

# PLANNING REPORT

22 PAYNTERS ROAD,  
HILL END

Prepared by Planisphere on behalf of The  
Department of Treasury and Finance

JANUARY 2017

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The Study Team recognises that the State of Victoria has an ancient and proud Aboriginal history and complex ownership and land stewardship systems stretching back many thousands of years. We would like to acknowledge the Traditional Owners of this land, and offer our respect to the past and present Elders, and through them to all Aboriginal and Torres Strait Islander People.

#### **Project Control**

NAME	NO.	PM APPROVED	PD APPROVED	DATE
Draft Report	1	DF	PB	21/10/2016
Draft Final Report	2	DF	PB	14/11/2016
Final Report	3	DF	PB	16/01/2017

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# 1 INTRODUCTION

Planisphere has been engaged by Department of Treasury and Finance to prepare a planning scheme amendment report in support of rezoning the Former Hill End Primary School located at 22 Paynters Road, Hill End. The site has been identified as surplus to agency requirements and this application is made under the streamlined Fast Track Government Land Service (FTGLS) operated by the Department of Environment, Land, Water and Planning (DELWP). The *Victorian Government Landholding Policy and Guidelines 2015 (VGLP Guidelines)* set out the policy framework and process for the purchase or retention of surplus land. Upon declaring the land surplus, 60 days notice of the agency's intention to dispose of the land must be provided. During this period, any other State, Commonwealth or local government agencies may express an interest in acquiring the land. As there has been no interest from any other government agencies to purchase the land, the *VGLP Guidelines* require consideration of the planning framework required to facilitate 'highest and best use of the land' prior to public sale.

In assessing the proposal against the *Baw Baw Planning Scheme* and the guidelines in *Ministerial Direction No. 11: Strategic Assessment of Amendments*, the most appropriate zone for the site is considered to be the Rural Living Zone (RLZ). An amendment is also proposed to the Heritage Overlay (HO) that currently applies to the site, to allow for the consideration of prohibited uses.

The following table provides an overview of the relevant information about the application, including the planning provisions and policies that are addressed in this report.

<b>Applicant</b>	Department of Treasury and Finance
<b>Address</b>	22 Paynters Road, Hill End
<b>Existing Use &amp; Development</b>	Former primary school comprising a number of buildings
<b>Proposed Zone</b>	Rural Living Zone, Schedule 1 (RLZ1)
<b>Proposed Overlays</b>	DCPO1 (remains unchanged) HO273 (minor amendment to column 8 in schedule to permit prohibited uses to be considered)
<b>Existing Zone</b>	Public Use Zone – Education (PUZ2)
<b>Existing Overlays</b>	Development Contributions Plan Overlay, Schedule 1 (DCPO1) Heritage Overlay, Schedule 273 (HO273)
<b>Status, Encumbrances and Notices</b>	Indigenous Land Use Agreement MI169268C 06/08/2016 Native Title Determination VIC6007/1998
<b>State Planning Policy Framework</b>	Settlement (Clause 11) Environmental and Landscape Values (Clause 12) Built Environment and Heritage (Clause 15) Housing (Clause 16)

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<b>Local Planning Policy Framework</b>	Municipal Profile (Clause 21.01) Municipal Vision (Clause 21.02) Settlement (Clause 21.03) Small Towns and Rural Settlements (Clause 21.05) Natural Environment & Resource Management (Clause 21.06) Economic Activity (Clause 21.07) Infrastructure (Clause 21.08) Heritage (Clause 21.09)
<b>Relevant reference documents</b>	Gippsland Regional Growth Plan 2014 Rural Land Use Review (Exhibition Draft) 2016 Baw Baw 2050 Community Vision Settlement Management Plan 2013 Baw Baw Heritage Study

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## 2 EXISTING CONDITIONS

### 2.1 SUBJECT SITE

22 Paynters Road, Hill End is located on the north side of Paynters Road, approximately 150 metres west of Willow Grove Road. The site comprised a former primary school, known as the 'Hill End Primary School', which closed in 2006. It currently comprises a number of buildings including a school classroom block, the original single school classroom building, teacher's residence and several outbuildings (see photos on following page). The site is regular shaped and has a total area of approximately 8,333sqm with a frontage of 280m to Paynters Road.

The site gently slopes upwards from Paynters Road and has views to the surrounding foothills and hinterland. It comprises a mixture of native and exotic trees generally distributed around the boundary of the site including mature Oaks, Canary Island Pines, Eucalyptus and other evergreen varieties. It is noted that the significant trees are protected under the provisions of the HO that applies to the site.

Access into the site is via two crossovers located along Paynters Road, one providing access into the school yard and the other running along the western boundary into the former teacher's residence.

### 2.2 SURROUNDS, LOCALITY & CONTEXT

Hill End is a small rural settlement distributed along Willow Grove Road comprising less than 450 residents. Hill End is located approximately 7km north of Willow Grove and 14km south of Fumina.

The subject site is located within a low density, rural context and directly adjacent to agricultural land to the north, south and western aspects (see Aerial below). To the east of the site is a small cluster of rural residential dwellings distributed around the intersection of Paynters Road and Willow Grove Road. There are a total of 9 rural living lots within the immediate surrounds, mostly comprising dwellings. There is also an Anglican Church located on the southern side of Paynters Road at the intersection with Willow Grove Road.

Further to the north, approximately 1km along Willow Grove Road, is the Hill End Mechanics Institute, the Hill End Public Hall and War Memorial and a small cluster of rural residential dwellings.





**Photo 1**

Existing teacher's residence in the southern corner of the site.



**Photo 2**

Former school building, weatherboard construction.



**Photo 3**

Main school building sited in the middle of the site.

## 2.3 CURRENT PLANNING CONTROLS

### Zoning

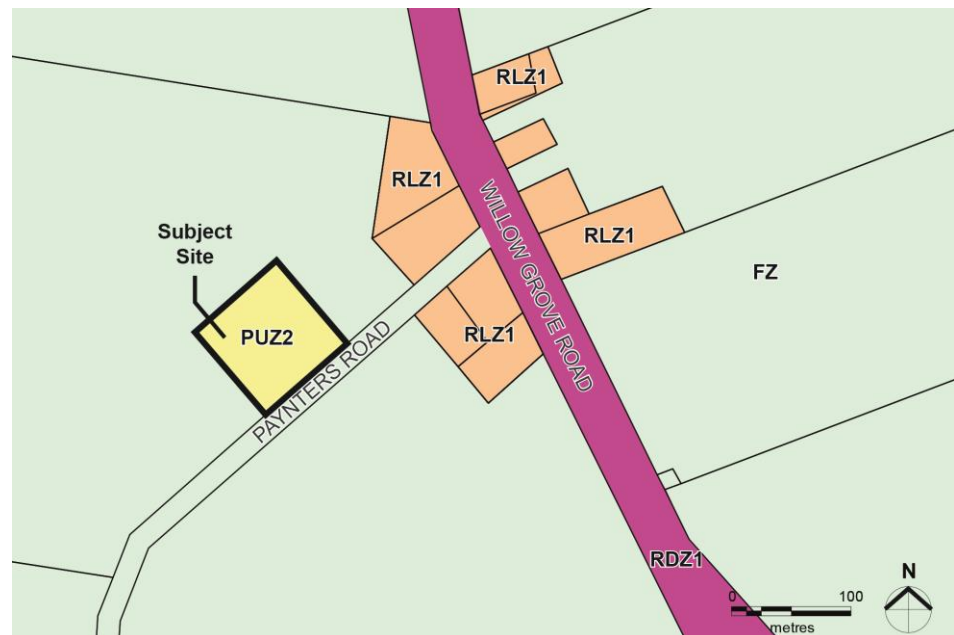
The subject site is currently within the Public Use Zone, Schedule 2 (PUZ2). The purpose of the Public Use Zone is:

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To recognise public land use for public utility and community services and facilities.*

*To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Specifically, Schedule 2 to the PUZ relates to public land for the purpose of Education.



### Overlays

The entire municipality is covered by a Development Contributions Plan Overlay (DCPO). There are three schedules to the DCPO of which, Schedule 1 applies to the subject site and surrounding environs.

The purposes of the DCPO are:

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*



The site is located within Area 48 of the DCPO which outlines three different types of contributions. Part 1 lists contributions for residential development, parts 2 and 3 list contributions for business and industrial development.

For residential development, a total development infrastructure levy of \$880.28 per dwelling applies. No levy for business or industrial development applies in Area 48.

The site is also covered by a Heritage Overlay, Schedule 273. The purposes of the HO are:

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To conserve and enhance heritage places of natural or cultural significance.*

*To conserve and enhance those elements which contribute to the significance of heritage places.*

*To ensure that development does not adversely affect the significance of heritage places.*

*To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

HO273 relates to the Hill End Primary School and the Teacher's Residence. The heritage citation notes that the buildings originated from 1957 having been rebuilt twice after several fires. The former classroom, teacher's residence and mature boundary trees are locally significant.

The HO requires a planning permit for subdivision and most buildings and works. In addition a planning permit is required to remove, destroy or lop a tree. Further discussion of the heritage significance is contained below.



## 3 BAW BAW PLANNING SCHEME

### 3.1 STATE PLANNING POLICY FRAMEWORK (SPPF)

The State Planning Policy Framework (SPPF) provides broad objectives and strategies that planning in Victoria should address. The SPPF is relevant to any rezoning application to determine if a proposal is consistent with state-wide planning directions and policy. The key provisions of the SPPF relevant to this application are:

- 11 Settlement
- 12 Environmental and Landscape Values
- 15 Built Environment & Heritage
- 16 Housing

#### Clause 11 – Settlement

Clause 11 addresses the land use needs of existing and future communities, seeks to prevent incompatible land uses being sited in close proximity to each other, and seeks to facilitate development that takes advantage of existing settlement patterns.

Clause 11.02 has the objective to *‘ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses’*. Specifically it outlines strategies to ensure that low density rural residential development is restricted to protect sensitive environments and landscapes.

The role of regional development and settlement networks are discussed in Clause 11.05. The clause seeks to *‘promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework Plan’*. It outlines that future growth should be directed to those regional settlements which are connected through an integrated planning response. Planning must consider the objectives and strategies outlined in the Gippsland Regional Growth Plan.

Clause 11.05-3 identifies the need to *‘manage land use change and development in rural areas to promote agriculture and rural production’*. Relevant strategies include:

- *Directing housing growth into existing settlements*
- *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*

Clause 11.05-4 seeks to *‘develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable’*. It sets out strategies to identify a range of spatial and land use planning considerations including:

- A network of integrated and prosperous regional settlements
- Environmental health and productivity
- Regional Victoria’s competitive advantages
- Climate change, natural hazards and community safety

- Distinct and diverse regional settlements
- Liveable settlements and healthy communities

Clause 11 also sets policy guidance for each of Victoria's regional areas, including the Gippsland region in which Baw Baw Shire is located.

Clause 11.08 identifies the overall objective for planning in this area is *'to strengthen economic resilience by growing a more diverse economy and building on the region's traditions and strengths through new investment, innovation and value-adding'*.

Other relevant objectives are as follows:

- *To promote a healthy environment by valuing Gippsland's environmental and heritage assets, and by minimising the region's exposure to natural hazards and risks.*
- *To develop sustainable communities through a settlement framework, comprising major urban centres offering residents convenient access to jobs, services, infrastructure and community facilities.*

## Clause 12 – Environmental and Landscape Values

Planning has a role in protecting natural and environmental values as well as enhancing the health of ecological and biodiversity systems. Clause 12 outlines a range of policy objectives to protect biodiversity and native vegetation. Relevant objectives are as follows:

- *To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.*
- *To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.*

## Clause 15 – Built Environment and Heritage

Clause 15 promotes the creation of high quality built environments that *'supports the social, cultural, economic and environmental wellbeing of communities, cities and towns'*.

Clause 15.03 has the objective *'to ensure the conservation of places of heritage significance'*. Elements that contribute to the cultural, aesthetic, social or other special value of the place should be retained where it is identified that there is heritage value or significance. Clause 15.03-1 encourages the adaptive re-use of heritage buildings where the former use has become redundant.

## Clause 16 – Housing

Clause 16.02 seeks to *'identify land suitable for rural living and rural residential development'*. Relevant strategies are listed below:

- *Manage development in rural areas to protect agricultural and avoid inappropriate rural residential development.*

- *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*
- *Ensure planning for rural living avoids or significantly reduces adverse economic, social impacts*

## Response

The proposed amendment is assessed against the SPPF in Section 7 of this report.

## 3.1 LOCAL PLANNING POLICY FRAMEWORK (LPPF)

### Municipal Strategic Statement

#### Municipal Profile (Clause 21.01)

Clause 21.01 sets the social, environmental, economic and infrastructure context of Baw Baw Shire, highlighting the municipalities' key assets and strengths. In particular the Clause identifies the natural environment as a key asset, providing a high quality agricultural setting and natural resource habitat.

Nature-based tourism activities has seen Baw Baw's economic development strengthen, with the Shire well positioned to provide a range of employment opportunities.

#### Municipal Vision (Clause 21.02)

Clause 21.02 sets the future Vision for the municipality, based on the Baw Baw's 2050 Community Vision. In particular, it identifies the need to:

- Manage growth and protect from unplanned urban and residential encroachment
- Foster vibrant community living and enhance opportunities for social interaction
- Valuing the natural environment
- Building prosperity to protect the Shire's resources
- Building on the Shire's strategic location as a major transport corridor

#### Settlement (Clause 21.03)

Clause 21.03 outlines the Shire's settlement patterns and directions for growth. It identifies Willow Grove (the nearest township to Hill End) as a 'small town'. The Clause envisages a modest to limited level of growth for Willow Grove, due to existing sewer capacity. The Strategic Directions Map contained within the Clause, identifies Willow Grove Road as a Tourism and Service network and indicates Hill End as accommodating limited levels of growth.

The Clause also sets out three objectives for settlement and growth as follows:

- Build a close-knit community which appreciates the unique country town character of the settlements in the Shire

- Encourage employment and consolidate industry
- Conserve and protect natural environments and minimise risks as a result of future growth

The *Baw Baw Settlement Management Plan 2013* (discussed below) is cited as a reference document within the Clause.

### **Small Towns and Rural Settlements (Clause 21.05)**

Clause 21.05 applies to Baw Baw's small towns and rural settlements including Willow Grove, identifying that townships role as a 'dormitory town for nearby employment centres and a tourism and recreation destination due to its Lakeside location'. There is no specific mention or discussion of Hill End or the linkages to Willow Grove in the Clause. Relevant objectives contained within the Clause include:

- To provide for the flexibility for limited development to occur in each town to accommodate the needs of its population as well as to contribute to the Settlement network.
- To ensure new development enhances the amenity and unique character of its neighbourhoods and environs.

### **Natural Environment and Resource Management (Clause 21.06)**

Clause 21.06 outlines the vision for the Shire's natural environment:

- To ensure the protection, conservation and sustainable management of the Shire's natural environment
- To recognise the State and National importance of the Shire's resources while ensuring they are utilised in a way that maintains a high quality of life for residents
- To recognise the shire's natural environment as the habitat for a wide range of indigenous flora and fauna and the importance of providing for the long term survival of these species

With regard to Farmland, Clause 21.06-6 sets out two objectives which relate to protecting and maintaining high quality agricultural land and to ensure that the future of agricultural issues are not prejudiced by the removal or degradation of soils. Relevant strategies for these objectives are as follows:

- Encourage agricultural activity that is environmentally sustainable
- Encourage development which supports the protection of the primary use of the land for agricultural production
- Discourage subdivision practices that fragment farm properties and reduce the land supply for primary industry in the rural zones. Encourage the consolidation/restructuring of existing fragmented agricultural landholdings.
- Protect agricultural land from indiscriminate use and development unless alternative sites for the use or development cannot be identified.
- Consider the development of the land for non agricultural purposes where it is demonstrated that the land is required for the strategic extension of an urban area of a main town for residential development.



**Economic Activity (Clause 21.07)**

Clause 21.07 recognises the economic assets of the Shire and sets out objectives and strategies to strengthen its future economic development. Relevant objectives are as follows:

- To establish and maintain a strong, dynamic economy and employment base by building on the comparative advantages in primary industry, timber, transport, tourism, education, manufacturing, service industry and commerce.
- To ensure the community and local business is ready to take advantage of opportunities arising from the carbon economy
- To enhance rural based economic activity in agriculture, horticulture and silviculture
- See to attract high quality tourist development that is compatible with the environmental values of the area

**Infrastructure (Clause 21.08)**

Clause 21.08 identifies the important role of infrastructure in supporting transport, and unsewered land. It sets out objectives and strategies to improve infrastructure in the Shire.

**Heritage (Clause 21.09)**

Baw Baw has a rich and diverse cultural heritage and Clause 21.09 identifies a number objectives to conserve, protect and enhance heritage in the Shire:

- To conserve the distinctive and often unique heritage characteristics that contribute to identity of communities within Baw Baw Shire and to the identity of the municipality as a whole.
- To conserve the cultural significance of the heritage place or precinct by protecting and conserving the fabric that contributes to the significance of the place.

The Clause sets out Council's heritage policies, including defining various aspects of heritage.

**Local Planning Policies**

There are no relevant local planning policies with relation to this application.

**Response**

The proposed amendment is assessed against the LPPF in Section 7 of this report.

## 4 OTHER STRATEGIC DOCUMENTS

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### **Gippsland Regional Growth Plan (2014)**

The Gippsland Regional Growth Plan sets out an integrated planning framework to direct and manage sustainable growth in the Gippsland region. The Plan establishes four principles which are supported by a number of objectives as follows:

- Strengthen economic resilience by growing a more diverse economy that is supported by new investment, innovation and value adding in traditional strengths
- Promote a healthy environment by valuing Gippsland's environmental and heritage assets, and by minimising the region's exposure to natural hazards and risks
- Develop sustainable communities through a settlement framework comprising major urban centres that ensures residents have convenient access to jobs, services, infrastructure and community facilities
- Deliver timely and accessible infrastructure to meet regional needs for transport, utilities and community facilities

The Plan identifies a number of challenges related to growth which it seeks to address through setting a number of future directions and strategies which respond directly to the key issues. Of relevance are:

- Rejuvenation and expansion of regional tourism
- Manage risks from natural hazards
- Manage environmental and cultural heritage assets to achieve best outcomes
- Sustainable growth and development through a network of settlements

### **Baw Baw 2050 Community Vision**

The Baw Baw Community Vision was developed in consultation with local residents of the Shire and sets out the core values of the community.

A number of key directions and strategies are outlined in the document which relates to:

- Managing growth
- Vibrant community living
- Valuing our environment

### **Settlement Management Plan 2013**

The Settlement Management Plan sets out the framework for growth for the Shire providing key directions for each of the 19 settlements in Baw Baw. It also provides direction in relation to urban form and rural living.

Of particular relevant to Hill End, the Strategy identifies Hill End as part of a larger network with Willow Grove. Specifically it identifies Hill End as 'a town with sufficient

constraints and insufficient attributes to warrant additional rural living zones'. A recommendation for no change is made for Hill End.

The Plan was introduced into the Baw Baw Planning Scheme in 2015 via amendment C104.

### **Baw Baw Shire Heritage Study (Vol. 3)**

The Heritage Study identifies Hill End Primary School as a locally significant site.

It notes specifically that following features which contribute to the significance of the place:

- The former Fumina South Primary School No. 3396 building
- The mature trees including Oaks, Pines and Eucalypts, generally situated around the boundary of 22 Paynters Road
- The Hill End Teachers Residence, constructed in 1938 at 24 Paynters Road.

The weatherboard school building, former residence and mature boundary trees located on site are locally significant due to their strong social, cultural and historical associations. The heritage citation describes the site below:

*The former Fumina South Primary School. No. 3396, constructed in 1900, is historically and architecturally significant as a representative example of an early twentieth century one-room schoolhouse. It is of particular significance as an example of one of the smallest one-room schools designed constructed by the Education Department in the first decade of the twentieth century. Few schools of this size were built and of these, even fewer survives today. This school is therefore a rare survivor which illustrates the range of buildings provided to meet the demand for small rural schools in isolated areas during that time. The mature trees in the school yard provide an appropriate setting for the school and provide evidence of the importance of Arbor Day over the history of the school.*

*The teacher's residence is historically and architecturally significant as a typical example of a residence of standard design, which illustrates how the Department provided housing for teachers living in remote communities in the twentieth century.*

*The former Fumina South Primary School No. 3396 is socially significant as a place that has strong associations with the communities of Fumina South and Hill End through its long use as a school building.*

### **Rural Land Use Review (2016 Draft)**

The Rural Land Use Review sets out a strategic framework to manage land uses in rural areas.

The Review establishes a number of objectives relating to agricultural uses, non-agricultural uses, subdivision and tourism. Of relevance to 'non-agricultural uses' are:

*To discourage non-agricultural uses from locating on high quality agricultural land throughout the municipality.*

*To manage non-agricultural uses, dwellings and rural lifestyles uses in the rural parts of Baw Baw in a way that does not adversely impact on the long term productive potential of agricultural land in Baw Baw.*

*To support limited development of new dwellings on existing lots within 1km of designated rural townships*

*To discourage new dwellings from establishing on rural lots of between 4ha and 40ha in the broader rural areas unless they are associated with an agricultural use.*

The Review identifies a number of key issues concerning residential development including:

- Fragmentation of rural lots and productive agricultural land
- Erosion of landscape character and environmental values
- Management of future growth outside existing townships

The subject site is identified within 'Precinct C: Eastern Pastures' which comprises a large area of land generally between Warragul, Yarragon and Willow Grove. Land use objectives for this area prioritise agricultural productivity over the development of dwellings. Future rural residential opportunities should be within 1km of Willow Grove.

The document is currently on public exhibition for a third round of community consultation until 7 December 2016. When adopted, the strategy will be implemented through a planning scheme amendment and other process changes.

## 5 FAST TRACK GOVERNMENT LAND SERVICE

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The Fast Track Government Land Service (FTGL Service) has been established to “deliver planning scheme changes for surplus government sites and to correct planning scheme anomalies in a streamlined and systematic approach.”

As the proposed amendment is to facilitate the sale of surplus government land, the FTGL process is appropriate.

Once an application is lodged with the FTGL Service, a preliminary assessment determines which of the following three pathways are the most appropriate:

1. Planning Stream A: A planning scheme amendment approved under S20(4) of the Planning and Environment Act 1987. The outcome for the site is generally consistent with the use surrounding the site and the future planning provisions (zones/overlays) are likely to be the same as the surrounding planning provisions.
2. Planning Stream B: A planning scheme amendment/permit considered by the Standing Advisory Committee. The outcome for the site is likely to capture a strategic opportunity for enhanced development opportunities. The future planning provisions complement the surrounding area but are not necessarily the same as that surrounding the site.
3. Planning Stream C: A standard planning scheme amendment process with either local council or Minister for Planning as the planning authority.

### 5.1 GOVERNMENT LAND STANDING ADVISORY COMMITTEE

The Government Land Standing Advisory Committee has been established according to the Terms of Reference in order to “provide a consistent and transparent process to facilitate changes to planning provisions of government land.”

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.”

To be considered by the Standing Advisory Committee, the proposal is referred by the Minister for Planning or delegate.



## 6 PROPOSAL

The proposed amendments to the existing zoning (refer to map below) and overlay provisions for this site as follows:

- Rezone from Public Use Zone Schedule 2 (PUZ2) to Rural Living Zone Schedule 1 (RLZ1), and
- Amendment to the schedule to the HO to allow for consideration of prohibited uses.

### 6.1 RURAL LIVING ZONE

The purposes of the RLZ are to:

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies*

*To provide for residential use in a rural environment.*

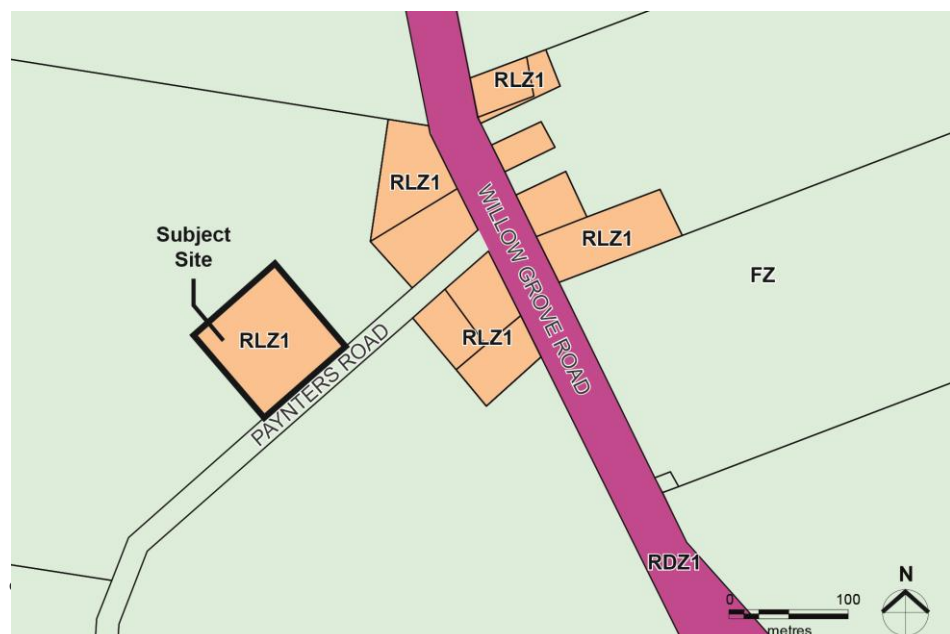
*To provide for agricultural land uses which do not adversely affect the amenity of the surrounding land uses*

*To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area*

*To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Pursuant to the table of uses at Clause 35.03-1, a planning permit is not required for the use of a land for a dwelling provided that the lot is at least 2 hectares in size, or in accordance with the Schedule. Furthermore the dwelling must be the only one on the lot and meet the requirements of 35.03-2. A permit is required to subdivide land in accordance with the minimum lot size specified in the schedule, or 2 hectares if no minimum is specified.

*A permit is required to construct a building or carry out works for a Section 2 (Permit required) land use. The surrounding land is within the RLZ Schedule 1 which specifies a minimum subdivision size of 4 hectares.*



## 6.2 HERITAGE OVERLAY

The site is protected by HO273 as follows:

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO189	Old Ferndale School No. 3571 - building, shelter shed and mature plantings Ferndale-Strzelecki Road, Ferndale	No	No	Yes. Mature planting	Yes	No	No	Heritage Permit Exemptions	No
<b>HALLORA</b>									
HO239	Riparian forest, Lang Lang Park Road	No	No	Yes	No	No	No		No
HO272	Hallora Public Hall, 220 Brock Road, Hallora	No	No	No	No	No	Yes	Heritage Permit Exemptions	No
<b>HILL END</b>									
HO273	Hill End Primary School No. 3054 and Teacher's Residence, 22-24 Paynters Road, Hill End.	No	No	Yes. Mature trees including Oaks Quercus sp), Pines Pinus sp. and Eucalypts, generally around the boundary.	No	No	No		No

The existing HO273 does not allow for prohibited uses (pursuant to the applicable zone) to occur on the site.

The RLZ allows for a variety of 'as-of-right' and discretionary uses to occur, including a range of tourism related uses. To ensure that the full future potential of the land may be achieved, it is recommended that the 'Prohibited uses may be permitted' column is revised to 'yes' to allow for future for tourism related uses to be considered. These could include 'industry' or 'retail' related tourism uses such as a brewery or microbrewery.

This revision would not automatically allow for such prohibited uses to occur on the land, as they would still be subject to the statutory planning process and would need to meet the objectives of the SPPF and LPPF. However, it is considered that this approach would provide the appropriate level of flexibility to ensure that opportunities for the adaptive reuse of the existing buildings are maximised.

### 6.3 DISCUSSION

When determining the most appropriate zone to apply to the subject site, a number of considerations were taken into account:

- The site context and adjoining interfaces,
- The existing buildings on the site and their potential for adaptive re-use,
- Existing and future strategic work being undertaken by Council,
- The Victorian Government Landholding Policy and Guidelines, and
- The ability for the site to be used and/or developed for its 'highest and best use'.

Given these considerations, two logical zones were considered; the Farming Zone and the Rural Living Zone, both of which apply to land immediately around the site. Either the FZ or the RLZ would be appropriate to apply to the site as they cater for a similar range of 'as of right' and discretionary land uses, however the two zones differ in their policy intentions.

The primary purpose of the FZ is to provide land for the use of agriculture allowing for most agricultural-related uses 'as of right' as well as a limited range of low impact accommodation uses. The minimum subdivision size for lots within the FZ is generally 40ha. Given the size of the lot (approximately 8,333sqm) and the existing development, the site is not immediately compatible with conventional agricultural activities.

The proposed application of the RLZ reflects the nature of the site, with regard to the existing buildings on site, its informal use for community activities (such as markets, community gatherings and meetings) and its heritage status.

The application of the RLZ along with the minor amendment to the HO supports a range of State and Local Policy objectives. The modification of the HO to allow the consideration of prohibited uses, supports the objective to encourage the adaptive re-use of heritage buildings where the former use has become redundant (Clause 15.03-1). Specifically, the proposed policy changes could allow for the consideration of currently prohibited land uses such as a boutique micro-brewery (classified as 'Industry'), trash and treasure market or other tourism related uses consistent with Council's tourism objectives (Clause 21.07-5). Furthermore, Local Planning Policies identify Willow Grove as a dormitory town which should *'provide for the flexibility for limited development to occur...to accommodate the needs of its population as well as to contribute to the Settlement network (Clause 21.05)*. The rezoning of the land to RLZ will allow for a modest level of development whilst increasing land use opportunities within the context of the existing environment. Relevant decision guidelines contained in the RLZ to protect the sensitive environmental and interface requirements will still apply.

The RLZ is applied to a number of lots in the immediate area and the subject site has a strong relationship to the cluster of existing dwellings and development adjacent to Paynters and Willow Grove Road, located less than 100m west of the nearest RLZ lot.

The potential for the site to achieve a variety of land use outcomes was an important consideration in determining the most appropriate zone. The application of the RLZ is consistent with the *VGLP Guidelines* which require that lots identified as surplus to the requirements of government agencies should be prepared for sale in a manner that considers the 'highest and best use' of the site.

## 7 STRATEGIC ASSESSMENT

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The following section of the report utilises the assessment framework outlined in Ministerial Direction No.11: Strategic Assessment of Amendments to assess the proposal.

### **Why is an amendment required?**

The Amendment seeks to rezone land in preparation for sale in accordance with the Fast Track Government Land Service for former school sites. The site has been identified as surplus to the needs of local, State and Commonwealth agencies.

### **How does the amendment implement the objectives of planning in Victoria?**

The Amendment provides for the fair, orderly, economic and sustainable use of development of the land. The rezoning of the land will increase the future land use and development potential of the site.

### **How does the amendment address any environmental, social and economic effects?**

The site is subject to a Heritage Overlay which protects the heritage and social values of the land and requires a planning permit to demolish, remove an existing building or subdivide land. Furthermore, tree protection controls apply within the HO which trigger a permit requirement for the removal or lopping of existing mature trees.

The proposal is not considered to have any economic effects given the location and scale of the site.

### **How does the amendment address any relevant bushfire risk?**

The site is located within a Designated Bushfire Prone area, however is not subject to any bushfire management overlay. Any application for use or development of the land will be assessed against relevant bushfire policy.

### **Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?**

Other than Ministerial Direction Nos. 1 and 11, which this report uses as a framework for assessment, there are no specific Ministerial Directions relevant to this application.

The amendment complies with the Ministerial Direction on *The Form and Content of Planning Schemes* under Section 7(5) of the Planning & Environment Act 1987.

Ministerial Direction No. 11 (Strategic Assessment of Amendments) has been used as a framework for assessment of this amendment. Ministerial Direction No. 1 (Potentially Contaminated Land) is also relevant. The previous use of the site for a teacher's residence and small school site places the site in a low risk category.

## **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment is consistent with the State Planning Policy Framework as follows:

### Settlement

The rezoning of the land to RLZ1 is consistent with the existing land use and settlement patterns and contributes to the supply of low density, rural residential land in Hill End. The proposal will not fragment the existing land use patterns given the existing development on the site and its current public use zoning. Furthermore it will not reduce the supply of agricultural land nor interfere with the productivity of the surrounding land.

The proposal is consistent with the objectives and strategies of the Gippsland Regional Growth Plan.

### Environmental and Landscape Values

The site is subject to a heritage overlay which protects the removal, destruction or lopping of significant trees on the site. Any future use or development of the site will be required to demonstrate how existing environmental values and protected and enhanced.

### Built Form and Environment

The proposal will increase the flexibility of the land to achieve high quality planning outcomes that reflect the local character and context of Hill End.

The HO protects the social, heritage and aesthetic values of the site including its cultural identity and sense of place. The allowance of prohibited uses will encourage the reuse of existing buildings on site which is consistent with sustainable development objectives and efficient use of resources.

### Housing

The site has good access to Willow Grove Road and is connected to existing rural residential land. In accordance with the RLZ1, the site cannot be subdivided given that a minimum area of 4 hectares applies. The proposal will not set a precedent for fragmentation or further residential intensification within the area, given the nature of the proposal as a former school site.

## **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposed zone will allow flexibility for limited development within Hill End to accommodate the needs of its residents. The use of the site for residential or tourism-related uses will contribute to the economic development of the area and enhance the overall amenity of the Hill End Settlement.

Agricultural land uses are still permitted within the RLZ and given the existing conditions of the site, the Amendment will not detract from the agricultural quality of the surrounding land or the ability to farm. Furthermore, the RLZ will allow for the heritage values and cultural significance of the site to be retained.



The MSS encourages land use activity that promotes sustainable tourism opportunities and encourages growth appropriate to the context of the locality. The proposed amendment will facilitate opportunities for tourism-related development that is compatible with existing agricultural production and the environmental attributes of the area.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The application of the RLZ provides for flexibility in the future use and development of the land having regard to the site characteristics. It is also consistent with the zoning pattern of other RLZ land in the vicinity. The amendment to the HO will allow for the consideration of prohibited land uses, further increasing the flexibility of the proposed RLZ.

### **How does the amendment address the views of any relevant agency?**

The land is surplus to the requirements of the Department of Treasury and Finance, who currently own the site. Views of other relevant agencies can be addressed through the advisory committee process and submission period associated with the public exhibition of the amendment.

### **Does the amendment address the requirements of the Transport Integration Act 2010?**

Given the relatively small scale of the site, the amendment is not expected to have a significant impact on the transport system as defined by Section 3 of the Transport Integration Act 2010.

### **Impact on Responsible Authority**

The proposed rezoning is not expected to have any significant impact on the resource and administration costs of Baw Baw Shire in administering the Planning Scheme.

## 8 CONCLUSION

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The subject site has been identified as surplus to government requirements and has future land use and development potential within the context of a small, rural settlement.

The site is well suited to residential, tourism or community land uses that are compatible with the surrounding agricultural setting. Given the size of the lot, the existing heritage controls and the surrounding land uses, the RLZ1 is considered an appropriate zone to apply to the land. The application of the RLZ1 is also consistent with other similarly sized lots within the immediate Hill End township. Furthermore, the rezoning of the land will not result in a proliferation of new buildings and any redevelopment will be assessed on its merits.

The application of the RLZ1 will not impact on existing agricultural practices. Objectives within the SPPF and LPPF require a balanced approach when considering the protection of agricultural practices and accommodating future growth. While Council have indicated a preference to rezone the land to Farming Zone, the FTGLS process requires the consideration of the most appropriate zone that will 'capture the value of the site' while still according with the policy provisions of the *Baw Baw Planning Scheme*.

The modification to the HO will ensure that the site's potential for tourism uses, and adaptive reuse of the buildings of heritage significance may be considered. Council support the minor amendment to the Heritage Overlay schedule (HO273).

The proposal will not create a precedent for the creation of additional RLZ lots or lot fragmentation as the rezoning of a former school site to allow for an alternative use is an exceptional circumstance.

For these reasons, the rezoning of the site to the RLZ is considered appropriate, as it will allow for consideration of a range of uses that will be consistent with the objectives of the *Baw Baw Planning Scheme*.