

Government Land Standing Advisory Committee

Tranche 37 Report

40-42 Dawes Road, Kyabram

28 April 2023

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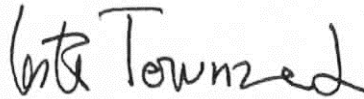
List of Abbreviations

Council	Campaspe Shire Council
DDO9	Design and Development Overlay Schedule 9
DTF	Department of Treasury and Finance
DTP	Department of Transport and Planning
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
GBCMA	Goulburn Broken Catchment Management Authority
GLSAC	Government Land Standing Advisory Committee
GRZ1	General Residential Zone Schedule 1
IN1Z	Industrial 1 Zone
LSIO	Land Subject to Inundation Overlay
Planning Report	Planning Report, Rezoning of Surplus Government Land, Former Kyabram Secondary College, 40-42 Dawes Road Lot 1 LP37743, Kyabram, EDM Group, January 2022
PUZ2	Public Use Zone 2 – Education
SCO2	Specific Controls Overlay Schedule 2
TRZ2	Transport Zone 2 – Principal Road Network
UST	Underground storage tank

About this report

On 2 September 2022, the Minister for Planning referred 40-42 Dawes Road, Kyabram (the site) to the Government Land Standing Advisory Committee as Tranche 37.

This is the report under section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 40-42 Dawes Road, Kyabram.



Lester Townsend, Chair



John Roney, Member

28 April 2023

1 Summary and recommendation

1.1 The site

Figure 1 Site location



The land at 40-42 Dawes Road Kyabram (the site) lies approximately 800 metres to the north west of the Kyabram Post Office and has an area of 2.3 hectares. The eastern edge of the site borders housing fronting Turnbull Street, with remaining boundaries including Tulloh Street and Dawes Road to the south, Barton Road to the west and McCormick Road to the north.

The site sits in an established residential area predominantly featuring detached single-story dwellings. The north side of McCormick Road features large industrial zoned land holdings associated with Kyabram Cold Storage and Kyabram Jam Company.

The site was previously used by the former Kyabram Secondary College, is now vacant and used informally for passive recreation. The full site history is summarised in Chapter 3.2. The existing and proposed planning scheme provisions to be applied to the site are shown in Table 1.

1.2 Issues raised in submissions

There were three submissions made in respect of this matter, including one community submission and two from state government agencies.

Submitter 1 is quoted in full as follows:

A dog friendly walk through park with BBQ and seating area.

Submitter 2 (Department of Energy, Environment and Climate Action) stated:

it supports the proposed Amendment and does not wish to make a submission.

Submitter 3 (Goulburn Valley Water) did not object to the draft Amendment but requested that the following comments be considered:

The subject land is within Goulburn Valley Water's water supply and sewer district boundaries for Kyabram;

The Corporation has a DN150 sewer traversing the northern corner of the parcel of land and also a DN150 sewer traversing the southeast boundary (see attached asset plan). Any development of the land will require provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property. The exact location of these assets will be required to be determined by survey.

The Committee considers the issues raised in submissions can be satisfactorily addressed at the planning permit stage.

Clause 53.01 (Public open space contribution and subdivision) in the Campaspe Planning Scheme regulates the provision of public open space. The schedule to Clause 53.01 requires a mandatory contribution of 5 per cent of the land or 5 per cent of the value of the land for subdivision of land within the General Residential Zone.

Permit conditions associated with the subdivision and development of the land can deal with servicing issues and the creation of appropriate easements.

1.3 Committee conclusion

The site owner proposes to rezone the subject land from Public Use Zone 2 – Education (PUZ2) to General Residential Zone Schedule 1 (GRZ1). The Committee agrees that this is an appropriate zone if the land is to be sold.

The site owner also proposes to apply the Environmental Audit Overlay (EAO) to the southern portion of the site to address potential contamination from storage of heating oil in underground storage tanks. The Committee agrees that this is appropriate.

The Committee notes that the draft Amendment does not propose any change to the existing Specific Controls Overlay Schedule 2 (SCO2) and Land Subject to Inundation Overlay (LSIO) applying to the site.

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

Table 1 Existing and proposed planning scheme provisions

Current planning scheme provisions	Proposed planning scheme provisions	Advisory Committee Recommendation
Public Use Zone 2 (Education)	General Residential Zone – Schedule 1	Support
	Environmental Audit Overlay	Support
Specific Controls Overlay, Schedule 2	No change	Noted
Land Subject to Inundation Overlay	No change	Noted

1.4 Recommendation

The Committee recommends that draft Campaspe Planning Scheme Amendment C120camp for 40-42 Dawes Road, Kyabram be approved to:

- 1. Rezone the site to apply the General Residential Zone Schedule 1 as exhibited.**
- 2. Apply the Environmental Audit Overlay to the southern portion of the site as exhibited.**

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	37
Site address	40-42 Dawes Road, Kyabram
Amendment number	Campaspe C120camp
Previous use	Former Kyabram Secondary College
Site owner	Department of Education
Council	Campaspe Shire Council
Exhibition	1 February – 16 March 2023
Submissions	3

Table 3 Exhibited planning scheme changes

Existing controls	Exhibited changes
Public Use Zone 2 (Education)	General Residential Zone – Schedule 1 Environmental Audit Overlay
Specific Controls Overlay, Schedule 2	No change
Land Subject to Inundation Overlay	No change

Table 4 Committee process

Committee process	
Members	Lester Townsend (Chair), John Roney
Information session	1 March 2023
Hearing	On the papers
Site inspections	24 April 2023
Date of this Report	28 April 2023

2.2 Process issues

(i) Views of relevant agencies

As is standard practice, the Government Land Planning Service provided a 'Notification Report' (Document 18) to the Committee after exhibition that outlined the process it followed in notifying

surrounding property owners and occupiers, Campaspe Shire Council (Council) and prescribed Ministers about the proposed Amendment.

The Committee was advised of correspondence received by the Department of Treasury and Finance (DTF) from Council and the Environment Protection Authority (EPA) as part of the preparation of the draft Amendment.

On 25 November 2019, Council stated:

Council officers acknowledge that the GRZ (and maintaining the LSIO) appears to be the most appropriate zoning. Council officers do not suggest any further studies, other than to note that the land is located within an Area of Aboriginal Cultural Heritage Sensitivity and any future development or subdivision may require a Cultural Heritage Management Plan to be undertaken.¹

Comments from the EPA are discussed in chapter 4.

(ii) Hearing process

No submitter requested to be heard, so the Committee determined that a Hearing was not required. The matter was dealt with 'on the papers'.

¹ Document 8

3 Planning context and site constraints and opportunities

3.1 Planning context

Figure 2 and Figure 3 show the current and proposed zoning. Figure 4 shows existing overlays and Figure 5 shows the proposed EAO.

The site is surrounded by residential land to the east, west and south (GRZ1) and Industrial Zone Schedule 1 (INZ1) to the north.

McCormick Road is in Transport Zone 2 – Principal Road Network (TRZ2).

All of the site is within a Specific Controls Overlay Schedule 2 (SCO2) which covers a large area of the Shire and allows the use and development of land for the purpose of irrigation modernisation.

The western part of the site is within a Land Subject to Inundation Overlay (LSIO).

The southern portion of the INZ1 (along McCormick Road) is affected by Design and Development Overlay Schedule 9 (DDO9) which is aimed at ensuring appropriate interfaces between the commercial, industrial, residential and rural living areas.

Figure 6 shows that approximately half of the northern and eastern part of the site is identified as an area of Aboriginal Cultural Heritage Sensitivity.

Further discussion regarding these matters is provided in chapter 4.

Figure 2 Current zoning

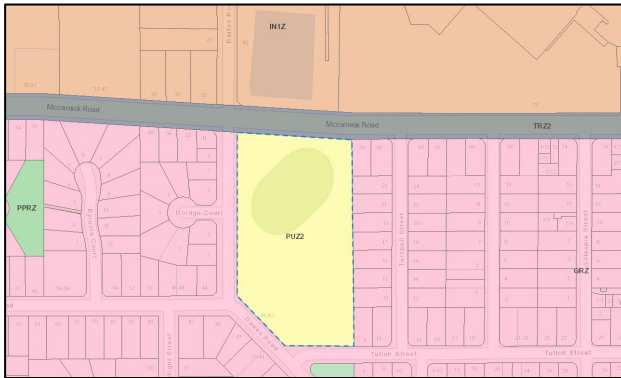


Figure 3 Proposed zoning

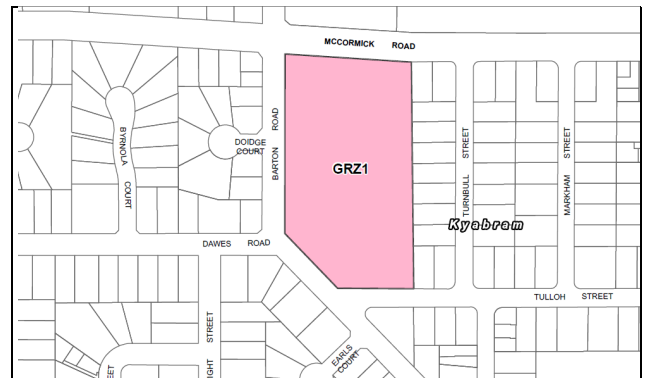


Figure 4 Current overlays

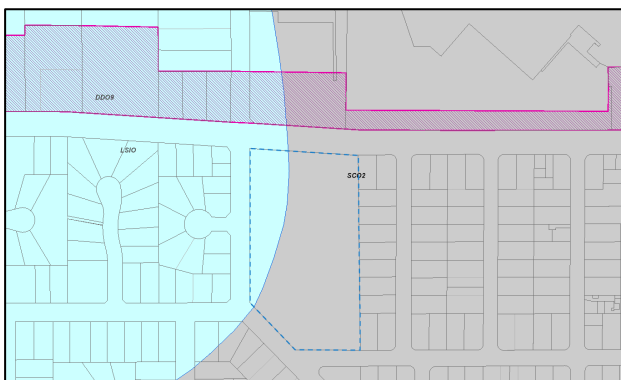
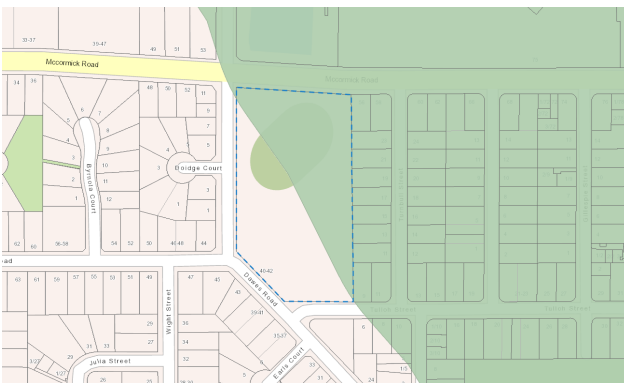


Figure 5 Proposed Environmental Audit Overlay



Figure 6: Aboriginal Cultural Heritage Sensitivity area



3.2 History of the site

The site had been used as a school since 1964, before which it was vacant or used as grazing land. From 2009, the site formed part of a multi campus arrangement following the merger of Kyabram Secondary College, Haslem Street Primary School and Dawes Road Primary School. The site's use as a school came to an end in 2014 following the trial of a year 9 program at the campus, with demolition of buildings occurring in 2016. The replacement school known as Kyabram P-12 College operates from remaining campuses in Haslem and Fischer Streets.

3.3 Constraints and opportunities

The *Planning Report, Rezoning of Surplus Government Land, Former Kyabram Secondary College, 40-42 Dawes Road, EDM Group, January 2022* (Planning Report) provides a list of opportunities and constraints for the site. The Planning Report states:

Constraints

- The north western section of the land is identified as being an area subject to flood risk.
...
- The proximity of industrial land to the north may be an issue from a future marketing point of view.
- Possible objections to the development from the adjoining neighbours.
- Remaining vegetation on site.
- The southern portion of the Site, which was formerly occupied by school buildings, being classified as having 'high' potential for contamination due to the former presence of a underground storage tank (UST) and a suspected UST used for heating purposes.
- Stormwater drainage issues.

Opportunities

- The site has an opportunity to "lift" the area in terms of overall residential amenity.
- Relative proximity to Town centre.
- Site is generally clear and open with no major physical constraints.
- Opportunity to utilise access along four road frontages.
- Northerly aspect available.
- Overall size provides for a range of allotments and block massing opportunities.
- Readily serviced with water, sewerage, telecommunications, power and gas.
- Opportunity to add to the overall Kyabram residential land bank, through infill of a large vacant parcel.

Relevant matters are discussed in Chapter 4.

4 Issues with the proposed changes

4.1 What zone is suitable?

(i) Surrounding context and policy

All adjoining land south of McCormick Road is within GRZ1, with land to the north of McCormick Road within the Industrial 1 Zone. In this context, the proposed GRZ1 reflects the predominant zoning of the surrounding residential area.

The Committee has considered the broader strategic merits of the proposed zoning with reference to discussion in the Planning Report and the Campaspe Planning Scheme. In summary, the Committee finds that GRZ1 is appropriate because:

- it is consistent with Planning Policy Framework objectives and strategies to provide for a growing network of settlements and to direct growth into existing settlements (Clause 11.01-1S)
- the Loddon Mallee North Regional Growth Plan identifies that Kyabram will accommodate some of the expected growth of the Campaspe Shire, with a focus on infill development (Clause 11.01-1R)
- it will lead to increased housing supply and housing choice in an accessible area with established infrastructure (Clause 16.01-2S and Clause 16.01-3S)
- it is consistent with the Campaspe Municipal Planning Strategy which identifies Kyabram as a primary population centre (Clause 02.01) and references the Council Plan (2017-2021) which includes a strategy to review zones within the municipality to stimulate residential and commercial growth (Clause 02.02).

(ii) Industrial interface

Land on the north side of McCormick Road forms part of a large industrial precinct. Development of this industrial land has potential to impact the subject site.

The IN1Z provides for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The Committee notes that the southern portion of the INZ1 along McCormick Road is affected by DDO9. The 'Design objectives' in Schedule 9 are:

To provide appropriate interfaces between the commercial, industrial, residential and rural living areas. The aim of these guidelines is to assist with the design of development proposals so that a coherent and attractive character is created for the industrial/commercial precincts.

To encourage architectural outcomes in terms of building facades, roof forms and lines, colours and materials that reinforce an attractive gateway to Kyabram.

To avoid signage that dominates the streetscape, detracts from its image or leads to visual clutter.

To provide landscape treatments that visually integrate the built form of the commercial area, reduces the visual impact of the large format retail buildings, and contributes to an aesthetically pleasing streetscape character.

To provide safe and efficient car parking and vehicular/pedestrian access on the site.

DDO9 deals with a range of siting and design issues including building heights and setbacks, fences, landscaping and signage. It includes design guidelines for building design, lighting, parking and

access and loading services and storage. The Committee considers the requirements in DDO9 should mitigate interface issues on residential land south of McCormick Road arising from the development of land on the north side of McCormick Road.

(iii) Area of cultural heritage sensitivity

Part of the site is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the *Aboriginal Heritage Regulations 2018*, and include registered Aboriginal cultural heritage places and landform types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the *Aboriginal Heritage Regulations 2018*, 'areas of cultural heritage sensitivity' are one part of a two part trigger which requires a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

Under the *Aboriginal Heritage Act 2006*, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

A cultural heritage management plan is not required to rezone land.

(iv) Recommendation

The Committee recommends that draft Campaspe Planning Scheme Amendment C120camp for 40-42 Dawes Road, Kyabram be approved to:

- 1. Rezone the site to General Residential Zone Schedule 1 as exhibited.**

4.2 What overlays are appropriate?

(i) Proposed Environmental Audit Overlay

The owner of the site has completed two preliminary environmental contamination assessments:

- *Detailed Site Investigation (Soil Assessment) (EV2138) For Shanley Management Services, at 40-42 Dawes Road, Kyabram, prepared by EnviroProtect (Vic) Pty Ltd, January 2017 (Document 5);*
- *Environmental Site Assessment - Former Kyabram College, 40-42 Dawes Road, Kyabram, prepared by WSP Australia Pty Ltd for DTF, 8 September 2020 (Document 6).*

On 5 May 2021, BlueSphere Environmental Pty Ltd completed a peer review of the recommendations arising from the previous assessment reports (the Peer Review) (Document 7).

The Peer Review concluded that the EnviroProtect 2017 and WSP 2020 investigation reports were prepared in accordance with the relevant guidance and collectively provide an appropriate basis upon which to form an opinion regarding the potential for contamination at the site and subsequent application of an EAO at the site.

It stated:

Based upon the information presented in WSP 2020 and EnviroProtect 2017, it is considered that the southern portion of the Site, which was formerly occupied by school buildings, would be classified as having 'high' potential for contamination due to the former presence of a UST and suspected UST (which has not been confirmed). Consequently, an environmental audit would be required for the southern portion of the Site to support a planning scheme amendment that allows a sensitive use to be established.

By comparison, the environmental reports demonstrate that the potential for contamination associated with the northern portion of the Site which was formerly used as a school oval is low. Accordingly, an environmental audit is not considered to be necessary prior to any planning scheme amendment that allows a sensitive use on that land.

In view of the above, it is recommended that an Environmental Audit Overlay should only be applied to the southern portion of the Site.

On 26 May 2021, the EPA advised DTF (acting for the site owner) that:

Based on the information provided, EPA considers that DTF has taken reasonable steps to identify all areas of potential contamination, noting that it is the environmental audit process that further investigates the nature and extent of contamination. As such, EPA does not object to DTF proceeding with the amendment as proposed.²

The Committee supports the application of the EAO to the southern portion of the site as exhibited to manage the ‘high’ potential for contamination due to the former presence of underground fuel storage tanks.

(ii) Existing Specific Controls Overlay

The Amendment does not seek to change the existing SCO2 that applies to the entirety of the site. The SCO2 is an extensive overlay to allow the use and development of land for the purpose of irrigation modernisation works to be undertaken by or on behalf of the Goulburn-Murray Rural Water Corporation. No submission has been made that suggests the rezoning of the site to GRZ1 will impact the provision of irrigation modernisation works.

The Committee supports retention of the existing SCO2 on the site.

(iii) Existing Land Subject to Inundation Overlay

The Amendment does not seek to change the existing application of the LSIO to the western portion of the site. The Planning Report details flood risk on the site, noting that extensive areas of Kyabram are subject to flooding events due to its low lying nature, and the presence of irrigation supply and drainage channels.

The Planning Report includes comments in relation to a draft flood study for Kyabram that was commissioned by Council and Goulburn Broken Catchment Management Authority (GBCMA). Any updates to the boundaries of the LSIO resulting from the flood study would be subject to a separate planning scheme amendment process.

The Planning Report noted that GBCMA did not object to the proposed rezoning of the site on the condition that flood storage would be preserved on the site. GBCMA also recommend that any future development should be undertaken in consultation with Council. The Committee considers these are matters that can be resolved at the planning permit application stage.

The exhibited Explanatory Report notes that subsequent subdivision and development of the site will need to consider key flooding issues impacting upon the site.

The Committee supports retention of the existing LSIO on the site, noting that any strategic work which may affect flood mapping would be implemented through a future separate planning scheme amendment process.

² Document 9

(iv) Recommendation

The Committee recommends that draft Campaspe Planning Scheme Amendment C120camp for 40-42 Dawes Road, Kyabram be approved to:

- 2. Apply the Environmental Audit Overlay to the southern portion of the site as exhibited.**

Appendix A: About the Government Land Standing Advisory Committee

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

A revised Terms of Reference for the Committee was approved in April 2018.

The Committee, as from March 2022 consists of:

- Lead Chair: Lester Townsend
- Chairs: Tim Hellsten, Lisa Kendal and Alison McFarlane
- Deputy Chairs: Michael Ballock, Elissa Bell, Mandy Elliott, and Annabel Paul
- Members: Brodie Blades, Debra Butcher, Geoffrey Carruthers, Sally Conway, Shannon Davies, Noelene Duff, Meredith Gibbs, Jonathan Halaliku, Jonathon Halaliku, John Hartigan, Elizabeth McIntosh, Gabby McMillan, Rachael O’Neill, Kate Partenio, Cazz Redding, John Roney, Lynn Sweeney, Adam Terrill and Jessica Tulloch.

The Committee is assisted by Chris Brennan, Senior Project Officer in Planning Panels Victoria.

The Committee’s Terms of Reference state that the purpose of the Advisory Committee is to:

- a. advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and
- b. provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.

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

- a. an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,
- b. consideration 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,
- c. an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,
- d. an assessment of submissions to the Advisory Committee,
- e. any other relevant matters raised during the hearing(s),
- f. a list of persons who made submissions considered by the Advisory Committee,
- g. a list of persons consulted or heard,
- h. endorsement by the Chair or the Deputy Chair.

Appendix B: List of Submitters

No.	Submitter
1	Department of Energy, Environment and Climate Action
2	Samuel Kydd
3	Goulburn Murray Water

Appendix C: Document list

No.	Description	Provided by
1	Information Sheet	Department of Transport and Planning (DTP)
2	Surplus Statement Fact Sheet	DTP
3	Map of notification area	DTP
4	Planning Report Revised, EDM Group, January 2022	DTP
5	Detailed Site Investigation, EnviroProtect, January 2017	DTP
6	Environmental Site Assessment, WSP, September 2020 Revision C	DTP
7	Environmental Advice Regarding Proposed Environmental Audit Overlay, BlueSphere, May 2021	DTP
8	Letter from Campaspe Shire Council, November 2019	DTP
9	Letter from the Environment Protection Authority, May 2021	DTP
10	Proposed Explanatory Report Amendment C120camp	DTP
11	Proposed Instruction Sheet Amendment C120camp	DTP
12	Proposed Zone Map 002znMap25 Amendment C120camp	DTP
13	Proposed Environmental Audit Overlay Map 001eaoMap25 Amendment C120camp	DTP
14	Proposed Schedule to Clause 72.03 C120_72_03s	DTP
15	Clause 32.08 General Residential Zone	DTP
16	Schedule to Clause 32.08 General Residential Zone	DTP
17	Clause 45.03 Environmental Audit Overlay	DTP
18	Government Land Planning Service Notification Report to GLSAC	DTP

Note: As no Hearing was required, this list only comprises the exhibited Amendment and background documents.