

Government Land Standing Advisory Committee Tranche 10 Report 30 Jarrah Street and 41 Pearce Street, Wodonga

13 March 2018

About this report	2
1 Summary and recommendation	3
1.1 The site	3
1.2 Inclusionary Housing Pilot	4
1.3 Issues raised in submissions	4
1.4 Committee conclusion.....	4
1.5 Recommendation	5
2 Process issues for this site	6
2.1 Process summary.....	6
2.2 Process issues	7
3 Site constraints and opportunities	9
3.1 Zoning context	9
3.2 Site history and conditions	9
3.3 Physical constraints	9
4 Issues with the proposed changes	11
4.1 What zone is suitable	11
4.2 Development Plan Overlay	13
4.3 Quantum of social housing.....	15
4.4 Should the covenant be removed	17
4.5 Should the Minister be the responsible authority?	18
Appendix A: About the Government Land Standing Advisory Committee	21
Appendix B: List of Submitters	22
Appendix C: Document list	22

List of Tables

Table 1:	Existing and proposed controls	5
Table 2:	Proposal summary	6
Table 3:	Proposed planning scheme changes	6
Table 4:	Committee process	6

List of Figures

Figure 1:	Site location	3
Figure 2:	Current zoning	9
Figure 3:	Proposed zoning	9

List of Abbreviations

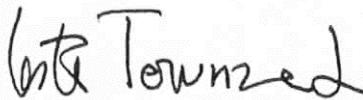
DELWP	Department of Environment, Land, Water and Planning
DET	Department of Education and Training
DHHS	Department of Health and Human Services
DPO	Development Plan Overlay
DTF	Department of Treasury and Finance
FTGLS	Fast Track Government Land Service
GRZ	General Residential Zone
IHP	Inclusionary Housing Pilot
NECMA	North East Catchment Management Authority
NRZ	Neighbourhood Residential Zone
PUZ	Public Use Zone
RGZ	Residential Growth Zone

About this report

On 6 August 2017, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as Tranche 10:

- 30 Jarrah & 41 Pearce Streets, Wodonga
- Tyntynder Land, Bright

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 30 Jarrah Street and 41 Pearce Street, Wodonga.



Lester Townsend, Chair



Cazz Redding, Member

13 March 2018

1 Summary and recommendation

1.1 The site

The land at 30 Jarrah Street and 41 Pearce Street, Wodonga (the site) accommodated the former Wodonga South Primary School. The school was built in the mid-1970s and was demolished in 2014. The site has a total area of 1.93 hectares and is irregularly shaped.

Figure 1: Site location



The lot fronting Pearce Street is affected by a covenant which seeks to restrict development of the land to one building plus outbuildings.

The built form of the surrounding area comprises mostly of single dwelling houses and some unit developments. There is a small mixed use area on the corner of Jarrah Street and Lowanna Street adjoining the south-eastern corner of the site, which includes a corner store, pizza shop, solicitor's office and hairdressing salon. An Adult Prevention and Recovery Care facility is located at 24 Jarrah Street.

There is a mix of common exotic and native trees on site.

The site has been determined surplus to the Victorian Government's current and future requirements. The Department of Treasury and Finance (DTF) has requested that the planning provisions for the site be changed to reflect that it is no longer required for public use. The site has been nominated for the Inclusionary Housing Pilot (IHP).

1.2 Inclusionary Housing Pilot

The Government's housing strategy *Homes for Victorians* commits to undertaking an IHP to deliver up to 100 new social housing homes, to be facilitated by the Fast Track Government Land Service (FTGLS). Six sites across Victoria have been nominated for the IHP, including the subject site. The IHP seeks to deliver new social housing homes by securing planning certainty through the FTGLS and establishing partnerships with private sector developers. The Government may discount the price it receives for the land, in return for a commitment to deliver a proportion of social housing on site as part of the development. Proposals will be evaluated to make sure they deliver the best outcomes for social housing and value for money.

1.3 Issues raised in submissions

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided to it as well as its observations from inspections of the site.

Most submissions addressed:

- social housing
- housing density
- access and parking
- drainage
- general amenity concerns.

1.4 Committee conclusions

The site owner, the Department of Education and Training (DET), proposes to rezone the subject land from Public Use Zone (Education) to the General Residential Zone (Schedule 1). The Committee agrees that this is an appropriate zone if the land is to be sold. A Development Plan Overlay to allow for master planning of the site was proposed, but the Committee has concluded that it is not necessary for the site, because the site does not require master planning before a permit could be considered.

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

Table 1: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Advisory Committee Recommendation
Public Use Zone 3 (Education)	General Residential Zone Schedule 1 (GRZ1)	General Residential Zone (Schedule 1)
	Development Plan Overlay Schedule 11 (DPO11)	Do not proceed
Schedule to Clause 61.01		Make the Minister for Planning the responsible authority
Schedule to Clause 52.02		Remove covenant from Lot 5 LP82391 (41 Pearce Street)

While having no objection to the proposal, the [Department of Health and Human Services \(DHHS\)](#) drew the attention of the Committee to an anomaly at 24 Jarrah Street and requested that the land be rezoned to PUZ3. The Committee recognises that the rezoning of this land to the PUZ3 makes logical planning sense, however DHHS should seek this change through an alternative process.

1.5 Recommendations

The Committee makes the following recommendations relating to 30 Jarrah Street and 41 Pearce Street, Wodonga:

- 1. A planning scheme amendment should be prepared and approved to rezone the site to General Residential Zone Schedule 1.**
- 2. List Lot 5 LP82391 (41 Pearce Street) in the Schedule to Clause 52.02 to enable the removal of the existing covenant from the title.**
- 3. List the site in the Schedule to Clause 61.01 to specify the Minister for Planning as the responsible authority for the site.**
- 4. Establish a formal protocol between Council and the Site owner about the development approval process for any planning permits issued for the site. This could consider the use of a section 173 agreement.**
- 5. A development Plan Overlay should not be applied to the site.**

2 Process issues for this site

2.1 Process summary

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

Table 2: Proposal summary

Proposal summary	
Tranche	Tranche 10
Site address	30 Jarrah Street and 41 Pearce Street, Wodonga
Previous use	Former Wodonga South Primary School
Site owner	Department of Education and Training
Council	City of Wodonga
Exhibition	25 September – 22 December 2017 (extended)
Submissions	14

Table 3: Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone (Education)	General Residential Zone Schedule 1
	Development Plan Overlay Schedule 11

Table 4: Committee process

Committee process	
Members	Lester Townsend (Chair) and Cazz Redding
Information session	17 October 2017
Hearing	30 January 2018
Site inspections	30 January 2018 (including Elmwood Precinct and Whitebox Estate)
Appearances	<ul style="list-style-type: none">- The site owner represented by Peter O’Dwyer of EDM Group briefed by the Department of Treasury and Finance- Wodonga City Council represented by Bridie Guy- Heather May Ward- Jill Smyth- Des McCourt- Beyond Housing represented by Laura Harris- Barry and Lindsey Doughty- Malcolm and Marlene Jackson- David Bonnor
Date of this Report	13 March 2018

2.2 Process issues

2.2.1 Drafting of a Development Plan Overlay

At the public Information Session on 17 October 2017, the community expressed concern regarding the lack of clarity on the development of the site including the IHP component. Following the session, the Committee issued Directions to the site owner which required:

- The site owner to prepare appropriate planning controls to accompany the proposal and provide these to the Committee by 10 November 2017
- DELWP to re-notify all affected residents for 21 days.

The planning controls, together with the existing Amendment documentation, were placed on exhibition until 22 December 2017.

2.2.2 24 Jarrah Street, Wodonga



Figure 2 24 Jarrah Street, Wodonga

24 Jarrah Street is located immediately south-east of the site, as shown in Figure 2. The site is owned by DHHS.

(i) Evidence and submissions

DHHS purchased 24 Jarrah Street, Wodonga in 2013 and established an Adult Prevention and Recovery Care facility.

The DHHS requested that the Committee consider the rezoning of 24 Jarrah Street to a Public Use 3 – Health and Community Zone based on the ownership and existing use of the land¹.

¹ Submission 8

The site owner and Council submissions both agreed that the Public Use Zone 3 – Health and Community Zone is appropriate. The site owner suggested a General Residential zoning may also be appropriate to reflect the use of the land.

(ii) Discussion

The Committee agrees that the land should be rezoned from Public Use Zone 2 – Education Zone to Public Use Zone 3 – Health and Community Zone to reflect the current ownership and use of the land. The General Residential Zone is not suitable given that the land is owned by the State Government. Correcting the zoning is important to ensure that the zoning maps in the Wodonga Planning Scheme remain a useful tool for people to understand the ownership and use of land across the municipality as a whole over the passage of time.

However, as this change was not exhibited, to recommend this change could be viewed as a transformation of the Amendment. The Committee suggests that Council or the Department of Health and Human Services separately approach DELWP with a mind to run a technical correction Amendment.

(iii) Conclusion

The Committee concludes:

- There is merit in rezoning 24 Jarrah Street, Wodonga from Public Use 2 – Education Zone to Public Use 3 – Health and Human Services Zone to correct the anomaly and reflect its ownership and use. This should not be done through this process but as part of a separate planning scheme amendment.

3 Site constraints and opportunities

3.1 Zoning context

Figures 2 and 3 show the current and proposed zonings.

Figure 3: Current zoning

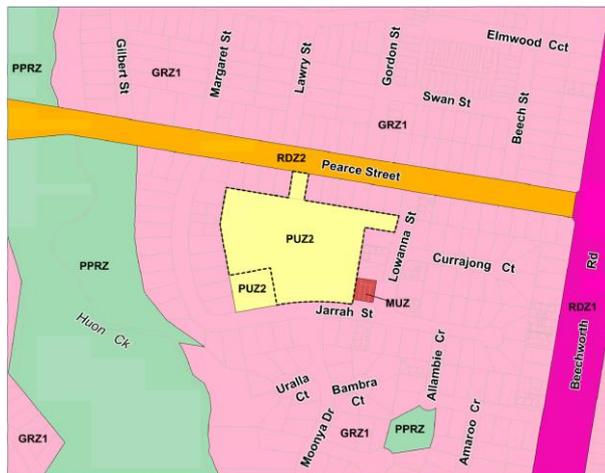


Figure 4: Proposed zoning



3.2 Site history and conditions

The site was formerly used as the former Wodonga South Primary School and is currently vacant and fenced.

3.3 Physical constraints

(i) Cultural heritage sensitivity

Part of the site is identified as being in an area of cultural heritage sensitivity. A Cultural Heritage Management Plan would be required for development defined as “*high impact activity*” including the subdivision of land into three or more lots.

(ii) Drainage

The site has very poor drainage. A drainage outfall will be required from the south western corner of the site to House Creek. A number of submitters raised concerns about drainage.

The North East Catchment Management Authority (NECMA) made a submission as an informal referral Authority. NECMA had no objection to the proposal given that the subject site is located approximately 180 metres from House Creek and “*it is unlikely that any part of the site would be subject to inundation from House Creek*”.

North East Water² has no objection to the proposal but made the following comments:

² Submission 10

- *The land is located inside the Wodonga Water District and the Wodonga Sewerage District and located near both services.*
- *North East Water has sewer assets traversing the land.*
- *There are two North East Water manholes located on the site in areas which potentially could become roadways. There is one located off Lowanna Street and the other off Pearce Street. If these potential roadways are developed for traffic purposes the developer will need to liaise with the Corporation regarding the requirement to potentially relocate the manholes. The manhole located at the Pearce Street entrance carries the highest concern.*

(iii) Vegetation

There are a number of trees and native vegetation that have a high retention value.

(iv) Interface with surrounds

The site is set back from the main roads of Beechworth Road and Pearce Street, therefore it is not in a highly visual area.

(v) Access

The site has good access from Jarrah Street, Pearce Street and Lowanna Street.

4 Issues with the proposed changes

4.1 What zone is suitable

4.1.1 The choice of zone

(i) Evidence and submissions

Des McCourt³ submitted that the Neighbourhood Residential Zone (NRZ) would be more appropriate for the site as he considers the three storey height limit allowed in the General Residential Zone (GRZ) to be too high for the existing neighbourhood. He also raised issues relating to traffic, crime and overdevelopment.

Other submitters raised the potential for crime and safety issues to increase and did not support the proposal for social housing on this site. Malcolm and Marlene Jackson⁴ submitted that the choice of the GRZ has *“little or no regard to the character of our existing neighbourhood and the fact that [the] local area consists of family homes building within a NRZ”*.

Beyond Housing⁵ is supportive of the proposal, including the implementation of the IHP on the site. A need for affordable housing in the area was identified, as there has been an increase in people needing assistance over recent times. Given its location to schools and services, Beyond Housing submitted that the site is an excellent located for disadvantaged families.

(ii) Discussion

Given the surrounding land is in the GRZ, it would be inconsistent and inappropriate to apply the NRZ. Moreover, the site has no specific characteristics that would warrant a lower intensity of development compared to the surrounding area.

The Committee considered whether a Residential Growth Zone (RGZ) should apply. The case for the RGZ on the site is not so strong that it would warrant a rethinking of the proposed Amendment.

(iii) Conclusion

The Committee concludes:

- The General Residential Zone is appropriate.

³ Submission 3

⁴ Submission 9

⁵ Submission 7

4.1.2 The zone schedule

(i) Evidence and submissions

In its submission to the Committee, Council⁶ proposed Schedule 2 (GRZ2) to the General Residential Zone be applied to the site, which allows for a higher density development than is permitted under the GRZ1.

Council submitted that it was not suitable to apply the RGZ to the site as Council has no adopted housing strategy. Council submitted:

Council is of the view that in order to maximise the potential of this strategic opportunity site, rather than to apply the default GRZ1, it is appropriate to apply a schedule to achieve a different response to the conventional residential development outcomes found elsewhere in Wodonga. Council's preferred zoning option is GRZ – Schedule 2 (GRZ2) ...

Council referred to the nearby Elmwood Precinct as an example of the style and density of development it would like to achieve on the site and submitted that the GRZ2 would facilitate this.

Under the *Wodonga Growth Strategy*, the supply of existing zoned and unzoned residential land available in the municipality is in excess of 50 years. Council said that this large supply of land was poorly serviced by public transport and was likely to develop as more conventional low to medium density housing. It argued that as there is such a large supply of residential land available for this purpose, it was important to maximise development on sites which are proximate to the Wodonga CBD with good access to public transport, such as this site. Preliminary work on a housing strategy has identified that this site is a strategic development opportunity.

At the Hearing, the site owner said it did not support Council's proposal primarily because there was no market demand for higher density medium density housing, and because the densities that could be achieved by the proposed schedule seem out of character for the neighbourhood.

The site owner submitted that anything further than the proposed GRZ2 would result in a higher density development than the Elmwood Precinct development, which seems contrary to Council's objectives.

At the Hearing, Marlene Jackson⁷ said she was concerned about 'cramming' and overdevelopment on the land, and does not support medium density.

(ii) Discussion

The variations to the standard Clause 54 and Clause 55 requirements proposed by Council in the GRZ2 were:

- site coverage at 80 per cent instead of the ResCode requirement of 60 per cent
- permeability of 15 per cent instead of the ResCode requirements of 20 per cent

⁶ Submission 14

⁷ Submission 9

- modifications to the rear setback to require a minimum of 3 metres in addition to the requirements of ResCode
- maximum front fence height of 1.2 metres instead of 1.5 metres.

The Committee agrees with the site owner that the level of development envisaged by Council is more suited to a RGZ than a GRZ.

It may well be technically possible to develop a schedule for the GRZ along the lines proposed by Council, but such a schedule begins to break the clear connection between the purpose of the zone and the controls that are applied. The Committee does not see this as desirable.

While the Committee can see merit in this site being used for densities similar to the Elmwood Precinct, upon questioning, Council acknowledged that there has been no detailed urban design work undertaken to identify appropriate variations to the ResCode controls and there has been no opportunity to test the schedule with the community.

The Committee notes that if the Amendment is approved with the Development Plan Overlay Schedule 21 (DPO21) as proposed, there will be no further opportunity for community input as the DPO schedule exempts permit applications from notice and review.

The site has been recognised as an opportunity site in the preliminary work for the Wodonga Housing Strategy, but the strategy is simply not well progressed enough to justify a bespoke planning control of this nature.

The Committee concludes that the GRZ1 will provide sufficient flexibility, noting there is no minimum lot size requirement in the controls enabling the development of housing on smaller blocks than the surrounding area, while still providing for reasonable amounts of private open space and permeability.

(iii) Recommendation

The Committee makes the following recommendations relating to 30 Jarrah Street and 41 Pearce Street, Wodonga:

- **A planning scheme amendment should be prepared and approved to rezone the site to General Residential Zone Schedule 1.**

4.2 Development Plan Overlay

(i) Evidence and submissions

The only overlay proposed for this site was the Development Plan Overlay Schedule 21 (DPO21).

The site owner said that:

Following ... discussions with Wodonga City Council in respect of the provisions to be included within a possible DPO to apply to the subject land, a draft of DPO Schedule 21 was prepared and submitted to the Advisory Committee 10 November 2017.

Council submitted that it supports DPO21 with some minor variations as follows:

- *Encourage medium density with a preferred minimum density of 30 to 40 dwellings per hectare.*
- *Provide for social housing which is well integrated and spatial distributed across the site.*
- *Provide for funding of the community infrastructure levy for all dwellings.*
- *Requirement that the public open space contribution be provided as a cash equivalent to five per cent of the site value unless otherwise approved by the responsible authority.*

(ii) Discussion

The first exhibition of the Amendment did not include a DPO. The second exhibition, after the information session, did include one.

With the benefit of a draft DPO before it, and with the detailed submissions made about the site, the Committee is not convinced that a DPO is suitable for the site given its relatively small size, its proposed zoning which limits development options, and the proximity to existing residential areas, residents of which would not have any appeal rights under a DPO.

The Committee appreciates that a DPO was exhibited for the site and accepts that its processes are bound by natural justice, but cannot identify any party or land whose interests would be materially affected by not proceeding with the DPO. Whether or not a DPO is justified for the site can be considered on its merits.

The Committee has considered whether the site will benefit from master planning, and hence the application of the DPO.

There are some obvious issues that that need to be addressed prior to the subdivision of land including:

- the road, cycle and pedestrian network, visitor car parking and access and egress points
- drainage issues
- site and lot orientation
- a tree and vegetation protection plan
- the capacity of the drainage network to service the development and treat storm water.

The above issues can be dealt with at a permit application stage. The Committee considers that requiring master planning through a DPO for this site would overly complicate the planning controls applying to what is a fairly straightforward site. It also notes that in proposing requirements for open space, community infrastructure and residential design, the Council seems to be seeking something special for the site which is not supported by policy and which do not apply to nearby private land.

The Committee considers there are no particular issues that would be resolved through a master planning process that cannot be dealt with through a typical permit application process.

(iii) Recommendation

The Committee recommends that:

- **A Development Plan Overlay should not be applied to the site.**

4.3 Quantum of social housing

(i) Evidence and submissions

From submissions, it is clear that there is confusion in the minds of submitters about the difference between public housing, social housing and community housing.

As outlined previously in this report, Beyond Housing⁸ support the use of this site for affordable housing and provided the clarification subsequent to the information session held on 17 October 2017 to assist with understanding the difference between the different housing terms:

Social Housing consists of Public Housing and Community Housing. Beyond Housing currently provides Community Housing and has done so successfully for more than 15 years.

Community Housing is a safe, affordable and long-term property rented out to low and medium income earners. Rent is set at a maximum of 30% of the household income plus Commonwealth Rent Assistance.

Many submitters⁹ expressed concern about the site being used for social housing.

Concerns raised included devaluation of surrounding properties, crime and drug use, feelings of safety, trespass, theft. However, the overriding concern was the quantum social housing. All of the residents who made a submission raised this concern and said that they wanted more certainty. Clearly some submitters thought that a majority, or even all of the site, would be used for social housing. Maureen Jackson¹⁰ said:

The issue of social housing is also unclear to us. We do appreciate our community need for social housing, but we are confused by the unknown ratio of these residences and privately owned houses that are proposed for our neighbourhood.

Upon questioning by the Committee, it became clear that all the of the resident submitters were accepting of a proportion of social housing on the site, with some being very supportive of it.

Maureen Jackson expressed how important it was that less resourced families, who are likely to be the ones accessing social housing, feel like they belong to, are embraced and actively supported by established communities like this one.

Each residential submitter was asked by the Committee about the amount of social housing they felt would be acceptable on the site and the answers ranged between 5 per cent and 20

⁸ Submission 7

⁹ Submissions 2, 3, 5, 9, 11, 12 and 13

¹⁰ Submission 9

per cent (assuming a development yield of 36 houses, this would equate to between 2 and 7 dwellings).

Beyond Housing said it would generally support a small percentage of housing on any development such as this to be community housing. It submitted that those social housing dwellings should be spread throughout the development and about 5 or 6 social housing dwellings would generally be expected on a site of this size.

(ii) Discussion

Upon questioning in the Hearing, all residents who were heard indicated that they were supportive of a proportion of the site being used for community housing.

Community concerns revolved around uncertainty of the quantum of housing to be provided on the site.

The Committee can understand why there is confusion and concern in the community about what is likely to occur in relation to social housing on the site as the requirement in the Development Plan Overlay is broad and vague.

While it is not the role of the Committee to consider the suitability of the site for social housing, or specify the quantum of social housing, the Committee do consider there is benefit in specifying the general expectations of social housing provision on site, to provide developers and the community with a greater level of certainty.

Given the level of understanding of the site as a result of the preparation for sale process, the Committee considers that a provision or condition could be inserted in a section 173 Agreement¹¹ to include a maximum proportion of the site that should be used for social housing. It is not the role of the Committee to specify this amount, however, it notes that submitters suggested a quantum in the range of 5 per cent to 20 per cent of the site. Beyond Housing, in discussion with the Panel, indicated that about 4 or 5 dwellings would be a good amount on a site of this size.

The Committee notes that at the Hearing, there was a common understanding that the social housing provided on the site would be community housing. This position was put forward by Council, Beyond Housing, and the site owner, and was discussed by all of the resident submitters. However, in preparing this report, the Committee notes that the exhibited DPO refers to social housing as does the information about the IHP available on the Department of Environment, Land, Water and Planning website. The Committee consider it beyond the scope of its role to specify community housing as this distinction was not specifically tested at the Hearing, and is a matter for the Government to determine through the land sale process.

(iii) Conclusion

The Committee concludes:

- There would be merit in communicating the quantum of social housing proposed in a clear way to the community, once a decision had been made on this.

¹¹ Of the Planning and Environment Act 1987

4.4 Should the covenant be removed

(i) Evidence and submissions

Covenant number D827686 dated 11/09/1970 applies to Lot 5 LP82391 (41 Pearce Street) which essentially limits development on this site to a single dwelling on a lot. It seems this covenant also applies to the other, developed lots on Pearce Street and was placed on the land at the time of subdivision.

The site owner argued that the covenant should be removed to allow for full flexibility in the future development of the site.

Council was of the view that the covenant should remain to ensure the character of Pearce Street was maintained and noted that under the terms of the covenant, 41 Pearce Street could be used as an access way without requiring the removal of the covenant. Council argued this provided enough flexibility.

Clause 52.02 provides a mechanism to authorise the removal of covenants.

If land is listed in this schedule it is possible for the owners of the lots to lodge a plan for certification under section 23 of the *Subdivision Act* 1988 showing the restrictive covenants as removed. Once that plan of subdivision being lodged and registered at the Titles Office, the restrictive covenants affecting each lot will be removed.

(ii) Discussion

There are three ways to remove a restrictive covenant:

- application to the Supreme Court
- a permit application
- a planning scheme amendment.

Applications to the Supreme Court and permit applications are subject to a range of statutorily prescribed tests. There are no specific tests for a planning scheme amendment that would authorise the removal of a covenant, but the appropriate tests have been considered by a number of previous panels.

A number of Panel hearings have considered submissions on the appropriate test or criteria that should be adopted in determining whether or not to recommend whether the Planning Authority should adopt an Amendment that would have the effect of allowing the removal or variation of covenant.

The Panel for the combined Planning Permit Application and Amendment to the Mornington Peninsula Planning Scheme (C46) considered this question, and reviewed a number of earlier Panel reports. In their report, the Panel concluded that the principles or criteria for considering an Amendment that would enable the variation for removal of a restrictive covenant are as follows:

First, the Panel should be satisfied that the Amendment would further the objectives of planning in Victoria. The Panel must have regard to the Minister's Directions, the Planning Provisions, MSS, strategic plans, policy statements, codes or guidelines in the Scheme, and significant effects the Amendment might

have on the environment, or which the environment might have on any use or development envisaged in the Amendment.

Second, the Panel should consider the interests of affected parties, including the beneficiaries of the covenant.

Third, the Panel should consider whether the removal or variation of the covenant would enable a use or development that complies with the Planning Scheme.

Finally, the Panel should balance conflicting policy objectives in favour of net community benefit and sustainable development. If the Panel concludes that there will be a net community benefit and sustainable development it should recommend the variation or removal of the covenant.

The Committee has considered these issues and agree that these are appropriate tests.

The Committee considers that applying these tests to the covenant of the Pearce Street lot leads to the conclusion that it should be removed.

(iii) Recommendation

The Committee recommends:

- **List Lot 5 LP82391 (41 Pearce Street) in the Schedule to Clause 52.02 to enable the removal of the existing covenant from the title.**

4.5 Should the Minister be the responsible authority?

(i) Evidence and submissions

At the Public Information Session on 17 October 2017, the Committee advised that it would consider who should be the responsible authority for the site.

At the Hearing, the site owner submitted that the Minister for Planning should be the responsible authority for the land because:

Although not part of the exhibited material due to the timing of the identification of Wodonga as a IHP site, it has become apparent with other rezoning proposals related to the IHP that consideration is also now being given to facilitating efficient decision making on these sites by nominating the Minister for Planning as the responsible authority.

Council submitted that it understands the importance of certainty of in the development approvals process and the delivery of the IHP program. Council said:

Council is committed to high quality outcomes at this strategic opportunity site and maintains a strong view that Council is best placed to deliver the desired outcomes on the ground. As such, Council formally requests to be nominated as the responsible authority for site.

(ii) Discussion

As highlighted by both Council and the site owner, the IHP project is of state significance. The site owner said that the Minister for Planning was already the responsible authority for the Broadmeadows site, and the Committee has been asked to advise as to whether the Minister should be the responsible authority for the Parkville and Boronia sites being considered by the Committee under Tranche 11 of the FTGLS.

Council has, however, outlined their commitment to providing certain and timely delivery of the social housing component (as well as the rest of the development) on this site.

Council were concerned about this as there is no formal mechanism to enable them to be involved in the approval process if this is the case.

(iii) Discussion

Ensuring that the relevant local information and considerations are considered as part of the approval process is important in considering who the responsible authority is. Wodonga City Council hold much of the relevant local information that should be considered for this site (for example, drainage, traffic, neighbourhood character).

The Committee notes that the Minister for Planning and the City of Melbourne have established protocols to ensure that the correct referrals and local input is provided as there are numerous sites within the City of Melbourne where the Minister is the responsible authority. A similar protocol for IHP sites not in the City of Melbourne may have merit.

A section 173 Agreement could be considered to set development parameters, including around social housing.

Section 173 of the *Planning and Environment Act 1987* allows:

(2) A responsible authority may enter into the agreement on its own behalf or jointly with any other person or body.

Preparing a section 173 Agreement to deal with the initial subdivision of the land enables Council to be a party, with the Minister for Planning and the land owner, to the subdivision approval process.

The Committee is of the view that as a general rule, the provision of social housing on a development site should be managed through normal Council processes rather than specifying the Minister for Planning as the responsible authority, and the Committee acknowledges Council's capacity to efficiently assess developments, including those with a social housing component.

However, there is some merit in providing a consistent approval mechanism for all six sites proposed for the IHP, and the Committee sees merit in the Minister for Planning being the responsible authority for all of the projects involved in the pilot project for the sake of consistency across the pilot project sites.

The Committee expects that the process will be thoroughly evaluated, including whether it is desirable for the Minister for Planning to be Responsible Authority in future projects.

(iv) Recommendations

The Committee recommends that:

- **Establish a formal protocol between Council and the Site owner about the development approval process for any planning permits issued for the site. This could consider the use of a section 173 agreement.**

Appendix A: About the Government Land Standing Advisory Committee

The Fast Track Government Land Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) is appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

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

The purpose of the Committee is:

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

The Committee consists of:

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

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

The Committee’s Terms of Reference state:

25. *The Standing Advisory Committee must produce a written report for the Minister for Planning providing:*
- *An assessment of the appropriateness of any changes of planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*
 - *An assessment of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes.*
 - *An assessment of whether planning scheme amendments could be prepared and adopted in relation to each of the proposals.*
 - *An assessment of submissions to the Standing Advisory Committee.*
 - *Any other relevant matters raised in the course of the Standing Advisory Committee Hearing.*
 - *A list of persons who made submissions considered by the Standing Advisory Committee.*
 - *A list of persons consulted or heard.*

Appendix B: List of Submitters

No.	Submitter
1	North East Catchment Management Authority
2	Heather May Ward
3	Des McCourt
4	Department of Treasury and Finance
5	Barry Anderson
6	Barry and Lindsey Doughty
7	Beyond Housing
8	Department of Health and Human Services
9	Malcolm & Marlene Jackson
10	North East Water
11	Gemma Boyes and Matt Smith
12	David Bonnor
13	Jill Smyth
14	Wodonga City Council

Appendix C: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	Submission on behalf of DTF	Peter O'Dwyer, EDM Group
2	Appendices to submission on behalf of DTF	Peter O'Dwyer, EDM Group
3	Submission to the Panel	Marlene and Malcolm Jackson
4	Plan showing Council ownership of 37 Jarrah Street	Bridie Guy, Wodonga City Council
