



Department of Energy, Environment and Climate Action

Sent via email: eastofaberline@transport.vic.gov.au

Dear [REDACTED]

PUBLIC CONSULTATION ON THE EAST OF ABERLINE PRECINCT STRUCTURE PLAN, DEVELOPMENT CONTRIBUTIONS PLAN, AND DRAFT AMENDMENT C217WARR TO THE WARRNAMBOOL PLANNING SCHEME – DEECA RESPONSE

Thank you for your notification of the Warrnambool Planning Scheme Amendment C217warr (the Amendment) to the Department of Energy, Environment and Climate Action (DEECA). I am responding to you under delegation from the Secretary to DEECA.

DEECA understands that the Amendment will incorporate the East of Aberline Precinct Structure Plan (PSP) and the East of Aberline Development Contributions Plan (DCP). These documents are intended to guide growth in the precinct over the next 20 to 30 years, facilitating the development of approximately 4,500 dwellings and supporting a future population of around 12,000 residents.

DEECA has reviewed the documentation for the Amendment and is generally supportive; subject to the following recommended changes:

- Applied zoning of Russells Creek

The Russells Creek corridor is currently identified in Plan 2 in the PSP and in Plan 1 in the Urban Growth - Schedule 1 (UGZ1) as 'waterway & drainage within conservation (subject to 1% AEP)'. It is recommended that this be revised to 'waterway & drainage within conservation area (subject to 1% AEP)' to improve clarity.

Table 1 within the UGZ currently states that the Public Conservation and Resource Zone (PCRZ) will apply to land identified as 'Conservation Area' on Plan 1. This would apply only to Tozer Reserve, and not to the Russells Creek corridor. To avoid ambiguity and to reflect its intended future use, it is recommended that the UGZ1 schedule be updated to confirm that PCRZ will also apply to the Russells Creek corridor. Alternatively, the Public Park and Recreation Zone (PPRZ) could be considered as it reflects the future intended use and is consistent with other PSPs including those in Armstrong Creek in Geelong.

- Potential Conservation Area within the PSP

Land north-east of Tozer Reserve is identified as a potential conservation area in Plan 2, but there are no associated requirements or guidelines to support further technical assessment or decision-making criteria on whether it should become a conservation area. Notably, the same area is shown in Plan 8 as "*retention vegetation for Growling Grass Frog recolonisation*". If the intent is to retain and enhance environmental values for this site, Plan 2 should be updated to reflect Plan 8, and the applied zoning should align with its intended future use. Ambiguity may otherwise result in unintended development.

- Update to R27

During the preparation of the Ecological Assessment (Ecology & Heritage Partners, 2024), Property 39 (140 Boiling Down Road) was inaccessible. As a result, the Victorian Planning Authority advised that

Requirement R27 will apply to the entire property in a precautionary approach. However, because Property 39 is not explicitly referenced in R27, there is no mechanism to ensure its application to this site. It is therefore recommended that R27 be amended to specifically reference Property 39 to ensure its applied.

- Update to G28

The PSP requirement relating to Water Sensitive Urban Design should be revised to explicitly reference the EPA Urban Stormwater Publication 1739.1 (2021), to ensure appropriate design and environmental outcomes.

- Partial use of Crown Allotment 2018 (CA2018)

The partial use of CA2018 is not supported as it would result in a poor outcome for the future community and Crown land estate. DEECA is not prepared to separate complete parcels leaving residual Crown land.

DEECA supports the preferred approach to proclaim the thin strip of CA2018 as Government Road under Council control. To facilitate this, the local access road adjacent to the strip should be extended north to abut the dam.

The remaining portion of CA2018, including the dam, should be incorporated into the sports reserve, with Council appointed as Committee of Management (CoM). The PSP should be updated to reflect this future use.

If Council does not support this arrangement, DEECA requests that IN-03 in the DCP be updated to remove intersection flaring on CA2018.

- Crown Allotment 2017 (CA2017)

Retention of CA2017 under DEECA management is not supported, as it would result in a landlocked parcel and create a poor outcome for the future community and Crown land estate. Given the surrounding land is designated for community-based open space, DEECA recommends that Council be appointed CoM and the allotment incorporated into the sports reserve.

Process for Crown land management transfer

To facilitate the transition of Crown land into road or park use, the following processes are proposed:

- CA2018 – thin strip (road use)

DEECA will initiate the road proclamation process under Section 25(5) of the *Land Act 1958*, which enables Crown land to be proclaimed as Government Road.

At DEECA's cost, DEECA would request the Office of the Surveyor General (OSGV) to prepare a legal survey plan that:

- Subdivides Crown Allotment 2018 into two new Crown Allotments
- Clearly defines the boundaries of the strip intended for road use.
- The new Crown Allotment covering the strip will be designated as Government Road.
- Upon approval by OSGV, the strip will automatically become Government Road under Council's control.

- CA2017 and remaining CA2018 – park use

DEECA will initiate the reservation of the two Crown Allotments under Section 4 of the *Crown Land (Reserves) Act 1978*. The legal survey plan would note the boundaries of the new Crown Allotments and support reservation and future land administration. The reservation would be published in the Victorian Government Gazette formalising the change in land status. Following reservation, the Regional Director, Barwon South East Region acting as the delegate of the Minister for Environment, will appoint Council as CoM.

This approach ensures integrated management of public open space and avoids isolated or underutilised Crown land.

If you require further information in relation to this matter, please contact [REDACTED]
[REDACTED]

Yours sincerely

[REDACTED]

7 November 2025