

Spring Creek Precinct Structure Plan

# Response to the Panel Report for Surf Coast Planning Scheme Amendment C114

October 2017



## Contents

1. Introduction.....	3
2. Response to Panel recommendations.....	3
2.1 Summary of Panel findings.....	3
2.2 Western growth boundary.....	4
2.3 Road Network.....	4
2.4 Stormwater and drainage.....	6
2.5 Biodiversity.....	8
2.5.1 Native Vegetation Precinct Plan (NVPP).....	8
2.5.2 Bellarine Yellow Gum Woodland (GW5) – 200-220 Great Ocean Road.....	10
2.5.3 SRW1 – 200-220 Great Ocean Road.....	12
2.5.4 161 and 195 Grossmans Road.....	13
2.5.5 Other biodiversity matters.....	14
2.6 Open Space.....	14
2.6.1 Open space provision and waterway buffers.....	14
2.6.2 Other open space issues.....	21
2.7 Density.....	23
2.8 Activity Centres.....	28
2.9 Residential Design Controls.....	29
2.10 Other drafting issues.....	35
2.11 Development Contributions Plan (DCP).....	35
2.12 Bushfire Management.....	35
Appendix 1 – Response to Panel Recommendations.....	37

## 1. Introduction

This report has been prepared by Surf Coast Shire Council to provide a detailed response to the recommendations of the Panel for Planning Scheme Amendment C114 (Spring Creek Precinct Structure Plan). Council considered the Panel report at the Council meeting on 28 March 2017 and resolved to support some recommendations, reject others and undertake further work in relation to:

- Stormwater management
- Biodiversity and native vegetation
- Open space and creek buffers
- Residential densities
- Residential design controls
- Bushfire management

The outcomes of the investigations will enable Council to take a final position on the Amendment and support a request to the Minister for Planning to approve the Amendment, if adopted.

## 2. Response to Panel recommendations

### 2.1 Summary of Panel findings

Overall the Panel supported Amendment C114. It found that the Amendment is well founded and strategically justified and that the Precinct Structure Plan (PSP) and Schedule to the Urban Growth Zone (UGZ1) provide a sound framework and mechanism to manage land use and development within the precinct, subject to a number of changes to address specific issues.

The key issues raised by the Panel were:

- The PSP should not preclude the potential for urban development further to the west of the PSP boundary and land to the south-west should be marked “Strategic Investigation Area”.
- Signalisation of the Great Ocean Road/Strathmore Drive East intersection is potentially a superior solution compared to staggered unsignalised T-intersections. The decision to delete the signalised intersection should be reviewed.
- The allocation of passive open space is overly generous, which is mainly a result of the very wide creek buffers. Council should review the provision of open space and determine how active open space needs will be met.
- The overall dwelling density should be increased from the proposed 10 dwellings per hectare to 12-13 in order to more meaningfully deliver greater housing diversity. This can be achieved by increasing the number of lots less than 600m<sup>2</sup> within walking distance of the neighbourhood centre and private school.

The Panel was critical of the Community Panel process, stating “*planning for new growth is not a popularity contest*”. The Panel commended Council for its innovative approach in engaging the public in a planning process, but considered that the process has resulted in an aspirational outcome that lacks any planning rigour or rationale. It also noted the tension between development and anti-development parties and the dissatisfaction with the process from both.

## 2.2 Western growth boundary

### Panel findings

The Panel questioned the status of the western boundary as the ultimate growth boundary and considered that Council should not preclude the potential for urban growth further to the west. It stated that links to the west should be shown on the PSP and that the area to the south-west (Rural Estates property) should be designated as a “Strategic Investigation Area”. It urged Council to “*think appropriately*” about the next phase of growth post planning for the PSP area and not to ignore “*a valid, proven and tested strategic planning history for the western precinct*”. The Panel also recommended that the urban growth potential of the balance of the valley be considered with appropriate community engagement as part of the Rural Hinterland Futures Project.

### Response

It is considered that the recommendation to consider growth beyond the PSP boundary goes beyond the scope of the amendment. Urban growth further to the west is not contemplated by any of Council’s more recent strategic planning policies, including the *Sustainable Futures Plan Torquay-Jan Juc 2040* (both the 2012 version referenced in the Planning Scheme and the adopted 2014 version) and the Torquay Jan Juc Framework Plan at Clause 21.08, and was not entertained by the former Minister for Planning upon rezoning of the 1km west area to Urban Growth Zone. The Minister placed the settlement boundary 1km west of Duffields Road and supported Council’s intention to plan for a green break between Torquay and Bellbrae and to identify areas to the north-west of Messmate Road and north-east of Torquay for future urban growth.

It is noted that the Panel supported the proposed buffer along the western boundary (consisting of a 10m wide vegetated screen, 20m building setback and fencing) to protect the rural-urban interface. It is not clear how this is consistent with the suggestion that growth further to the west should be left open as a possibility. It is also not clear why land to the south-west should be designated as a Strategic Investigation Area, without allocating the same status to land on the north side of Spring Creek.

At the March 2017 Council meeting, in response to the Panel Report, and the September 2017 Council meeting in response to a petition, Council resolved to reject any proposal to investigate urban growth beyond the western boundary of Torquay and reaffirmed the boundary at its current location.

### Recommendation

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Strongly reject Panel Recommendations 3 and 4.

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## 2.3 Road Network

### Panel findings

The Panel considered that signalisation of the Great Ocean Road/Strathmore Drive East intersection as proposed in the exhibited PSP would potentially provide a superior outcome compared to a staggered unsignalised left in/left out T-intersection as put forward by Council in response to the VicRoads submission.

The Panel recommended that Council review its decision to delete the signalised intersection and determine the option which provides the highest standard outcome in terms of accessibility into the Spring Creek precinct, safety including for pedestrian and cyclists crossing the Great Ocean Road and the traffic impact on the surrounding streets. In the event that Council reaffirms its decision to replace the signalised intersection at Strathmore Drive East with a staggered T-intersection, the Panel recommended:

- Realignment of the north-south connector road to create a T-intersection approximately midway between Strathmore Drive East and Torquay Boulevard, and designation of the road as a Local Access Street Level 2;
- Provision of an additional connection to Duffields Road south of Ocean View Crescent (subject to consideration of sight distance and vegetation issues); and
- Provision of a pedestrian crossing on the Great Ocean Road in the vicinity of Strathmore Drive East. This may be a pedestrian refuge in the interim and a signalised crossing in the longer term when warranted by pedestrian and traffic volumes.

Other Panel findings in relation to the road network included:

- The provision of an internal vehicular crossing (trafficable culvert) over Spring Creek as advocated by one submitter is not supported. Although there may be some benefits in having an internal vehicular crossing, the Panel considered that the benefits would be marginal and would not justify the additional cost particularly when environmental impacts and the difficult terrain are taken into account.
- Although traffic volumes on Ocean View Crescent are projected to increase substantially upon full development of Spring Creek, volumes would still be within recommended levels for a connector street. The Panel recommended that Council monitor traffic levels on Ocean View Crescent and respond with appropriate traffic calming measures if needed.
- The Panel supported the “dog leg” alignment of the north-south connector road from Great Ocean Road/Strathmore Drive West as it provides a third road frontage to the Christian College site consistent with PSP guidelines. A less pronounced dog leg that meets traffic engineering requirements can be designed at the subdivision stage for the connector road.

## **Response**

Prior to the Panel hearing Council commissioned Traffix Group to review the alternative T-intersection option. The assessment found that a T-intersection would work with all roads in the surrounding area functioning to an acceptable level, however it would deliver a lesser standard of accessibility for pedestrians and cyclists wishing to cross the Great Ocean Road, increase the risk of crashes, potentially increase delays on the Great Ocean Road compared to a signalised intersection, and lead to higher volumes of traffic on Duffields Road, Ocean View Crescent and Torquay Boulevard. The report also noted that the alternative T-intersection arrangement was not in accordance with VicRoads’ guidelines for new growth areas.

In consultation with VicRoads it has been determined that the preferred intersection arrangement is to replace the proposed signalised intersection at Strathmore Drive East with a left in/left out T-intersection between Strathmore Drive East and Torquay Boulevard, and to provide a pedestrian crossing to the west of the intersection (signal operated in the longer term).

The Panel recommendations in relation to an internal creek crossing, monitoring of traffic volumes on Ocean View Crescent and the alignment of the north-south connector road adjacent to the school site are supported.

It is further recommended that the northern north-south connector road (Messmate Road extension) be realigned to position the culvert crossing further south in order to avoid the removal of a patch of native vegetation and to make more efficient use of land.

### **Recommendation**

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Amend the PSP plans to:

- Replace the signalised intersection at Strathmore Drive East with a left in/left out T-intersection between Strathmore Drive East and Torquay Boulevard, designate the road as a Local Access Street – Level 2 and provide a pedestrian crossing (signal operated in the longer term) on the Great Ocean Road.
  - Provide an additional connection to Duffields Road south of Ocean View Crescent.
  - Realign the northern north-south connector road (Messmate Road extension) to position the culvert crossing further south in order to avoid the removal of a patch of native vegetation and to make more efficient use of land.
  - Update Table 6 Precinct infrastructure plan to achieve consistency as a result of changes to the road network
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## **2.4 Stormwater management**

### **Panel findings**

The Panel agreed with submissions that argued that the requirements in the exhibited PSP do not provide sufficient flexibility to allow for alternative solutions to be proposed at the detailed design stage in relation to the size and location of water bodies and the stormwater management system.

Other recommendations and findings of the Panel in relation to water management included:

- Waterbodies WL15 and WL21 (200-220 Great Ocean Road) should be deleted as they are man-made, pose a potential safety risk and are not suitably located to provide effective management of water flows from the catchment. They should be replaced by a waterbody further downstream.
- Council should review the extent of WL01 (225 Grossmans Road) in discussion with the landowner.
- The PSP should provide clarity and guidance for the assessment and exercise of discretion by Council of alternative water management systems proposed by developers.
- The PSP should include a mechanism to equitably allocate responsibility, costs and contributions where drainage infrastructure is upsized (i.e. benefits other landholders).
- On-site wastewater treatment on smaller lots is not supported.
- The impact of climate change should be considered in stormwater modelling to confirm whether the proposed drainage infrastructure is adequate and to ensure an adequate design response for each stage of development.

### **Response**

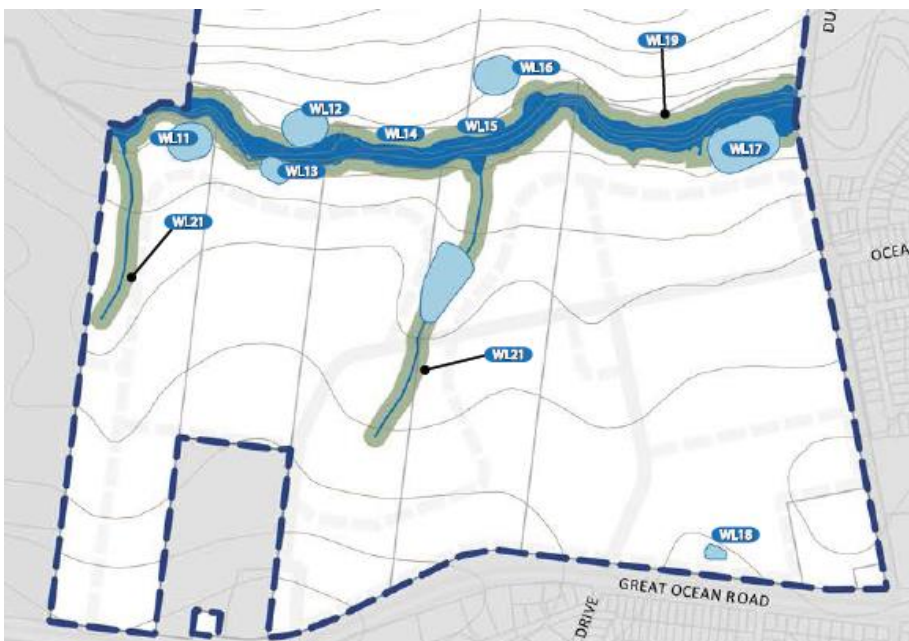
Council maintained at the hearing that in its view the PSP does provide sufficient flexibility for Council to consider alternative stormwater solutions as part of detailed plans at the subdivision stage. Nevertheless, section 3.6.1 of the PSP has been redrafted to make it clearer that the requirements with respect to the

stormwater management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision approval stage.

In response to the other Panel recommendations the following further work has been undertaken:

- The need for water bodies WL15 and WL21 has been reviewed. It is recommended that WL21 be deleted and replaced with piped infrastructure and that WL15 be replaced with water management infrastructure at a downstream location closer to the creek. The Stormwater Management Strategy has been updated to reflect these changes.
- The extent of WL01 affecting 225 Grossmans Road has not been reviewed as the mapping was based on waterway and flood extent information provided by the CCMA. The waterway is a designated waterway forming part of the northern tributary of Spring Creek. The landowner did not submit any evidence to justify why it would be appropriate to remove the waterway and has not made any further submissions.
- The Stormwater Management Strategy has been updated to consider the impact of climate change on the stormwater system. The previously provided comments on this subject have been incorporated into the report. Re-modelling was not deemed to be required. No change was made to design rainfalls as the effects of climate change are difficult to predict – with both increasing and decreasing trends predicted. The modelled system, combined with the natural topography of the site, has enough built in conservativeness to cater for events outside of those modelled in the study such as the possible effect of climate change.
- Mechanisms to provide for the equalisation of contributions to shared water management infrastructure have been considered. The use of section 173 agreements is deemed the most appropriate method.

Figure 1: Waterway corridors and drainage assets



Extract of Spring Creek PSP Plan 8

DELWP's submission recommended that water bodies WL11, WL12, WL13 and WL17 be slightly moved to avoid encroachments onto Crown land and to avoid or minimise native vegetation losses (refer to section 2.5.1). This is supported.

## Recommendation

Redraft the requirements and guidelines at section 3.6.1 of the PSP to provide greater flexibility and guidance for landowners to submit alternative stormwater management designs to Council for consideration at the subdivision approval stage.

Amend PSP Plan 8 and Table 5 to:

- delete Waterway WL21 from Properties 12 and 13 and relocate Water body WL15 to a downstream location
- relocate Water bodies WL11, WL12, WL13 and WL17 to avoid encroachments onto Crown land and to avoid or minimise native vegetation losses

Not support any reduction in the extent of WL01 (225 Grossmans Road).

## 2.5 Biodiversity

### 2.5.1 Native Vegetation Precinct Plan (NVPP)

#### Panel findings

The Panel supported the landscape scale, precinct wide approach to native vegetation planning and protection as adopted in the NVPP, but was critical of the following aspects of the NVPP:

- The NVPP does not appropriately translate the findings of the native vegetation assessments
- The NVPP does not clearly explain the rationale for the removal and retention of native vegetation
- The NVPP is not clear on the requirements for practical retention of vegetation

The Panel recommended that Council work with DELWP to review and refine the NVPP, addressing the following matters:

- The rationale for the retention and removal of native vegetation
- Inclusion of a minimisation strategy
- Explanation of the Biodiversity Impact and Offset Requirements (BIOR) report
- The minimisation of specific offsets for threatened species
- Extending the boundary of the NVPP to include roadside vegetation on perimeter roads in order to streamline approvals for vegetation losses associated with road upgrades and intersection works
- The identification of vegetation for practical retention
- Rewording of tree protection zone requirements
- Information that explains the difference between specific and general offsets, and the offset requirements for landholders

#### Response

Council accepted that further work on the NVPP was required and has committed to undertake this further work in consultation with DELWP and Ecology & Heritage Partners. The NVPP will be updated to address the matters recommended by the Panel, including:

- Clearer information regarding the process to determine how vegetation has been identified for retention and removal.
- More clearly detailing the offset requirements for landholders, by explaining the Biodiversity Impact and Offset Requirements (BIOR) report and the difference between specific and general offsets.



- Minimisation of vegetation loss to avoid or reduce specific offset requirements for threatened species. The current proposal has triggered specific offsets for four threatened species. Specific offsets are triggered when more than 0.05% of modelled habitat is to be removed. Sourcing and securing specific offsets is more complex as the 'like-for-like' rules are stringent. Based on the current PSP design, two of the four species (Snowy Mint Bush and Sharp Greenhood) are only slightly above the 0.05% threshold. Where habitat for these threatened species has been mapped across the site, the retention of additional native vegetation has been considered in an attempt to reduce impacts below the total habitat thresholds.
- Opportunities to further reduce vegetation removal, including consideration of:
  - Retention of Trees 41-47 in a local park by relocating Open space area OS-08
  - Greater retention of vegetation on steep slopes along the north side of Spring Creek
  - Ensuring the proposed stormwater basins/wetlands do not encroach onto Crown Land adjacent to Spring Creek
  - Retention of overhanging roadside vegetation canopy
- Inclusion of perimeter roads (i.e. Duffields Road, Grossmans Road and Great Ocean Road) to incorporate roadside vegetation within the NVPP in order to streamline the approvals process for the removal of vegetation for planned intersection treatments and road upgrades.
- Identification of vegetation and trees for practical retention, including the process undertaken to identify vegetation for practical retention and inclusion of vegetation marked for practical retention on maps and in tables.
- Clearer guidance on tree protection zone requirements for trees that are to be retained.

DELWP advised that it generally does not support WSUD wetlands related to development being placed on Crown Land as works associated with development should be on the private land being developed rather than encumbering public tenure. Other issues related to works on Crown Land include Native Title, Cultural Heritage, Land Manager Consents and on-going management issues. By locating the wetlands away from Spring Creek, it will in turn retain additional vegetation.

DELWP supports the concept of practical retention, provided the vegetation is considered 'removed' in the NVPP, the mapping and tables clearly identify the vegetation to which practical retention applies, and is focused on the public realm. This process has been used across Geelong's growth areas to retain significant trees (refer to the Horseshoe Bend NVPP for example).

The Spring Creek growth area is fairly unique in PSP terms and in comparison to other growth areas in Torquay due to the nature of the topography and the significant number of mature Bellarine Yellow Gums scattered across the landscape and within vegetation patches. The presence of retained Bellarine Yellow Gums will make a significant contribution to the open space, natural values, character and sense of place of the area and any endeavours to integrate Bellarine Yellow Gums, whether scattered trees or vegetation patches, into the development should be encouraged<sup>1</sup>.

## **Recommendation**

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Adopt the NVPP with changes as outlined, to be finalised after the Council meeting and prior to submission of the amendment to the Minister for Planning for approval. (the final NVPP is dependent on the land

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<sup>1</sup> PSP's for Whittlesea's growth areas (e.g. Wollert PSP) require a minimum of 80 per cent of river red gums to be retained on each parcel for their landscape and amenity value

## 2.5.2 Bellarine Yellow Gum Woodland (GW5) – 200-220 Great Ocean Road

### Panel findings

The Panel recognised the significance and placed great weight on the protection of Bellarine Yellow Gums, but considered that the variable condition of the large patch of BYG woodland across the site at 200-220 Great Ocean Road may invoke different management strategies. The Panel stated:

- Given the significance of the patch, it would be appropriate to consider using part of the patch (i.e. the core or “best part”) as a net gain native vegetation offset site with controlled public access.
- The south western portion of the patch is in poorer condition with a degraded understorey and sparse trees and as such use as an (credited) open space reserve may be appropriate. This area should be developed as a Bellarine Yellow Gum reserve that is sensitively designed and managed for passive open space that protects the environmental values of this area.
- Reshape the patch to minimise the boundary to area ratio.

### Response

Council has reviewed the configuration and use options of the BYG patch at 200-220 Great Ocean Road, including the implications for Council if part of the site was reserved as an offset site, public access and potential use of the south-western portion as credited open space. Council’s position at the Panel was that it opposed acceptance of the site as an offset site given the ongoing management responsibilities that would be placed on Council as the future land manager and the restrictions on public access.

Further consideration has been given to the implications of an offset site and this has led to reaffirmation of Council’s position on the following grounds:

- Ongoing activities that are likely to degrade vegetation condition can make a site ineligible to be used as an offset site. Pathway construction, dog walking, firewood collection, pruning trees to maintain public safety if an area is open to the public, are all ongoing activities that would make accessible open space ineligible as an offset site. The restriction of public access may conflict with community expectations for use of the site.
- Although public access to offset sites is not strictly prohibited and may be able to be controlled through fencing and sensitive location of pathways to minimise threats to native vegetation, there are likely to be difficulties with attempting to prevent people from entering sensitive areas. Problems are being experienced with nearby offset sites in Great Ocean Views Estate where firewood removal, trampling, rubbish dumping, children bringing in material to build cubbies etc. leads to offset management plan activities being compromised, despite fencing and signage.
- On land not affected by the Bushfire Management Overlay, a site is not eligible to be an offset if it is within 50 metres of a dwelling. Under these criteria, there must be a distance of 50 metres between an offset site and a dwelling. The 50 metres allows for any future modification of vegetation in order to create defensible space around a dwelling.
- DELWP has advised that an offset site would be part of a legal agreement relating to the land development. If it were transferred to Council, Council would not be able to claim any native vegetation credits. Therefore there is no compensating benefit to Council for the additional management costs of the land or the inconvenience to locals who cannot use an appealing looking open space area for recreational pursuits.

- There is a high and ongoing cost element associated with maintaining offset sites (e.g. pest plant and animal control, fencing, signage and management of unauthorised access and the effects of disturbance). Council is able to charge the developer fees for the first ten years but would incur ongoing costs into perpetuity after the initial maintenance period.

In relation to the size and configuration of the reserve, the Panel's suggestion to use the lower quality south-western portion that has a degraded understorey and sparse trees as credited open space is supported in principle as it would be able to be managed as a passive open space reserve with opportunity for a nature play park. Any reduction in size of the reserve however is opposed. The significance of the large patch of Bellarine Yellow Gum woodland was pointed out to the Panel by both Council and DELWP. The size of the patch and the number of Bellarine Yellow Gums is quite extraordinary. The Bellarine Yellow Gum is endemic to the Surf Coast and Bellarine Region, with the main populations occurring in Torquay and Ocean Grove. It is listed as a threatened species under the *Flora and Fauna Guarantee Act 1988* (FFG Act) and is considered endangered according to the Victorian List of Rare or Threatened Plants. The first two objectives of the Bellarine Yellow Gum Action Statement under the FFG Act are to protect key populations and to secure habitat to allow natural recruitment within and adjacent to extant populations.

Local policy in the Surf Coast Planning Scheme at Clause 21.08 notes the loss and degradation of stands of Bellarine Yellow Gums as a key issue and places high priority on its protection. DELWP recognise the patch as one of the key biodiversity assets across the PSP, in particular due to the presence of Bellarine Yellow Gums, and it has been recognised as one of the key priority areas for retention in the Biodiversity Assessment prepared by Ecology & Heritage Partners.

Further advice provided by Ecology & Heritage Partners concluded:

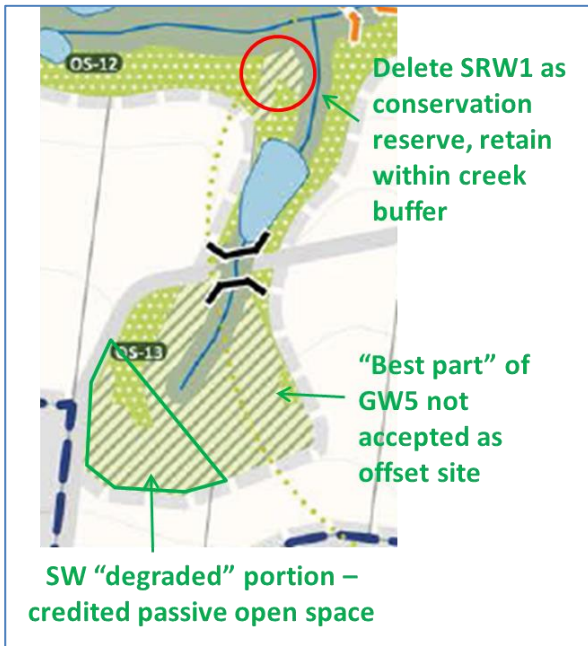
*This area was identified by EHP as an area with high conservation value based on the presence of a significant number of Bellarine Yellow-gums and also because it is the largest remnant patch present within the PSP.*

*The Council has attempted to retain as much of this remnant patch as possible in the preparation of the Framework Plan and we support this position. It is acknowledged that there may be some variation in vegetation quality within the patch but the main conservation value within this remnant patch is the overstorey which is largely contiguous throughout the habitat zone. Squaring off the reserve to reduce the edge effect is valid but it would be preferable to do this while containing as much of the remnant patch as possible and 'filling in' any additional areas with revegetation to enhance and protect the existing values.*

*In addition, we would advise against securing this area as an offset site based on our previous experience protecting and managing offset sites within residential developments. The restrictions to access and requirements for fire and fencing buffers are difficult in a residential context despite the benefits of sourcing offsets on-site.*

A reduction in size of the reserve would result in greater losses of trees, create greater edge effects due to loss of buffers, complicate Bushfire Attack Level (BAL) setbacks and increase offset requirements due to additional vegetation removal which is avoidable. For these reasons Council is reluctant to change its position about the size of the conservation area as shown on the exhibited PSP.

Figure 2: 200-220 Great Ocean Road



Extract of Spring Creek PSP Plan 6

### Recommendation

Not accept part of the Bellarine Yellow Gum reserve at 200-220 Great Ocean Road as an offset site due to the restrictions this would place on public use and the ongoing land management obligations for Council.

Accept the lower quality south-western portion as credited open space subject to boundary confirmation.

### 2.5.3 SRW1 – 200-220 Great Ocean Road

#### Panel findings

The Panel recommended that the patch of SRW1 (Swampy Riparian Woodland) on 200 Great Ocean Road be removed as a conservation reserve in the PSP and from the requirements of the NVPP as there was no evidence presented of any public funds used for the revegetation. The Panel does support retention of this vegetation for its habitat value.

#### Response

Planted vegetation along Spring Creek was mapped in the Biodiversity Assessment (Ecology & Heritage Partners) as Swampy Riparian Woodland (EVC 126) and classified as 'Remnant Patch (Planted)' containing Bellarine Yellow Gum. The majority of the plantings occurred within public land (Spring Creek reserve), with the exception of an area within 200 Great Ocean Road, which was planted with all indigenous species with the exception of a non-indigenous Yellow Gum subspecies/variety. The vegetation is shown as a key area of conservation significance (Figure 6 in the Biodiversity Assessment) and the assessment concludes that while the majority of vegetation along the Spring Creek corridor has been planted, this area forms part of a habitat corridor throughout the wider landscape. Ecological communities along the Spring Creek corridor were in moderate condition and contain potential habitat for a range of species. As such, the assessment recommended that vegetation along the Spring Creek corridor is retained, where practicable.

Under the native vegetation provisions of the Planning Scheme (Clause 52.17), native vegetation can be removed without a planning permit if it was planted, unless public funding was used for the planting or

management of the vegetation and the terms of funding did not anticipate removal of the vegetation. The removal of planted vegetation is also exempt under Clause 52.16 (native vegetation precinct plan) but this clause does not contain the public funding exception.

Although Council has strong reason to believe that public funding was used for the planting of the vegetation, it has not been able to present the Panel with any evidence. Follow-up investigations have strengthened the belief that the revegetation works were part of a publicly funded Landcare project, however records of these activities have not been able to be retrieved.

Without a record of public funding, Council cannot mandate the retention of the vegetation. As the Panel recommended retention of this vegetation to provide habitat benefits, but not as part of a conservation reserve, it is recommended that the vegetation be included in the NVPP as vegetation identified for 'practical retention'. Given the vegetation would be contained within the creek buffer, this is viable option.

### **Recommendation**

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Remove the patch of SRW1 at 200 Great Ocean Road as a conservation reserve and include the patch in the NVPP as vegetation identified for 'practical retention'.

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#### **2.5.4 161 and 195 Grossmans Road**

##### **Panel findings**

Having considered submissions from landowners that vegetation at 161 and 195 Grossmans Road identified as remnant was mostly planted or regrowth, the Panel recommended that the status of this vegetation be reviewed and the NVPP amended accordingly.

##### **Response**

The status of the vegetation at 161 and 195 Grossmans Road was reviewed by biodiversity consultants Ecology & Heritage Partners. Based on an assessment of the vegetation present and review of aerial photography, the majority of the area of mapped native vegetation is likely to be regrowth following previous land clearing and agricultural use. The predicted age of the regrowth is 15-25 years old. While this vegetation is regrowth and may contain some planted vegetation, the understorey (grasses, herbs, and shrubs) comprises a high diversity of indigenous species and lifeforms, and is therefore classified as a native vegetation 'patch' in accordance with *Victoria's Permitted Clearing of Native Vegetation: Biodiversity Assessment Guidelines* (DEPI 2013). Further the 'regrowth' exemption under Clause 52.17 of the Surf Coast Planning Scheme does not apply for the following reasons:

- the regrowth is greater than ten years old
- while the vegetation does contain Bracken, a diversity of other native species are also present.

Based on the additional assessment, it is considered that the extent of mapped native vegetation within the properties is valid and does not warrant any modification. A review of the extent of open space in this area is discussed at section 2.6.2.

### **Recommendation**

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Not revise the status of the vegetation at 161 and 195 Grossmans Road.

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## 2.5.5 Other biodiversity matters

Other findings of the Panel in relation to biodiversity include:

- The Panel supported the inclusion of kangaroo management principles in the PSP as recommended by DELWP.
- Council should undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species.

### Recommendation

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Amend Appendix G of the PSP to include additional kangaroo management principles as per the DELWP submission.

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Undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species.

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## 2.6 Open Space

### 2.6.1 Open space provision and waterway buffers

#### Panel findings

The Panel's findings in relation to the provision of open space and waterway buffers are:

- The high level of passive open space and the wide waterway buffers has not been justified. The allocation of passive open space and the width of the waterway buffers is overly generous. The waterway buffers are wider than those recommended by the relevant policy documents and background reports, and the requirement for 9.76% of passive open space is greater than that envisaged by the PSP Guidelines and the Surf Coast Open Space Strategy.
- The waterway buffers are the result of the crude application of fixed width buffers that do not demonstrate a site specific response to opportunities and constraints of the precinct, nor a response to an identified need for passive open space.
- It is not clear how the active open space needs of future residents will be met and funded.
- The open space provision should be reviewed to provide local parks within 400m of at least 95% of all dwellings in accordance with the PSP Guidelines. This minimum standard is achievable if the waterway buffer widths are reduced.

The Panel recommended:

- Undertake an assessment of how the active open space needs of Spring Creek residents will be met, and amend and/or reduce the requirement for passive open space contribution accordingly to achieve a total open space contribution of no more than 10%.
- Review and reduce waterway buffer widths in association with the review of the passive and active open space requirements.
- Reconsider the distribution of local or neighbourhood parks to ensure accessibility within 400 metres of at least 95% of all dwellings, with a resulting reduction in linear park as required.

#### Response

A review of the open space provision and creek buffers has been undertaken with input from open space planning consultants ROSS Planning.

The PSP as exhibited provides the following breakdown of open space:

	Hectares	% of total precinct	% of NDA
<b>Service open space (encumbered)</b>			
Conservation reserve	9.70	3.94	5.20
Waterway/drainage reserve	28.06	11.41	15.04
Other	1.21	0.49	0.65
Sub-total	38.97	15.84	20.89
<b>Credited open space (unencumbered)</b>			
Local network park	18.26	7.4	9.79
<b>TOTAL OPEN SPACE</b>	<b>57.23</b>	<b>23.3</b>	<b>30.67</b>

The PSP specifies that buffers along waterways are to have the following widths:

- 75m on each side of Spring Creek measured from the 1 in 10 year flood level
- 50m on each side of the northern tributaries measured from the 1 in 10 year flood level
- 20m on each side of other waterways measured from the centreline

The State Planning Policy Framework (SPPF) in the Surf Coast Planning Scheme stipulates that vegetated buffers of at least 30 metres wide should be provided along each side of waterways to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses (Clause 14.02-1). The *Sustainable Futures Plan Torquay Jan-June 2040* (SFP2040) recommends 30 metre wide buffers along Spring Creek and gullies, with provision of integrated cycling/walking pathways, but did not include any site specific assessments to determine the appropriateness of accepting a standard 30 metre buffer. The Integrated Water Cycle Management Plan (IWCMP) prepared prior to development of the Spring Creek PSP by Barwon Water in conjunction with Surf Coast Shire, the CCMA, DELWP and other agencies includes options for buffer widths of 30 metres or 50 metres each side of the creek.

The purpose of buffers along waterways is to provide space to convey flows, preserve the riparian zone which protects or enhances native vegetation, river health and biodiversity, and to provide space for recreational infrastructure and activities (e.g. shared paths/trails). The width of buffers should vary depending on the type of waterway and site specific factors (e.g. physical morphology, vegetation, geology, flooding, environmental values, cultural heritage, recreation uses and landscape characteristics). The width should achieve the optimum balance between waterway health, biodiversity, flood protection, erosion control, recreational activities, social amenity, infrastructure, asset protection and developable land requirements<sup>2</sup>.

The Panel for Amendment C85 supported the application of buffer widths of 50 metres (either side) for higher order waterways and 30 metres (either side) for lower order waterways to determine the boundaries for the proposed application of the ESO1. These buffer widths were based on Melbourne Water's Waterway Corridors Guidelines. The Panel considered that these buffers would provide a reasonable balance between protecting the biodiversity assets of the waterways and not unduly impacting on the use of land<sup>3</sup>.

<sup>2</sup> Melbourne Water, Waterway Corridors Guidelines

<sup>3</sup> Surf Coast Planning Scheme Amendments C85 and C96 Panel Report, 2 June 2017



In relation to the provision of public open space, the Schedule to Clause 52.01 of the Surf Coast Planning Scheme requires a 10% open space contribution for subdivisions of 10 or more lots. It does not distinguish between active and passive open space, but it is assumed the 10% would include both. The PSP Guidelines encourage an overall provision of public open space of 10% of the net developable area, of which 6% should be allocated for active open space purposes and 4% for passive open space. This approach is generally accepted by panels.

The PSP Guidelines state that in meeting the open space standards, encumbered land should be used productively for open space. It is common for this to be applied by designing the open space network in such a way that unencumbered open spaces are adjacent to encumbered land such as drainage corridors and conservation areas to enable use of encumbered land for recreation where possible. Encumbered land however is not included in the open space contribution.

The SPPF refers to open space planning in Clause 11.03 Open Space. The Clause has the following objective: *“To assist in the creation of a diverse and integrated network of public open space commensurate with the needs of the community”*

In accordance with Clause 56.05-2, public open space should:

- Be provided along foreshores, streams and permanent water bodies
- Be linked to existing or proposed future public open spaces where appropriate
- Be integrated with floodways and encumbered land that is accessible for public recreation
- Be suitable for the intended use
- Be of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreational preferences
- Maximise passive surveillance
- Be integrated with urban water management systems, waterways and other water bodies
- Incorporate natural and cultural features where appropriate

A network of well-distributed neighbourhood public open space should be provided that includes:

- Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings
- Additional small local parks or public squares in activity centres and higher density residential areas
- Active open space of at least 8 hectares in area within 1 kilometre of 95 percent of all dwellings
- Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings

The objective of the PSP is to create a future urban structure that is integrated and in balance with the natural landscape setting and environmental assets of the precinct, including Spring Creek and its tributaries, remnant vegetation and fauna habitat. The open space system provides an opportunity to protect and enhance the natural assets for their environmental, landscape, passive recreation, visual amenity and cultural heritage values. The natural elements contribute to the distinct urban character and sense of place that the sensitive development of the precinct seeks to achieve. In addition, it will assist in designing for resilience to the impacts of climate change.

The proposed open space system, consisting of waterway/drainage reserves, conservation reserves, local/neighbourhood parks and linear open space, will provide a well distributed network of walkable, attractive



public open spaces and natural areas within the precinct which can accommodate a variety of informal recreational, sporting, play and social needs of the community.

Council understands the reasoning of the Panel to review the provision of open space, however feels that the Panel has disregarded the local context and has underestimated the significance of the natural assets to the community. It has rather applied a standard planning approach based on conventional metropolitan growth area guidelines and standards, which if applied rigidly will result in a series of equally spaced, disjointed pocket parks (see Rockbank PSP for example) rather than an integrated open space network that is based on natural systems and is responsive to the community's needs or preferences.

The characteristics of the Spring Creek valley and aspirations of the community require a different, more locally inspired design response. The linear open space network provides an important opportunity to reinforce and enhance the landscape character of the precinct. It results in a variety of natural and well connected open spaces that protect and build on the environmental assets of the precinct, provides greater amenity for a larger number of lots, meets the predominantly passive and informal recreational needs of the community (as identified in the Surf Coast Open Space Strategy 2016-25<sup>4</sup>), provides a network of recreational trails that connect with trails and destinations outside the precinct, and maximises passive surveillance opportunities and public access. Combining open space with drainage and conservation reserves helps to protect and improve environmental, heritage and drainage features and provides habitat and corridors for local native species, including kangaroos. The extensive open space network also ensures local open space is generally within 400 metres walking distance of all residents.

The cultural heritage assessment found that the floodplain of Spring Creek is highly sensitive for the presence of Aboriginal cultural heritage and recommended that planning within the PSP should aim to reserve the floodplain landform into open space networks, riparian corridors, conservation areas or biolinks as a means of avoiding impacts to Aboriginal cultural heritage, and to minimise the requirement for unnecessary complex assessment.

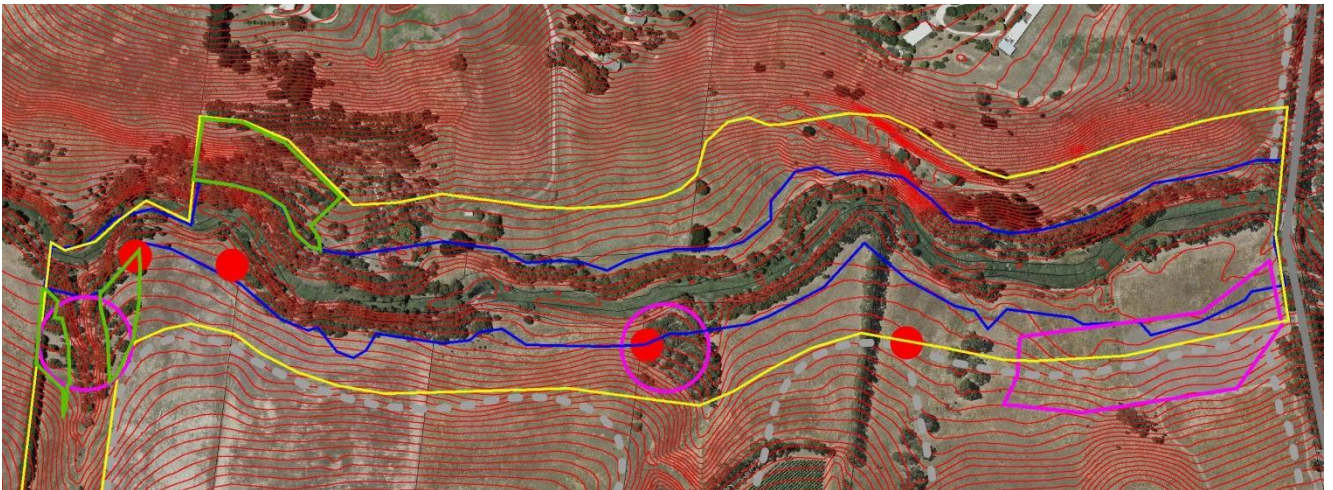
Combining public open space with waterway/drainage corridors and conservation reserves is also ideal from a bushfire management perspective. Public open space managed in a low threat vegetation condition can form part of the required setback distances between classified vegetation within the creek corridors and future development (refer to Bushfire Assessment report discussed at section 2.12). If buffer widths were reduced, development would be located closer to the classified vegetation, meaning that BAL construction levels would need to increase or larger setbacks on private land applied.

Having considered relevant open space and waterway planning provisions and site specific information in relation to slope, flood extent, native vegetation, Aboriginal cultural heritage, geotechnical aspects and space required to accommodate drainage assets, local parks and pathways/trails it is considered that creek buffers of 75 metres along Spring Creek and 50 metres along the northern tributaries are justified (the extent of open space along the waterway at 161, 165 and 195 Grossmans Road is discussed at section 2.6.2).

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<sup>4</sup> Some of the trends identified in the Open Space Strategy 2016-25 include walking, running and cycling as popular forms of activity; acknowledged benefits of developing dedicated multi-use sports precincts (rather than single field facilities) and Joint initiatives on education land; move towards informal recreation and unstructured activities, with declining participation rates in organised sport; integrating environmental protection values into more traditional active and passive recreation areas; and access to natural play areas.

Figure 3: Spring Creek buffer



Blue line – waterway/drainage corridor  
Green line – conservation reserve  
Yellow line – creek buffer / open space

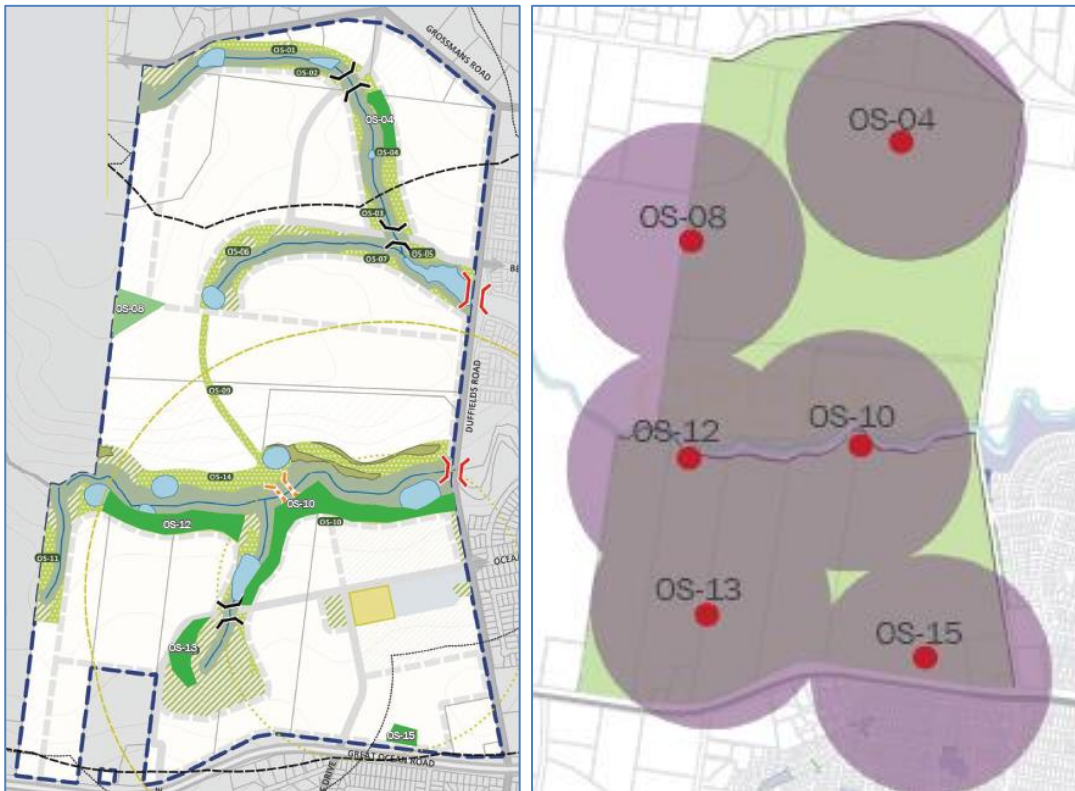
Purple line – Aboriginal cultural heritage  
Red dot – registered Aboriginal cultural heritage place  
Red lines – 1 metre contours

In terms of the Panel’s concern about how the active open space needs of the community will be met, the Community Infrastructure Assessment (CIA) prepared to inform the PSP recommended that active open space facilities be provided elsewhere in Torquay given the lack of suitable areas within the Spring Creek precinct. The ability to deliver active open space facilities is heavily constrained by the topography and natural environment. There is district level active open space available within one kilometre of the precinct (i.e. Spring Creek Recreation Reserve, Bob Pettit Reserve), while the Bellbrae oval and sports precinct in Torquay North are located two kilometres away. It is not uncommon for people to travel greater distances to access higher level sporting facilities. In addition, the future oval on the Christian College site may become available for use by the community subject to joint use agreements.

The active open space needs of future Spring Creek residents and the growing Torquay-Jan Juc community will be investigated as part of the *Torquay-Jan Juc Social Infrastructure Study* to be undertaken in 2017/18. This study will quantify the needs, identify the type of facilities needed and determine where, when and how they should be provided.

Although there are effectively no opportunities to accommodate formal outdoor sports reserves within the PSP area, there are areas within the open space network of at least 1.0ha that are suitable for informal, unstructured sporting and recreational activities. Figure 4 shows how these areas can be incorporated into the proposed open space network.

Figure 4: Spring Creek open space provision



Source: Spring Creek Development Area Open Space Assessment, ROSS Planning, September 2017

The PSP is consistent with the recommendations of the CIA to provide the following open space network in Spring Creek:

- *At least two local parks with playgrounds;*
- *A linear park and trail along the full length of Spring Creek;*
- *A linear open space network and internal park / trail network which links the creek and the proposed community facilities and residential areas and connects to external trails and other links in Torquay;*
- *Land that is required for drainage purpose or to protect sites that have environmental, heritage and conservation values, for example, habitat links, sites with archaeological significance and significant vegetation.*

In determining the quantity and type of open space to be provided in the precinct, the following relevant matters have been considered:

- The function of parks within the open space network
- Appropriate distribution and proximity to the precinct's population
- Community needs for open space in the anticipated population
- The quantity and quality of existing or planned open space in areas in the vicinity of the precinct
- The precinct's physical features such as topography, extent of native vegetation, cultural heritage and drainage reserves and consideration of how these can be integrated and shared with the open space network.

Consistent with the PSP Guidelines and Clause 56, the open space network has been designed to generally:

- provide a variety of quality, well-distributed and multi-functional open space, catering for a broad range of users that includes:
  - Local parks within 400 metres safe walking distance of at least 95% of all dwellings;
  - Active open space within one kilometre of 95% of all dwellings (external to the precinct);
  - Linear parks and trails, along waterways and linked to vegetation corridors and road reserves, within one kilometre of 95% of all dwellings;
- maximise the integration and sharing of space with publicly accessible encumbered land, and maximise opportunities for stormwater management and protection of biodiversity;
- protect, manage and enhance the natural and cultural attributes of the precinct;
- maximise opportunities for passive surveillance by requiring frontage/perimeter roads to be provided and dwellings to positively address open space;
- link neighbourhoods within the precinct and connect with open space and destinations outside the precinct.

The PSP provides the flexibility to vary the shape, size and location of mapped open space areas, depending on detailed site planning.

In growth areas subject to a DCP, public open space is usually collected through a combination of Clause 52.01 (typically used to acquire land for *passive* open space) and the DCP (typically used to acquire land for *active* open space and for contributions towards open space improvements). The Lake Narracan PSP (Latrobe City Council) for example requires landowners to provide a public open space contribution of 5.29% of NDA for local open space (passive). Landowners are also required to pay an open space levy as part of the DCP, which goes towards active open space land acquisition and public open space improvements. The overall unencumbered public open space contribution equates to 10% of NDA.

This approach is also recognised in the Torquay-Jan Juc DCP, which states:

*Surf Coast Shire has determined that it will use a combination of these tools for the delivery of open space projects over time. Some projects, generally of a capital works nature, are included in this DCP. The bulk of known future land acquisition projects will be obtained via the joint operation of the Subdivision Act and Clause 52.01 of the Planning Scheme.*

*The key issue with the use of these tools is to ensure that ‘double dipping’ is avoided. This would occur if multiple tools are used for the same project or funding purpose. On this basis, this DCP includes only unique open space projects. The DCP open space projects will not form the basis of any other contribution tool.*

The DCP lists a number of outdoor active and passive recreation improvements and capital works projects.

## **Recommendation**

Having undertaken a review of the public open space provision within the Spring Creek PSP, it is considered that the provision of open space is justified and will result in an outcome that is consistent with open space planning policy guidelines. It is recommended that:

- The demand for active recreation (outdoor sports) facilities be met through existing and future active open space reserves outside of the precinct; and
- Passive open space, including parklands and gardens with opportunities for informal and unstructured sporting and recreational activities, be provided within a network of linear open



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spaces and local parks to ensure access to well-connected green spaces and to maximise walking and cycling opportunities for future residents.

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Replace Objective O7 at Section 2.2 with the following objective to stronger express the open space vision for the precinct:

- Support the development of a quality, well connected, accessible and useable open space network that contributes to the liveability of the precinct and complements the unique open space opportunities presented by Spring Creek and its tributaries and other environmental assets.
- 

Replace Objectives O2 and O3 with the following objective:

- Facilitate urban development that responds sympathetically to the topographical constraints and undulating nature of the precinct, the landscape and biodiversity values, and the natural qualities and visual amenity of Spring Creek and its tributaries.
- 

Amend Plan 3 (and all other relevant plans) to include all steep land on the northern slopes of Spring Creek as “encumbered land (slope 1 in 3)”.

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## 2.6.2 Other open space issues

### Panel findings

The Panel made the following recommendations in relation to a number of specific open space areas:

- Open space area OS-08 should be relocated to encompass trees 41-47
- Open space area OS-01 affecting 161, 165 and 195 Grossmans Road should be reviewed and reduced based on a proper assessment of its merit
- The Panel supports Council’s proposal for treatment of the urban/rural interface
- Council should determine a suitable treatment for the southern boundary of 231 Grossmans Road, e.g. purchase by Council and fencing

### Response

#### OS-08

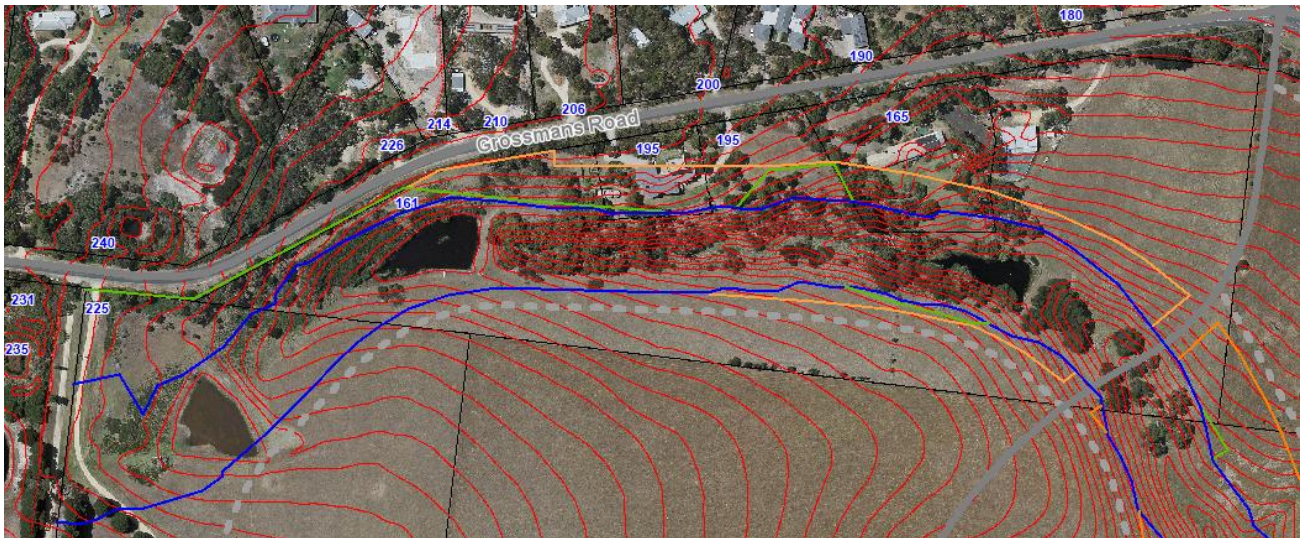
Council agreed to relocate OS-08 to protect trees 41-47 within an open space reserve and to reduce specific offsets.

#### OS-01 and OS-02

Further to the review of the extent of native vegetation on the properties at 161, 165 and 195 Grossmans Road, the extent of Open space areas OS-01 and OS-02 affecting the properties was also reviewed. It was put to the Panel by the affected landowners that the public open space included in OS-01 does not have any meaningful purpose, unreasonably impacts on the developable area of the land, does not provide a connection to the west and does not link in with any open space within the low density residential estates to the north.

As shown on the exhibited PSP and the aerial photo below, the property at 161-195 Grossmans Road (property 3 in the PSP) is encumbered by a waterway/drainage reserve, conservation reserves and open space, leaving 46% of the land available for development. The existing dwelling would be located within the proposed open space reserve. The property at 165 Grossmans Road (property 2 in the PSP) is encumbered by a waterway/drainage reserve and open space and has a developable area of 65%. A service road within a 13 metre wide road reserve is required to be provided along Grossmans Road to provide access to future lots.

Figure 5: 161, 165 and 195 Grossmans Road



Blue line – waterway/drainage reserve  
Green line – conservation reserve

Orange line – open space  
Red lines – 1m contours



Extract of Spring Creek PSP Plan 4 and 6

The PSP requires 50 metre wide buffers along the northern tributaries. The generous width of the creek buffers has been criticised by the Panel and the provision of wide creek buffers in this location needs to be justified and have a clear purpose, and be balanced against allowing a reasonable opportunity for development of the land.

It is considered that there is limited justification for the extent of open space on the affected properties, having regard to:

- the extent of open space relative to the property size
- the impact on the developable area of the land
- the siting of existing dwellings
- the location and extent of native vegetation
- the catchment area serviced by the open space

The purpose of the creek buffer is to protect the waterway and any significant vegetation, and to allow for linear trails along the entire length of the waterway. It is considered that the mapped waterway/drainage corridor, which is 20m wide each side measured from the 1 in 10 year flood level, will be sufficient to retain significant vegetation. In some cases, such as on the north side of the tributary, additional land may be required to allow for shared pathways. It is therefore recommended that OS-01 and OS-02 be reduced in width, or deleted altogether if deemed appropriate at the detailed design stage.

## 231 Grossmans Road

A section of Spring Creek south of 231 Grossmans Road is part of the PSP, however 231 Grossmans Road is not. The Panel suggested that to ensure open space continuity it may be appropriate for Council to purchase this land and fence the northern side of the creek to deter public access to private land at 231 Grossmans Road. The Panel made these recommendations in light of its comments in relation to the future of land to the west of the PSP area. As Council has taken the position that it does not support any further development beyond the settlement boundary, resolution of this issue is not relevant.

### **Recommendation**

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Amend Plan 3 (and all other relevant plans) to:

- Relocate OS-08 to the north to encompass trees 41-47
  - Reduce the indicative width of OS-01 and OS-02 affecting 161, 165 and 195 Grossmans Road (width to be confirmed subject to detailed design at subdivision stage)
  - Reconfigure OS-13 to include the south-western portion of the BYG patch as credited open space
- 

## **2.7 Density**

### **Panel findings**

The Panel considered that the PSP does not provide for the meaningful delivery of housing diversity, particularly in the southern portion of the precinct. It recommended that the overall dwelling density across the precinct be increased from 10 to 12-13 dwellings per hectare by providing more lots of less than 600m<sup>2</sup> within a reasonable walking distance of the Neighbourhood Centre (NC) and school (Christian College), subject to any specific site constraints. The Panel accepted that a lower density than the state average of 15 dwellings per hectare for growth areas is warranted (and supported by Clause 21.08-2), however considered a density of 10 dwellings per hectare insufficient. It believed that higher densities are capable of being achieved without eroding the topographical and environmental setting of the precinct.

### **Response**

State planning policy encourages residential subdivisions that:

- achieve densities of at least 15 dwellings per hectare in growth areas, which over time should be increased to more than 20 dwellings per hectare (Clause 11.02-3)
- create liveable and sustainable communities with compact neighbourhoods that have walkable distances between activities, a range of open spaces that meet a variety of needs, and a range of lot sizes that suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people (Clause 15.01-3)
- respond and contribute to existing sense of place and cultural identity, and to its context, landscape character, vegetation and the values, needs and aspirations of the community (Clause 15.01-5).

Clause 21.08 (Torquay-Jan Juc Strategy) encourages lower housing densities in the Spring Creek Valley, while local policy at Clause 22.09 states that greenfield areas should support an overall density of 15 dwellings per hectare, unless a lower density is desirable in response to environmental or landscape values. A variety of lot sizes should be provided, ranging from conventional urban lots to medium and higher density lots to encourage a mix of housing types and sizes. Higher residential densities (20 dwellings per hectare) should be focused around activity centres, schools, community hubs and active open space.

The *Sustainable Futures Plan Torquay-Jan Juc 2040* aims to achieve densities of 12-15 dwellings per hectare and encourages:

- a range of housing options at suitable densities to cater for the population's diverse needs and reflect the coastal look and feel
- new development to be planned in a way that responds to the area's natural features and ensures significant vegetation areas are protected, including the use of buffers along creek corridors to protect important features

It is clear from the applicable planning policy framework that achieving residential densities of 15 dwellings per hectare is the general norm, however policy also acknowledges that this must be balanced with the desire to respond to local context and site specific characteristics such as landscape values, environmental assets, topography, neighbourhood character and community aspirations. The Panel has recognised the need for a balanced approach and has recommended a density that is less than the state average but more than what is proposed in the exhibited PSP.

The Panel recommendation to explore opportunities to increase the area of lots less than 600m<sup>2</sup> within walking distance of the NC and school is consistent with sound planning and urban design principles to increase housing densities around activity centres, schools, community facilities and open space. Increased densities make it attractive for residents to walk or cycle to these destinations as part of their daily routine and provide greater housing diversity, choice and a mix of people which is important for a healthy and sustainable community where people are able to go through different life stages. Increased housing densities within and surrounding activity centres is also essential to support the viability of businesses, services and facilities within the centre and to encourage the use of public transport. Concentrating housing around schools provides opportunities for students to walk to school and promotes daily physical activity among young people.

400-800 metres, or a 5-10 minute walk, is typically considered a "reasonable walking distance". In recent PSP's a range of walkable catchments have been applied for the purposes of designating areas suitable for medium or higher residential densities, relative to the scale and type of facility or destination (refer to example below). The proposed NC is of the scale of a 'local town centre', while the school is comparable with a 'community hub'. It is therefore recommended that lots less than 600m<sup>2</sup> be provided in the following catchment areas:

- Within 400m of the Neighbourhood Centre
- Within 200m of the school
- Within 100-200m of Local Convenience Centres (LCCs)

It would be appropriate to apply a catchment of 200 metres around the northern LCC as most of the catchment falls within the waterway corridor / open space reserve.



Subdivision of land within walkable catchments shown on Plan 3, which typically comprise residential land within:

- 800m of major town centres
- 400m of local town centres
- 200m of community hubs
- 100m of local convenience centre
- 800m of train stations
- 600m of the Principal Public Transport Network

Must create lots suitable for delivery of medium or high density housing as outlined in Table 2, and achieve a minimum average density of 17 dwellings per net developable hectare.

Source: Extract from Sunbury South PSP, November 2016

It is noteworthy that the Panel, either deliberately or inadvertently, recommended increased housing densities in the southern portion of the precinct only, by increasing the provision of lots less than 600m<sup>2</sup> around the NC and school. It did not make any recommendations regarding changes to densities in the northern portion of the precinct or around LCCs, nor did it suggest any changes to the provision and distribution of 1,500-2,000m<sup>2</sup> lots. Neither did it specify a preferred minimum lot size or lot size range for lots less than 600m<sup>2</sup>. It is considered however that providing a range of smaller lots within a walkable catchment of the LCC in the northern precinct is consistent with sound planning and urban design principles and will contribute to greater housing diversity within the area and support the viability of the centre. The exhibited PSP showed that all lots in the northern precinct would be greater than 600m<sup>2</sup>. This would result in a lack of diversity and critical mass to support the LCC.

There is scope to reduce the lot sizes along Grossmans Road from 1,500-2,000m<sup>2</sup> to 600-900m<sup>2</sup>. Land to the northeast of Spring Creek on Grossmans Road has been earmarked for re-subdivision into conventional residential lots in accordance with the Briody Drive West Development Plan. Providing large lots along the south side of Grossmans Road would therefore be incongruous with planned development to the north. Furthermore, the development potential of the properties, in particular 165 and 195 Grossmans Road, is constrained by encumbered land required for conservation, open space, waterway and drainage assets, the location of existing dwellings and the need to provide a service road in order to protect significant roadside vegetation. Reducing the lot size to 600-900m<sup>2</sup> would increase the lot yield from a potential 35 lots to 80-90 lots and allow for a more appropriate integrated development with an internal service road to allow the retention of roadside vegetation on Grossmans Road.

The PSP as amended will provide for a sensibly balanced range of lot sizes, with lot sizes across the precinct varying from compact medium density and 500-600m<sup>2</sup> lots within walking distance of the NC, school and LCCs, to larger 600-900m<sup>2</sup> lots for the majority of the precinct and 1,500-2,000m<sup>2</sup> lifestyle lots in sensitive interface areas, including the western boundary and steep land on the north side of Spring Creek. It is recommended that opportunities for medium density housing (lots less than 500m<sup>2</sup>) be provided within and immediately adjacent to the NC and LCCs. This outcome will more meaningfully provide for housing diversity and choice, supporting a diverse community with a mix of family composition, ages and socio-economic status. This approach is considered a reasonable response to the Panel concerns about the densities and lack of housing diversity whilst maintaining the overall vision for the precinct of lower than average housing densities. It would also partially address the concern about the amount of public open space, as higher densities will increase the demand for and justify the provision of open space.

An estimate of the resulting dwelling yield is shown in the table below. The total number of dwellings would increase from 1,781 in the exhibited PSP to 2,119 and the overall density would increase from 9.7 dwellings per hectare to approximately 11.3. This is closer to the Panel's expectations but still preserves the overall vision for the precinct of lower than average densities.

**Table 1: Indicative dwelling yield**

	Amended PSP			Exhibited
	NDA (Ha)	Dw/NDHa	Dwellings	PSP
Residential Neighbourhood Centre	1	30	30	-
Residential lot size <500m <sup>2</sup>	4.54	20	91	-
Residential lot size 500-600m <sup>2</sup>	35.73	15	536	149
Residential lot size 600-900m <sup>2</sup>	122.33	11	1,346	1,457
Residential lot size 1500-2000m <sup>2</sup>	23.4	5	117	175
<b>TOTAL</b>	<b>187.0</b>	<b>11.33</b>	<b>2,119</b>	<b>1,781</b>

Recent land supply and demand modelling<sup>5</sup> demonstrates that, depending on the applied growth scenario, broadhectare land stocks in Torquay-Jan Juc are sufficient to satisfy between 15 to 29 years of demand. Utilising the recent trend in net dwelling construction (3.9% pa) the broadhectare land stock is sufficient to satisfy 18 years of assumed dwelling growth. With undeveloped zoned broadhectare land in Torquay North and identified potential future residential land there is no pressing need for densities in Spring Creek to be increased to satisfy future housing demand and population growth.

### Recommendation

Amend Plan 3 (and all other relevant plans in the PSP and UGZ1) and make consequential changes to the land use budget tables, to show:

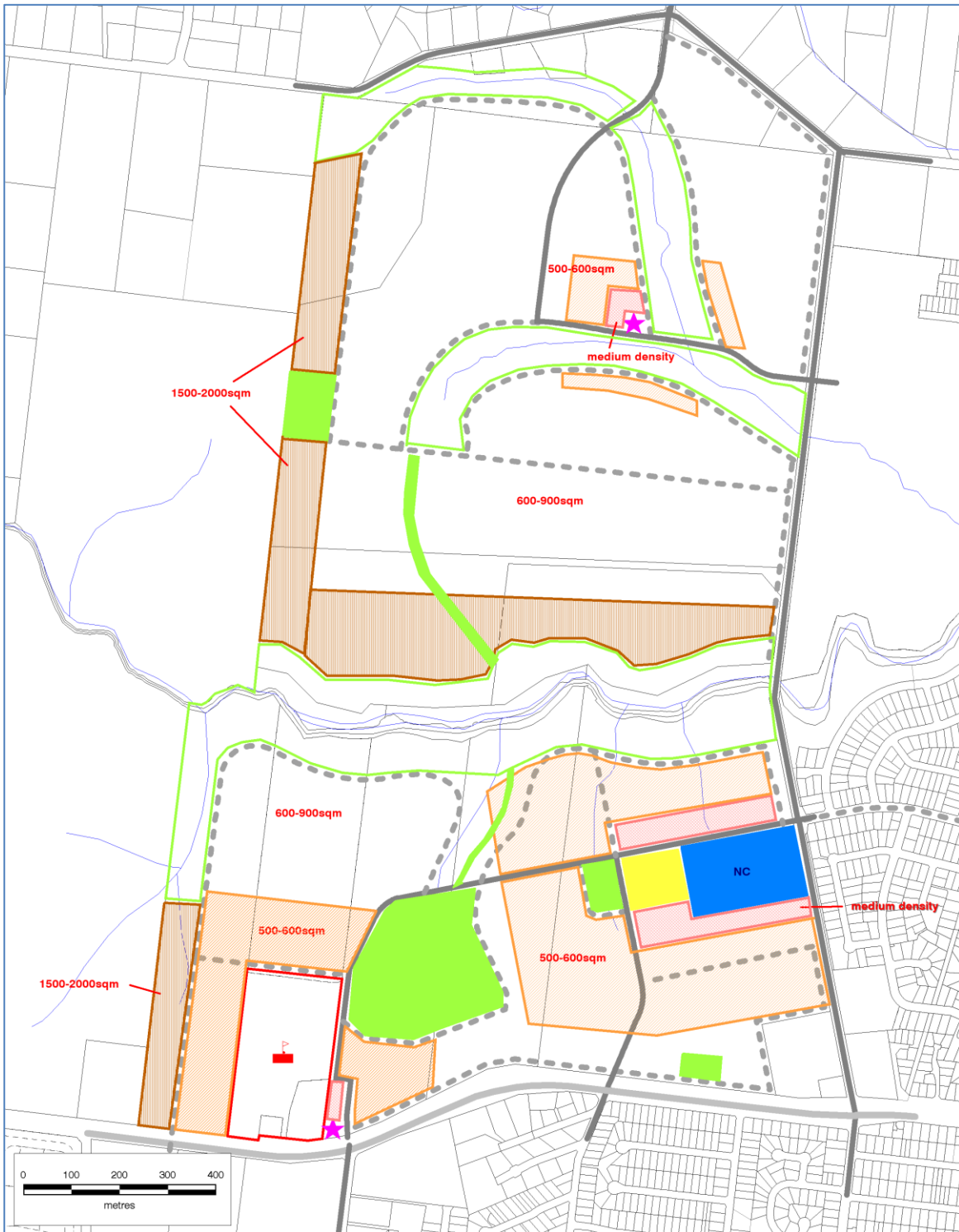
- an extended area of 500-600m<sup>2</sup> lots within defined walkable catchments of the Neighbourhood Centre, school and local convenience centres
- medium density housing (<500m<sup>2</sup> lots) abutting the Neighbourhood Centre and local convenience centres to allow townhouses and unit developments
- the 1,500-2,000m<sup>2</sup> lots along Grossmans Road replaced with 600-900m<sup>2</sup> lots

Add the following new guidelines under section 3.1.2 (Housing):

- Greater housing diversity is encouraged within the following walkable catchments:
  - 400 metres of the neighbourhood centre
  - 200 metres of the non-government school
  - 100-200 metres of a local convenience centre
- Lots suitable for the delivery of medium density housing types should be located adjacent to the neighbourhood centre and local convenience centres.
- Subdivision applications should include indicative concept layouts for any lots identified for the future development of medium density or integrated housing that suitably demonstrate, as appropriate:
  - Active interfaces with adjacent streets, open space and waterways
  - Safe and effective vehicle and pedestrian access and internal circulation
  - Dwelling types and lot yield
  - Appropriate servicing arrangements

<sup>5</sup> *Broadhectare Land Supply & Demand Torquay-Jan Juc Summary*, Spatial Economics, 2017 (unpublished)

Figure 6: Proposed lot size distribution (concept plan only)



## 2.8 Activity Centres

### Panel findings

The Panel held that the early delivery of a full-size Neighbourhood Centre (NC) with 5,000m<sup>2</sup> of retail floor space and a full-line supermarket by 2021 can be supported and would benefit the emerging and surrounding community. It did not support Council's position that delivery of the NC should be staged. The Panel recommended that the UGZ schedule be amended to enable early delivery of the NC to be considered through a planning permit application with supporting evidence.

In addition, the Panel concluded that there is scope for a local convenience centre (LCC) in the northern section of the PSP and that the location should be identified on Plan 5 through an asterix.

The Panel further supported a request from Parklea to review the Neighbourhood Centre design principles at Appendix B of the PSP.

Council accepted these recommendations at the March 2017 Council meeting.

### Response

Neighbourhood centres and local convenience centres play an important role in providing access to services and facilities for communities within a walkable catchment. Neighbourhood centres help to provide for the main daily to weekly household shopping and community needs. Local centres provide for the incidental and day-to-day convenience shopping needs of the local community and will typically include a corner store or café.

Based on the activity centre assessment undertaken by Tim Nott, Council submitted that the development of the NC should be staged to ensure it does not affect the primacy of the Torquay CBD, commencing with a small centre of 3,000m<sup>2</sup> initially in 2021 and as the population catchment grows developing into a centre of 5,000m<sup>2</sup> with a full-line supermarket by 2030. Council however accepts the Panel's arguments to allow for the earlier delivery of a full-scale centre subject to a planning permit and economic impact assessment.

Council submitted to the Panel that it was prepared to reinstate the asterix on Plan 5 to denote the location of a Local Convenience Centre in the northern precinct. Tim Nott's economic assessment concluded that there is an opportunity to allow for up to two local activity centres of up to 400m<sup>2</sup> each in order to support community infrastructure or to provide convenience services for residents beyond walking distance of the NC. The 'island site' between the Christian College and the north-south connector road (Strathmore Drive West extension) has been flagged as a potential site for a second LCC, which is deemed suitable for higher order uses such as a medical centre or childcare. Given the proximity of the site to the NC and the desire to avoid retail development on the Great Ocean Road in order to prevent visitor trade being taken away from well-established tourist precincts elsewhere, it is recommended that the PSP provide guidance on the type of uses supported for the site and that the General Residential Zone be used as the underlying zone to prohibit the establishment of shops.

The recommendation to rationalise the number of Neighbourhood Centre design principles at Appendix B of the PSP is also supported.

## Recommendation

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Accept the Panel recommendation to consider the early delivery of the Neighbourhood Centre subject to a planning permit and supporting economic report by amending the PSP requirements at section 3.2 and the requirements in the UGZ1. A permit and economic report should also be required if more than 5,000m<sup>2</sup> retail floor space is proposed for the Neighbourhood Centre or more than 400m<sup>2</sup> retail floor space for a Local Convenience Centre.

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Show an asterisk on Plan 5 to denote the indicative location of Local Convenience Centres in the northern and southern precincts, with the southern precinct Local Convenience Centre to be restricted to service businesses allowable in the General Residential Zone given the proximity of the site to the NC and the desire to avoid retail development on the Great Ocean Road.

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Insert a table in the PSP describing the indicative size, role and land use mix of the Neighbourhood Centre and Local Convenience Centres.

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Replace the Neighbourhood Centre design principles at Appendix B of the PSP with a rationalised set of guidelines.

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## 2.9 Residential Design Controls

### Panel findings

The Panel supported the application of the Residential Design Controls (RDCs) and their implementation through a Memorandum of Common Provisions (MCP) with any subdivision. It considered that this is the most efficient manner of securing the intended neighbourhood character outcome without additional burden on Council as the responsible authority (note this is contrary to the findings of the Panel for Amendment C106 (Grossmans Road water basin) which considered that for transparency reasons design controls should be part of the planning process, e.g. through overlay provisions). Despite this support for the RDCs and implementation through an MCP, the Panel was of the view that a greater level of flexibility was required.

The Panel recommended that the following preamble be inserted above Table 2 of the RDCs:

*This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the Memorandum of Common Provisions required by Clause 4.7 of Urban Growth Zone Schedule 1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority. These controls may also be varied at the discretion of the Responsible Authority.*

### Response

The desire for some flexibility in the application of the RDCs to enable specific site conditions such as slope and orientation to be considered and responded to is understood, however drafting in the manner proposed by the Panel would result in the application of the RDCs being optional at the discretion of the relevant developer. There will be no guarantee that a developer will apply the RDCs or a developer may cherry pick the elements that suit a particular development and leave out others.

It is hard to reconcile how the Panel on the one hand can say the RDCs will achieve the desired design outcomes of the PSP, but on the other hand recommend that the controls “*should inform the Memorandum of Common Provisions*” and “*may be adopted in full or part as either discretionary or mandatory provisions*”. It is also not clear how discretion would be exercised. Council has made it clear that

it does not wish dwelling developments in Spring Creek to be subject to planning permit applications, which would greatly increase the administrative burden for Council.

Further work has been undertaken to review the specific design controls and to justify their application through mandatory provisions, having regard to the intended outcomes of the controls and the desire to streamline approvals processes by reducing red tape.

**Justification for proposed controls**

The purpose of the RDCs is to create a landscape dominated and topography responsive urban development that creates a true sense of place, reflecting the locality’s environmental and landscape values within a coastal-rural setting. The natural environment, remnant vegetation, creek corridors, scenic landscapes and position along the internationally significant and national heritage protected Great Ocean Road offers an opportunity to create a unique urban environment that is distinctly different from typical growth areas in a metropolitan or suburban setting. This translates to lower densities, larger lots, generous open space and a built form that is nestled within the landscape.

Retention and/or planting of appropriate vegetation, in particular canopy trees, in both the public and private realm is vital to ensure development contributes to the landscape dominance, complementing remnant vegetation along creek lines and in conservation reserves. The planting of trees and a variety of plant types that contributes to and maintains the prevalence of vegetation is a vital element of the natural and coastal character that the PSP seeks to reinforce and enhance.

Good siting principles through control of setbacks and site coverage are critical to achieve the intended outcome of providing landscaping around buildings and to provide the opportunity to augment public realm landscaping within private lots.

The rationale for each control is provided as follows:

Control	Rationale
<b>Lot size</b>	To reflect the predominantly larger lots and lower density residential character of Torquay-Jan Juc. Larger lots will enable sufficient space to be provided for garden areas, landscaping and separation between dwellings. Densities in Torquay-Jan Juc are lower than those typically found in metropolitan areas (11-12 dw/ha vs 15-16 dw/ha).
<b>Site coverage / garden area</b>	To retain a sense of houses in a vegetated landscape setting. Restrictions to building footprints, as well as requirements for minimum garden areas, will assist in providing space for substantial plantings that can include canopy trees. This will also provide the opportunity for the retention of existing scattered trees.
<b>Street setbacks</b>	To encourage a vegetated streetscape character. Generous front setbacks provide space for vegetated front gardens and retention or planting of substantial trees. This will assist in a natural transition between the public realm and private space and enhance the open streetscape character.
<b>Side and rear setbacks</b>	To maintain a sense of space around buildings to support the preservation and establishment of vegetation. Setbacks allow space for landscaping, retention of views, access to breezes, solar access and facilitate privacy and adequate separation between dwellings. Generous side and rear setbacks enable the planting of trees and a variety of plant types. Narrow strips do not provide sustainable planting conditions. Ensuring sufficient spacing between buildings allows vegetation to visually permeate between built forms and provides for views to surrounding landscape features and backdrops.
<b>Building height</b>	To encourage a low profile building height that minimises the visual prominence of



	buildings in the landscape. Due to the topography and viewsheds, development has potential to become visually prominent through elevated forms. A limit on building heights and retaining walls will assist in ensuring development sits sensitively within the landscape. A maximum 7.5m building height, which can be varied with a permit, is consistent with other residential areas in Torquay-Jan Juc and the coastal townships of Anglesea, Aireys Inlet-Fairhaven and Lorne.
<b>Landscaping</b>	To enhance the appearance and amenity of development, integrate with the natural character of the locality and soften the visual impact of urban development within the streetscape and landscape. The planting or retention of canopy trees is important to ensure buildings sit below the tree height in order to reduce the visual intrusion of buildings within the landscape. A lot should contain sufficient unencumbered land to accommodate substantial plantings, including canopy trees.
<b>Parking and access</b>	To provide parking and access areas which are visually recessive in the streetscape and to minimise the loss of garden space due to car parking and accessways. Recessing garages behind the front facade of dwellings will assist in minimising the dominance of car parking structures within the streetscape. A garage setback of 5.5 metres allows off-street parking that does not impede the footpath. A limit to the width of crossovers and accessways ensures sufficient garden area is available for the retention of established trees or the planting of new trees within the front setback area of a dwelling.
<b>Fencing</b>	To encourage an open streetscape character. Front fencing should be discouraged, or where provided, it should be low in height and visually permeable.
<b>Retaining walls</b>	To avoid excessive cut and fill and to encourage development that positively responds to landform/topography. Limiting the extent of cut and fill and the height of retaining walls will encourage a more site responsive lot and building design that follows the contours of the land rather than excessive earthworks to suit dwelling designs.



*Photo left: Dwellings set back from side boundaries, allowing for spacing and vegetation (lots >600m<sup>2</sup>)  
Photo right: Minor side setbacks, resulting in minimal building separation and vegetation (lots <500m<sup>2</sup>)  
(both examples from Quay Estate, Torquay)*



Photos above: Generous side setbacks allow for landscape opportunities between dwellings (The Sands, Torquay)

It is interesting to note that the VPA is working on Regional PSP Guidelines (to be released in 2018) in recognition of the different character and desired outcomes in regional settings compared to metropolitan growth areas. The Preliminary Draft Regional PSP Guidelines<sup>6</sup> suggest consideration of the following matters:

- How will the precinct respond or relate to existing significant natural features of the area including: hilltops, ridgelines, waterways, native vegetation and cultural and post-contact heritage?
- How have any distinctive local features and character of the existing town or wider region been referenced/enhanced/protected and/or continued in the precinct design?
- How have prominent high points and distinctive landscape features been protected and incorporated into the precinct design? Have views to these features been incorporated into the plan?
- Has an appropriate interface between the new township area and the surrounding rural landscape been provided?
- What other features and characteristics of the precinct will help create a distinctive sense of place for the precinct or neighbourhoods within it?

### ***Mandatory vs discretionary controls***

The issue of mandatory versus discretionary or performance based controls have been the subject of many panel deliberations. Panel recommendations vary on this issue, with some panels preferring performance based controls in combination with clear objectives to allow for a proper strategic assessment of any future application (e.g. Surf Coast C55 and Mornington Peninsula C204) and others accepting that there are circumstances that warrant a more prescriptive approach than might otherwise be supported (e.g. Surf Coast C16 and Mornington Peninsula C101).

Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes (PPN59) is relevant to the consideration of mandatory controls. In its introduction PPN59 notes that the Victoria Planning Provisions (VPP) are predominantly performance based. It notes that mandatory provisions in the VPP are the exception and that the VPP process is primarily based on the principle that there should be discretion for most developments and that applications are to be tested against objectives and performance outcomes rather than merely prescriptive mandatory requirements.

<sup>6</sup> *Managing Residential Character in Rural and Regional Victoria, Planisphere, July 2015*



PPN59 notes that there may be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome. Mandatory provisions will only be considered in exceptional circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes. It lists criterion that should be used to assess whether the benefits of mandatory controls outweigh any loss of opportunity or flexibility inherent in a performance based system:

- Is the mandatory provision strategically supported?
- Is the mandatory provision appropriate to the majority of proposals?
- Does the mandatory provision provide for the preferred outcome?
- Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
- Will the mandatory provision reduce administrative costs?

Other relevant considerations are:

- Is a consistent outcome necessary across the precinct?
- Is there likely to be pressure for development to be inconsistent with planning policy?

The State government has recently introduced mandatory controls in the residential zones as part of the Reformed Residential Zones (Amendment VC110 gazetted on 27 March 2017), including a minimum percentage of a lot that must be set aside as garden area<sup>7</sup> and maximum building heights. The minimum garden area provisions aim to protect the green open character of neighbourhoods. The minimum requirements are 25% for 400-500m<sup>2</sup> lots, 30% for 501-650m<sup>2</sup> lots and 35% for lots above 650m<sup>2</sup>. The maximum building height in the General Residential Zone is 11 metres (3 storeys). These standards must be met and cannot be varied. These changes demonstrate the greater acceptance and use of mandatory provisions by the Minister for Planning.

Restrictive, albeit performance based controls apply in Lorne, Anglesea and Aireys Inlet-Fairhaven in order to protect and enhance the non-suburban vegetated coastal character of these townships. The controls are applied through Neighbourhood Character Overlays (NCO). They vary the standards of Clause 54/55 and include requirements relating to building height (max. 7.5 metres), building site coverage (max. 30-35%), hard surface area (max. 40-50%), landscaping and setbacks. The standards of the NCO, whilst robust and detailed, are not mandatory and may be varied with a permit.

An assessment of dwelling developments in Anglesea and Aireys Inlet undertaken as part of structure plan reviews for the respective towns has revealed that overall a high level of compliance is achieved with the requirements of the overlays. Variation of standards is generally limited, but more prevalent in the case of smaller lots (less than 550m<sup>2</sup>), in particular small variations to building site coverage and minimum landscape area have been allowed. This demonstrates that the controls are not overly restrictive and inform site responsive design.

Mandatory controls provide clear benefits: they provide greater certainty for future home owners and reduce red tape and Council's administrative costs, and the costs to landowners, by not requiring planning permit applications for variations to standards having to be considered. The Panel agreed that applying the

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<sup>7</sup> defined in the Planning Scheme as an uncovered outdoor area of a dwelling or residential building normally associated with a garden. It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any area that has a dimension of less than 1 metre.

RDCs is the most efficient manner of securing the intended neighbourhood character outcome without additional burden on Council. It is considered that the controls (as amended per the proposed changes outlined below) will provide a balance between achieving the preferred landscape and neighbourhood character outcomes for the precinct and not overly constraining opportunities for new housing.

### ***Proposed changes***

- **RDC-3: Setbacks**

Reduce the front setback for 500-600m<sup>2</sup> lots to 5 metres (minimum 4 metres under ResCode) and reduce the setback from a side street for all lots to 3 metres (minimum 2 metres under ResCode).

- **RDC-4: Side and rear setbacks**

Apply side setbacks of 1.5 metres for 500-600m<sup>2</sup> lots and 2 metres for 600-900m<sup>2</sup> lots to create greater separation between buildings, enhance the opportunities for landscaping along fence lines and to allow vegetation to visually permeate between built forms. These setbacks are based on residential development in The Sands, Torquay where a strong landscape outcome has been achieved.

A minimum rear setback of 3 metres for 500-600m<sup>2</sup> lots and 5 metres for 600-900m<sup>2</sup> lots provides opportunities for the planting of canopy trees between dwellings and facilitates privacy between upper levels of adjoining lots, which is particularly important for sloping lots.

- **RDC-5: Site coverage**

Allow a building site coverage up to 50% for 500-600m<sup>2</sup> lots and 600-900m<sup>2</sup> lots where a single storey dwelling is proposed that achieves a minimum 7 star energy rating in accordance with the Nationwide House Energy Rating Scheme (NatHERS) and a photovoltaic system is installed. This will allow greater scope for flexible house designs which are suitable for downsizing older persons, persons with limited mobility (including wheelchair) and for more affordable and sustainable housing product.

It is considered that a restriction on the building footprint of dwellings on 1,500-2,000m<sup>2</sup> lots is not required given the large lot size. The requirement for a 6 metre front setback and 20 metre rear setback will ensure sufficient space is available for landscaping.

- **RDC-6: Landscape area**

It is recommended that the requirement for at least 50% landscape area be replaced by minimum garden area requirements to be consistent with recent changes to the residential zones.

- **RDC-12: Retaining structures**

It is recommended that the provisions pertaining to retaining walls be redrafted and the maximum height of retaining walls increased from 1 metre to 1.5 metres to allow greater flexibility in the siting and design of retaining walls, while still avoiding excessive cut and fill and landscape scarring.

The amended controls will provide greater flexibility for residents to site their dwellings on lots, preserve the opportunity to develop single level dwellings and respond to site orientation and topography while achieving sufficient space on lots to facilitate quality landscape outcomes as per the Community Panel vision for Spring Creek.

The creation of additional guidelines for medium density lots should be considered to ensure development is consistent with the desired neighbourhood character.

## Recommendation

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Include the following pre-amble above Table 2 Residential Design Controls:

*This table constitutes the residential design controls contemplated by Clause 4.0 of Schedule 1 to Clause 37.07 Urban Growth Zone. These controls must inform the Memorandum of Common Provisions required by Clause 4.0 of Schedule 1 to Clause 37.07 Urban Growth Zone, and must be adopted as mandatory provisions in conjunction with an application for subdivision, to the satisfaction of the responsible authority.*

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Replace Table 2 Residential Design Controls with a new Table 2 Residential Design Controls.

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### 2.10 Other drafting issues

The Panel made recommendations for a number of other drafting changes to the PSP and UGZ1. These are responded to in the table at Appendix 1.

The UGZ1 has also been redrafted to be consistent with the recently revised Ministerial Direction on The Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

### 2.11 Development Contributions Plan (DCP)

Whilst not an approach preferred by the Panel, the Panel supported the use of Section 173 Agreements in the absence of an approved Development Contributions Plan (DCP) for Spring Creek.

### 2.12 Bushfire Management

Although the Spring Creek PSP area is not affected by the Bushfire Management Overlay, a bushfire assessment was prepared to determine the bushfire risk for future development and to inform an appropriate design response and mitigation strategies.

The assessment of bushfire risk shows that the level of risk is commensurate with the presumptions of the Bushfire Prone Area (BPA) and analysis of the required Bushfire Attack Levels (BAL) and setbacks shows that the development of the precinct will be able to meet the requirements of Australian Standard AS3959-2009. As such, the risk of bushfire impact can be reduced to an acceptable level in the Spring Creek PSP.

The report recommends that the PSP include a guideline that specifies subdivision design should aim to ensure maximum BAL-19, and preferably BAL-12.5, construction standards for future dwellings along with commensurate setbacks from classifiable vegetation. Subdivision design should also ensure that future re-vegetation or natural restoration of the vegetation within open space areas, reserves or streetscapes does not compromise the BAL setbacks.

In addition to BAL construction standards and setbacks, the report details best practice design principles for subdivision and site management plans as they relate to bushfire. This includes the staging of the subdivision; design of the road network to facilitate emergency vehicle access, increase firefighter safety and resident evacuation; and provision of a reticulated water supply and hydrant system.

## Recommendation

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Add the following objective at Section 2.2 under 'Biodiversity, Cultural Heritage and Bushfire Management':

- Ensure that bushfire protection measures are considered in the layout, staging and design of development and the local street network.
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Add the following requirements/guidelines under Section 3.4.3 'Bushfire management':

- Any subdivision abutting an identified fire threat edge must be designed to minimise the impact of potential bushfires, including:
  - The provision of appropriate development setbacks from the classified vegetation, or other potential sources of threat
  - Building construction standards

As informed by a Bushfire Management Assessment, to the satisfaction of the responsible authority and the CFA.

- Any buffer established to minimise fire threat (and to achieve a specified BAL construction standard) must be functional and be able to be managed appropriately and cost effectively, to the satisfaction of the responsible authority and the CFA.
  - Subdivision design should aim to ensure maximum BAL-19, and preferably BAL-12.5, construction standards for future dwellings along with commensurate setbacks from classifiable vegetation.
  - Subdivision design should ensure that future re-vegetation or natural restoration of the vegetation within open space areas, reserves or streetscapes does not compromise the BAL setbacks and any other planned bushfire mitigation measures.
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## Appendix 1 – Response to Panel Recommendations

No.	Panel Recommendation	Officer Response	Recommendation
<b>The Precinct Structure Plan generally</b>			
1	Update the PSP to reflect the Panel's suggested changes detailed throughout this report and listed in Appendix E.		Make required changes as appropriate
2	Council review the wording of its regulations and guidelines where applicable to ensure that the terms 'must' and 'should' are appropriately placed.	Accepted	Make required changes as appropriate
<b>Western Growth Boundary</b>			
3	Council include 'urban growth potential' for the balance of Spring Creek with appropriate community engagement as part of its Rural Hinterland Futures Project.	This recommendation goes beyond the scope of the amendment. Urban growth further to the west is not contemplated by Council's strategic planning policies, including the SFP2040 and Clause 21.08 Torquay Jan Juc Framework Plan, and was not entertained by the former Minister for Planning upon rezoning of Spring Creek to UGZ. Land between Bellbrae and the western town boundary is designated as a green break.	Not supported
4	Provide a notation on the PSP showing the area south-west of the PSP boundary as a 'Strategic Investigation Area.	As above	Not supported
<b>Road Network</b>			
5	VicRoads and Council review the decision to delete the signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection as proposed in the exhibited PSP in favour of un-signalised staggered T-intersections.	Upon further discussions with Council, VicRoads confirmed its preference for an un-signalised T-intersection. VicRoads is confident that such an arrangement would work satisfactorily in combination with a pedestrian crossing.	Replace the signalised intersection at Great Ocean Road/Strathmore Drive East with an un-signalised left in/left out intersection.
6	Should the review confirm the decision to replace the signalisation of the intersection with un-signalised staggered T-intersections, the PSP Plan 7 (Road Network, Public Transport and Trail) be amended as follows: a) show a re-aligned north south access street to create a T-intersection with the Great Ocean Road approximately midway between Strathmore Drive East and Torquay Boulevard b) change the designation of the north south access street from Connector Street to Local Access Street – Level 2	Accepted	Amend PSP Plan 7 as per Panel recommendation

No.	Panel Recommendation	Officer Response	Recommendation
	c) include an additional connection from the north south access street to Duffields Road south of Ocean View Crescent subject to resolution of the environmental and sight distance issues raised by Council.		
7	Should the review confirm the decision to replace the signalisation of the intersection with un-signalised staggered T-intersections: a) a pedestrian refuge should be constructed as part of the T-intersection as an interim measure b) VicRoads and Council should monitor pedestrian and cyclist numbers crossing the Great Ocean Road and traffic volumes with the view to installing pedestrian activated traffic signals when warranted	Accepted	Include the provision of a pedestrian crossing in the design of the intersection and include as a DCP item.
8	As development occurs in the Spring Creek precinct, Council should monitor the increase in traffic volumes on Ocean View Crescent to determine whether the installation of traffic calming measures to discourage through traffic is warranted.	Accepted	Monitoring to occur at the appropriate time
<b>Stormwater and drainage</b>			
9	Redraft the PSP section 3.6.1 Integrated water cycle management, the annotation to Plan 8 Integrated Water Management as follows: a) make it clear and explicit that the PSP requirements with respect to the water management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision approval stage. b) provide clarity and future guidance for the assessment by the responsible authority of development proposals. c) Amend R55 to state: Final methodology, design and boundary of waterway and drainage reserves and infrastructure, including retarding basins, stormwater quality treatment infrastructure and associated paths, boardwalks, bridges and planting is to be agreed at the time of making an application for subdivision to the satisfaction of the responsible authority and the catchment management authority where required.	Accepted. Consistent with Council's recommendation to the Panel.	Redraft relevant PSP requirements/guidelines at section 3.6.1 and note on Plan 8
10	Amend PSP Plan 8 Integrated Water Management as follows: a) delete WL15 and WL21 b) provide a conceptual layout in place of these deleted water bodies to show water management infrastructure at a downstream location.	Further work has been undertaken to consider the appropriateness of deleting WL15 and WL21. The Panel recommendations are accepted.	Amend Plan 8 to delete WL15 and WL21 from 200-220 Great Ocean Road and show a stormwater basin closer to the creek.
11	Council give further consideration in consultation with affected landholders to mechanisms to provide for the equalisation of contributions to shared water	Accepted	The use of Section 173 Agreements at the subdivision

No.	Panel Recommendation	Officer Response	Recommendation
	management infrastructure.		stage is an acceptable mechanism to provide for shared infrastructure.
12	Add the following sentence at the end of R70 to state: ...unless the liability arises pursuant to an agreement under section 173 of the <i>Planning and Environment Act 1987</i> , in which case Council is obliged to satisfy the liability in accordance with the agreement.	Accepted	Redraft R70
<b>Biodiversity</b>			
13	Amend the wording of R23 of the PSP to allow for a permit application to remove native vegetation identified for protection in the NVPP.	Accepted	Redraft R23
14	Council consider using the best part of GW5 as a net gain native vegetation offset, with consideration of appropriate public access that manages identified threats and protects the values of the biodiversity asset.	Council's position at the Panel was that it opposed acceptance of the site as an offset site given the ongoing management responsibilities that would be placed on Council and restrictions on public access. Further investigations and internal discussions have confirmed this position.	Not accept the best part of GW5 as a net gain native vegetation offset site
15	Remove SRW1 from the PSP and NVPP as vegetation proposed for retention in a conservation reserve.	To date Council has not been able to produce conclusive evidence that public funding was used for the planting of trees within this vegetation patch, although there is strong indication that the revegetation was part of a publicly funded program. The panel recommended that the vegetation be retained to provide habitat benefits, but that it should be removed as a conservation reserve and should not be subject to a planning permit or offset requirement under Clause 52.17. Without a record of public funding, Council cannot mandate the retention of the vegetation. As the Panel recommended retention of this vegetation to provide habitat benefits, it is recommended that the vegetation be included in the NVPP as vegetation identified for 'practical retention'. Given the vegetation would be contained within the creek buffer, this is viable option.	Remove the patch of SRW1 at 200 Great Ocean Road as a conservation reserve and include it in the NVPP as vegetation identified for 'practical retention'.
16	Review the status of native vegetation at 160 and 195 Grossmans Road, and amend	Further investigations have been undertaken by	No changes required to

No.	Panel Recommendation	Officer Response	Recommendation
	the Biodiversity Assessment and NVPP accordingly.	Ecology & Heritage Partners. The investigations confirm that the vegetation is regrowth that can be classified as native vegetation. It has been correctly mapped as a native vegetation patch.	Biodiversity Assessment and NVPP
<b>Open space</b>			
17	Council should prepare a detailed assessment of how active open space needs of Spring Creek residents will be met, and review the requirement for passive open space contribution accordingly, to achieve a passive and active open space contribution of no more than 10 percent, and in line with the Open Space Strategy and Community Infrastructure Assessment.	The recommendation is contrary to the aim of providing a natural open space system based around waterways and conservation reserves. Further work has been undertaken to justify the proposed open space provision. The active open space needs of Spring Creek residents will be largely met by existing sporting reserves outside the precinct (e.g. Spring Creek and Bob Pettitt Reserves) and future provision of new reserves elsewhere in Torquay, to be informed by the Community Infrastructure Needs Assessment which is currently underway. A number of unconstrained areas have been identified within the precinct that are suitable for informal, unstructured active uses.	Maintain open space provision generally as per exhibited PSP.
18	Review waterway buffer widths and amend these in association with the review of open space provision, in response to site specific considerations and constraints such as amenity, topography and the need for open space linkages.	The recommendation to scale back the buffers is contrary to the aim of providing creek buffers in excess of minimum standards to protect waterways, remnant vegetation and aboriginal cultural heritage and to provide for wildlife corridors and recreational use (walking/ cycling trails). Site specific technical information has been reviewed and it is considered that the width and alignment of buffers is justified.	Maintain creek buffers as per exhibited PSP.
19	Review the distribution of local and neighbourhood parks to ensure that provision within 400 metres of at least 95 percent all dwellings is achieved.	The distribution of local and neighbourhood parks has been reviewed and it is considered that the aim of providing open space within 400 metres of at least 95 percent all dwellings is generally achieved.	Panel recommendation satisfied
20	If part of GW5 is secured as a net gain offset and Council is not able to manage this asset, then a suitable alternative land manager be secured.	It is unlikely that there is a land manager other than Council that would be willing to adopt management responsibility of the reserve.	As per Recommendation 14, it is recommended that Council not accept part of GW5 as an offset site. It is the developer's



No.	Panel Recommendation	Officer Response	Recommendation
			responsibility to pursue an alternate land manager if it wishes to use the patch as an offset site.
21	Amend the native vegetation patch identified as GW5 on 200-220 Great Ocean Road as follows: a) re-shape to minimise the boundary to area ratio b) include credited open space in the south western patch that has a degraded understorey and sparse trees c) develop this south western patch as a Bellarine Yellow Gum reserve that is sensitively designed and managed for passive open space that protects and respects the environmental values of this area.	The configuration and use options of vegetation patch GW5 at 200-220 Great Ocean Road have been reviewed. It is considered that the south western portion of the patch is suitable as a passive open space reserve. There is opportunity for the provision of a nature play park and the majority of Bellarine Yellow Gums would be retained.	Amend Plan 6 to show the south-western portion of GW5 as credited open space.
22	Relocate OS-08 local park to incorporate trees 41 – 47.	Accepted. Consistent with Council's recommendation to the Panel.	Amend Plan 6 to relocate OS-08.
23	Review the size and configuration of OS-01, OS-02 and OS-13, and resize based on strategic justification for environmental or open space purposes.	The size and configuration of OS-01 and OS-02 have been reviewed. OS-13 has been reviewed in light of Recommendation 21.	Amend Plan 6 to reduce the width of OS-01 and OS-02 and reconfigure OS-13.
24	Council should determine a suitable treatment for the southern boundary of 231 Grossmans Road to ensure open space continuity, for example public open space along the waterway with fence to the northern side of the creek.	Not accepted. The area is outside the PSP and no further development to the west is supported.	Reject Panel recommendation
<b>Density</b>			
25	Amend O5 to read: Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land, and increase to allow the creation of lots of less than 600 square metres within a reasonable walking distance of the neighbourhood activity centre and the school.	Accepted in principle	Amend O5 generally in accordance with Panel recommendation.
26	Add G18 to state: Greater housing diversity is encouraged within a reasonable walking distance of the neighbourhood activity centre and the school.	Accepted	Amend PSP to add G18.
27	Amend the land budget and associated mapping highlighting density accordingly, with a view to increasing densities to at least 12-13 dwellings per hectare.	Options to expand the area of 500-600m <sup>2</sup> lots around the neighbourhood centre and school have been investigated. It is recommended that 500-600m <sup>2</sup> lots be provided within 400m of the neighbourhood centre, 200m of the school and 100-200m of local convenience centres. To increase housing diversity and a more diverse	Amend Plan 3 to increase housing diversity and to more closely achieve the density targets of the Panel.

No.	Panel Recommendation	Officer Response	Recommendation
		community it is recommended that pockets of medium density housing be provided immediately adjacent to the neighbourhood and local centres.	
<b>Activity Centres &amp; Community Facilities</b>			
28	Amend the UGZ Schedule to ensure that early delivery of the NAC can be considered through a planning permit application with supporting evidence.	Accepted	Amend UGZ1
29	Reinstate the asterix on Map 1 of the UGZ and Plan 5 of the PSP denoting a Local Convenience Centre in the northern precinct.	Accepted	Amend Maps to denote local convenience centres
30	<p>Add the following guideline in relation to Community Facilities:</p> <ul style="list-style-type: none"> <li>Where the responsible authority is satisfied that land shown as a local community facility on Plan 3 is unlikely to be used for that purpose, that land may be used for an alternative purpose which is generally consistent with the surrounding land uses and the provisions of the applied zone.</li> </ul>	Accepted	Amend PSP to add guideline at section 3.3.2
<b>Drafting issues</b>			
31	Delete G17.	Accepted	Amend PSP to delete G17
32	<p>Insert the following preamble above Table 2 of the Residential Design Control to state:</p> <ul style="list-style-type: none"> <li>This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the Memorandum of Common Provisions required by Clause 4.7 of Urban Growth Zone Schedule 1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority. These controls may also be varied at the discretion of the Responsible Authority.</li> </ul>	Not accepted. Drafting in the manner proposed by the Panel would result in the application of the RDC's being optional to the discretion of the relevant developer. There will be no guarantee that a developer will apply the RDC's or a developer may cherry pick the elements that suit a particular development.	Maintain the RDC's as mandatory provisions that must inform MCPs at the subdivision permit stage.
33	<p>Amend the following controls within Table 2 of the Residential Design Control:</p> <ul style="list-style-type: none"> <li>RDC-3: minimum front setbacks to 4.0 metres and 3.0 metres for side setbacks across all columns.</li> <li>RDC-5: The area of a lot covered by buildings should not exceed 35 per cent</li> <li>RDC-6: At least 40 per cent of a lot must be available for the planting of vegetation and provision of permeable surfaces (excludes driveways and tennis courts of all surface types)</li> </ul>	<p>Further work has been undertaken to justify the application of the design controls and to look at the specific drafting of the controls.</p> <ul style="list-style-type: none"> <li>RDC-3: A reduction of the front setbacks to 4m is not supported for 600-900m<sup>2</sup> and 1500-2000m<sup>2</sup> lots. This should be kept at 6m. Consider reducing to 5m for 500-600m<sup>2</sup> lots. A reduction of the side street setbacks to 3m is supported for all lots.</li> <li>RDC-5: Amend site coverage up to 50% where a 7 star single storey house is</li> </ul>	Replace RDC table with amended table.

No.	Panel Recommendation	Officer Response	Recommendation
		proposed. <ul style="list-style-type: none"> <li>RDC-6: replace with a minimum garden area requirement as per the new State government provisions for the residential zones.</li> </ul>	
34	At section 3.2, in the first paragraph delete the words “co-located with” and replace them with “and”.	Accepted	Redraft section 3.2
35	Delete R8 and redraft as a Guideline. As a guideline, amend the following dot points: <ul style="list-style-type: none"> <li>Third: Provide staging (if relevant) and indicative timing of the development</li> <li>Fourth: If appropriate, incorporate public transport services into the design of the centre</li> <li>Eighth: Address interim management of the land required for longer term expansion (if relevant having regard to any staging and timing of development) so that the land is not kept in an unattractive or neglected state for long periods.</li> </ul>	Redrafting as a guideline is not supported, as the requirement for a Concept Plan for the Neighbourhood Centre should be a mandatory requirement.  The drafting changes to the dot points are accepted.	Retain R8 as a requirement and redraft dot points as per Panel recommendation
36	Redraft R10 and after the words "as illustrated on Plan 5", insert the words "or by reference to an approved Concept Plan pursuant to Clause 2.6 of UGZ1".	Accepted	Redraft R10
37	Delete R12.	Accepted	Delete R12
38	Delete the words “car parking and” from G18.	Not accepted	
39	Insert the following new Guidelines: G18A Buildings within the neighbourhood centre must provide: <ul style="list-style-type: none"> <li>Primary vehicle access from the connector street</li> <li>Positive and active building frontages addressed towards to the adjoining street network</li> <li>Service and loading areas that manage amenity impacts the surrounding residential area.</li> </ul>	It is considered that these guidelines (which replace R12) are not required as they are covered by the neighbourhood centre design principles in Appendix B of the PSP.	Insert amended Appendix B
40	Insert G18B: Address the Activity Centre Design Guidelines as appropriate having regard to the context, scale and topography of the neighbourhood centre.	Not accepted.	Retain as a requirement under R8
41	Insert G18C: Demonstrate how the neighbourhood centre provides for a range of compatible commercial, residential and community uses.	Not accepted.	Retain as a requirement under R8
42	Insert G18D: Provide appropriate opportunities for higher density housing or specialised accommodation such as serviced apartments, aged care or retirement living.	Not accepted.	Retain as a requirement under R8
43	Insert G18E: Locate and design car parking areas to manage negative amenity impacts.	Not accepted.	Retain as a requirement under R8
44	Insert G18F: Locate and design service areas for deliveries and waste disposal including access for larger vehicles with measures that manage impacts on adjoining	Not accepted.	Retain as a requirement under R8

No.	Panel Recommendation	Officer Response	Recommendation
	areas.		
<b>Urban Growth Zone Schedule</b>			
45	Amend Schedule 1 to the UGZ as outlined in Appendix D and make any consequential changes as a result of amendments to the PSP.	Accepted in principle, unless where otherwise recommended in this report.	Adopt the revised UGZ1
<b>Further recommendations</b>			
46	<p>Council should work with DELWP to review and refine the NVPP, to include a rationale for native vegetation proposed for retention and removal, and respond to the specific matters raised by DELWP, including:</p> <ul style="list-style-type: none"> <li>• Minimisation strategy</li> <li>• Review of the NVPP to minimise specific offsets</li> <li>• Roadside vegetation inclusion</li> <li>• Biodiversity Impact and Offset Requirements (BIOR) report</li> <li>• Clearly explain vegetation for practical retention</li> <li>• Rewording tree protection zone requirements</li> <li>• Information that explains the difference between specific and general offsets, and the offset requirements of landholders.</li> </ul>	The NVPP has been refined and updated in consultation with DELWP.	Adopt the revised NVPP
47	The impact of climate change should be modelled for stormwater for the precinct, and to ensure that design detail for each stage of the development demonstrates a response to this modelling.	<p>Advice provided previously by Council's consultants on the impact of climate change confirmed that the proposed stormwater management approach, combined with the natural topography of the site, has enough built in conservativeness to cater for events outside of those modelled in the Study such as the possible effect of climate change.</p> <p>The stormwater modelling report has been updated to include reference to the likely impact of climate change.</p>	Panel recommendation satisfied

## Other recommendations in the Panel report that are not included in the list of recommendations

No.	Panel Recommendation	Officer Response	Proposed Action
<b>Biodiversity</b>			
A	In relation to wildlife and kangaroos, the Panel supports DELWP's recommendations and Council's proposal to include Kangaroo Management Principles in the PSP and Construction Environmental Management Plans.	Support noted	Redraft PSP and UGZ1
B	Council should undertake further work to understand climate change impacts on native vegetation across the site, and determine suitable revegetation species.	Accepted in principle. Council could consider preparing a landscape planting list for Spring Creek.	Prepare a landscape planting list with suitable species for Spring Creek.
<b>Climate change and environmental sustainability</b>			
C	More comprehensive application of Appendix F to achieve the goal of environmentally sustainable development across the precinct.	As currently drafted, the PSP only requires a response to Appendix F in Section 3.2 (activity centres). The Panel's recommendation is supported and it is recommended that the sustainability principles also apply to residential development across the precinct.	Amend the PSP to require all development to consider the sustainability principles at Appendix F.
<b>Open Space</b>			
D	The Applied Zone Provisions in the exhibited UGZ1 should be amended to remove the open space categories PCRZ and PPRZ, and that these areas be rezoned once vested in Council.	Accepted. The exact size and location of open space and conservation reserves will be determined through detailed design at the subdivision stage.	Amend the UGZ1 to delete the PCRZ and PPRZ from the applied zone provisions.
E	The buffer arrangements along the western boundary as proposed by Council are appropriate.	Support noted.	Insert requirement for buffer into PSP.
<b>Urban Growth Zone Schedule 1</b>			
F	At Clause 2.8 of the UGZ1, increase the maximum building height to 9 metres (or 10m where slope exceeds 2.5 degrees)	Not supported. The 7.5m maximum building height proposed by Council is not a mandatory requirement but a permit trigger. Heights above 7.5m can be considered subject to a planning permit. Increasing the height to 9m as of right is not consistent with the rest of Torquay-Jan Juc and the other coastal townships in the Shire.	Reject Panel recommendation

## Response to the Panel's recommended drafting changes to the PSP (Appendix E of the Panel Report)

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
1.0	Amend final sentence to "through the construction of approximately 2,400 dwellings to accommodate more than 6,000 people".	Not supported.	Agree with Council.	If density increases as per response to Rec 27, then population and housing estimates will require updating accordingly.
	Update population figure to account for density suggestions.	Not supported.	Subject to other changes, covered by rec 1.	As above
1.1	Delete 2 <sup>nd</sup> dot point: <i>Enables the transition of non-urban land to urban land.</i>	Not supported. This is one of the key purposes of a PSP and the UGZ.	Agree with Council.	Noted
	Delete reference to Open Space Strategy 2016-2026.	Not supported. The strategy is not a reference document in the Planning Scheme, but is an adopted document that has informed the PSP.	Agree with Council.	Noted
Plan 3	Change "residential (lot size 500-600m sq)" to "medium density residential (townhouses and terraced housing)".	Not supported.	Agree with Council.	Noted
	Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	Not supported.	Agree with Council.	Noted
	Remove "residential (lot size 1500-2000m sq)" category.	Not supported.	Agree with Council.	Noted
	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council.	Noted
	Review the conservation reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council.	Noted
	Delete open space OS-01 (encumbered and unencumbered) and waterway corridor/drainage asset from Property 2 (165 Grossmans Road).	Not supported.	See rec 23.	See response to Rec 23
	Extend road to PSP boundary (260 Great Ocean Road).	Council does not support any roads terminating at the western boundary.	See rec 4. (southern portion)	Not supported. See response to Rec 4.



PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
	Change designation of 1500-2000sqm lots along south-west boundary to residential (lot size 600-900sqm).	Not supported.	See rec 26, 27	Maintain larger lots along western boundary
	Pedestrian access over Spring Creek to be realigned.	Council accepts that the location of the pedestrian bridge may be reviewed subject to further detailed site investigations.	Agree with Council.	Noted
	Local access road to be relocated closer to creek (200-220 Great Ocean Road).	Council does not support a reduction to the creek buffers.	See rec 18	See response to Rec 18
	Waterway to be removed (200-220 Great Ocean Road).	Not supported.	See rec 10	See response to Rec 10
	Dam within open space to be relocated (200-220 Great Ocean Road).	Not supported.	See rec 10	See response to Rec 10
	Open space allocation to be reduced (200-220 Great Ocean Road).	Not supported.	See rec 17	See response to Rec 17
	Area of vegetation to be slightly reduced (200-220 Great Ocean Road).	Not supported.	See rec 21	See response to Rec 21
	Dam within vegetation to be removed (200-220 Great Ocean Road).	Not supported.	See rec 10	See response to Rec 10
	Higher density residential land to be encouraged around the school site (200-220 Great Ocean Road).	Not supported.	See rec 26	See response to Rec 26
	Dog-leg to be re-oriented (200-220 Great Ocean Road).	Not supported. Road frontage to school site to be maintained.	Agree with Council	Noted
	Higher order uses (ie medical centre, childcare centre, café) (200-220 Great Ocean Road).	Council not opposed to higher order uses in this location, but submits these do not need to be shown on Plan 3 as they can be considered pursuant to the underlying residential zone.	Agree with Council	Noted
	Development to be set back 30m from 1 in 10 year floodplain (200-220 Great Ocean Road).	Council does not support a reduction to the creek buffers.	See rec 9, 10, 18	See response to Rec 9, 10, 18
	Drain within conservation area to be removed (200-220 Great Ocean Road).	Not supported.	See rec 9	See response to Rec 9

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
	Proposed nature play area (200-220 Great Ocean Road).	Council not opposed to delivery of nature play area in a suitable location, but should not be shown on Plan 3.	Agree with Council	Noted
	Removal of vegetated tail (200-220 Great Ocean Road).	Strongly opposed for the reasons set out in Council's submissions.	See rec 21	See response to Rec 21
	Remove open space and conservation reserve from Property 3 (195 Grossmans Road).	Not supported.	See rec 23	See response to Rec 23
	Move local access street to south or DCP fund to deliver (195 Grossmans Road).	Not supported.	Agree with Council	Noted
	Standard density lots along Grossmans Road.	Not supported.	Agree with Council	Noted
	Continue road to western boundary as per Rural Estates (260 Great Ocean Road).	Not supported.	See rec 3,4	See response to Rec 3, 4
	Standard density lots (along western precinct boundary) (260 Great Ocean Road).	Not supported.	Subject to other changes. Covered by rec 1	Maintain larger lots along western boundary
	Remove open space (along western precinct boundary) (260 Great Ocean Road).	Not supported.	See rec 22.	See response to Rec 22
	Reduce open space per overall reduction.	Not supported.	Subject to other changes, covered by rec 1.	See response to Rec 17
	Identify land for potential non-residential use (200-220 Great Ocean Road).	Not supported.	Agree with Council	Identify land as LCC
	Reduce size of open space / conservation area to facilitate lots fronting connector (200-220 Great Ocean Road).	Not supported.	Subject to other changes, covered by rec 1.	See response to Rec 21
	If connector straightened against school submissions, move open space to land between connector and school boundary.	Not supported.	Agree with Council	Noted
	Identify land around school for higher density residential.	Not supported.	See Rec 25, 26	See response to Rec 25-27
	Increase the size of the neighbourhood centre to 3ha.	Supported.	Agree with Council	Noted
	Notation on map or additional shading to designate potential medium / high density housing in and around the NAC.	Not supported.	Subject to other changes, covered by rec 1.	See response to Rec 25-27

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
2.1	<p>Amend 3<sup>rd</sup> paragraph as follows: A range of housing densities will respond to the topography and sensitive interfaces, including the Spring Creek riparian corridor and rural land to the west, which is currently rural but is recognised as having potential for future residential development and is required by the Planning Scheme to be the subject of a further strategic planning exercise to identify preferred land uses.</p>	Strongly opposed. Land further to the west is <u>not</u> identified by Council or any strategic documents for future residential development.	See rec 4	See response to Rec 4
	<p>Amend 3<sup>rd</sup> paragraph as follows: A range of housing densities will respond to the topography and sensitive interfaces, including the Spring Creek riparian corridor and rural land to the west, the proposed neighbourhood activity centre and the non-government school.</p>	Not supported.	Agree with Council	Noted
2.2	Amend O5 “Provide for a range of residential densities and lot types, including medium density around the neighbourhood centre”.	Not supported.	See rec 25	See response to Rec 25
	Amend O5 “Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land, and increase to allow the creation of lots of less than 600 square metres within a reasonable walking distance of the <del>around the commercial centre</del> neighbourhood activity centre and the non-government school.”	Not supported.	See rec 25	See response to Rec 25
	Amend O5 “Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land north of Spring Creek, and increase around the commercial centre.”	Not supported.	Agree with Council	Noted
	Amend O11 “Deliver a permeable movement network of attractive streetscapes which connect residential, community and commercial uses and encourage walking and cycling and provide for future connection to land to the west.”	Strongly opposed. Land further to the west is <u>not</u> identified by Council or any strategic documents for future residential development.	See rec 4	See response to Rec 4
Plan 4	Change “residential (lot size 500-600m sq)” to “medium density residential (townhouses and terraced housing)”.	Not supported.	Agree with Council	Noted
	Change “residential (lot size 600-900m sq)” to conventional density residential (minimum average lot size at least 500m sq)”.	Not supported.	Agree with Council	Noted

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
	Remove “residential (lot size 1500-2000m sq)” category.	Not supported.	Agree with Council	Noted
2.3	Amend third and fourth sentences to: “The land budget shows that the PSP will yield 2,398 lots with an average density of approximately 13 dwellings per net developable hectare. An average household size of 2.54 persons for conventional density housing (based on Victoria in Future 2015), is used to estimate the future population of the PSP area. On this basis, the future population of the PSP is estimated to be 6,091 residents.”	Not supported.	Agree with Council	If density increases around the NAC and school, then population and housing estimates will require updating accordingly.
	Update dwelling yield and densities.	Not supported.	Subject to other changes, covered by rec 1.	As above
Table 1	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	Noted
	Review the conservation reserve from Property 1 (225 Grossmans Road).	Not supported.	Subject to other changes, covered by rec 1.	Reviewed as part of further investigations into open space provision and review of vegetation along Grossmans Road.
	Remove the individual lot size categories and just use the net developable area to calculate the dwelling capacity at 13 dwellings per hectare, i.e.: NDA = 184.48 Dwell / NDHa = 13 Dwellings = 2,398	Not supported.	Subject to other changes, covered by rec 1.	If density increases around the NAC and school, then population and housing estimates will require updating accordingly.
	Update to reflect submissions in relation to reduced areas of waterways, conservation area, open space.	Not supported	Subject to other changes, covered by rec 1.	Land use budget to be updated following changes to PSP.
Plan 5	Change “residential (lot size 500-600m sq)” to “medium density residential (townhouses and terraced housing)”.	Not supported.	Agree with Council	Noted
	Change “residential (lot size 600-900m sq)” to conventional density residential (minimum average lot size at least 500m sq)”.	Not supported.	Agree with Council	Noted
	Remove “residential (lot size 1500-2000m sq)” category.	Not supported.	Agree with Council	Noted

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
	Remove the local convenience centre and its catchment from Plan 5, and instead add a note in the legend "local convenience centre location to be determined"	Supported.	Agree with Council	Panel recommendation not consistent with Rec 29 to reinstate the asterix
	Inclusion of notation indicating that the location of a Local Convenience Centre is to be included on the landholding of 80 Duffields Road.	Not supported.	See rec 29	See response to Rec 29
R1	Redraft as a guideline.	Not supported. Maintain as a requirement.	Agree with Council	Noted
R2	Redraft as a guideline.	Not supported. Maintain as a requirement.	Agree with Council	Noted
R3	Redraft as a guideline.	Not supported. Maintain as a requirement.	Agree with Council	Noted
G4	Delete.	Not supported.	Agree with Council	Noted
G8	After the phrase "abutting open space areas", insert the words "other than retaining walls constructed to a boundary".	Not supported.	Agree with Council	Noted
R4	Redraft as a guideline.	Not supported. Maintain as a requirement.	Agree with Council	Noted
R5	Redraft as a guideline.	Not supported.	Agree with Council	Noted
R6	Add "(with the exception of lots fronting Grossmans Road)". This does not work in the current layout of large lots and open space in between the drainage line and Grossmans Road. Primary position is to delete open space. Secondary position is to remove this impracticable requirement.	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council	Noted
	(a) Insert the word "any" before the words "dwellings fronting open space"; (b) Insert the words "in order to provide a physical separation between the dwelling and the open space, conservation reserve or arterial road".	Not supported. Refer to wording previously provided by Council.	Agree with Council	Noted
R7	Inconsistent with R6.	Agree. Council has provided amended wording for R5, R6, R7.	Agree with Council	Noted
	Redraft as a guideline.	Not supported.	Agree with Council	Noted
G15	Modify to "Dwellings should must provide a positive address to abutting community centres and schools" and include as a requirement.	Council is not opposed to this change.	Retain as should	Panel recommendation accepted

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
G17	Delete.	Accepted.	Agree with Council	Noted
	Replace with "Lot sizes may be reviewed based on matters including design, orientation, topography, aspect and subdivision layout. Lot sizes may be provided both above and below the lot size ranges set out in Table 2 and Plan 3, provided that the average minimum lot size in a subdivision area does not fall below the minimum lot size provided for the relevant area."	Not supported. Council agreed to delete G17.	See rec 31	Accepted
	Add G18 – Greater housing diversity is encouraged within a reasonable walking distance of the neighbourhood activity centre and non-government school.	Not supported.	Agree with Council	Panel recommendation not consistent with Rec 26
Table 2	Underneath the heading "Table 2 Residential design controls", insert the following words: <i>This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the MCP required by Clause 4.7 of UGZ1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority.</i>	Supported in part. Reword as follows: <i>This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls must inform the MCP required by Clause 4.7 of UGZ1.</i>	See rec 32	See response to Rec 32
	Table 2 is unnecessarily prescriptive and should be deleted; these matters would be better covered at permit stage.	Not supported. Council prefers the use of MCPs to reduce planning permit requirements.	Agree with Council – see rec 32	Noted
RDC-1	Delete.	Not supported.	Agree with Council	Noted
	Change 500-600 sqm category to "medium density residential (townhouses and terraced housing) – no specific lot sizes".	Not supported.	Agree with Council	Noted
	Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	Not supported.	Agree with Council	Noted
	Remove "residential (lot size 1500-2000m sq)" category.	Not supported.	Agree with Council	Noted
RDC-3	Amend to be in accordance with ResCode, i.e. 4m façade setback to dwellings and 2m size setback when adjoining a road.	Not supported.	Agree with Council	Noted



PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
	(a) Change minimum front setbacks to 4.0 metres. (b) Change minimum side setbacks to 3.0 metres.	Not supported.	See rec 33	Alternative controls proposed
RDC-4	Amend so that setbacks to rear boundaries are 3m not 20m and require landscaping along the boundary with land in the Farming Zone.	Not supported.	Agree with Council	Noted
	(a) Delete the current additional requirements set out in relation to the 500-600sqm lots; (b) Replace the requirements with the following words: (i) A new wall should be located a minimum of 2.0 metres from a side boundary. (ii) A new wall should be located a minimum of 5.0 metres from a rear boundary to facilitate privacy between upper levels of adjoining lots.	Not supported.	Agree with Council	Alternative controls proposed
RDC-5	Amend to allow site coverage up to 60 percent on sites less than 500 sqm.	Not supported.	Agree with Council	Alternative controls proposed
	(a) Amend site coverage from 35 percent to 50 percent; and (b) At the end of the sentence, insert the words "or 60 per cent including all impervious surfaces".	Not supported.	See rec 33	Alternative controls proposed
RDC-6	Amend to "Front setbacks must be planted with a canopy tree or trees".	Not supported.	Agree with Council	Alternative controls proposed
	(a) Amend reference to 50 percent to 40 percent; and (b) After the phrase "planting of vegetation", insert the words "and provision of permeable surfaces".	Not supported.	See rec 33	Alternative controls proposed
3.2	1 <sup>st</sup> paragraph: delete the words "co-located with" and replace them with "and".	Supported.	See rec 34	See response to Rec 34
	2 <sup>nd</sup> paragraph: replace the first sentence with: <i>The Spring Creek Neighbourhood Centre will provide important economic support for the local both in the early phases of residential development in the PSP area and the subsequent growth of the Spring Creek community.</i>	Not supported.	Agree with Council	Noted
R8	1 <sup>st</sup> bullet point: redraft as a Guideline which refers to the Activity Centre Design Guidelines.	Not supported.	Agree with Council	Recommendation not consistent with Rec 35, 40

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
	2 <sup>nd</sup> bullet point: redraft as a Guideline	Not supported.	Agree with Council	Recommendation not consistent with Rec 35, 41
	3 <sup>rd</sup> bullet point: after the words "provide staging", insert "(if relevant)"	Supported.	See rec 35	See response to Rec 35
	4 <sup>th</sup> bullet point: insert the words "if appropriate" at the start of the point	Supported.	See rec 35	See response to Rec 35
	5 <sup>th</sup> bullet point: redraft as a Guideline	Council suggests deleting this point.	See rec 35	See response to Rec 35, 42
	6 <sup>th</sup> bullet point: redraft as a Guideline	Not supported.	See rec 35	See response to Rec 35, 43
	7 <sup>th</sup> bullet point: redraft as a Guideline	Not supported.	See rec 35	See response to Rec 35, 44
	8 <sup>th</sup> bullet point: after the words "longer term expansion", insert the words "(if relevant having regard to any staging and timing of development)"	Supported.	See rec 35	See response to Rec 35
R10	After the words "as illustrated on Plan 5", insert the words "or by reference to an approved Concept Plan pursuant to Clause 2.6 of UGZ1".	Not supported.	See rec 36	See response to Rec 36
R12	Redraft as a Guideline.	Not supported.	See rec 37	See response to Rec 37
R13	Redraft to read as follows: <i>A local convenience centre must be:</i> <ul style="list-style-type: none"> <li>• provided for within the landholding of 80 Duffields Road, with the ultimate location to be approved by the Responsible Authority; and</li> <li>• located on and positively address the adjoining street.</li> </ul>	Not supported.	See rec 29	See response to Rec 29
G18	Delete the words "car parking and".	Not supported.	See rec 38	See response to Rec 38
	Insert G18B-F	Not supported	See rec 39-44	See response to Rec 35, 39-44
Plan 6	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	Not supported.	See rec 9	See response to Rec 9

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
	Review the conservation reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	Reviewed as part of further investigations into open space provision and review of vegetation along Grossmans Road.
	Remove OS-08 away from western boundary.	Council has suggested OS-08 could be relocated to cover tree 41-47 as suggested in DELWP submission.	See rec 22	See response to Rec 22
R15	Reduce public open space contribution to 4 percent passive public open space.	Strongly opposed. Council maintains a 10 percent POS contribution should be required consistent with other areas in Torquay.	See rec 17	See response to Rec 17
	Reduce public open space contribution to 5 percent.	As above.	See rec 17	See response to Rec 17
G25	"may vary so long as it is not less than one hectare" does not make sense having regard to areas of in particular OS-02 but also OS-01.	Council already suggested the deletion of these words.	See rec 23	Deletion of wording accepted
G30	Modify to "School sites <del>should</del> must be provided with three street frontages, <del>where practicable</del> " and include as a requirement.	Not supported. Council prefers this to remain as a guideline.	Agree with Council	Noted
G31	Modify to "Childcare, medical or similar facilities should be located proximate within the neighbourhood centre or in the potential non residential use location at the corner of Strathmore Drive and the Great Ocean Road".	Not supported. The underlying residential zone will enable these types of uses to be considered.	Agree with Council	Noted
R23	Native vegetation must be retained as described in the NVPP unless a permit is granted for its removal.	Accepted.	See rec 13	See response to Rec 13
R23	Delete.	Council accepts the submission that the requirement is contrary to the operation of the NVPP and Clause 52.16, however prefers wording suggested above by S43.	Agree with Council	As above
R25	Reduce buffer zone along Spring Creek to 30m.	Strongly opposed.	See rec 17, 18	See response to Rec 18

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
G36	Reduce buffer zone along Spring Creek to 50m.	Strongly opposed.	See rec 17, 18	See response to Rec 18
	Reduce buffer zone along northern tributaries to 10m.	Strongly opposed.	Agree with Council	See response to Rec 18
	Modify to refer to reduced buffer of 0m – 10m.	Not supported.	Agree with Council	See response to Rec 18
Plan 7	Reinstate the road connection from Grossmans Road to Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	Noted
	Amend the “local access street – level 1” adjacent to Grossmans Road to “local access place”.	Supported	Agree with Council	Noted
	Offset the two potential bus routes that connect to Strathmore Drive to avoid the need to install signalised intersections on the Great Ocean Road.	Council supports removal of signalised intersection at Strathmore Drive East.	See rec 5,6,7	See response to Rec 5, 6, 7
R31	Deletion of service road along Grossmans Road. Instead, propose a limit on the number of driveways able to have direct access to Grossmans Road.	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council	Noted
	(a) Delete signalised intersection on the Great Ocean Road, to be replaced with an unsignalised T-intersection;	Supported in principle.	See rec 5,6,7	See response to Rec 5, 6, 7
	(b) Insert a secondary vehicular entry point to the proposed NAC along Duffields Road			
R31	Modify to allow lots that provide good amenity to the waterways and open space to not require a frontage road to open space.	Council proposed the addition of the words “paper roads” to provide flexibility for a range of interface options to be considered.	Agree with Council	Noted
G43	Modify to refer to Grossmans Road, east of Messmate Road, Or Exempt low density allotments (1500sqm – 2000sqm) fronting Grossmans Road from this requirement and allow them to be accessible without additional road reserve widths by using direct crossovers.	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council	Noted

PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
G43	Vehicle access to lots fronting Grossmans Road should be provided from existing crossings or service road, local internal loop road or rear lane, or a combination of the two, to the satisfaction of the coordinating roads authority.	Not supported. G43 provides discretion for alternative access to be considered. Where land is not subdivided, existing dwellings will be allowed to maintain existing driveways.	Agree with Council	Noted
R51	Replace “as an integral part of” with “to interface with the”.	Supported.	Agree with Council	Noted
Plan 8	Remove the waterway corridor from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	See response to Rec 9
3.6.1	<p>Under the heading "Integrated water cycle management", insert the following words:</p> <p><i>Further to the requirements and guidelines set out below, a landowner may design an alternative stormwater management system to what is currently set out in Plans 3, 4, 6, 8, 9 and Table 5 of this PSP and Map 1 set out in UGZ1. In the event that a landowner proposes an alternative stormwater management system to what is proposed in this PSP and the UGZ1, it is the intent of this PSP and the UGZ1 that Surf Coast Shire Council and the Corangamite Catchment Management Authority (where relevant) are capable of considering and assessing the alternative stormwater management system proposed, and approve the alternative stormwater management system. Where an alternative stormwater management system is approved by the Surf Coast Shire Council and Corangamite Catchment Management Authority, the alternative stormwater management system is to be considered to be generally in accordance with this PSP (including Plans 3, 4, 6, 8 and 9 and Table 5) and Map 1 of UGZ1.</i></p> <p><i>To the extent that an approved alternative stormwater management system encumbers part of the land identified in Table 1 and Appendix A to this PSP as credited open space, the amount specified in Table 1 and Appendix A to this PSP must be adjusted to reflect the extent of unencumbered credited open space resulting from the construction of the approved alternative stormwater management system.</i></p>	Not supported. Council has provided additional wording to the note on Plan 7.	See rec 9	See response to Rec 9
R52	The stormwater management system <del>must be designed in accordance with</del> depicted in Plan 8 is indicative only. The stormwater management system must be <del>unless otherwise</del> approved by the responsible authority.	Not supported. Council has provided additional wording to the note on Plan 7.	See Rec 9	See response to Rec 9

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R55	After the word "final", insert the word "methodology".	Supported.	Agree with Council	Noted
	After the words "drainage reserves", insert the words "and infrastructure, including".	Supported.	Agree with Council	Noted
	Delete the words "must be" and replace them with "is to be agreed at the time of making an application for subdivision".	Not supported.	Agree with Council See Rec 9	See response to Rec 9
Table 5	Remove the waterway from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	See response to Rec 9
	Remove WL21.	Not supported.	See rec 10	See response to Rec 10
	Amend note <i>The areas and corridor widths identified in this table are indicative only and are subject to refinement alteration during detailed design to the satisfaction of the Corangamite Catchment Management Authority and the responsible authority.</i>	Supported as is generally consistent with suggested wording provided by Council.	Agree with Council	Noted
R63	Rationalisation of words "except where it is included in the DCP or outlined as the responsibility of an agency".	Supported.	Agree with Council	Noted
R69	Delete last dot point.	Not supported.	Agree with Council	Noted
R70	At the end of the paragraph, insert the following words: <i>unless the liability arises pursuant to an agreement under section 173 of the Planning and Environment Act 1987, in which case Council is obliged to satisfy the liability in accordance with the agreement.</i>	Not supported.	See rec 12	See response to Rec 12
	Accepts amended Parklea wording to account for Section 173 agreements.		See rec 12	See response to Rec 12
3.7.3	At the end of the fourth bullet point, insert the words "if applicable".	Supported.	Agree with Council	Noted
Table 6	Add local access road to the south of the drainage line.	No supported. Local access roads are not part of DCPs.	Agree with Council	Noted
App. A	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	See response to Rec 9
	Review the conservation reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	Considered as part of further investigations into open space provision and vegetation along Grossmans Road.



PSP Section	Change requested by submitters at the Panel hearing	Council submission to the Panel (November 2016)	Panel Recommendation	Council response to Panel recommendation
	For Property 4, remove the 0.7 hectares from the "Arterial Road – Widening and Intersection Flaring" column.	Not supported.	Agree with Council	Noted
	Update to reflect submissions in relation to reduced areas of waterways, conservation area, open space.	Not supported.	Agree with Council	Panel recommendation not consistent with recommendations in relation to biodiversity and open space. Land use budget to be updated following any changes to PSP.
App. B	Remove the cells setting out "Guidelines" next to each "Principle".	Council in principle supports culling of number of guidelines.	Subject to other changes, covered by rec 1	Accepted The number of guidelines have been reduced and rationalised.