

Government Land Standing Advisory Committee

Tranche 21 Report

49A Drummond Street, Creswick

24 October 2018

About this report	2
1 Summary and recommendation	3
1.1 The site	3
1.2 Issues raised in submissions	3
1.3 Committee conclusion	3
1.4 Recommendation	4
2 Process issues for this site	5
2.1 Process summary	5
2.2 Process issues	6
3 Introduction	8
3.1 Zoning context	8
3.2 Physical constraints	9
4 Issues with the proposed changes	11
4.1 What zone is suitable	11
4.2 How are the physical constraints addressed	11
4.3 The need for a Development Plan Overlay	15
Appendix A: About the Government Land Standing Advisory Committee	16
Appendix B: List of Submitters	17
Appendix C: Document list	17

List of Tables

Table 1:	Existing and proposed controls	4
Table 2:	Proposal summary	5
Table 3:	Proposed planning scheme changes	5
Table 4:	Committee process	5

List of Figures

Figure 1:	Site location	3
Figure 2	Proposed site boundary	7
Figure 3:	Current zoning	8
Figure 4:	Proposed zoning	8

List of Abbreviations

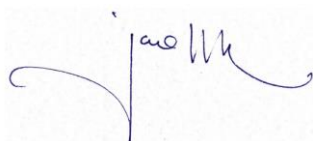
BAL	Bushfire Attack Level
BMO	Bushfire Management Overlay
BPA	Bushfire Prone Area
CFA	Country Fire Authority
Council	Hepburn Shire Council
DPO	Development Plan Overlay
DTF	Department of Treasury and Finance
ESO	Environmental Significance Overlay
Growth Plan	Central Highlands Regional Growth Plan
GRZ	General Residential Zone
HO	Heritage Overlay
PPRZ	Public Park and Recreation Zone
Register	Victorian Heritage Register

About this report

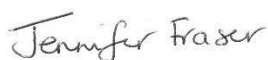
On 18 March 2018, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as Tranche 21:

- 15A Camp Street, Daylesford
- 49A Drummond Street, Creswick.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 49A Drummond Street, Creswick.

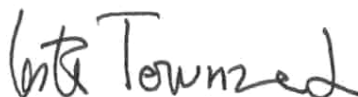


Jane Monk, Chair



Jennifer Fraser, Member

The Committee's Terms of Reference require that a report be endorsed by the Chair or the Deputy Chair of the Government Land Standing Advisory Committee.



Lester Townsend
Chair of the Government Land Standing Advisory Committee

24 October 2018

1 Summary and recommendation

1.1 The site

Figure 1: Site location



The site is located in central Creswick, approximately 620 metres from the commercial area of town. It is triangular in shape and comprises approximately 2.267 hectares. The site was previously used as a school pine plantation, and includes dense vegetation in the northern portion, along with scattered vegetation and open grassed areas throughout its remainder.

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 submissions, the Committee has been assisted by the information provided to it as well as its observations from inspections of the site.

Submissions addressed the location of the site boundary adjacent to Calembeen Park, identification of flora and fauna on site, bushfire and heritage issues, and the potential future use of the site as an aged care facility.

1.3 Committee conclusion

The site owner proposes rezoning the site from Public Park and Recreation Zone 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 Committee Recommendation
Public Park and Recreation Zone	General Residential Zone – Schedule 1	General Residential Zone – Schedule 1
Environmental Significance Overlay – Schedule 1	Retain	Retain

1.4 Recommendation

The Committee recommends that:

A planning scheme amendment be prepared and approved to rezone 49A Drummond Street, Creswick to the General Residential Zone – Schedule 1.

The Committee notes that:

It is appropriate for the land owner to progress the inclusion of the site's northeast corner, where allotments formerly part of the Chinese Miners Camp are located, on the Victorian Heritage Inventory.

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 21: site reference GL123
Site address	49A Drummond Street, Creswick
Previous use	A school pine plantation
Site owner	Department of Treasury and Finance on behalf of Department of Environment, Land, Water and Planning
Council	Hepburn Shire Council
Exhibition	30 April – 8 June 2018
Submissions	Seven (7)

Table 3: Proposed planning scheme changes

Existing controls	Proposed changes
Public Park and Recreation Zone	General Residential Zone – Schedule 1
Environmental Significance Overlay – Schedule 1	Retain

Table 4: Committee process

Committee process	
Members	Jane Monk (Chair) and Jennifer Fraser
Information session	8 May 2018, Creswick Town Hall
Hearing	27 June 2018, The Warehouse, Clunes
Site inspections	8 May and 27 June 2018
Appearances	Ms McRae for DTF, Mr Aikman for Hepburn Shire Council, Ms Sewell for John Curtain Aged Care Centre
Date of this Report	24 October 2018

2.2 Process issues

(i) Further information

On 28 June 2018, the Committee requested the parties provide the following:

- A copy of the preliminary contamination assessment by Landserv Environment.¹
- A written submission by 4 July 2018 in relation to the need for a planning instrument, such as a Development Plan Overlay (DPO) to address the bushfire, archaeology, and garden area issues raised during the Hearing.

(ii) Heritage issues

As no detailed heritage information was available for consideration by the Committee the site owner agreed to commission a report. This report, prepared by Biosis Pty Ltd and entitled *'Former Chinese Camp, Creswick, Historic Heritage Assessment'*, was provided to the Committee on 24 September 2018 and circulated to all parties. Parties were asked to respond by 9 October 2018. No comments were received.

(iii) Site boundary

In the planning materials prepared to support the rezoning application, the northeast corner site boundary has been shown differently in different diagrams. For example, Figures 1 and 3 of this report (taken from the materials provided) show an angled straight line on the northeast corner of the site, whereas Figure 4 (also taken from the materials provided) shows a curved line on the northeast corner of the site where it meets Cushing Avenue and adjoins Calembreen Park.

Submitters were concerned that if the angled straight line border was the boundary it would consume half the turning circle of the car park at Calembreen Park.

At the Hearing Ms McRae presented a slide indicating that a crescent shaped parcel at the north east corner of the site would not be part of the rezoning. Neither will this land be sold; rather it will become a road vested in council. This parcel of land broadly reflects the current configuration of the car park access to Lake Calembreen and is intended to resolve the car park issues. The slide is reproduced as Figure 2 below. Land marked in red will become the road vested in Council.

¹ Preliminary Contamination Assessment, Crown Allotment 39, Section 49A, Lewers Street, Creswick, Victoria Landserv Environment, 19 August 2016

Figure 2 Proposed site boundary

LAKE
CALEMBEEN
CAR PARK
ACCESS
49A DRUMMOND
STREET, CRESWICK

Crescent shaped parcel at north east corner is to be a road vested in Council. It broadly reflects the existing car park configuration.



Land not part of rezoning or sale.

Land to be rezoned.

3 Introduction

3.1 Zoning context

Creswick is located in the hinterland of Ballarat. The site is in central Creswick, approximately 620 metres from the town centre and about 400 metres from Creswick Railway Station. It adjoins residential areas to the south and east. To the north is the Calembeen Lake Reserve and caravan park. The railway line is to the west.

The site is triangular in shape and comprises approximately 2.267 hectares. Historically it was mined for gold and subsequently used as a school pine plantation. Currently the site is covered by dense vegetation in the northern portion, along with scattered vegetation and open grassed areas throughout its remainder. It was declared surplus to requirements in 1995.

The site is zoned Public Park and Recreation Zone (PPRZ) and, as is the case with all of Creswick, is covered by Environmental Significance Overlay Schedule 1 – Proclaimed Catchment Protection (ESO1).

Following the Hearing, Amendment VC148 was gazetted on 31 July 2018. Amendment VC148 affects all Victorian planning schemes and has changed many of the Victoria Planning Provisions clause numbers. The Committee’s report retains the original clause numbers used in submissions, however, for completeness, the report also references the relevant new clause numbers in brackets.

The Central Highlands Regional Growth Plan (the Growth Plan) contained in Clause 11.08 (now 11.01-1S) of the Hepburn Planning Scheme (the Planning Scheme) identifies Creswick as a key settlement in the hinterland of Ballarat, one that it is suitable to support medium growth and infill development. Further employment opportunities and the provision of services and facilities for the local community are to be encouraged.

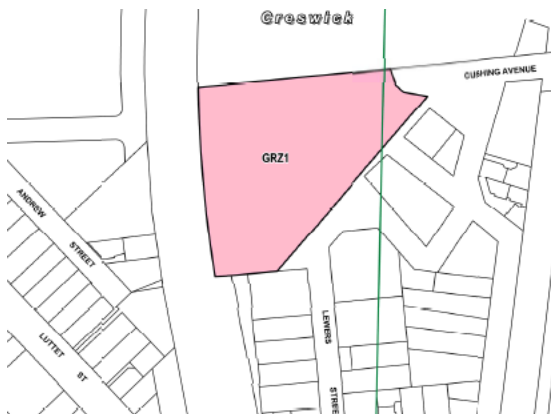
The site owner proposed rezoning the land to General Residential Zone 1 (GRZ1) with no change to ESO1.

Figures 3 and 4 show the current and proposed zonings.

Figure 3: Current zoning



Figure 4: Proposed zoning



3.2 Physical constraints

(i) Current site conditions

The site is currently vacant.

(ii) Interface with surrounds

The site is within an established residential area and is close to:

- Doug Lindsay Recreation Reserve, approximately 300 metres to the southwest
- Calembreen Park and pools, approximately 50 metres to the north
- Creswick Railway Station, approximately 400 metres to the south.

(iii) Access

The site has multiple street frontages. Access is provided by Cushing Avenue to the east and Lewers Street from the south.

(iv) History of the site

Creswick is noted as the site of the first discovery of gold in Victoria on 1 July 1851. This contributed to large and rapid population growth as mining developed. From the 1850s to the 1900s mining activities occurred across what are now Calembreen Park and its surrounds, including the site proposed for rezoning. In the more recent past the site was used as a school plantation. However, following a fire that destroyed much of the plantation, the area was not replanted and this purpose ceased.

(v) Heritage

Calembreen Park adjoins the site. This park and surrounds were mined for shallow alluvial gold between the early 1850s and the early 1860s. It was worked in part by Chinese miners, and until the late nineteenth century was the site of a Chinese settlement. In the late 1890s deep lead gold mining took place and the collapsed shafts and leads were subsequently flooded to become ponds. The ponds were used for swimming and associated recreational facilities were developed. In time these came to accommodate major swimming carnivals, ensuring Calembreen Park's importance as a tourist attraction. Calembreen Park is now recognised as being of historical significance as an intact and operational example of natural and recreational pools developed from remnant mining features.

A Heritage Overlay (HO983) applies to Calembreen Park and it is on the Victorian Heritage Register (the Register). The caravan park on the eastern part of Calembreen Park is also subject to a Heritage Overlay (HO210), but is not on the Register.

Submissions raised questions about the heritage values of those parts of the site once used as a Chinese miners' village and asked whether heritage protection should be provided. The subject site is not covered by a Heritage Overlay under the Hepburn Planning Scheme. Neither is it listed on any other statutory heritage register including the Register, the Victorian Heritage Inventory, the National and Commonwealth heritage lists nor the Register of the National Trust.

(vi) Flora and fauna

The site contains dense vegetation on the northern portion, with scattered vegetation and open grassed areas on the remainder. Submissions questioned the flora and fauna values present on the site.

(vii) Contamination

There is potential for soil contamination on site arising from previous mining activities. Similarly, given the site's location 300 metres from the former Creswick landfill, there is the potential for leakage of gas from the landfill. The preliminary contamination assessment undertaken by Landserv Environment was provided to the Committee upon request after the Hearing.

(viii) Bushfire

At Clause 13.05 (now 13.02-1S) of the Planning Scheme, the State Planning Policy objective for bushfire planning is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Considerable emphasis is placed on ensuring that population growth and development is directed to low risk locations.

Clause 13.05 (now 13.02-1S) provides strategies to identify, assess and manage bushfire hazards as part of the planning process. These strategies apply to land in Bushfire Prone Areas (BPAs), which includes all of Creswick and much of Hepburn Shire. It is policy that the provisions of this clause must be applied to all planning and decision making in BPAs, including planning scheme amendments and permit applications.

Being in a BPA means that the site is likely to be subject to bushfires. Bushfire construction standards apply to new buildings in BPAs. The standard, known as a Bushfire Attack Level (BAL), measures the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact. There are six BALs. BAL 12.5 is the minimum construction standard for a building in a BPA.

Bushfire risk issues arising from the proposed rezoning and future development of this site include:

- Does it direct population to a low risk location?
- Could buildings on site be constructed to meet BAL 12.5?
- Are there additional design requirements?
- Where in the planning process is the best place to address these bushfire risk issues?

4 Issues with the proposed changes

4.1 What zone is suitable

(i) Submissions

Ms McRae for the site owner submitted that GRZ1 is an appropriate zoning. She submitted that this zone supports the Growth Plan referenced in Clause 11.08 (now 11.01-1S). The Growth Plan identifies Creswick as a key settlement in the hinterland of Ballarat, one that it is suitable to support medium growth and infill development. Additionally the proposed zone supports implementation of Clause 21.05, the Creswick Structure Plan, which encourages residential infill within 400 metres of Creswick's main commercial street.

Mr Aikman for Council agreed with the site owner's submission stating that GRZ1 is the most logical zoning given that all land on the eastern side of the railway line which forms the western boundary of the site is zoned GRZ1.

Ms Sewell provided an overview of the activities of John Curtain Aged Care. It has operated in Creswick since the early 1980s. In line with its Master Plan it has been acquiring land in Cushing Avenue, Drummond Street and Lewers Street with a view to expanding and modernising its activities. It has a strong interest in purchasing this site which is well located to support the proposed redevelopment of its existing facilities and development of contemporary retirement village units. Rezoning the site to GRZ1, where aged care facilities are permitted, suits its purposes. It will consider purchase of the site should other site issues such as bushfire be resolvable.

(ii) Discussion

There is strategic support for the proposed rezoning to GRZ1. In addition, land zoned GRZ1 can be developed for a range of uses and is not limited to residential purposes.

(iii) Conclusion

GRZ1 is an appropriate zone should the site be rezoned.

(iv) Recommendation

The Committee recommends that:

A planning scheme amendment be prepared and approved to rezone 49A Drummond Street, Creswick to the General Residential Zone – Schedule 1.

4.2 How are the physical constraints addressed

(i) Submissions

Heritage

In response to heritage concerns raised in submissions, as part of Document 2, Ms McRae provided preliminary advice from Biosis Pty Ltd. The advice provided historical background in relation to the site but summarised:

...on balance there is a relatively low likelihood of presence of historical archaeological remains due to disturbance from mining and sluicing. However, there may be some archaeological potential in the northeast of the subject site as mapping shows the Chinese Camp covered this area. If confirmed this may warrant protection through the Heritage Inventory. If highly significant remains can be identified there is some potential for the site to meet local significance thresholds, which may warrant protection under a Heritage Overlay. However, I think this is unlikely.

Mr Aikman submitted that it is not possible to know whether heritage controls may be required without information about whether there are heritage features remaining on site. He requested a study be undertaken so that any future site purchaser would have full information about the site prior to any sale.

Ms Sewell indicated that resolution of this issue before sale would be preferable so that any potential purchaser would be alerted to any site constraints arising from heritage matters.

The site owner advised it would welcome a recommendation from the Committee that it commission an archaeological assessment of the site to resolve the heritage issues prior to the land being offered for sale. After the Hearing, Ms McRae advised that the site owner would investigate the potential archaeological significance of the site and advise the Committee of any relevant findings. On 11 July 2018 the Committee received advice from Urbis for the site owner that further investigations into the potential archaeological significance of the site were to take place over the following six to ten weeks.

On 24 September the Committee received *Former Chinese Camp, Creswick, Historic Heritage Assessment* by Biosis Pty Ltd. This provided information about the history of the site and the outcome of the site assessment. The report found that:

...there is potential for historic archaeological remains to be present on the property, in particular the northeast corner, where allotments formerly part of the Chinese Miners Camp were within the study area. It is appropriate for this area to be included in the Victorian Heritage Inventory, and that as a result a Consent to Damage would be required for any future work that has the potential to impact on archaeological values.

The parties were provided a timeframe within which to comment on the report but no comments were received. The Committee makes the observation that in such instances it is appropriate for the land owner to progress the site's inclusion on the Victorian Heritage Inventory.

Flora and fauna

The site owner provided a flora and fauna assessment by Brett Lane and Associates Pty Ltd, who undertook a site inspection together with a desktop flora and fauna assessment.

Vegetation in the study area comprises large areas dominated by introduced species. In addition to the plantation of Radiata Pine, the assessment noted that the predominant species is Black Wattle.

No threatened flora, fauna or ecological communities were recorded, however, two species of flora protected under the *Flora and Fauna Guarantee Act 1988* were recorded. The study

identified three small patches of native vegetation in the form of altered Heathy Dry Forest. Consideration was given to fauna species present on site and the possible occurrence of listed species known to be present in the region and therefore potentially present on site. The assessment concluded that three listed fauna species have the potential to occur on the site but that they would be unlikely to be adversely affected by any future development of the site.²

The report acknowledges that:

*... the short duration and seasonal timing of field assessments can result in some species not being detected when they may occur at other times ... some flora species ... may be undetectable at the time of the survey or unidentifiable due to a lack of flowers or fruit. There are always limitations with site visits in that they occur once and species occur seasonally.*³

One of the written submissions provided information about non-listed animals observed on the site over time and questioned the adequacy of the assessment by Brett Lane and Associates. However, the Committee considers the assessment suitable to support its task of deciding an appropriate zone should the land be rezoned.

The assessment assumed that native vegetation would be cleared during site development and outlined the native vegetation offsets required, the likely costs and other requirements should this occur.⁴ These issues would arise as any future development of the site is considered and are not an impediment to the current proposal to rezone the land.

Contamination

The site owner advised the Committee that the preliminary contamination assessment found there is a low risk of gas migration from the nearby closed landfill. The site owner did not submit on any potential soil contamination issues arising from past mining activities. No other submissions were made in respect of any potential contamination issues.

Submitted materials do not indicate that site contamination is an impediment to any rezoning of the land to GRZ1.

Bushfire

State bushfire planning policy requires bushfire protection to be considered throughout the process of planning and developing land in bushfire prone areas.

The Committee is tasked with considering rezoning of the land. To support its consideration of bushfire issues the site owner provided a Bushfire Development Report by Terramatrix (the Terramatrix report, included as part of Document 2). Ms McRae drew the Committee's attention to key points arising from the Terramatrix report which include:

- The site can provide a future residential area that, following development, would be rated as BAL 12.5.
- Future occupants of the site would have easy egress rated as BAL Low.

² Brett Lane and Associates Pty Ltd, CA39 49A Drummond Street, Creswick Flora and Fauna Assessment p.1

³ Brett Lane and Associates Pty Ltd, p.9

⁴ Brett Lane and Associates Pty Ltd, p.1

- Bushfire risk should be considered in any future subdivision of the site so as to enable BAL 12.5 construction of the buildings.
- Rezoning the site will not increase the bushfire risk to existing and future residents, property and community infrastructure.

Ms McRae also drew attention to the bushfire protection measures proposed by the Terramatrix report.⁵ This was to support her advice that bushfire issues for this site are best addressed at a number of stages in the planning process as the proposal for development is progressed, not just at the initial stage of rezoning. At a high level the Terramatrix report finds that the site has a relatively low bushfire risk and that the protection of human life can be prioritised by future subdivision responding with the necessary setbacks from forest and grasslands.

Mr Aikman for Council indicated that the extent of the setbacks from forest and grassland had the potential to somewhat sterilise the value of the site and he submitted that this could be overcome by innovative design responses to the site constraints. He did not consider bushfire issues an impediment to the rezoning of the site.

Ms Sewell indicated that John Curtain Aged Care had not yet considered the restrictions on site development that might be placed by bushfire planning provisions; and that her board would factor them into any decision to purchase the site and any future designs for the development of the site.

(ii) Discussion

Should the site be rezoned, this rezoning would be the first of a number of steps to be taken before the site is developed. The site presents a range of issues to be resolved. However, they do not form an impediment to rezoning but rather they can be resolved after rezoning. They can be worked through as any future purchaser develops and refines their plans for the site.

(iii) Conclusion

The Committee concludes that:

- Heritage issues have been further assessed and relevant parts of the site should be included on the Victorian Heritage Inventory. While this will require a future developer of the site to obtain a Consent to Damage when the site is developed, this is not an impediment to rezoning the land.
- Flora and fauna issues are not an impediment to rezoning the land.
- Any native vegetation clearance will require the future site developer to undertake a range of processes, however, these processes are not an impediment to the rezoning of the land.
- Bushfire prevention issues need to be considered at each stage of site development. In this instance they are not an impediment to rezoning the land. Bushfire prevention measures will need to be further considered as any proposal to develop the land is progressed.

⁵ Terramatrix, p.19

4.3 The need for a Development Plan Overlay

(i) Submissions

Given the size of the site the Committee asked submitters to address the need for a Development Plan Overlay (DPO). The Committee advised the Hearing that a simple, high level DPO is possible and there are examples coming out of other Government Land Standing Advisory Committee reports, should that path be preferred.

There was some discussion about the implications of the new minimum garden area requirements at Clause 32.08-4 of the Planning Scheme. A DPO could vary these requirements, providing flexibility, for example, for open space to more innovatively address bushfire design solutions. A DPO could also reference the existence of any areas of archaeological interest.

On the other hand, DPOs are not subject to notice and review and neither are any subsequent permit applications. Accordingly a DPO could reduce opportunities for community input in relation to any future development on the site.

Both the Council and the land owner were reluctant to add this further layer of control unless the issues of either garden area, bushfire or archaeology could not otherwise be considered as part of the GRZ1 standard subdivision and permit processes.

However, the parties did agree to give further consideration to this issue, and the Committee gave directions to this effect.

The Committee received responses from the parties after the Hearing. Neither party considered it necessary to develop a high level DPO.

(ii) Discussion

The Advisory Committee accepts the advice of the parties and concludes a DPO is not needed.

(iii) Conclusion

The Advisory Committee concludes that a DPO is not required as part of any rezoning of this site.

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 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 consists of:

- Chair: Lester Townsend
- Deputy Chairs: Trevor McCullough and Mandy Elliott
- Members: Gordon Anderson, Elissa Bell, Alan Chuck, Jennifer Fraser, Prue Mansfield, Jane Monk, Rachael O’Neill, John Ostroff, Tania Quick, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Ms Greta Grivas, Senior Project Officer with Planning Panels Victoria.

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

- 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*
- 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:

- 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,*
- 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,*
- an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,*
- an assessment of submissions to the Advisory Committee,*
- any other relevant matters raised during the Hearing(s),*
- a list of persons who made submissions considered by the Advisory Committee,*
- a list of persons consulted or heard,*
- endorsement by the Chair or the Deputy Chair.*

Appendix B: List of Submitters

No.	Submitter
1	Ms Kerrie Scott Department of Treasury and Finance
2	Ms Sharon Knight MP
3	Mr Kenneth Kronberger
4	Ms Jenni Sewell, John Curtain Aged Care, attaching 13 letters in support
5	Mr Nathan Aikman, Hepburn Shire Council
6	Mr Ian Kronberger
7	Dr David Bromfield

Appendix C: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	PowerPoint submission for site owner	Ms McRae
2	Parcel of documents providing additional assessments	Ms McRae
3	Clause 21.05 Settlement and Housing	Ms McRae
4	Council submission	Mr Aikman
5	Clause 13.05	Mr Aikman
