

Government Land Standing Advisory Committee Tranche 7 – Combined Report

3 August 2017

Comprising individual reports for:

- 22 Paynters Road, Hill End (FT69);
- 3-5 Rollo Strete, Yarragon (FT73); and
- 69B Harvey Street, Anglesea (FT98).

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

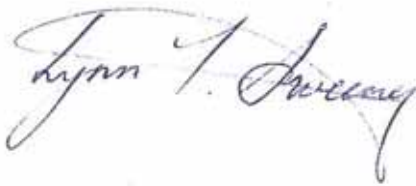
On 19 March 2017, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as Tranche 7:

- 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

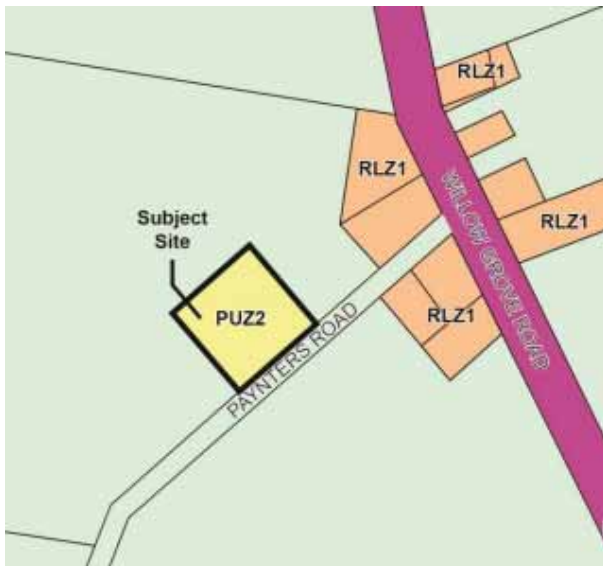
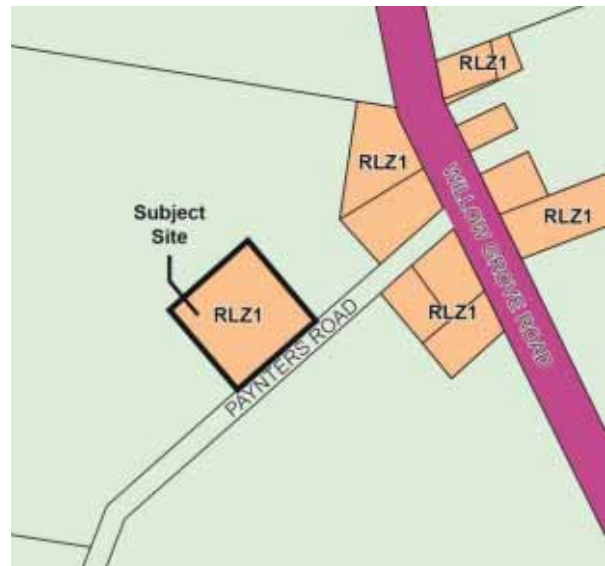


Figure 3: Proposed zoning



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

Government Land Standing Advisory Committee

Tranche 7 Report

3–5 Rollo Street, Yarragon

3 August 2017

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List of Abbreviations

CFA	Country Fire Authority
DCPO	Development Contributions Plan Overlay
DTF	Department of Treasury and Finance
GRZ	General Residential Zone

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 3–5 Rollo Street, Yarragon.



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 between the eastern side of Murray Street, the western side of Rollo Street and south of Hanns Lane. The site is irregular in shape and has a maximum length of 130 metres. The total site area is approximately 9,000 square metres. The site previously contained a number of school buildings and associated outbuildings, which have recently been demolished. There are several mature exotic trees distributed around the boundary of the site.

The main township of Yarragon and residential land is generally distributed south of the Princes Freeway. The site is located on the eastern edge of the Yarragon Township and is generally surrounded by residential development except for a strip of commercial land to the north and predominantly rural land to the east.

1.2 Issues raised in submissions

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 the site.

Most submissions addressed alternative visions for the site including a combination of recreation, sporting and community uses. These would seem to require purchase of the site by Council. Council and other submitters sought a six month delay in order to better consider these options. This is not a matter for the Committee. The Committee observes that while the site is generally well located and is a large flat site, it does not have any

specific characteristic to suggest that it is uniquely suited to any of the proposed uses, except for a new Country Fire Authority (CFA) facility.

It is understood that the CFA may wish to purchase a portion of the land. The site is near the exiting CFA facility, which the Committee was told needs to be enlarged, and has the benefit of multiple street frontages. Consideration should be given to the planning approval pathway for a new CFA station: if a portion of the site is sold to the CFA, a Public Use Zone might be appropriate for that part of the site.

1.3 Committee conclusion

The site owner proposes to rezone the subject land from Public Use Zone – Schedule 2 to the General Residential Zone – Schedule 1. The Committee agrees that this is an appropriate zone if the land is to be sold.

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

Table 1: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Advisory Recommendation	Committee Recommendation
Public Use Zone – Education	General Residential Zone – Schedule 1	General Residential Zone – Schedule 1	
Development Contributions Plan Overlay – Schedule 1	Development Contributions Plan Overlay – Schedule 1	<i>Retain</i>	

1.4 Recommendation

The Committee recommends that:

A planning scheme amendment be prepared and approved to rezone 3–5 Rollo Street, Yarragon to the General Residential Zone – Schedule 1.

If negotiations result in the CFA purchasing part of the site, a Public Use Zone could be considered for that portion of the site.

2 Process issues for this site

2.1 Process summary

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

Table 2: Proposal summary

Proposal summary	
Tranche and site reference	Tranche 7: site reference FT73
Site address	3–5 Rollo Street, Yarragon
Previous use	Former Yarragon Primary School
Site owner	Department of Treasury and Finance
Council	Baw Baw Shire Council
Exhibition	1 May – 9 June 2017
Submissions	23 Submissions were received (See Appendix A)

Table 3: Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Schedule 2 (Education)	General Residential Zone - Schedule 1
Development Contributions Plan Overlay – Schedule 1	Retain

Table 4: 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 Yarragon Community Progress Group represented by Michael Fozard Yarragon District Community Association represented by Judith Conway Brian O'Rourke
Date of this Report	3 August 2017

2.2 Process issues

(i) Interest by other agencies

The Committee understands that the CFA is interested in a portion of the site.

Consideration should be given to the planning approval pathway for a new CFA station. If a portion of the site is sold to the CFA, a Public Use Zone might be appropriate for that part of the site.

Council submitted that it expressed an interest in purchasing the site with a restriction on title for community purposes but that this was refused by the Department of Treasury and Finance (DTF) on the basis that no pre-determined specific public use has been identified and therefore the expression of interest did not meet the department policy or criteria. Aurecon, for the DTF, on behalf of the site owner, confirmed that:

... Council had not identified what the community use would be. This limited information or certainty on the nature of a community use provided to DTF, has not enabled DTF to consider a sale proposal with Council.¹

Council submitted copies of its letters to the Minister for Planning and State Treasurer requesting a six month delay of the rezoning and sale process to undertake “*significant community consultation to determine the future community use for the site*”.²

A number of submitters presented community and recreation opportunities for the site that could be co-located with a new CFA facility. Recreation uses included options such as a skate park, parkour obstacles, an outdoor gym, arbour and community buildings. Submitters, including Ms Conway, Mr O’Rourke and Mr Fozard supported Council’s request for a six month delay in the sale process to allow Council and the community to determine appropriate community uses to support the development of social capital in the community.

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 DTF submission 3-5 Rollo Street, Yarragon, Aurecon p 2.

² Baw Baw Shire Council letter to The Hon Tim Pallas MP 1 June 2017

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 Yarragon Primary School until it was moved to a larger site in Loch Street in 2012.

(ii) Asset easements

No information on any existing easements was submitted to the Committee.

(iii) Drainage

Council advised that the limited drainage that affects Yarragon and surrounding areas also affects this site.

(iv) Current site conditions

The site is currently vacant. The school buildings have been removed but several mature exotic trees remain around the boundary of the site.

(v) Interface with surrounds

In its submission, the site owner notes that the site is located on the eastern edge of the Yarragon township generally surrounded by residential development except for a small strip

of commercial land to the north and predominantly rural land to the east. It is noted that the land immediately east of the site is zoned for residential purposes.

(vi) Access

The site can be accessed from all four boundaries. The site shares access to Hanns Lane on its northern boundary with the commercial properties that front the Princes Freeway. An unmade road reserve runs along the southern boundary of the site, separating the property from the adjacent houses. Direct street access is available from both Rollo and Murray Streets. The site owner notes the site is approximately 200 metres southeast of the Yarragon Train Station and has excellent access to the existing commercial strip along Princes Freeway.

4 Issues with the proposed changes

4.1 What zone is suitable

(i) Evidence and submissions

The site owner submitted that the General Residential Zone (GRZ) reflects the nature of the site, its surrounding context and potential to contribute to the residential landscape of Yarragon. The site owner noted that the GRZ would allow for a wide range of uses that are compatible with the neighbourhood including Dwellings, Residential Aged Care, Place of Assembly, Place of Worship, Community Market and Emergency Services Facility, among others.

The site owner advised that the *Baw Baw Settlement Management Plan 2013* (a reference document to the planning scheme) identifies the site as one where medium density infill is encouraged, while the Yarragon Structure Plan Clause 21.04 only identifies the site as a 'Former Education Centre'.

Council submitted that both the Structure Plan and Settlement Plan may be out of date given the current and expected population growth in Yarragon and the region. Further, it noted that the Panel Report for Baw Baw C104 suggested that the former school site should be investigated as to whether it is needed for an expansion of the commercial area. Council advised that this work has not yet been done.

Individual submitters objected to the rezoning of the site to GRZ on the basis that the site should be reserved for community uses.

(ii) Discussion

While it would be ideal if the Yarragon Structure Plan and Settlement Plans had been updated after analysis to determine if additional commercial land was required, this is not the case.

The Committee notes the submissions outlining the current and anticipated growth in Yarragon's population. At present, the analysis to justify the need for additional commercial land to support a commercial zone for the site does not exist.

The GRZ provides the opportunity for a range of community uses and the potential for a CFA station as well as residential uses. This is important given the submissions that the CFA is interested in relocating to part of the site.

(iii) Conclusion

The Committee concludes that the GRZ is the appropriate zone for 3–5 Rollo Street, Yarragon if the land is to be sold.

4.2 What overlays are suitable

(i) Evidence and submissions

The site owner proposes the retention of the Development Contributions Plan Overlay (DCPO) which applies to the whole municipality. The DCPO provides the ability for Council to receive contributions toward the development of new, or upgraded, infrastructure. The levy applies to new residential development for the Yarragon area. No submissions questioned the retention of this overlay.

An individual submitter, Mr Gubbels, requested that, if the site were to be rezoned for residential use, an overlay be applied to the site to limit the height of buildings to one storey, retain existing significant trees and the minimum lot size of 650 square metres.

The site owner noted that a maximum building height of 11 metres (or three storeys) would apply to the site, however it would be up to Council to assess the most appropriate scale of buildings having regard to the surrounding neighbourhood character.

(ii) Discussion

It is appropriate that any future development on the site be subject to the same development contributions scheme as the surrounding area.

The Committee agrees the site owner that the Council would assess the most appropriate scale of buildings in its assessment of any permit application under the GRZ without the application of an additional overlay. The Committee notes that the Council did not submit that additional overlays should be applied to the site.

(iii) Conclusion

The Committee concludes that the DCPO1 should be retained.

Appendix A: About the Government Land Standing Advisory Committee

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

The Committee’s Terms of Reference state:

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- *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.*
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- *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	Sean Gubbels
2	Yarragon and District Community Association
3	Julie Greensmith
4	Peter Buis
5	The Anglican Parish of Trafalgar
6	Thelma Kingwill
7	Tini Cook
8	Robert Majstorovic
9	Kathryn Holt
10	Judith Lackman
11	Yarragon Community Skate Park Association Inc.
12	Yarragon Community Progress Group
13	Colin Lackman
14	Malcolm McKelvie
15	Baw Baw Shire Council
16	Michael Fozard
17	Brian O'Rourke
18	Richard Morrison
19	William Young
20	Baw Baw Sustainability Network
21	Gillian Cooper
22	Douglas Springall
23	Evelyn Lillie

Appendix C: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	DTF submission, Aurecon	Sharon Stewart
2	Potential CFA community use diagram	Michael Fozard
3	Letter from Gary Blackwood MLA	Brian O'Rourke

Government Land Standing Advisory Committee

Tranche 7 Report

69B Harvey Street, Anglesea

3 August 2017

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List of Abbreviations

AHD	Australian Height Datum
CFA	Country Fire Authority
DDO	Design and Development Overlay
GRZ	General Residential Zone
NCO	Neighbourhood Character Overlay
PUZ	Public Use Zone
VCAT	Victorian Civil and Administrative Tribunal

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 69B Harvey Street, Anglesea.



Mandy Elliott, Deputy Chair



John Ostroff, Member

3 August 2017

1 Summary and recommendation

1.1 The site

Figure 1: Site location



The subject land is located at the top of the Harvey Street/Parker Street hill and surrounded on all sides (except along the western frontage) by developed residential land. Land directly adjoining the western frontage is undeveloped road reserve from the convergence of the Harvey and Parker Streets.

The site has a northern frontage to Parker Street of approximately 170 metres and a southern frontage to Harvey Street of approximately 177 metres. The site sits within a well-treed, low density coastal residential context.

1.2 Issues raise in submissions

The key issues raised in submissions include that the land has been filled in higher than the natural ground level, impacts of the existing neighbourhood character from increased housing allotments, increased traffic, setback and lot size requirements.

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 the site inspection.

1.3 Committee conclusion

The site owner proposes to rezone the subject land from Public Use Zone – Schedule 1 (PUZ1) to the General Residential Zone – Schedule 1 (GRZ1). A small portion of the site that contains a pumping station will be retained in the PUZ1.

The Committee is satisfied that the introduction of the NCO3 and the DDO19 as well as the existing planning controls that apply to the site, are adequate to ensure that any future

residential development of the site is consistent with the surrounding neighbourhood character of Anglesea. The overlays will ensure that building heights, setbacks, landscape and amenity matters are addressed in detail at the permit application stage.

The proposal is to apply provisions currently in the planning scheme to the land. The Committee has not assessed whether the existing provisions make proper use of the Victoria Planning Provisions or 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 1 (Service and Utility)	General Residential Zone – Schedule 1	General Residential Zone – Schedule 1
	Design Development Overlay – Schedule 19	Design Development Overlay – Schedule 19
	Neighbourhood Character Overlay – Schedule 3	Neighbourhood Character Overlay – Schedule 3
Significant Landscape Overlay – Schedule 3	Retain	<i>Retain</i>

1.4 Recommendation

The Committee recommends that:

A planning scheme amendment be prepared and approved for 69B Harvey Street, Anglesea to:

- a) Rezone the site to the General Residential Zone Schedule 1.**
- b) Apply the Design and Development Overlay Schedule 19.**
- c) Apply the Neighbourhood Character Overlay Schedule 3.**

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 FT98
Site address	69B Harvey Street, Anglesea
Previous use	Water storage basin
Site owner	Barwon Water
Council	Surf Coast Shire Council
Exhibition	1 May – 9 June 2017
Submissions	12 Submissions were received: <ul style="list-style-type: none">- Christopher Gadsden- Department of Environment, Land, Water and Planning (Barwon South West Region)- Elisabeth Rodd- Barwon Water- Johanna (Joey) O'Shea- John Coles- Christopher Gadsden- Simone Shaw- Surf Coast Shire Council- Jennifer Jackson- Christine Walker and Dr Ian McLeod- Rob & Gill MacDonald

Table 3: Committee process

Committee process	
Members	Mandy Elliott (Chair) and John Ostroff
Information session	25 May 2017 at the Great Ocean Road Resort, 105 Great Ocean Road, Anglesea
Hearing	5 July 2017 at the Great Ocean Road Resort, 105 Great Ocean Road, Anglesea
Site inspections	5 July 2017, prior to the Hearing
Appearances	Barwon Water represented by Chris Marshall of TGM Group Surf Coast Shire Council represented by Karen Hose, Strategic Land Use Planning Coordinator Jennifer Jackson represented by Joanna Jackson Johanna O'Shea (via teleconference) Rob & Gill MacDonald
Date of this Report	3 August 2017

2.2 Process issues

(i) Hearing notice and submissions

A submitter raised an issue that another submitter whom was not a party to the Hearing had not known about the Hearing day and did not have a copy of the Hearing timetable. The Chair noted that a letter from Mr Davis, Deputy Chair of the Committee (dated 19 June 2017) contained the Hearing date and timetable for the Anglesea Hearing which was emailed to all submitters. The Chair also noted that this letter stated:

Please note that only people who are timetabled to present to the Committee, or have specifically asked to be kept informed, will be advised of any changes to the timetable.

There had been no changes to the timetable.

Two submitters also queried whether they could access other submissions, particularly the Council submission. Ms Hose from Surf Coast Shire Council (Council) offered to provide the Council's submission. The Chair stated that it was not normal practice for Planning Panels Victoria to place all submissions on its website, but the Committee would raise the matter with the Fast Track Government Land Service (FTGLS).

(ii) Rezoning to open space

Ms O'Shea raised the issue of the need for a community open space to cater for families and holiday-makers in this part of Anglesea.

With regard to the use of the land for public open space raised by Ms O'Shea, the Committee's Terms of Reference states that it is not open to the Committee to consider the

application of any public land zones unless requested by the department. No such request has been made for this site.

3 Site constraints and opportunities

3.1 Zoning context

Figures 2 and 3 show the current and proposed zonings.

Figure 2: Current zoning

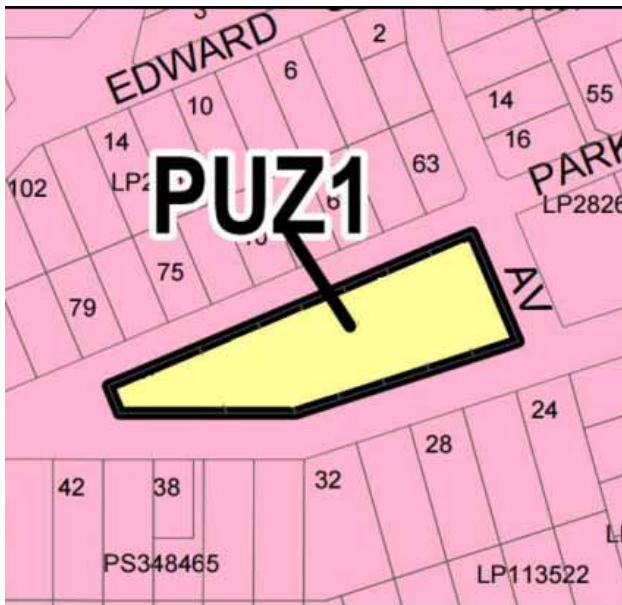


Figure 3: Proposed zoning



3.2 Physical constraints

(i) History of the site

The site, covering an area of 6,650 square metres, formerly contained a water supply basin that supplied water to service the needs of Anglesea residents since 1958. The site is situated upon a natural ridgeline which is elevated above most of residential Anglesea. The natural topography of the site indicates a downhill grade from Harvey Street to Parker Street. Existing site levels range from approximately 94.6 metres AHD to 93.0 metres AHD.

The site ceased supplying water approximately 10 years ago when Anglesea's water supply network was connected as part of the broader regional water supply scheme, which is supplied from the upper catchment of the Barwon and Moorabool Rivers.

In April 2016, Barwon Water undertook works to fill the basin area, which included the removal of the concrete basin structure and filling with appropriate material, following geotechnical and engineering advice.

Since ceasing operations, the basin has remained unused. Immediately west of the basin, but within the same land unit, are three sheds, one of which is presently used by the Country Fire Authority (CFA) for its fire tanker, together with a communications tower. Additionally, a former dwelling was subsequently used as an office by Barwon Water but is now vacant. A water pumping station on a lot covering 241 square metres is located close to

the western boundary on the site, beyond which is a well-vegetated triangular road reserve adjoining the junction of Parker and Harvey Streets.

In 2016, a combined Surf Coast Planning Scheme Amendment, C108, and section 96A planning application was submitted to Council requesting the rezoning of the site from the Public Use 1 Zone to the GRZ1, excluding a small parcel of land at the western end of the site, which contains the pumping station. It was also proposed to apply the Design and Development Overlay Schedule 19 (DDO19), and the Neighbourhood Character Overlay Schedule 3 (NCO3), to the site. The closure of Sparrow Avenue where it abutted the site was also proposed for the creation of a public park as part of C108. The section 96A application was proposed for a 10 lot subdivision from the existing seven lot subdivision.

Following consideration of submissions, Amendment C108 was abandoned by Council on 23 August 2016. A key issue related to the section 96A application for the subdivision of the land into 10 lots with a size range varying between 400-681 square metres. These site areas were less than the required minimum lot size of 800 square metres contained in Precinct A of Map 2 within DDO19, which the site is a part of.

In January 2017 the boundaries of three lots on the west side of the site were realigned so as to specifically create a 241 square metres reserve for the Barwon Water pumping station, together with an 878 square metres lot and a 823 square metres lot.

(ii) Asset easements

The Committee was not made aware of any easements across the site. The Infrastructure and Servicing Assessment (TGM, November 2016) shows an existing water supply system in Parker Street and Harvey Street, and not through the subject site.

(iii) Current site conditions

The site contains the filled former water basin. It was filled and levelled in 2016 and contains no vegetation except beyond the surrounding clay wall between it and the cyclone wire fence which forms the perimeter of the site.

The filled area rises above the surrounding road levels and adjoining dwellings, with a maximum height, taking account of the slope of the adjoining road reserves, of approximately 1 to 2 metres above the road level.

The CFA building located immediately west of the basin is understood to be leased from Barwon Water and would need to be removed prior to development of the land for residential purposes.

(iv) Interface with surrounds

The site is located at a high point immediately east of the junction of Parker and Harvey Streets. It is surrounded on all sides by residentially developed land, each detached dwelling being located within well-treed garden curtilages.

Land immediately west of the site contains a well-vegetated triangular area of road reserve, as are the road reserves abutting the site.

Dwellings fronting Harvey and Parker Streets facing the site have varying setbacks from those streets ranging from 5.1 metre to 10.2 metres with greater setbacks at 30-36 Harvey Street.

Mr Marshall, for Barwon Water, advised that Harvey Street on the south side of the site is a 20 metre wide road reserve with a 5.5 metre pavement, and Parker Street is a 15 metre wide road reserve with a 6 metre wide pavement. Sparrow Avenue abutting the east side of the site remains an unsealed road running between Harvey and Parker Streets.

(v) Access

The existing gated and locked vehicular access to the site is located in Sparrow Avenue close to its junction with Parker Street.

A gravelled, unmarked parking area is located on the Harvey Street frontage of the site in front of the CFA building, the adjoining building and vacant former office.

4 Issues with the proposed changes

4.1 What zone is suitable

(i) Evidence and submissions

It is proposed to rezone the land to GRZ1, which accords with the zoning of the surrounding residential land.

Two purposes of the GRZ1 are:

- *To encourage development that respects the neighbourhood character of the area, and*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

The Committee notes that most submitters, including Council, did not raise concerns regarding the proposed rezoning of the land to GRZ1. Council submission states:

The planning controls currently proposed for the site are considered to be an appropriate use of the Victorian Planning Provisions and consistent with the surrounding area. The rezoning of the site to a residential zone is also consistent with the planning scheme objectives for the site in the Anglesea Strategy at Clause 21.11-2 and the Anglesea Structure Plan 2012.

Submissions did raise issues regarding increased traffic and amenity issues associated with the proposed residential use. Ms O'Shea considered that additional dwellings will increase the number of vehicles and suggested the dwellings are likely to be used as holiday homes.

Ms Rodd also considered that the site would provide a safe meeting place for residents in case of bushfire.

Mr and Mrs MacDonald raised the issue of high bushfire danger in the area and that the CFA truck at its present location is well positioned. They considered that the use of the building by the CFA should remain, and moving it to an alternative location is of concern.

(ii) Discussion

The Committee notes that the land surrounding the subject site is zoned GRZ1 and contains dwellings set in generous sized lots containing significant amounts of vegetation.

The issue of the occupation of any proposed dwellings for holiday or permanent occupants is a matter to be considered by the future owners of the land. The Committee notes that the land is presently subdivided into 7 lots and under the Clause 32.08-5 of the Zone, a permit is not required to erect seven dwellings on the land provided each lot is greater than 500 square metres in area. Each lot has a minimum area greater than 800 square metres. A permit, however, would be required under the NCO3, as discussed below.

Clause 54 of the Planning Scheme, *One Dwelling on a Lot*, applies where it is proposed to erect one dwelling on a lot in a NCO, if the land lies in the GRZ. In this context, provided the Amendment is approved in its present form, the various obligatory Objectives, together with the discretionary Standards, provided that they are in accordance with the Objectives, are

required to be addressed when considering a planning permit application. The Committee notes, as an example, that the objective in Clause 54.02-1, *Neighbourhood Character*, is that the design respects the neighbourhood character. The Neighbourhood Character Standard A1 in Clause 54.02-1, requires the design response to be appropriate to the neighbourhood and the site, and that the design must respect the existing neighbourhood character and respond to the features of the site. This emulates the purpose of the Zone referred to in paragraph 4.1(i) above. Additionally, Clause 4.0 of NCO3, discussed below, modifies the Standards contained in Clause 54 to address, more specifically, the neighbourhood character of the Anglesea residential areas.

With regard to bushfire risk, Mr Belcher, on behalf of Barwon Water, advised that the CFA is presently considering two alternative sites in Harvey Street to be used for CFA purposes. The Committee considers that it would be appropriate for the existing CFA building to continue to be used for that purpose until an alternative site is found and utilised for CFA purposes.

(iii) Conclusion

The Committee supports the rezoning of the land to the General Residential 1 Zone taking account of:

- the established residential character of the surrounding land within the GRZ1
- the proposed size of lots each greater than 800 square metres in area
- a purpose of the Zone, which is to encourage development that respects the neighbourhood character of the area
- the relevant Objectives and Standards of Clause 54 of the Planning Scheme, *One Dwelling on a Lot* as modified by Clause 4.0 of NCO3.

4.2 What overlays are suitable

(i) Evidence and submissions

The site is presently covered by the Significant Landscape Overlay Schedule 3, (SLO3), *Anglesea*, which shall be retained. The landscape character objective to be achieved in the Overlay includes:

To reinforce the landscape character that comprises:

A low scale, non-suburban residential environment dominated by native vegetation, where the built form is visually recessive in the landscape and contained in a bushland setting.

A permit is not required to construct a building or construct or carry out works in this Overlay but it is required, with certain exceptions, to remove, destroy or lop vegetation.

Additionally, it is proposed to include the site within the DDO19, and the NCO3. The planning scheme maps show that the site forms an island surrounded by land already covered by the DDO19 and the NCO3.

The Design Objectives of DDO19, *Anglesea Residential Areas*, include:

- *To preserve and enhance the low density, non-suburban coastal character of Anglesea and retain the sense of houses in a bush setting.*
- *To ensure lots are of sufficient size and dimension to maintain adequate area around buildings to support the preservation and re-establishment of vegetation that enhances screening of development from adjoining properties and public areas, and to allow for the creation and management of defensible space for bushfire protection.*
- *To retain a sense of openness between properties by encouraging the use of open style fencing and vegetation in preference to solid forms of fencing.*

Under Clause 2.0 of the Overlay, a permit is not required to construct a building or construct or carry out works under this Overlay though, in the context of the last objective above, a permit is required to erect a fence unless it is a post and wire fence not more than 1.5 metres in height. There are also fence controls relating to Precinct A as set out in Clause 2.0 of Map 1 of DDO19.

With regard to NCO3, *Anglesea Residential Areas*, the Committee notes in the *Statement of Neighbourhood Character*, that:

The preferred character for Anglesea is derived from the positive elements of the existing character. It comprises a strong native bush landscape setting dominated by an indigenous tree canopy within which sit visually recessive, unobtrusive buildings that are screened by vegetation. Buildings have a low profile building height, small footprints and large setbacks, which affords a sense of space between buildings.

Under the provisions of the NCO, a permit is required to construct a building or construct or carry out works.

Various Neighbourhood Character Objectives are set out in the Overlay, which include the preservation and enhancement of the low density character of Anglesea within a bush setting, retention of native vegetation, maintaining a low profile building height and a sense of space around buildings.

To this end Clause 4.0 of the NCO3 sets out modified Standards contained in Clause 54 and 55 of the Planning Scheme (ResCode). The modified *discretionary* requirements include setbacks and heights of buildings, site coverage and design details. Of note is a maximum building height of 7.5 metres together with the design of buildings to respect the preferred neighbourhood character of the area. Additionally, there are detailed Decision Guidelines including Building Setbacks, Building Height, Site Coverage, Landscaping, Parking and Access and Design Detail.

Clause 5.0, *Decision Guidelines*, states that the responsible authority must consider:

- *Whether a lesser building height is required so that the building does not:*
 - *Project above the existing or reinstated tree canopy so as not be prominent in the landscape.*

At its meeting of 23 May 2017, Council resolved to:

1. *Note the proposed rezoning and application of overlay schedules to 69B Harvey Street, Anglesea.*
2. *Resolve to make a submission to the amendment on the basis of the following inclusions in the Design and Development Overlay Schedule and Neighbourhood Character Overlay:*
 - 2.1. *New setback provisions and decision guidelines to ensure a new dwelling or building on the site addresses both street frontages.*
 - 2.2. *Control of fencing abutting the secondary street frontage and clear decision guidelines outlining how the frontage should be managed.*

Ms Hose, for Council, suggested at the Hearing that the DDO19 and NCO3 be altered to address the specific requirements for this site regarding neighbourhood character and setbacks.

Ms Joanna Jackson on behalf of Mrs Jennifer Jackson, emphasised the significance of sensitive design of dwellings, driveways and parking areas in the bushland setting, as contained in the SLO3, DDO19 and NCO3. She noted that any future development would be highly visible until vegetation becomes established, and that successful landscaping will be a key feature of the residential lots' integration with the surrounding area. To this end, Ms Jackson submitted that a three metre landscaping buffer along the rear of the proposed lots and the eastern boundary of the land fronting Sparrow Avenue would be required. She also submitted that a plan detailing appropriate landscaping for the public domain area surrounding the site should be required and that fencing should be dealt with for all lots to enable a consistent approach across the site.

(ii) Discussion

The SLO3, DDO19, and NCO3 all contain provisions that reflect the provisions of Clause 21.11 of the planning scheme, the *Anglesea Strategy Plan*. The plan includes as a Key Issue and Influence:

Recognising the importance of significant native vegetation to Anglesea's character and the following neighbourhood character attributes:

- *The dominance of the indigenous vegetation over the built environment. Low profile buildings contained within the tree canopy, with small footprints and screened by vegetation.*
- *A sense of openness between properties due to the absence of solid fencing, the use of post and wire fences or no fences at all.*
- *The use of vegetation to achieve a sense of privacy. Gravel roads and roads with an informal appearance, complemented by vegetation in the roadside.*

In this context and taking account of the provisions of the various overlays referred to above, there are various considerations that relate to the sensitive development of dwellings on the site. For instance, so as to maintain the bushland character of the area, there is a requirement in DDO19 that a lot must have a site area of at least 800 square metres in Precinct A within which the site is located. There are also controls over fences within this Overlay. In NCO3, there is a discretionary maximum building height of 7.5 metres.

With regard to Council's resolution, it is noted in the Council's report that following further analysis by Council officers, it was considered that the objectives of reducing the impact on existing properties and ensuring a consistent streetscape, could be achieved by introducing building envelopes. However, the report noted that as no view analysis had been undertaken for the site, it would be difficult to determine where dwellings may best be sited. The report concluded that further landscape or urban design work may be required to develop appropriate building envelopes for each lot.

The Committee concurs with this view and does not support changes to the DDO as proposed by Council for this particular site, given the detailed nature of the proposed changes, that is, setbacks of buildings and control of fencing, that could be considered on the submission of applications for residential development. The Committee accepts the submission of Barwon Water that the detailed matters regarding individual allotments and setbacks is a matter that needs to be considered by Council at the planning permit stage, not at the rezoning stage. Should more information be required in relation to these matters, Council could request further information under section 54 of *Planning and Environment Act 1987* following submission of the applications.

In effect there are many matters that are required to be considered under the overlays that will be addressed on submission of planning applications to the responsible authority as required by NCO3, for residential development on the land. These include, inter alia, the proposed design, height and setbacks of the dwellings, including the frontages of dwellings onto either Harvey or Parker Streets, building envelopes, design of fences including the treatment of the rear and front of the properties given there are two frontages to the site, landscaping and native vegetation removal, access and parking. The proposal by Ms Jackson for a 3 metre wide landscape buffer could be considered by the responsible authority on the submission of applications and associated landscape plans.

The key clearly is to maintain the existing vegetated character of the area, but permitting the introduction of seven low profile dwellings and associated fences on the subdivided lots, taking account of the provisions of the Anglesea Policy and overlays.

(iii) Conclusion

In light of the various policies and overlays existing and proposed for the site, the Committee considers that the proposed DDO19 and NCO3, together with the existing SLO3, are the appropriate controls for the future consideration by the responsible authority for the sensitive residential development of the site.

4.3 Natural ground level

(i) Evidence and submissions

A number of submissions raised issue with the fill levels of the subject land and whether the current filled site is filled at 'natural ground level' or higher.

Barwon Water submitted that, since ceasing operation, the former water basin was subject to illegal public access and use, which provided a public liability risk. A planning permit was not required to remediate the basin and in April 2016 Barwon Water undertook works to fill

the basin area. The works included the removal of the concrete basin structure and filling the area with appropriate material. Barwon Water submitted that works were managed via appropriate geotechnical and engineering advice to ensure the integrity of the material and appropriate compaction rates were achieved. Barwon Water stated that the basin has been filled to the natural ground level, which has been calculated from a 1953 contour plan of the site. A fill section (longitudinal section plan) was submitted to the Committee during the Hearing (Document 8). Barwon Water submitted:

The filled level is around 500 millimetres below the height of the existing embankments and 300 millimetres lower than the adjoining road reserve at the corner of Sparrow Avenue and Parker Street. The landholding sits on top of a ridge, with all house lots north and south falling away from the site. While the site will always be elevated above its neighbours, there is no intention to increase the levels of the land to access adjacent views to other properties or the broader landscape.

Ms Hose, for Surf Coast Shire Council, submitted that the matter of what is the natural ground level is a confusing one for Council and that it could be an issue that comes up for each permit. Council would rather have the matter clarified as part of the rezoning Amendment. Council considers that the natural ground level be specified as the proposed NCO3 “refers only to a preferred building height of 7.5 metres. The definition of building height at Clause 7.2 states that building height is measured from natural ground level”.

Council submitted that the DDO19 and NCO3 should be altered to address the specific requirements for the site regarding neighbourhood character, setbacks and the matter of natural ground level.

Ms Jackson submitted that the site be established so that “uncontrolled earthworks will not lead to dwellings projecting unreasonably above the preferred heights outlined in the relevant controls”. Ms Jackson sought a requirement for the establishment of an original natural ground level across the site to be included in the suite of controls that is proposed for the site and cited the recent Victorian Civil and Administrative Tribunal (VCAT) case *Faversham Mews Pty Ltd v Boroondara CC [2016] VCAT 1954* (Document 12) that looked at the issue of natural ground level. In *Faversham Mews Pty Ltd v Boroondara CC [2016] VCAT 1954*, Member Code reviewed the meaning of natural ground level. In this case, Member Code stated at paragraph 22:

Natural ground level is the level of the land before the land was disturbed by any excavation, levelling or filling for development, including the construction of a building or the carrying out of works.

Mr and Mrs MacDonald suggested that the basin has already been filled in to above the natural ground level and that this issue needs to be resolved so that dwellings or buildings are not built above the natural ground level, which may lead to overlooking surrounding residences. They stated that in 2016 the basin was “filled to levels between 1-2 metres higher than the existing natural ground levels noted in a 1958 survey before it was constructed”. The submitters provided this plan within their submission showing this discrepancy.

Similar to the other submitters, Mr Gadsden raised concerns that Barwon Water had filled in the basin to a level well above the natural ground level and noted in his submission a difference of 2 metres in height from his property in Harvey Street.

(ii) Discussion and conclusion

The issue for 69B Harvey Street Anglesea is what the natural ground level was prior to being used as a water basin. The Committee understands the issue raised by Council and others that clarification of the matter of the natural ground level in relation to building height be resolved prior to issuing of future permits for dwellings on the allotments.

The Committee notes the submission of Barwon Water that the geotechnical and engineering plans based on the 1953 longitudinal section through the basin, have been undertaken and that the level of fill on that basis has been appropriate, and through geotechnical and engineering surveys, has been filled to the natural ground level based on that information¹.

In response to the fill being higher than the natural ground level, Barwon Water explained that they used the 1953 longitudinal section to determine natural ground level and that the basin walls are still erect because they contain some amount of native vegetation (which goes some way of explaining why there seems to be a 2 metre height difference from Mr Gadsden's residence).

The Committee notes that Barwon Water's survey is based on the 1953 longitudinal section only, and the MacDonald's suggestion on a 1958 pre-basin construction plan where a cross-section of his plan indicates a change in heights, which raises questions regarding whether the filled area is in fact to the natural ground level or at a level consistent with the higher ridge line across the site. In light of the information submitted, the Committee recommends that Council could seek, if necessary, clarification from the permit applicant under section 54 of the *Planning and Environment Act 1987* during the detailed planning permit stage.

4.4 Neighbourhood character

The Committee notes that Council's *Anglesea Structure Plan Map* adopted in 2012 shows the site to be "*Proposed housing development on disused water basin*". Clause 21.11 of the planning scheme, the *Anglesea Strategy Plan Framework Map* also shows the site to be "*Potential housing/open space on disused water basin*".

Notwithstanding the bushland character of the surrounding area, it is clear that the principle of residential development of the site is supported by Council taking account of the above provisions.

The Committee considers that it is the details relating to any proposed residential development, that are relevant to the sensitive infill of the site so as to accord with the character of the surrounding land. The site is subdivided into seven lots and a permit is required for residential development under the relevant provisions of the NCO3. It follows that should the proposed Amendment to the planning scheme be approved, the details of

¹ Refer to Document 8.

future development of the land will be addressed by the responsible authority, considering such matters as identified in section 4.2 above.

Thus, consideration will be required to be given to setbacks of dwellings taking account of the setbacks of existing dwellings within the vicinity of the site, to allow for appropriate vegetated screening as viewed from beyond the site. The plan submitted by Mr Marshall shows that the dwelling at 24 Harvey Street has a setback of 5.1 metres. Otherwise the dwellings fronting Harvey and Parker Streets opposite the site have frontages varying between 7.1 to 10.2 metres. Other than the vehicular accesses to the properties, these dwellings are generally well-screened by native vegetation.

The residential neighbourhood is one of established dwellings set in well-treed lots each of approximately 800 square metres or more in area. However, the site is approximately a maximum 1 to 2 metres above the level of the adjoining roads and residential lots, and consideration has to be given to the height and scale of the proposed dwellings together with landscape planting. The clear intention is for the dwellings not to dominate the skyline above existing and proposed vegetation along the road reserve and within the site, and to enable a generous amount of landscape planting to take place surrounding the dwellings.

The NCO3 states that the maximum building height should not exceed 7.5 metres. This is a discretionary 2 storey height, and the significance of the height has to take account of the definition of *Building Height* in Clause 72 of the Planning Scheme as:

The vertical distance from natural ground level to the roof or parapet at any point, and the definition of Ground Level as:

The natural level of a site at any point.

Otherwise, subject to the approval of the Amendment, any future application for residential development will need to address the NCO3 including the modified Clause 54 of the Planning Scheme and the Decision Guidelines relating to Building Setbacks, Building Height, Site Coverage, Landscaping, Parking and Access and Design Detail.

The existing lot sizes accord with the Area A requirement in DDO19 of a minimum 800 square metres which together with the provisions of the NCO3 will allow for the accommodation of a generous amount of open space for landscaping and the retention of a significant amount of native vegetation.

DDO 19 addresses the issue of fences for which a permit is required other than a post and wire fence not more than 1.5 metre in height. To maintain the character of the front and rear of the site, in cases where fences are proposed for which a permit is required, it would be appropriate to create a consistency in their design in relation to all 7 sites.

4.5 Overall conclusion

Overall, the Committee is satisfied that the introduction of the NCO3 and the DDO19 as well as the existing planning controls that apply to the site, are adequate to ensure that any future residential development of the site is consistent with the surrounding neighbourhood character of Anglesea. The overlays will ensure that building heights, setbacks, landscape and amenity matters are addressed in detail at the permit application stage.

Appendix A: About the Government Land Standing Advisory Committee

The FTGLS 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:

... 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 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: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	Barwon Water submission	Chris Marshall, TGM Group representing Barwon Water
2	Plan of Subdivision 69B Harvey Street, Anglesea (dated 14/11/16)	Chris Marshall
3	Clause 54.02 Neighbourhood Character	Chris Marshall
4	Clause 54.04 Amenity Impacts	Chris Marshall
5	Clause 43.02 Design and Development Overlay	Chris Marshall
6	Viewpoints	Chris Marshall
7	Setback Plan	Chris Marshall
8	69B Harvey Street, Anglesea Fill Sections	Chris Marshall
9	Jennifer Jackson submission	Joanna Jackson
10	Johanna O'Shea submission	Johanna O'Shea
11	Clause 54 One Dwelling on a Lot	Chris Marshall
12	<i>Faversham Mews Pty Ltd v Boroondara CC [2016] VCAT 1954</i>	Joanna Jackson