

# Government Land Standing Advisory Committee

## Tranche 5 Report

### 119 and 123 Curlewis Street, Swan Hill

10 May 2017

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## List of Abbreviations

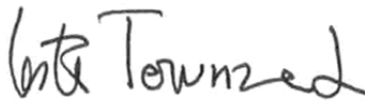
C1Z	Commercial 1 Zone
CBD	Central Business District
DDO	Design and Development Overlay
DOJR	Department of Justice and Regulation
DTF	Department of Treasury and Finance
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
FTGL Service	Fast Track Government Land Service
LMW	Lower Murray Water
LPPF	Local Planning Policy Framework
PAO	Public Acquisition Overlay
PPRZ	Public Park and Recreation Zone
PUZ	Public Use Zone

## About this report

On 21 August 2016, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as part of Tranche 5 Report:

- 200 Shaws Road, Ballan
- Blue Rock Road, Willow Grove
- 119 and 123 Curlewis Street, Swan Hill.

This is a report under Section 151 of the Planning and Environment Act 1987 of the Government Land Standing Advisory Committee for 119 and 123 Curlewis Street, Swan Hill.



Lester Townsend, Chair



Cazz Redding, Member

10 May 2017

## The Government Land Standing Advisory Committee

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

The purpose of the Committee is:

*... to advise the Minister for Planning on the suitability of changes to planning provisions for land owned by the Victorian Government.*

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Brett Davis and Cathie McRobert
- Members: Gordon Anderson, Alan Chuck, John Collins, Mandy Elliott, Jenny Fraser, John Ostroff, Cazz Redding and Lynn Sweeney.

The Committee was assisted by Ms Emily To, Project Officer with Planning Panels Victoria.

The Committee's Terms of Reference state:

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

- *An assessment of the appropriateness of any changes to planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*
- *An assessment of whether planning scheme amendments could be prepared and adopted in relation to each of the proposals.*
- *An assessment of submissions to the Standing Advisory Committee.*
- *Any other relevant matters raised in the course of the Standing Advisory Committee Hearing.*
- *A list of persons who made submissions considered by the Standing Advisory Committee.*
- *A list of persons consulted or heard.*

## Details of the site and process

**Table 1: Proposal summary**

Proposal summary	
<b>Tranche and site reference</b>	Tranche 5: Site reference FT81
<b>Site address</b>	119 and 123 Curlewis Street, Swan Hill
<b>Previous use</b>	119 Curlewis Street – Police Station 123 Curlewis Street – Community Correctional Services Office
<b>Site owner</b>	Department of Treasury and Finance (DTF) on behalf of the Department of Justice and Regulation (DOJR)
<b>Council</b>	Swan Hill Rural City Council
<b>Exhibition</b>	6 February to 17 March 2017
<b>Submissions</b>	Three submissions were received: <ul style="list-style-type: none"> <li>- VicTrack</li> <li>- Swan Hill Rural City Council</li> <li>- Lower Murray Water</li> </ul>

**Table 2: Proposed planning scheme changes**

Existing controls	Proposed changes
Public Park and Recreation Zone	Commercial 1 Zone
Public Acquisition Overlay – Schedule 3	Retain
Design and Development Overlay – Schedule 2	Retain
	Environmental Audit Overlay

**Table 3: Committee process**

Committee process	
<b>Members</b>	Lester Townsend (Chair) and Cazz Redding
<b>Information session</b>	23 February 2017 at the Swan Hill Town Hall, 53-57 McCullum Street, Swan Hill
<b>Hearing and appearances</b>	No hearing was necessary
<b>Site inspections</b>	23 February 2017 by the Chair
<b>Date of this Report</b>	10 May 2017

# 1 Summary and recommendation

## 1.1 The site

119 Curlewis Street, Swan Hill is a former Police Station site. It is 1039 square metres in size and contains a purpose built structure with a partially fenced/paved car parking area. An underground disused petrol tank is located on the site. The site contains no vegetation.

123 Curlewis Street, Swan Hill is the former Community Correctional Services Office site. It is 664 square metres in size and contains an office building, garage/outbuildings and landscaping, including a number of mature exotic trees. VicRoads is currently in the process of acquiring 123 Curlewis Street as the land has been identified as being required for a future bridge over the Murray River.

**Figure 1: Site location**



## 1.2 Summary

The Site owner proposes to rezone the land from the Public Park and Recreation Zone to the Commercial 1 Zone and apply an Environmental Audit Overlay to 119 Curlewis Street.

The Committee considered all written submissions. 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 site.

**Table 4: Existing and proposed controls**

Current planning scheme controls	Proposed planning scheme controls	Recommendation
<b>119 and 123 Curlewis Street, Swan Hill</b>		
Public Park and Recreation Zone	Commercial 1 Zone	Commercial 1 Zone
Public Acquisition Overlay – Schedule 3	Retain	Retain
Design and Development Overlay – Schedule 2	Retain	Retain
	Environmental Audit Overlay (on 119 Curlewis Street only)	Environment Audit Overlay (on 119 Curlewis Street only)

### 1.3 Recommendation

The Committee recommends for 119 and 123 Curlewis Street, Swan Hill that:

**A planning scheme amendment be prepared and approved to rezone the sites to Commercial 1 Zone and apply an Environment Audit Overlay over 119 Curlewis Street, Swan Hill.**

## **2 Process issues for this site**

### **2.1 Matter considered on the papers**

Three submissions were received in relation to the Amendment, from Swan Hill Rural City Council, VicTrack and Lower Murray Water. The matters raised in these submissions were straightforward in nature and no submissions were received from the general public. It was therefore proposed by the Committee that the matter be considered on the papers (without a Hearing). This process was supported by the site owner (represented by the Department of Treasury and Finance) and the submitters.

The Department of Treasury and Finance (DTF) was directed to prepare a report to the Committee, that responded to the issues raised in Council's submission. This was provided in April 2017 and has assisted the Committee in formulating its recommendations.

### **2.2 Scope of the rezoning**

Council submitted that the entire area (five parcels in total) owned by the Victorian State Government should be rezoned instead of just the two properties subject to the Amendment located at 119 and 123 Curlewis Street.

It submitted that the Public Park and Recreation Zone is not the appropriate zone for the current uses carried out on the land and that a more suitable zone would be Commercial 1 Zone or Public Use Zone – Schedule 7.

The three additional parcels of land, which are owned by the Department of Justice, have not been referred, to the Committee. Council should undertake further consultation with the Department of Justice and Regulation (DOJR), should it wish to pursue rezoning of these additional parcels.



### 3 Site constraints and opportunities

#### 3.1 Zoning context

Figure 2: Current zoning



Figure 3: Proposed zoning



Figure 4: Area of Aboriginal Cultural Heritage Sensitivity



Figure 5: Proposed Overlay



#### 3.2 Physical constraints

##### (i) History of the sites

The subject sites are comprised of the former Swan Hill Police Station at 119 Curlewis Street, Swan Hill and the Community Correctional Services Office at 123 Curlewis Street, Swan Hill.

##### (ii) Asset easements

Lower Murray Water (LMW) (Submission 3) identified that the sewer main passes under the former police station and is protected by an implied easement in accordance with Section 148 of the Water Act 1989 (*Structures over works*).

**(iii) Current site conditions**

The former Police site contains a purpose-built building and a partially fenced and paved car parking area to the north and south of the building. An underground disused petrol tank is located on the site. This was decommissioned *in situ* in 2006. The site contains no vegetation. The site has an area of 1039 square metres.

The former Community Correctional Services Office site contains a building which was used for office purposes, a garage, outbuildings and landscaping, including mature exotic trees. The site has an area of 664 square metres.

**(iv) Interface with surrounds**

The subject sites are located along a narrow strip of land bounded by Curlewis Street and the Swan Hill Central Business District (CBD) to the west, McCallum Street to the north, the railway line to the east and the car parking area associated with the train station to the south. The area forms an informal community services precinct which includes the Department of Justice Offices, former Police Station and Community Correctional Services Office, Court House and Senior Citizens Centre.

The Court House, which is still operational, sits between the two subject sites.

The land to the west forms part of the Swan Hill CBD. Directly opposite is the Swan Hill Club which is an entertainment venue with licenced gaming facilities and associated car parking.

The land to the east includes railway land used for informal car parking and the Swan Hill railway line. The railway line effectively cuts the subject sites off from the public swimming pool, the Murray River and associated public open spaces along the riverfront.

The land to the south includes the Senior Citizens Centre and a carpark associated with the railway station, including the Giant Murray Cod. The carpark is also used for a Country Market once a month.

The land directly to the north is the DOJR offices, which are still operational, and affected by the Heritage Overlay – HO134 – Former State Offices. Further north is the Bowls Club on the corner of McCallum and Curlewis Street.

**(v) Access**

Access to the sites is from Curlewis Street which is zoned Road Zone 1 meaning that any proposal to change access to or from the road to would be referred to VicRoads.

## 4 Issues with the proposed changes

### 4.1 What zone is suitable

The zone proposed for the sites is Commercial 1 Zone (C1Z). No objections were received to this zoning for the land. The current zoning of the land is Public Park and Recreation Zone (PPRZ), however this zoning does not reflect the previous or current use of the land. The Public Park and Recreation Zone appears to the Committee to be anomalous.

The site owner submitted that:

*Rezoning the land to C1Z is consistent with the SPPF, LPPF and the Design Objectives of the DDO, which identify this part section of Curlewis Street as suited to tourism and retailing.*

### 4.2 What overlays are suitable

An Environment Audit Overlay (EAO) is proposed for 119 Curlewis Street, the former Police Station, to address potential contamination issues associated with a disused underground petrol tank. The site owner provided the following information supporting the application of the EAO:

*A contamination report has been prepared which indicates there are possible environmental issues associated with the tank. However, due to proximity of the building to the tank, further testing, including decommissioning cannot be undertaken without removing the building. The application of the EAO will ensure any contamination issues are addressed if a sensitive use occurs.*

Council submitted an EAO should not be applied and that its preference is the site:

*... be remediated to a level that is acceptable to accommodate sensitive land uses, such as accommodation, recreation and the like.*

Council submitted this would mean the land could accommodate a wider range of uses which would more align more closely to what is contained in the Swan Hill Riverfront Master Plan and make the land more lucrative to possible future purchasers.

The site owner's further submission to the Committee outlines why it did not support Council's preference. The points made in the submission include:

- The fuel tank was decommissioned *in situ* in 2006 according to EPA guidelines. This means that residual liquids have been removed and the tank filled with slurry.
- Further remediation is not possible without compromising the foundations of the building on the site as the fuel tank is located immediately adjacent to the western wall of the existing building.
- The extent of remediation required will depend on the future use of the land, and this is not known at this time. It may be that the future owner of the site will not seek to use the land for a sensitive use and therefore the site might not need to be extensively remediated.

- The most appropriate way to deal with the contamination will be determined once a planning permit application is lodged and an environmental audit undertaken and considered as part of that application.

### **4.3 Lower Murray Water easement over 119 Curlewis Street, Swan Hill**

#### **(i) Evidence and submissions**

LMW advised that there is a sewer main that passes under the former Police Station which is protected by an implied easement in accordance with Section 148 of the Water Act 1989 (Structures over works).

They advised:

*At this time the structures on the property are not causing any ill effects to the sewer main and LMW is not requesting that any works be undertaken. Although the risk remains that in the future, LMW may need to request the removal of part or all of the structure to allow for pipe rehabilitation.*

LMW requested that this information be made available to any potential purchaser through the Section 32 Vendor's Statement.

### **4.4 Discussion and conclusion**

The purpose of the C1Z is to create a vibrant mixed use commercial centre for retail, office, business, entertainment and community uses, and provide for residential uses at densities complementary to the role and scale of the commercial centre.

Clause 21.01-1 of the LPPF contains the Local Area policy for Swan Hill CBD. The sites are located directly opposite the core retail precinct that fronts the other side of Curlewis Street. The policy encourages the development of Curlewis Street as a Tourism Precinct with associated 'tourism and retail uses'. The Committee is satisfied that the C1Z will assist in facilitating the objectives Council has outlined in the LPPF and for the Swan Hill River Precinct in DDO2.

123 Curlewis Street is covered by a Public Acquisition Overlay (PAO3). VicRoads (Roads Corporation) are the acquiring authority for this land. The purpose of PAO3 is to allow for the Swan Hill Bridge replacement project and associated works.

VicRoads is currently in the process of acquiring the land. The Committee supports the rezoning to C1Z as it will enable the continued use of the existing building and site for a range of uses until the land is needed for the replacement bridge.

An EAO is proposed on 119 Curlewis Street to address potential contamination from the fuel tank on site. Council would like to see full remediation of the site take place prior to sale. The site owner submitted that this would be premature as further remediation will compromise the existing building, and the future use of the land is unknown which means the level of remediation is not known.

The Committee agree with the site owner. The fuel tank on site has been remediated *in situ* and this is adequate at this time. Placing an EAO on the land instead of full remediation

enables reuse of the building currently on site which may not be possible if further remediation takes place prior to sale.

Council seeks a wide range of uses on this site as outlined in the Swan Hill Riverfront Masterplan. The Committee notes the Swan Hill Riverfront Master Plan, while an adopted plan of Council, has not been translated into the planning scheme at this point. In any case, the Committee doesn't consider that the application of an EAO places a constraint on a wide range of uses, as allowed under the C1Z, on the site.

The Committee concludes that the C1Z is the best choice of zone for these sites, and that it is appropriate that an EAO be applied to 119 Curlewis Street.

Whilst not specifically a planning matter, the Committee notes that the implied easement over 119 Curlewis Street, Swan Hill is required to be notified through the Section 32 Vendor's Statement as a matter of course, and refers LMW's submission to the attention of the site owner for any further action required.

## Appendix A: Document list

Documents Presented to the Committee (No.)	Description	Presented By
1	Submission to FTGLS Advisory Committee, 119 and 123 Curlewis Street, Swan Hill	SP Planning on behalf of the Department of Treasury and Finance.

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