

Planning and Environment Act 1987

Government Land Standing Advisory Committee

Tranche 7 Report

22 Paynters Road, Hill End

3 August 2017

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List of Abbreviations


DTF	Department of Treasury and Finance
FZ	Farming Zone
HECI	Hill End Community Incorporated
HO	Heritage Overlay
RLZ1	Rural Living Zone Schedule 1

About this report

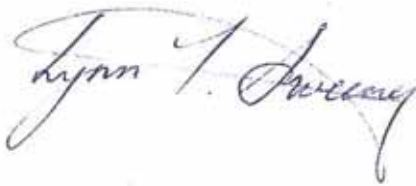
On 19 March 2017, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as Tranche 7:

- 22 Paynters Road, Hill End
- 3-5 Rollo Street, Yarragon
- 69B Harvey Street, Anglesea.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 22 Paynters Road, Hill End.



Lester Townsend, Chair



Lynn Sweeney, Member

3 August 2017

1 Summary and recommendation

1.1 The site

Figure 1: Site location



The subject site is located in Hill End, a town in the West Gippsland region of Victoria located approximately 104 kilometres east of Melbourne. The site was previously occupied by the 'Hill End Primary School' which closed in 2006. Several school buildings remain on site.

The site is rectangularly shaped and has a total area of 8,333 square metres with a frontage of 280 metres to Paynters Road.

1.2 Issues raise in submissions

The existing school buildings are used by a local community group for meetings, an annual art fair and regular community markets. These uses are of clear economic and social benefit to the local community and would most likely cease if the site were sold. The local community group maintains those parts of the site they have access to in excellent condition.

Council proposed that the land should be placed in the Farming Zone (FZ) while the site owner proposed Rural Living Zone Schedule 1 (RLZ1).

The Committee considered all written submissions as well as submissions presented to it during the Hearing. 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.

1.3 Committee conclusion

The site owner proposes to rezone the site to the RLZ1 and amend the HO to allow for prohibited uses to gain a permit. The Committee agrees that this is an appropriate zone. The existing community uses could continue (and subject to relevant permits, expand if appropriate) under the proposed controls.

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 Committee Recommendation
Public Use Zone – Schedule 2 (Education)	Rural Living Zone – Schedule 1	Rural Living Zone – Schedule 1
Development Contributions Plan Overlay – Schedule 1	Development Contributions Plan Overlay – Schedule 1	Retain
Heritage Overlay (HO273)	Amendment to schedule HO273 to allow prohibited uses	Amendment to schedule HO273 to allow prohibited uses

1.4 Recommendations

The Committee recommends that:

A planning scheme amendment be prepared and approved for 22 Paynters Road, Hill End to:

- a) **Rezone the site to the Rural Living Zone – Schedule 1.**
- b) **Amend Schedule 273 of the Heritage Overlay (HO273) to allow prohibited uses.**

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 7: site reference FT69
Site address	22 Paynters Road, Hill End
Previous use	Former Hill End Primary School
Site owner	Department of Treasury and Finance (DTF)
Council	Baw Baw Shire Council
Exhibition	1 May – 9 June 2017
Submissions	20 Submissions were received (See Appendix B)

Table 3: Committee process

Committee process	
Members	Lester Townsend and Lynn Sweeney
Information session	23 May 2017 at Trafalgar Business Centre, 107 Princess Highway, Trafalgar
Hearing	3 July 2017 at Trafalgar Business Centre, 107 Princess Highway, Trafalgar
Site inspections	3 July 2017
Appearances	Department of Treasury and Finance represented by Sharon Stewart of Aurecon Baw Baw Shire Council represented by Leanne Khan Hill End Community Incorporated represented by Christina Williams Elizabeth Buckingham Rachel Cochrane
Date of this Report	3 August 2017

2.2 Process issues

(i) Interest from other agencies and the Hill End Community Incorporated

The Committee was advised that on 2 March 2017, Baw Baw Shire Council advised the DTF that it did not wish to purchase the site.

Since 2007, the Hill End Community Incorporated (HECI) has utilised the site for a range of community functions and continues to manage the maintenance of the property. HECI's use of the site is under an informal arrangement.

Christina Williams, representing HECI, submitted that in the decade since the school's closure, the facility has been actively maintained and used as a community centre hosting craft markets, the annual art show and operates as a:

*... well-equipped centre for informal adult education and an extensive variety of craft classes.*¹

Further, she noted that the facility has been maintained by HECI thus not causing the government unnecessary expenditure on maintenance and security. Submitters including Elizabeth Buckingham, Christina Williams and Rachel Cochrane emphasised that "22 Paynters Road is of much higher social value than monetary value".

Ms Williams advised that HECI, Mr Gary Blackwood MLA Member for Narracan and the Department of Environment, Land, Water and Planning (DELWP) have been in email correspondence over more the last year negotiating the ongoing use of the site by HECI on the basis that the site would be managed by DELWP. The current status of these discussions is unclear to HECI and Council.

The role of the Committee as outlined in its Terms of Reference is to advise what planning controls are appropriate if the land is to be sold for private development. Whether the site is retained for community purposes is not a matter for this Committee.

¹ HECI submission, Christina Williams p2.

3 Site constraints and opportunities

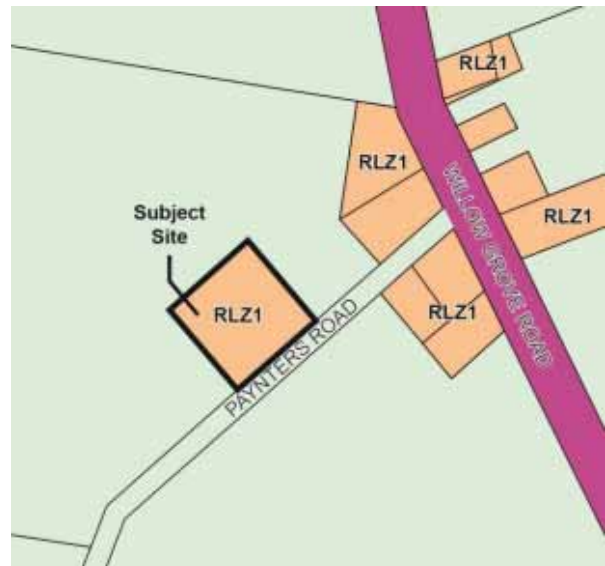
3.1 Zoning context

Figures 2 and 3 show the current and proposed zonings.

Figure 2: Current zoning



Figure 3: Proposed zoning



3.2 Physical constraints

(i) History of the site

The site housed the Hill End Primary School and teachers residence until the school's closure in 2006. The heritage citation notes that the buildings originated from 1957 having been rebuilt twice after several fires. The site also houses the relocated historic Fumina South school building.

The site has been used as a community education and meeting facility, managed and maintained by HECL, for the last ten years since the school's closure.

(ii) Asset easements, encumbrances and notices

The Planning Report notes that the site is covered under the Indigenous Land Use Agreement MI69268C 06/08/2016 Native Title Determination VIC6007/1998.

(iii) Current site conditions

The site comprises the former school buildings, the teacher's residence and several outbuildings.

The school buildings and grounds are maintained in excellent condition and include the recent addition of an access ramp.

A mixture of native and exotic trees are distributed around the boundary of the site including mature Oaks, Canary Island Pines, Eucalyptus and other evergreen varieties.

Council submitted that they do not consider the teachers residence to be a habitable dwelling due to missing fittings and its run down condition.

(iv) Interface with surrounds

The site is located approximately 150 metres west of Willow Grove Road. While the site is directly adjacent to agricultural land, it is clearly part of the Hill End hamlet of rural residential dwellings.

(v) Access

Hill End is located approximately 7 kilometres north of Willow Grove. The site has two crossovers located along Paynters Road, one providing access to the school yard and the other on the western boundary serving the former teacher's residence.

4 Issues with the proposed changes

4.1 What zone is suitable

(i) Evidence and submissions

The site owner submitted that the site should be rezoned to the Rural Living Zone to reflect:

... the nature of the site and its potential to continue its contribution to the community for its heritage qualities and range of uses that complement the predominant agricultural landscape.²

The site owner noted that the purposes of the Rural Living Zone strongly correlate to the future of the former Hill End Primary School, including:

- providing for residential use in a rural environment
- providing for agricultural land uses
- protection and enhancement of natural resources, biodiversity and landscape and heritage values of the area
- encouragement of use and development based on comprehensive and sustainable land management practices and infrastructure provision.

Council submitted that the site should be rezoned to FZ as the 2013 Settlement Management Plan identified Hill End as a town with sufficient constraints and insufficient attributes to warrant additional rural living zones. Council is concerned that rezoning the site to RLZ1 could create a precedent for the rezoning of other fragmented sites and it is committed to retaining agricultural land. In her submission, Rachel Cochrane supported Council's preference for the FZ.

In consideration of the most appropriate zone the site owner noted that while both zones cater for a similar range of 'as of right' and discretionary land uses they differ in policy intentions. The primary purpose of FZ is to provide land for agricultural uses and allows for a limited range of low impact accommodation uses and the minimum subdivision size for the FZ is generally 40 hectares.

The site owner recommends rezoning to RLZ1 as:

- the FZ would not facilitate the adaptive reuse of the heritage buildings to a dwelling (the most likely scenario) as this is contrary to the purpose of the FZ
- lot consolidation with adjoining land would not be feasible due to the existing heritage buildings
- the rezoning will not result in a proliferation of new buildings compromising the landscape as the site is already developed
- the pattern of rural lots sizes throughout the municipality is already relatively fragmented; this small site reflects its history as a former school and will not add to this fragmentation.

² DTF submission Aurecon p13.

(ii) Discussion

The Committee considers that given the 0.8 hectares size of the site, the existing trees, landscaping and heritage buildings, the site is not particularly suitable for agricultural activities. While both zones will allow similar 'as of right' and discretionary uses, the RLZ1 provides the strongest potential for the adaptive re-use of the heritage buildings. The Committee considers that the application of the zone needs to consider making the most of the site's assets; the trees, landscaping, buildings and proximity to the balance of the settlement.

The Committee is satisfied that the heritage buildings, vegetation and landscape conditions on this site are relatively unique and will not create an unmanageable precedent for the RLZ1 for other fragmented lots.

(iii) Conclusion

The Committee concludes that the appropriate zone for 22 Paynters Road, Hill End is RLZ1 if the land is to be sold.

4.2 Is the change to the Heritage Overlay appropriate?

(i) Evidence and submissions

The site owner proposes that the Heritage Overlay (HO273) be amended to allow a permit to be issued for prohibited uses. The rationale for the amendment is to encourage the adaptive re-use of heritage buildings as the Rural Living Zone prohibits retail or industry (e.g. food production or craft manufacturing).

The site owner noted that a planning permit is still required for any 'prohibited use' ensuring that Council can fully assess the impact of any proposal. It also submitted that the amendment is in accordance with *Planning Practice Note 01: Applying the Heritage Overlay*. The site owner submitted:

Allowing prohibited uses to be applied for within the HO is common within Victorian planning schemes. The Baw Baw Planning Scheme has 37 other sites within the HO Schedule that allow for prohibited uses with the purpose being to facilitate adaptive re-use and preserve the heritage values the Council supports.³

Council and some individual submitters, for example, Rachel Cochrane, did not support the amendment to the HO. Council submitted that the amendment may encourage uses that are not compatible with the adjoining FZ.

(ii) Discussion

The Committee notes that removing the prohibition does not remove Council's capacity to assess the impact of any planning application. The Committee is satisfied that the

³ DTF submission Aurecon p16.

amendment is consistent with other situations in the Shire and will support the potential for re-use of the site and heritage buildings.

(iii) Conclusion

The Committee concludes that HO273 should be amended to allow a permit to be granted for prohibited uses.

Appendix A: About the Government Land Standing Advisory Committee

The Fast Track Government Land 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) is appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

The Minister for Planning approved revised Terms of Reference for the Committee in July 2017.

The purpose of the Committee is:

... advise the Minister for Planning on the suitability of changes to planning provisions for land owned, proposed to be owned in the future, or to facilitate the delivery of priority projects by the Victorian Government.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Brett Davis and Mandy Elliott
- Members: Gordon Anderson, Alan Chuck, Jenny Fraser, Rachel O'Neill, John Ostroff, Tania Quick, Cazz Redding and Lynn Sweeney.

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

The Committee's Terms of Reference state:

25. *The Standing 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 light of the relevant planning scheme and State and Local Planning Policy Frameworks.*
 - *An assessment 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 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.*

Appendix B: List of submitters

No.	Submitter
1	Julie Parker
2	Hill End Community Incorporated (HECI)
3	Martin & Joan Brown
4	Dr Chris Laming
5	Annie Murphy,
6	Rachel Cochrane
7	Elizabeth Bowley
8	John Gramlick
9	Elizabeth Buckingham
10	Margaret Wright
11	Ann & Neville Cliff
12	Philip J Taylor
13	Hill End Mechanics Institute Reserve Hall Committee
14	Tanjil Valley Art Show
15	Heather & Sidney Marslen
16	Peter Farrell
17	Diane Wilkie
18	Debra Manning
19	Baw Baw Shire Council
20	Barry Paul

Appendix C: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	DTF Submission, Aurecon	Sharon Stewart
2	Submission, Hill End Community Incorporated	Christina Williams
3	Submission	Elizabeth Buckingham
4	Submission	Rachel Cochrane