

20 October 2025



Dear [REDACTED]

Submission – Proposed Planning Scheme Amendment C217warr

SPOT Planning has been engaged to act on behalf of [REDACTED] with respect to their interest in the following parcel within the future East of Aberline Precinct Structure Plan (PSP) area:

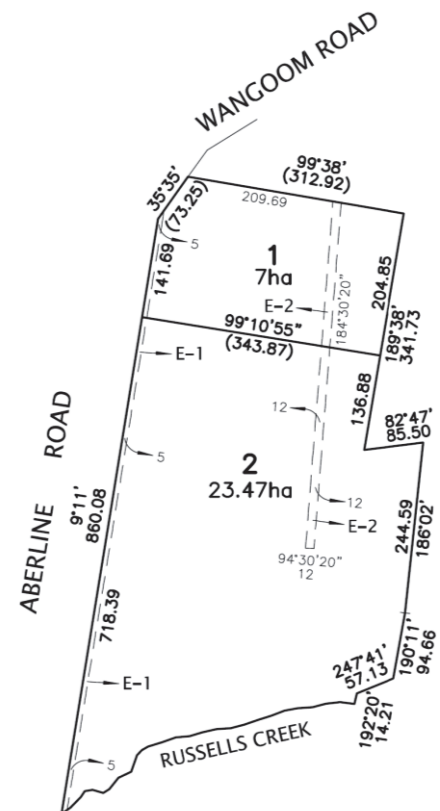
- 174 Aberline Road, Warrnambool.

The property is approximately 29.66ha and irregular in shape. The land is subject to a two-lot subdivision permit which seeks to create Lot 1 for a 'Non-Government School' and Lot 2 for development purposes. The interests of Buildcap Aberline Pty Ltd are specifically in reference to the acquisition of proposed Lot 2.

The property is located at the western extent of the draft East of Aberline PSP area. The land is identified specifically as property 13 on the Land Use Budget Plan. The Land Use Budget outlines the development expectations for a 5.54ha 'Potential Non-Government School, 0.87ha for waterway/drainage within a Conservation Reserve, 6.53ha for waterway/drainage reserve, 0.26ha for part of the Local Park and a balance developable area of 16.46ha.



Subject Site



Two Lot Subdivision

On behalf of [REDACTED], we would like to firstly commend the Department of Transport and the Warrnambool Shire Council on the advancement of the East of Aberline PSP and Amendment C217warr to formal public exhibition. This is a significant milestone for the project and we acknowledge the work and effort required to coordinate a Structure Plan of this scale and complexity.

We also appreciate the proactiveness during the exhibition period to arrange meetings with landowners/developers to discuss key issues prior to the close of the exhibition period.

Whilst we welcome and support the intent behind the proposed Planning Scheme Amendment C217warr, we would like to take this opportunity to raise the following key issues as objections for further discussion/consideration as part of the refinement to the final Planning Scheme Amendment documentation and draft East of Aberline Precinct Structure Plan and draft Development Contributions Plan.

These are summarised below and expanded upon within this submission:

- **Approved Two Lot Subdivision.**
- **Road Network and Cross Sections.**
- **Potential Complementary Non-Residential Land Uses.**
- **Potential Land Lease Community.**
- **Proposed Heritage Place.**
- **Native Vegetation.**
- **Social and Affordable Housing.**
- **Precinct Infrastructure.**
- **Environmental Audit Overlay**
- **Specific PSP Plans, Objectives, Requirements, Guidelines, Appendices and Ordinance.**

Approved Two Lot Subdivision.

A planning permit has been issued on the subject land for a two lot subdivision. The approved two lot subdivision creates Lot 1 (7ha) and Lot 2 (23.47ha). The existing landowner has entered into contracts of sale for Lot 1 to be sold to a 'Non-Government School' and Lot 2 to be sold to Buildcap Aberline Pty Ltd. The planning permit and proposed Plan of Subdivision is provided as **Attachment 1** to this submission for reference.

It is understood that the Certification of the Plan of Subdivision and subsequent Statement of Compliance is planned to occur in the coming months.

If the subdivision proceeds ahead of the finalisation of the East of Aberline Precinct Structure Plan, it is submitted that the land budget be updated to split property 13 into each respective new title for clarity.

Furthermore, the approved Lot 1 has been sold for the purpose of the 'Non-Government School' however the land use budget only nominates 5.54ha for the proposed 'Non-Government School.' For consistency with approved two lot subdivision, the 'Non-Government School' shape and area on the East of Aberline Precinct Structure Plan should be consistent with the proposed Plan of Subdivision.

It is submitted that the 'Non-Government School' shape and area on the East of Aberline Precinct Structure Plan should be consistent with the approved two lot subdivision given the sale of Lot 1 to a 'Non-Government School' provider.

Road Network and Cross Sections

The Place Based Plan and Movement Network Plan nominate a specific Local Access Street – Level 2 (cross section 11 and 4) intersection with Aberline Road at the western boundary of the precinct.

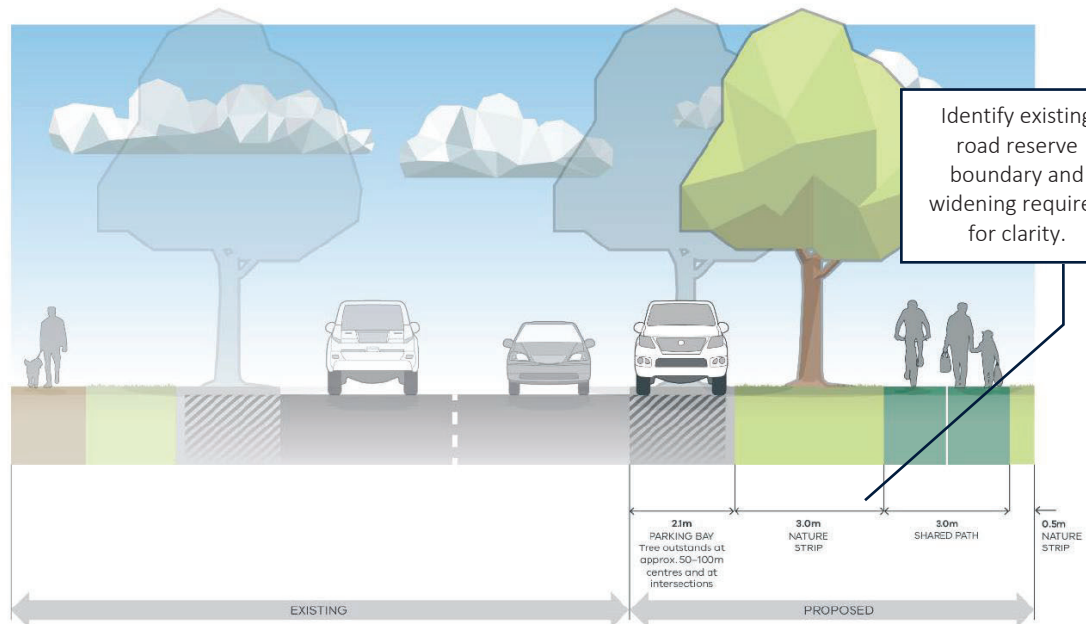
The nominated location for the intersection would create a four-way cross road and require a controlled intersection. Noting the status of Aberline Road as a connector street and the cross intersection with the Local Access – Level 2 road providing a key point of access for Stage 1 of the growth area, it is requested for the appropriate intersection to be designed, costed and incorporated into the Development Contributions Plan.

It is submitted that the Key Local Access – Level 2 cross intersection with Aberline Road should be designed, costed and incorporated into the Development Contributions Plan, noting the key point of access for Stage 1 of the growth area.

Aberline Road is identified on the Place Based Plan and Movement Network Plan as a Connector Street (cross section 12). The cross section in the PSP depicts an upgrade to the existing road reservation to include a 2.1m indented parking bay, a 3m nature strip, a 3m shared path and an additional 0.5m nature strip within the eastern verge. Widening into private land is required to accommodate the upgrade of Aberline Road to the ultimate standard.

For clarity, it is submitted that the cross section should be updated to depict the widening required to accommodate the ultimate cross section and identify the existing private property boundary.

Cross Section 12 Connector Street Aberline Road North of Russells Creek



NOTES:

- Minimum street tree mature height 15 metres.
- All kerbs are to be B2 Barrier Kerb as per the Infrastructure Design Manual.
- Where roads about school drop-off zones and thoroughfares, grassed nature strip should be replaced with pavement. Canopy tree planting must be incorporated into any additional pavement.
- Verge widths may be reduced where roads abut open space with the consent of the responsible authority.

- No indented street parking is required where no direct lot access is allowed
- Variations to indicative cross-section may include water sensitive urban design (WSUD) outcome. These could include but are not limited to bioretention tree planter systems and/or median bioretention swales. Such variations must be to the satisfaction of the responsible authority.

Cross Section 12

Potential Complementary Non-Residential Land Uses

It is noted that a substantial amount of the western extent of the precinct is outside of the catchment for the planned Neighbourhood Activity Centre and part of the subject site is outside of the catchment of the planned Community Facility and the Government School in the south-western extent of the precinct.

The 'Non-Government School' within the subject site is an isolated piece of community infrastructure that would benefit from complementary non-residential land uses adjoining or within the vicinity. Complementary non-residential land uses may include 'child care, swim school, medical centre, veterinarian etc. The developer intends to incorporate these complementary non-residential land uses into the future development.

The co-location of these complementary non-residential land uses would meet the intent of Guideline 32 and will provide for multi-purpose trips and establish a local community node for the missing catchment that would not detract from other planned Activity Centres within and nearby the precinct.

Whilst it is acknowledged that some of these land uses are Section 2 and permissible within the applied zone, the designation within the PSP will provide the location certainty and encourage the establishment of these uses in the most ideal location (co-located with other community infrastructure), noting the likelihood of these land uses seeking to be established in most developments in less ideal locations.

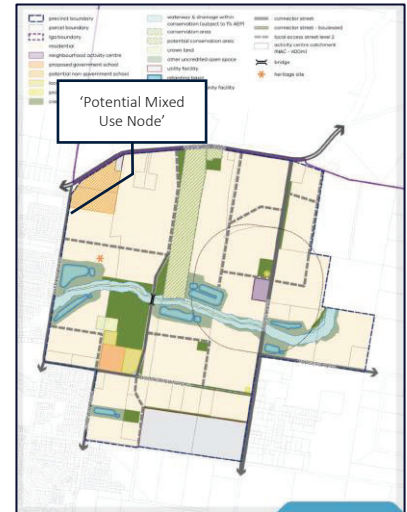
It is submitted that a 'Potential Mixed Use Node' be identified on the Place Based Plan to encourage the establishment of complementary non-residential land uses co-located with the 'Non-Government School.'



Employment and Activity Centre Plan



Community Infrastructure Plan



Place Based Plan

Potential Land Lease Community

The developer has expressed interest in delivering a Land Lease Community to provide for housing diversity and integrate with the conventional residential development proposed at 174 Aberline Road, Warrnambool.

The land is located within the 'Balance' residential area on Plan 3 – Housing. Currently, guideline 8 of the draft East of Aberline PSP suggests specialised housing forms should be located within 'housing choice' areas. This description may discourage the establishment of specialised housing forms within the subject site and may prevent the ability to deliver much needed housing diversity to meet market needs.

Noting the encouragement to provide for a diversity of housing typologies within the PSP, and the discussion at the information session related to providing for the specific housing needs of different demographics and not just traditional forms of housing, the client would willingly accept the designation for a 'potential Land Lease Community' within the subject site on the Place Based Plan.

It is submitted that guideline 8 be modified to remove the reference to 'housing choice areas' and the Place Based Plan designate a 'Potential Land Lease Community' on the subject site to encourage housing diversity.



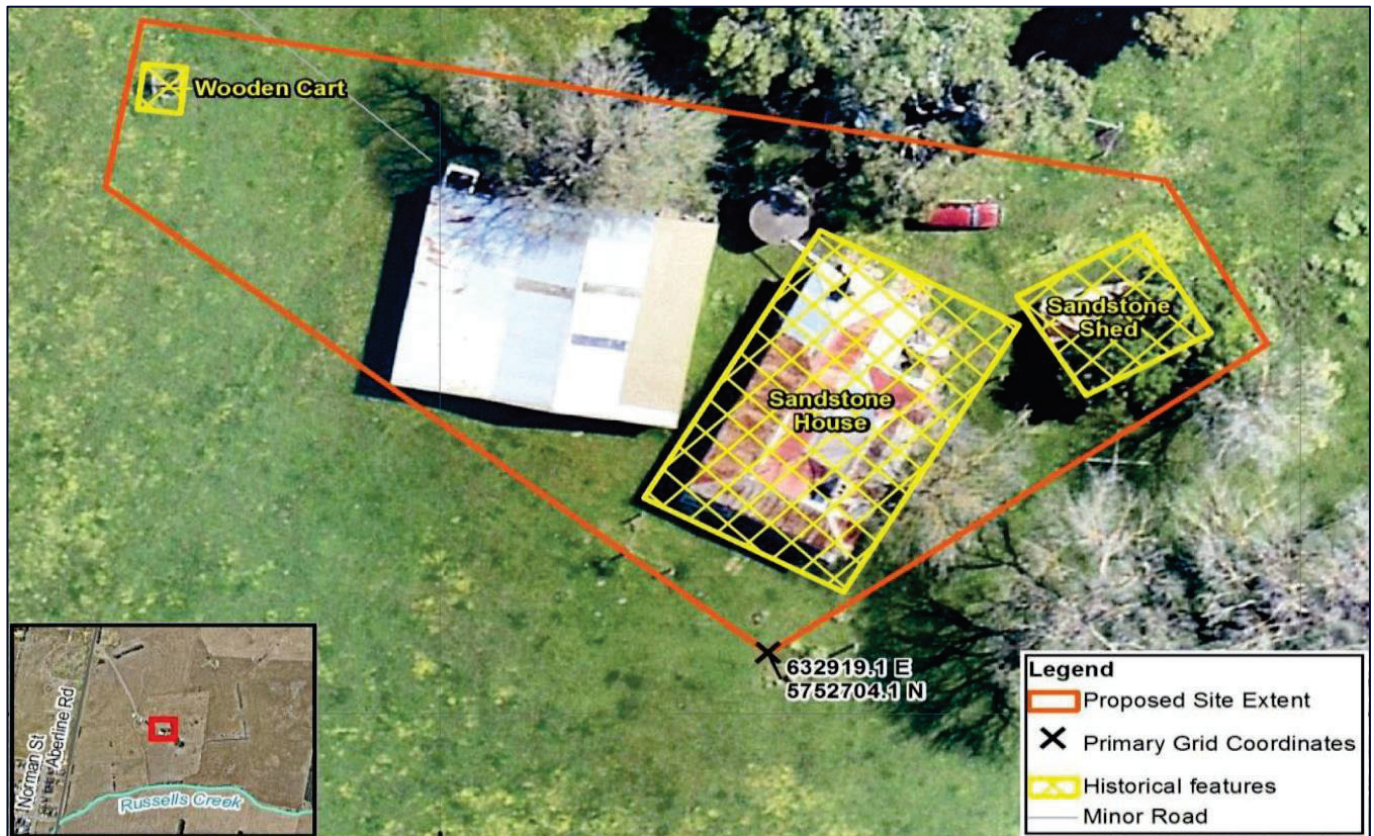
Place Based Plan

Proposed Heritage Place

We note the inclusion of the sandstone house, sandstone shed and cart within proposed Heritage Overlay (HO381) and the draft Statement of Significance for the proposed heritage place. It is understood that the inclusion of the land within the Heritage Overlay is a result of the background report - Aboriginal and Historical Heritage Assessment prepared by Ecology and Heritage Partners.

The report identifies multiple potential heritage places and references that Heritage Victoria did not seek for any of the potential sites to be registered as historical heritage sites given they did not meet the threshold for registration on the Victorian Heritage Inventory. Furthermore, noting that multiple potential heritage places were identified by the background report, the potential heritage place at 174 Aberline Road, Warrnambool is the only heritage place sought to be included within the Heritage Overlay as part of this Planning Scheme Amendment.

An independent Heritage Assessment is being undertaken to inform our position on the proposed Heritage Overlay. As such, we reserve our right to make further submissions on the proposed application of the Heritage Overlay (HO381) and the draft Statement of Significance for the proposed heritage place.



Draft Statement of Significance – Proposed Heritage Overlay (HO381)

Native Vegetation

The Native Vegetation Retention and Removal Plan within the PSP identifies a small patch of 'native vegetation to be retained (if practical to the satisfaction of the Responsible Authority).'

This native vegetation is located within the developable area and not within any form of open space, making it challenging to incorporate into any design response.

It is understood that the designation is to encourage the retention of existing trees into the subdivision design response, however the requirements and guidelines in the PSP already provide for sufficient encouragement to incorporate existing mature vegetation into the landscape response for the future subdivision, in particular, guideline 17.

In addition, it is unclear whether the intent of this plan is to accompany a Native Vegetation Precinct Plan or for native vegetation removal to be addressed via Clause 52.17 and the provision of a site specific Biodiversity Assessment at the planning application phase.

Furthermore, planted native vegetation is generally exempt from protection under the standard provisions of Clause 52.17-7.

It is submitted that the designated 'native vegetation to be retained (if practical to the satisfaction of the Responsible Authority)' be removed from the property at 174 Aberline Road, Warrnambool on the basis of being planted and not remnant native vegetation.



Native Vegetation Retention/Removal Plan



Biodiversity Report

Social and Affordable Housing

Whilst we support the intention to facilitate the delivery of social and affordable housing, we seek clarification on how the measures are to be implemented as part of project delivery within the East of Aberline precinct and how the contribution percentage was determined.

We note the social and affordable housing provisions are generally captured by the Planning Scheme Amendment as follow:

- Objective 3 of the draft East of Aberline PSP – ‘To facilitate 11.3% affordable housing.’
- Requirement 2 of the draft East of Aberline PSP.
- Guidelines 5-7 of the draft East of Aberline PSP.
- The Target Typologies description in Table 1 – Housing Density and Diversity.
- Table 3 – Affordable Housing Delivery Guidance within the draft East of Aberline PSP.
- The Urban Growth Zone – Schedule 1 - Application requirements requiring as follows: *A written statement outlining how the proposal will contribute to the delivery of affordable housing in the precinct, including any proposed delivery mechanisms.*
- The Urban Growth Zone – Schedule 1 – Decision Guidelines as follows:

G5	Residential subdivision and development that contributes to meeting the 11.3% affordable housing target is encouraged. (T4)
G6	Where affordable housing is provided, affordable housing products should be predominately located in higher amenity areas close to services, public transport and community facilities and provide for a range of housing typologies to meet demonstrated local needs having consideration to Table 1 Housing density and diversity. (T4)
G7	Where affordable housing is provided, consideration should be given to meeting the needs of different income ranges and household sizes generally in accordance with Table 3 Affordable housing delivery guidance. (T4)

Guidelines 5-7

Affordable housing
Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:
▪ Whether the proposed subdivision application contributes towards the provision of affordable housing; ▪ The ministerial Notice under 3AA(2) of the Act, as amended from time to time.

Decision Guidelines

With the already significant contributions burden of development within the precinct, we are concerned that the infrastructure costs will prevent affordable housing provisions from being realised and the objective of 11.3%.

In addition, refinement is requested to ensure the provisions are drafted to reflect their voluntary nature. Further clarification is also sought from Council to determine how this will be facilitated as part of the future planning application process (i.e. mandatory affordable housing financial contribution for all developments or alternative provisions negotiated with Council).

Noting the voluntary nature of the affordable housing, it is our view that the reference to affordable housing within requirement 2 of the PSP should be removed entirely, along with the re-drafting of the application requirements within the Urban Growth Zone – Schedule 1 and the Decision Guidelines of the Urban Growth Zone – Schedule 1.

Clarity on the voluntary nature is not only critical for developers within the precinct, but for Council statutory planners implementing the PSP.

In summary, this submission seeks further clarity on the Social and Affordable Housing provisions forming part of the Planning Scheme Amendment and to ensure the provisions are clearly voluntary.

Precinct Infrastructure

We note the draft Development Contributions Plan infrastructure projects impacting the subject site include RBWL-01 (land and construction) and WW-01 (land). A review of the design and costings of the infrastructure is currently being undertaken to inform our position ahead of Panel.

As such, we reserve our right to make further submissions on the design and costings of infrastructure and land valuation methodology within the Development Contributions Plan.

We note the draft Development Contributions Plan appears to exclude any works or landscaping that may be required within the Russells Creek Waterway Conservation Corridor (WW-01). Given the land component has been identified in the Development Contributions Plan and determined to serve a wider precinct benefit, it is considered that the associated works and landscaping would also serve a wider precinct benefit for inclusion within the Development Contributions Plan and not deferred as developer works with the provision of a Conservation Masterplan and a Land Management Plan.

It is submitted that any works associated with Russells Creek Waterway Conservation Corridor (WW-01) should be costed and included within the Development Contributions Plan.

An upgrade to the existing Russells Creek culvert crossing will be required along Aberline Road to accommodate urban development within the East of Aberline Precinct Structure Plan area. The upgrade to the culvert is required to unlock the precinct and does not service an individual site. Given the upgrade of existing culvert in Horne Road (CU-01) is identified as a funded project in the draft Development Contributions Plan, the same approach should be adopted for the existing culvert along Aberline Road.

It is submitted that the upgrade to the existing Russells Creek culvert crossing along Aberline Road should be costed and included within the Development Contributions Plan.



Existing Aberline Road Culvert Crossing

Plan 4 - Movement Network of the draft East of Aberline PSP identifies two potential pedestrian bridge crossings of the Russells Creek Waterway Conservation Corridor. These pedestrian crossings serve a wider precinct benefit and do not service any individual property.

It is submitted that the two pedestrian crossings of the Russells Creek Waterway Conservation Corridor should be costed and included within the Development Contributions Plan.

We note the land valuation methodology as outlined within the Development Contributions Plan for land acquired under Public Acquisition Overlay vs public purpose land provided as part of the standard subdivision process and reimbursed under the DCP. The outlined methodology is opposed as the valuations undertaken to inform the DCP do not appear to consider land that is not currently encumbered for drainage purposes.

Therefore, to realise the true valuation and reimbursement of land, it encourages landowners to hold out and force enactment of the Public Acquisition Overlay and compensation under the *Land Acquisition and Compensation Act 1986* process – despite land being identified within Stage 1 of the PSP.

Land valuations are being undertaken to inform our position on the land valuation methodology ahead of the Planning Panel.

As such, we reserve our right to make further submissions on the land valuations and methodology outlined within the Development Contributions Plan.

Environmental Audit Overlay

It is acknowledged that the Land Capability Assessment prepared by Beveridge Williams as a background report to the PSP identifies the subject site as 'high' potential for contamination given the historical activities of the land.

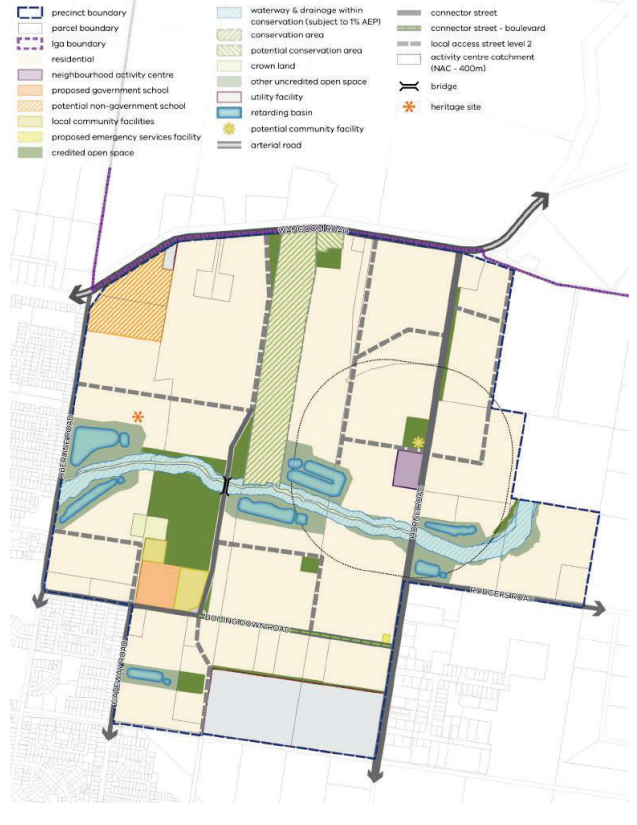
A Preliminary Risk Screen Assessment prepared by an EPA Appointed Auditor has been commissioned by the existing landowner with the intention to supply to the Department of Transport and Council ahead of the Panel Hearing.

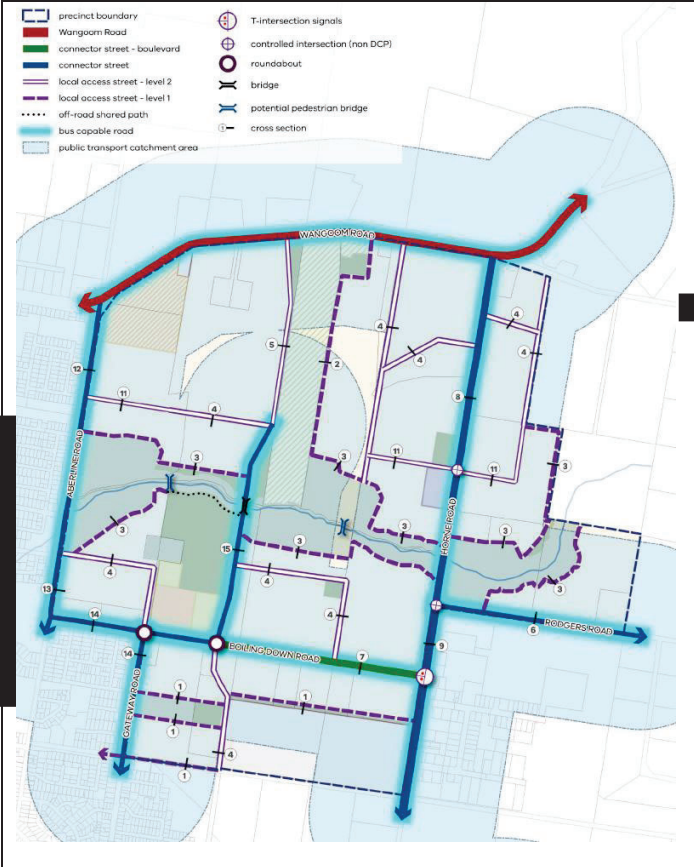
Should the Preliminary Risk Screen Assessment be completed and determine the land is suitable for its intended use and an Environmental Audit is not required, it is submitted that the Environmental Audit Overlay should be removed from the land at 174 Aberline Road, Warrnambool.



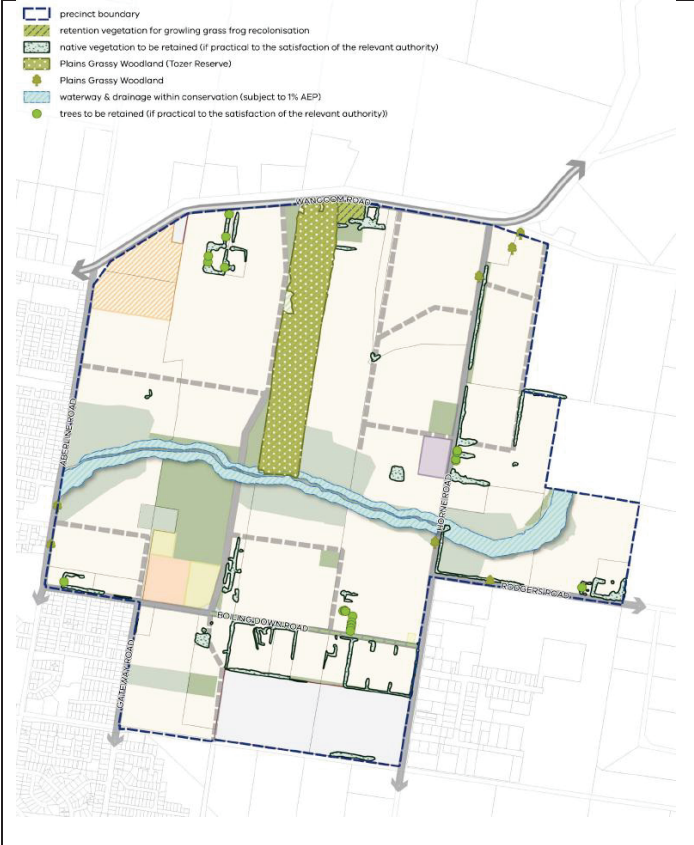
Specific PSP Plans, Objectives, Requirements, Guidelines, Appendices and Planning Scheme Ordinance

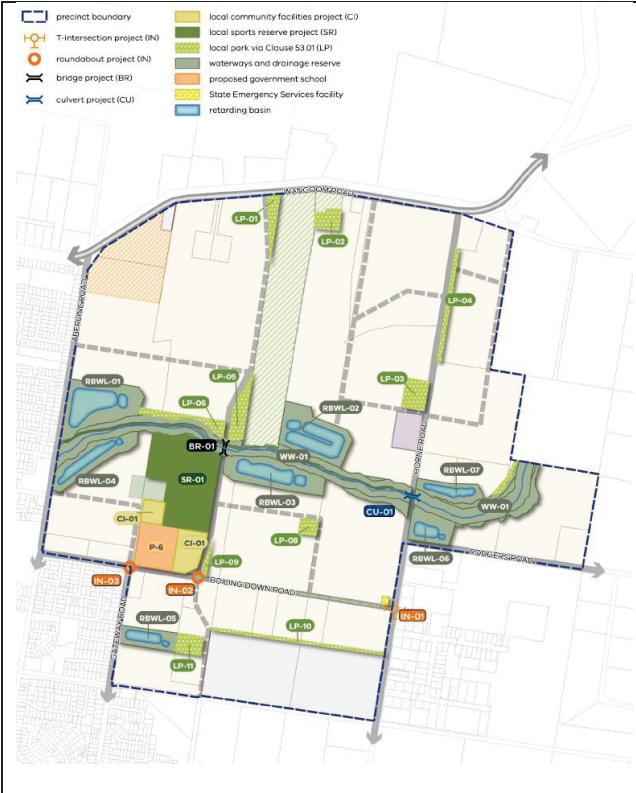
A thorough review of the draft East of Aberline Precinct Structure Plan has been undertaken, along with the Planning Scheme Ordinance and we provide the following submissions in addition to the matters outlined above:

Draft East of Aberline Precinct Structure Plan	Submission
	Plan 2 – Place Based Plan: It is requested for the Place Based Plan to be refined in accordance with the matters raised in the body of this submission (i.e. ‘Non-Government School’ shape and size, and notations related to potential mixed use node and potential Land Lease Community). These plan changes are requested to be replicated throughout the plan-set.
Residential development that seeks to demonstrate how target densities can be achieved over time must be accompanied by a staging and density plan prepared to the satisfaction of the responsible authority. The plan must: - Calculate the total number of dwellings based on the housing catchment areas applicable to the subdivision and the total net developable area across the subdivision - Demonstrate how the development achieves the total number of dwellings across the subdivision. - Illustrate a logical and coordinated staging sequence, including: - Delivery of lower-density housing types in the initial stages; and - Integration of higher-density housing types within a designated housing choice area in later stages, where supported by infrastructure provision and land value uplift. - Show the indicative dwelling yield, average density, and lot size mix for each stage, including any superlots nominated for future higher-density or affordable housing delivery. - Identify the location and yield of affordable and social housing to be delivered across the subdivision in accordance with Table 2. - Provide a breakdown of affordable and social housing typologies, including the number and proportion of bedrooms, in accordance with Table 2, unless otherwise agreed by the responsible authority. - Demonstrate that proposed densities and staging are compatible with the planned delivery of infrastructure outlined in the Development Contributions Plan, including transport, open space, and community facilities. - Identify any superlots or parcels intended for transfer or delivery in partnership with a housing agency or public housing provider, including indicative timing for delivery.	Noting the voluntary nature of the affordable housing provisions, the references to affordable housing within requirement 2 is not appropriate. It is requested to remove the reference to affordable housing from requirement 2.
Development should provide a design response to the “Sustainable Subdivision Framework (SSF)” prepared by the Council Alliance for Sustainable Built Environment (CASBE).	The Sustainable Subdivision Framework (SSF) remains in the beta testing phase. It is requested to remove guideline 1 from the PSP and allow the Sustainable Subdivision Framework to be formalised into the Planning Scheme at the appropriate time.

Specialised housing forms, such as lifestyle communities, retirement living, or aged care should: G8 • respond to and integrate with adjoining development, avoiding inactive interfaces and blank facades to the public street network; • be located within a housing choice area • be accessible by public transport and shared path networks and not present a barrier to movement through the surrounding road, public transport, pedestrian and active transport movement network.	Currently, guideline 8 of the draft East of Aberline PSP suggests specialised housing forms should be located within 'housing choice' areas. This description may discourage the establishment of specialised housing forms within other appropriate residential areas and may prevent the ability to deliver much needed housing diversity to meet market needs. As such, it is requested to remove the reference to 'housing choice areas' from guideline 8.
BALANCE AREA Housing catchment area All land other than land shown as "Balance Area" on Plan 3 – Housing Plan. Minimum density Average of 15 dwellings or more per NDHA Character Statement Development will have a modest scaled urban neighbourhood character, characterised by buildings up to three storeys in height set within a landscaped setting. Mixed building typologies will be applied throughout the balance areas to help create a sense of place, provide a diversity in built form, enable landscaped areas with canopy trees, create view corridors, and provide appropriate interfaces with open space or public areas. More intensive forms of development such as walk up apartment buildings, Small Lot Housing Code and attached townhouses may be provided in discreet locations. Target typologies Typologies To support delivery of diverse housing outcomes in balance areas, the PSP and applicable planning applications should enable opportunities to deliver at least two (2) different housing typologies within each small cluster of street blocks. The mix of dwelling typologies should include, but is not limited to: • Attached townhouse development • Semi-detached/duplex style development • Detached traditional style housing • Small Lot Housing Code products (in limited cases)	For avoidance of doubt at the planning application phase, it is requested to include a notation within Table 3 outlining that the density provisions are a minimum threshold and do not prevent development exceeding the average requirement in each housing area in appropriate circumstances. This particular matter is to ensure specialised housing forms can be facilitated within the balance residential area. It is also requested for the target typologies section of table 3 reference specialised housing forms to ensure they are encouraged as part of the housing diversity to be established at the planning application phase.
	It is requested for Plan 4 – Movement Network Plan to identify a DCP funded intersection at the Key Local Access – Level 2 intersection with Aberline Road.

R19 Canopy tree coverage within the public realm must achieve a minimum of 30% coverage (excluding areas dedicated to biodiversity or native vegetation conservation, or drainage assets, or affected by the BMO). (T13)	It is requested to amend requirement 19 to a guideline to reflect the language used in the PSP Guidelines and to allow appropriate flexibility to apply the expectations of the canopy tree coverage in appropriate locations/circumstances. T13 of the PSP Guidelines outlines as follows: • <i>Potential canopy tree coverage within the public realm and open space should be a minimum of 30% (excluding areas dedicated to biodiversity or native vegetation conservation).</i>
R20 The design of the subdivision and development must facilitate the retention of existing canopy trees to contribute to the 30% canopy tree over target, where practical. (T13)	The newly introduced Clause 52.37 Canopy Tree provisions suitably address tree canopy considerations. Furthermore, the mandate of retaining existing canopy trees in the form of a requirement does not adequately provide flexibility to address this at the subdivision design stage. Furthermore, guideline 17 already references facilitating the retention of existing canopy trees and is more appropriately worded. As such, it is requested to delete requirement 20 as guideline 17 is a more appropriate control that meets the intent.
Development on land within and abutting Russells Creek corridor and Tozer Reserve Conservation Corridor must prepare a Conservation Area Masterplan for the section on the same ownership in accordance with Growing Grass Frog Habitat Design Standards MSA (DELWP, 2017) to the satisfaction of the responsible authority. The Conservation Area Masterplan must: • Include wetland-level and landscape-level design objectives for habitat management through preserving and maintaining existing wetland features and waterways, and improving potential locations (as identified on Plan 8) which Growing Grass Frog are likely to occur or repopulate. • Provide a 30 metre riparian habitat buffer or biolink either side of Russells Creek to support the establishment of the conservation corridor, and delineate the conservation corridor from other open space in the precinct. • Provide for the reinstatement of the hydrological conditions of Russells Creek and Tozer Reserve. • Include a vegetation plan in line with Swamp Shrub EVA and Plains Grassy Woodland EVC. • Design the biolinks and in-stream pools of low flowing water, natural barriers to water flow and varying bank grades. • Identify local parks and recreation areas occur adjacent to conservation areas to complement the outcomes of the conservation area or biolinks. • Demonstrate drainage infrastructure and shared path alignment along Russells Creek incorporates the Growing Grass Frog-friendly design elements, in accordance with Growing Grass Frog Habitat Design Standards MSA (DELWP 2017), where feasible • Design any public lighting to prevent light spill and glare within and adjacent to the potential habitat in accordance with the relevant guidelines • Integrate the design of the conservation habitat/links with the opportunities for recreation and biodiversity-related learning • Design any crossings over the conservation corridor in accordance with Growing Grass Frog Crossing Design Standards (DELWP, 2017) to minimise impacts on Matters of National Environmental Significance • Include signage and public art that acknowledge the biodiversity values of the creek corridor. Development that includes areas designated as conservation must be in accordance with the approved masterplan.	As noted in the body of this submission, the Development Contributions Plan appears to fund the land component associated with the Russells Creek Waterway Conservation Corridor (WW-01) but excludes any works or landscaping that may be required. Given the land component has been identified in the Development Contributions Plan and determined to serve a wider precinct benefit, it is considered that the associated works and landscaping would also serve a wider precinct benefit. As such, a Conservation Masterplan should be prepared at this time and the associated works costed and funded within the Development Contributions Plan rather than being deferred as developer works and implemented via a Land Management Plan. It is therefore requested for requirement 26 to be removed and for a Conservation Masterplan to be prepared at this time and the associated works costed and funded within the Development Contributions Plan.
G16 Canopy trees should have an average canopy foliage of 6.4m in diameter at maturity in summer. Where this cannot be achieved because of local climate and soil conditions, a suitable species should be selected which closest achieves this canopy cover, to the satisfaction of the responsible authority. (T13)	The description of the average canopy tree diameter seems overly prescriptive and origin of 6.4m reference is not clear given it does not appear within the PSP Guidelines. As such, it is requested that the first sentence of guideline 16 be removed.

	It is requested for Plan 8 – Native Vegetation Retention and Removal Plan to remove the ‘native vegetation to be retained (if practical to the satisfaction of the Responsible Authority)’ noting the referenced vegetation is planted and generally exempt under Clause 52.17 and there are adequate controls within the PSP to encourage retention of existing canopy trees, such as guideline 17 which outlines: • <i>The design of subdivision and development should facilitate the retention of existing canopy trees to contribute to the 30% canopy tree cover target where practical.</i>
Before development commences on a property, functional layout plans of the road network must be submitted that illustrate the location of all: • Underground services • Driveways and crossovers • Intersection devices • Shared, pedestrian and bicycle paths • Street lights • Street trees R63 A typical cross-section of each street must be submitted showing above-and-below ground placement of services, street lights and street trees. The plans and cross-sections (including long road cross sections) must demonstrate how services, driveways and street lights will be placed to achieve the required road reserve width and accommodate at least the minimum street tree planting requirements. Functional, detailed design plans, and cross-sections must meet the requirements of the IDM to the satisfaction of the responsible authority and all relevant service authorities before development commences and may be approved in stages to the satisfaction of the responsible authority.	Whilst the intent of requirement 63 is not opposed, the content is more appropriately placed as a condition of the future planning permits rather than a requirement or guideline within the PSP. As such, it is requested to remove requirement 63.
G45 Above-ground utilities (such as electricity substations, sewer pump stations, telecommunications facilities, and overhead powerlines) should be identified at the subdivision design stage to ensure effective integration with the surrounding neighbourhood. This includes meeting expectations for mobile telecommunications infrastructure under the Commonwealth’s Telecommunication In New Developments (TIND) Policy. Land required to accommodate the infrastructure must not be counted as contributing to open space requirements specified under cl53.01.	It is not practical to identify all above ground utility infrastructure such as electrical sub-stations at the subdivision design stage. Electrical masterplans are not prepared and assessed by the Electrical Authority until a planning permit is issued and plans are endorsed. As such, it is more appropriate for this infrastructure to be identified at the functional design stage, post-permit.

precinct boundary T-intersection project (IN) roundabout project (RN) bridge project (BR) culvert project (CU) local community facilities project (IC) local sports reserve project (SR) local park via Clause 53.01 (LP) waterways and drainage reserve proposed government school State Emergency Services facility retarding basin 	It is requested for Plan 11 – Precinct Infrastructure Plan to identify the Key Local Access Street – Level 2 intersection with Aberline Road, two pedestrian bridges and culvert upgrade along Aberline Road as projects for inclusion within the Development Contributions Plan.
Table 8 – Precinct Infrastructure	It is requested for Table 8 – Precinct Infrastructure to identify the Key Local Access Street – Level 2 intersection with Aberline Road, two pedestrian bridges and culvert upgrade along Aberline Road as projects for inclusion within the Development Contributions Plan.
Table 10 – Property Specific Land Budget	It is requested property 13 to be separated in accordance with the approved two lot subdivision, should the subdivision achieve statement of compliance and titles ahead of the finalisation of the PSP.



	As noted in the body of the submission, a Preliminary Risk Screen Assessment prepared by an EPA Appointed Auditor has been commissioned by the existing landowner with the intention to supply to the Department of Transport and Council ahead of the Panel Hearing. Should the Preliminary Risk Screen Assessment be completed and determine the land is suitable for its intended use and an Environmental Audit is not required, it is submitted that the Environmental Audit Overlay should be removed from the land at 174 Aberline Road, Warrnambool and Appendix 3 of the PSP updated.
Appendix 5 – Road Cross Sections	The cross sections are requested to be modified in accordance with the road network changes outlined in the body of this submission.
Appendix 6 – Canopy Tree Definition	The PSP provides a definition of canopy trees as follows: • <i>A tree which has an average potential canopy of foliage of 6.4m in diameter or greater at maturity in the summer months.</i> The origin of this definition is not clear and in our experience, trees of various sizes and diameter can be described as a Canopy Tree. Furthermore, Clause 52.37 of the Planning Scheme outlines a canopy tree means a tree that has: • <i>a height of more than 5 metres above ground level; and</i> • <i>a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level; and</i> • <i>a canopy diameter of at least 4 metres;</i> It is requested that the definition of Canopy Tree within the PSP be revised for consistency with the Planning Scheme term.
Draft East of Aberline Development Contributions Plan	Submission

precinct boundary T-intersection project (IN) roundabout project (RN) bridge project (BR)	As noted within the body of this submission, it is requested for the Key Local Access Street – Level 2 intersection with Aberline Road, two pedestrian bridges to be designed and costed as funded projects for inclusion within the Development Contributions Plan. Therefore, it is requested for Plan 2 – Transport Projects Plan to identify these projects.
precinct boundary retarding basin waterways & drainage culvert pipe	As noted within the body of this submission, it is requested for the culvert upgrade along Aberline Road to designed and costed as a funded project for inclusion within the Development Contributions Plan. Therefore, it is requested for Plan 4 – Drainage Projects Plan identify this project.
Appendix B – Project Cost Calculation and Inductive Timing	A review of the design and costings of the infrastructure - RBWL-01 (land and construction) and WW-01 (land) and the land valuation methodology is currently being undertaken to inform our position ahead of Panel.

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16

Urban Growth Zone – Schedule 1	Submission
Written statement outlining how the proposal will contribute to the delivery of affordable housing in the precinct, including proposed delivery mechanisms.	The application requirement in Clause 3 of the Urban Growth Zone – Schedule 1 requiring an affordable housing statement should be re-phrased to note the voluntary nature. As such, revised wording is proposed as follows: <i>Should an application Written statement outlining how the proposal will contribute to the delivery of affordable housing in the precinct, including proposed delivery mechanisms.</i>
Public Infrastructure Plan An application to subdivide land, or to construct a building or construct and carry out works must be accompanied by a public infrastructure plan which addresses the following: - A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the relevant water authority; - What land may be affected or required for the provision of infrastructure works; - The provision, staging and timing of stormwater drainage works; - The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment; - The landscaping of any land; - What, if any, infrastructure set out in the <i>East of Aberline Development Contributions Plan</i> applying to the land is sought to be provided as "works in kind" subject to the consent of the collecting agency; - The provision of public open space and land for any community facilities; and - Any other matter relevant to the provision of public infrastructure required by the responsible authority.	The application requirement in Clause 3 of the Urban Growth Zone – Schedule 1 requiring a Public Infrastructure Plan notes in the first dot point: <i>A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the relevant water authority;</i> Given the separate application requirement for a Stormwater Management Strategy and / or Flood Management Strategy that would detail the above mentioned requirements, it is requested to remove dot point 1 from the Public Infrastructure Plan requirements.
Russells Creek and Tozer Reserve Conservation Area Masterplan An application to subdivide land adjacent to or identified as a conservation area, a potential conservation area or a waterway and drainage within conservation area as shown on Plan 2 of the <i>East of Aberline Precinct Structure Plan</i> must be accompanied by a Conservation Area Masterplan prepared by a suitably qualified consultant that demonstrates how the application will address revegetation and management of Russells Creek and Tozer Reserve. The plan must be prepared in accordance with the relevant Requirements and Guidelines at Section 3.3.2 of the incorporated <i>East of Aberline Precinct Structure Plan</i>, unless otherwise agreed in writing by the Responsible Authority. The plan must include: - Consolidated information on the existing conditions of the waterway and adjoining land, including Growing Grass Frog survey records. - Identification of all existing wetland features and waterways, and proposed preservation and maintenance strategies. - Identification of potential wetland areas suitable for improvement to support Growing Grass Frog colonisation, and proposed design interventions and habitat improvements. - A determination of the boundary between land required for conservation and land suitable for urban development. - Identification of suitable locations for public access points, walking paths/trails, and passive recreation, if appropriate. - Identification of suitable locations for water management assets and associated infrastructure, if appropriate. - Guidance on protecting and enhancing terrestrial habitats in accordance with <i>Growing Grass Frog Habitat Design Standards Melbourne Strategic Assessment (DELWP, 2017)</i>. - Actions for the rehabilitation of significant habitat, including future land ownership and commitments. - Advice regarding approvals under the Flora and Fauna Guarantee Act 1988, Wildlife Act 1975 and Environment Protection and Biodiversity Conservation Act 1999 (Cmth) and compensatory mechanisms, if required.	As noted in the body of this submission, the Development Contributions Plan appears to fund the land component associated with the Russells Creek Waterway Conservation Corridor (WW-01) but excludes any works or landscaping that may be required. Given the land component has been identified in the Development Contributions Plan and determined to serve a wider precinct benefit, it is considered that the associated works and landscaping would also serve a wider precinct benefit. As such, a Conservation Masterplan should be prepared at this time and the associated works costed and funded within the Development Contributions Plan rather than being deferred as developer works and implemented via a Land Management Plan. It is therefore requested for the application requirement associated with the Russells Creek and Tozer Reserve Conservation Area Masterplan to be removed from Clause 3 of the Urban Growth Zone – Schedule 1.

Condition – Land Management Plan A permit to subdivide land containing land identified as within a conservation area, a potential conservation area or a waterway and drainage within conservation area as shown on Plan 2 of the <i>East of Aberline Precinct Structure Plan</i> must include the following condition: Prior to the commencement of development, a land management plan for land shown identified as within a conservation area, a potential conservation area or a waterway and drainage within conservation area must be prepared by a suitably qualified consultant and submitted to and approved by the responsible authority. The land management plan must outline how the biodiversity values for the land will be maintained, managed, and improved, including: - How environmental weeds will be managed up until the securing of the conservation area. - How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species. - How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area. Once approved the plan will form part of the permit and must be implemented to the satisfaction of the responsible authority.	Noting the request for the any works or landscaping that may be required within the Conservation Area to be funded under the Development Contributions Plan, the Land Management Plan condition is also requested to be removed from Clause 4 of the Urban Growth Zone – Schedule 1.
Affordable Housing Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate: - Whether the proposed subdivision application contributes towards the provision of affordable housing - The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.	Noting the voluntary nature of the affordable housing provisions, it is requested for the Affordable Housing Decision Guidelines to be removed from Clause 6 of the Urban Growth Zone – Schedule 1. If the provisions are truly voluntary, whether an application for subdivision includes affordable housing or not should not form part of the Decision Guidelines.

Conclusion

I trust that this submission and enclosed information will assist the Department of Transport and Planning with the further consideration of the proposed Planning Scheme Amendment C217warr. We appreciate the opportunity to provide feedback at this critical phase of the project.

Beyond the matters outlined within this submission, we are generally supportive of the Planning Scheme Ordinance, Maps and Documentation exhibited in its current form and would appreciate being notified if there are any further consequential changes throughout the consultation process.

We look forward to continuing to work closely with the State Government Agencies and Warrnambool Shire Council to refine the draft East of Aberline Precinct Structure Plan and Development Contributions Plan post-exhibition in an effort to resolve as many matters as possible ahead of the Planning Panel. Should the matters outlined within this submission remain unresolved and be referred to Planning Panels, we reserve the right to be heard at the Panel and make submissions.

Should you have any queries, please do not hesitate to contact me on [REDACTED]

Yours sincerely

SPOT Planning Pty Ltd

