrenees Shire Heritage Precinct Policy Report, 2002 in assessing relevant planning proposals and in conserving the heritage values and character of those heritage places found within the heritage precincts.
- Have regard to any current Aboriginal heritage study documents for the municipality, and the Aboriginal cultural resource management grid map and guidelines provided by Aboriginal Affairs Victoria.
- Require applications for the development of land in areas where there is a known Aboriginal or other archaeological site to include a report from a suitably qualified archaeologist demonstrating the impact of the proposed developments and showing that the relevant cultural heritage values have been addressed.
- Encourage replanting of a similar type of tree where the removal of a significant tree is unavoidable.
- Support the retention of existing bluestone kerb and channel within the Snake Valley and Beaufort heritage areas.

**Decision guidelines**

It is policy that the responsible authority consider as appropriate:

- Heritage studies and other published historical information, including but not limited to the following: