Planning Panels Victoria

Draft Amendment C256ball

Referral 15 – Ballarat North Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan

VPA Projects Standing Advisory Committee Report

Planning and Environment Act 1987

9 June 2026

VICTORIA State Government

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

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Draft Ballarat Planning Scheme Amendment C256ball

Referral 15 – Ballarat North Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan

9 June 2026



Sarah Raso, Chair



Shannon Davies, Deputy Chair



Mark Varmalis, Member

Planning
Panels
Victoria

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Glossary and abbreviations

AEP	Annual Exceedance Probability
Background Report	Ballarat North Structure Plan Background Report, March 2025
Ballarat Grammar	Ballarat Grammar Foundation
BCHA	Burrumbeet Creek Housing Area
BIGAF	Ballarat Infrastructure and Growth Alignment Framework
Casey Capital	Casey Capital Pty Ltd
Committee	Victorian Planning Authority Projects Standing Advisory Committee
Council	City of Ballarat
D#	Document number (refer Appendix G)
DCP	Ballarat North Development Contribution Plan, March 2026
DCP Guidelines	Development Contributions Guidelines, March 2007
DCPO	Development Contributions Plan Overly
DCPO2	Development Contributions Plan Overly Schedule 2
Dennis Family	Dennis Family Corporation
DIL	development infrastructure levy
draft Amendment	draft Ballarat Planning Scheme Amendment C244melt
Drainage Assessment	Ballarat *North PSP IWM & Drainage Assessment,* ARUP, 2024

DTP	Department of Transport and Planning
EAO	Environmental Audit Overlay
ESO5	Environmental Significance Overlay Schedule 5
expanded area	the future residential structure plan area to the north of the subject land
FO	Flood Overlay
G#	PSP Guideline (number)
GHCMA	Glenelg Hopkins Catchment Management Authority
HO	Heritage Overlay
Jacobs Modelling	*Strategic Transport Modelling Assessment Report,* Jacobs, July 2025
Landmack	Landmack Developments Pty Ltd
LSIO	Land Subject to Inundation Overlay
Ministerial Direction on DCPs	Ministerial Direction section 46m(1) and section 46QD: Ministerial Direction on the Preparation and Content of Development Contributions Plans and Ministerial Reporting Requirements for Development Contributions Plans
NDA	net developable area
NVPP	Ballarat North Precinct Native Vegetation Precinct Plan, February 2026
OSOM	Over Size Over Mass
PAO	Public Acquisition Overlay
PE Act	*Planning and Environment Act 1987*

Planning Scheme	Ballarat Planning Scheme
PPTN	Principal Public Transport Network
Precinct	Ballarat North precinct
Preliminary costings	*Ballarat North, Transport Designs, Preliminary Costings*, Revision 0, February 2026
Proof of concept	*Ballarat North PSP Stormwater Drainage, Proof of Concept*, SMEC, 2025
PSP	Ballarat North Precinct Structure Plan, March 2026
PSP Guidelines	*Precinct Structure Planning Guidelines: New Communities in Victoria* (VPA, 2021)
R#	PSP Requirement (number)
SMEC preliminary schematic	*Ballarat North, Transport Designs, Preliminary Schematic*, Revision B, SMEC, February 2026
Stormwater Peer Review	*Ballarat North PSP Stormwater Review*, Incitus, 20 January 2026
Toolbox	Department of Education's Site Selection Criteria – Toolbox, October 2021
Transport Assessment	*Integrated Transport Assessment Report,* Jacobs, August 2025
UGZ	Urban Growth Zone
UGZ3	Urban Growth Zone Schedule 3

Overview

Draft Amendment summary	
The draft Amendment	Ballarat Planning Scheme Amendment C256ball
Common name	Ballarat North Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan
Brief description	Facilitate development of the Ballarat North precinct (Precinct) in accordance with the vision for urban growth outlined in the Ballarat North Precinct Structure Plan. Introduce the Ballarat North Precinct Structure Plan and Ballarat North Development Contributions Plan into to the Ballarat Planning Scheme and make associated zone and overlay changes.
Subject land	Land in the Ballarat North Precinct Structure Plan (see Figure 2)
Planning Authority	Department of Transport and Planning, New Communities
Council	City of Ballarat
Public consultation	19 September 2025 to 20 October 2025
Submissions	63 (see Appendix C)

Committee process	
The Committee	Sarah Raso (Chair), Shannon Davies and Mark Varmalis
Supported by	Georgia Thomas Rendevski, Project Officer, Planning Panels Victoria
Directions Hearing	Planning Panels Victoria Hearing Rooms and online by video conference: 13 February 2026
Committee Hearing	Sustainability Victora Hub, Planning Panels Victoria and online by video conference: 23, 24, 30, 31 March and 1, 13, 14, 15, 16, 21, 22, 23, 24, 27 April 2026
Site inspection	Unaccompanied, 18 March 2026
Parties to the Hearing	Refer Appendix D
Citation	VPA Projects SAC Referral 15 – Ballarat North Precinct [2026] PPV
Date of this report	9 June 2026

Executive summary

The Ballarat North Precinct (the Precinct) spans approximately 571 hectares within the Northern Growth Area of the City of Ballarat. It is located approximately seven kilometres north-west of the Ballarat Central Business District, immediately east of the Miners Rest township and the Macarthur Park estate, and to the north of the Western Freeway. The Precinct is bounded by the Midland Highway to the east and Howe Street to the west.

The Precinct contains a number of defining features that have informed its planning and development, including:

- frontage to the Western Freeway and Midland Highway, including associated road traffic noise considerations
- Mount Rowan as a prominent landscape landmark, together with the Ballarat Town Common
- Burrumbeet Creek and its tributaries, existing wetlands, and areas subject to drainage and flooding constraints
- areas of biodiversity value, including Seasonal Herbaceous Wetlands and habitats supporting aquatic and terrestrial fauna
- areas of Aboriginal cultural heritage significance within Wadawurrung Country
- sites of historical heritage significance, including places identified for inclusion in the Heritage Overlay
- contamination and buffer constraints, including the former Wendouree landfill and the Ballarat Water Reclamation Plant.

The Department of Transport and Planning, (formerly the Victorian Planning Authority) (DTP) has undertaken detailed strategic planning for the Precinct. The Ballarat North Precinct Structure Plan, March 2026 (PSP), Ballarat North Development Contribution Plan, March 2026 (DCP), and draft Ballarat Planning Scheme Amendment C256ball (the draft Amendment) represent the culmination of this process.

The PSP establishes a vision for a thriving residential community shaped by its unique landscapes, valued heritage, and the aspiration for a more connected and sustainable urban environment. The Precinct is to be structured around a cohesive network of green spaces and is expected to accommodate 5,800 dwellings, for an estimated population of more than 16,000 residents. It will also support local employment by providing activity centres and non-residential uses.

The draft Amendment proposes to amend the Ballarat Planning Scheme, among other changes, to:

- introduce the PSP, DCP and Ballarat North Precinct Native Vegetation Precinct Plan, February 2026 (NVPP) as incorporated documents
- introduce a schedule 3 to the Urban Growth Zone to facilitate the transition from non urban to urban uses
- apply the Development Contributions Plan Overlay Schedule 2 to implement the DCP
- apply the Heritage Overlay to identified heritage places
- apply other associated controls required to give effect to the PSP and supporting technical outcomes.

DTP undertook public consultation on the draft Amendment, PSP, DCP and NVPP from 19 September to 20 October 2025. 63 submissions were received from landowners, the City of Ballarat (Council), Wadawurrung Traditional Owners Aboriginal Corporation and government departments and authorities.

DTP referred all submissions to the Victorian Planning Authority Projects Standing Advisory Committee (Committee) for advice and recommendations on specific issues within the following key themes:

- Drainage land take and flooding
- Transport network
- Development Contributions Plan
- Location of the government primary school P-6.

Overarching findings

The Committee considers that the precinct's suitability for urban growth is strategically justified. Strong support for the proposal is found across relevant strategic plans and the Planning Scheme, and the need for additional housing in Ballarat is well established. The proposal will deliver net community benefit and sustainable development, with delivery of the PSP facilitating the precinct's policy and aspirations in a measured and balanced way.

The Committee concludes the draft Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is generally well founded and strategically justified
- should proceed subject to addressing the specific issues discussed in this Report.

Findings on referred matters

Drainage infrastructure

The locations and size of the proposed drainage assets for stormwater management as shown in the Final Day documents are appropriate.

More specifically, the Day 1 (and Final Day) location of Wetland 1 (WL-01) is appropriate, and the asset has been appropriately sized. While the Committee is not opposed to relocating WL-01 into the adjoining floodplain, the ultimate layout should be resolved through detailed design and in consultation with the Glenelg Hopkins Catchment Management Authority.

In terms of Wetland 4 (WL-04), the Committee finds that relocating it as proposed in the Day 1 (and Final Day) PSP will deliver a range of clear and interrelated functional, environmental and cost advantages. The revised location enables treated stormwater to discharge directly to a waterway rather than through a pipeline, consistent with better stormwater management practice and improved environmental outcomes.

A progressive certainty mechanism for drainage assets is appropriate and can operate effectively within the DCP framework for the PSP. The mechanism should not be used to defer necessary strategic planning work, but rather to accommodate refinement and optimisation once detailed design, updated modelling and site-specific investigation occur at the planning permit stage.

The constructed drainage waterway (DR-01) is strategically justified and is an essential waterway for the Ballarat North PSP. Its full construction cost should be funded as a DCP infrastructure project, with 100 percent apportionment to the PSP. The DR-01 corridor is located within land already encumbered by the Land Subject to Inundation Overlay (LSIO) and Flood Overlay (FO) and identified as a waterway and floodplain in planning policy and Glenelg Hopkins Catchment Management Authority mapping. It should therefore be treated as encumbered drainage land rather than standard developable land. In these circumstances, neither DCP-funded land acquisition or the application of a Public Acquisition Overlay is warranted.

Although DR-01 will ultimately serve a broader catchment, the absence of a defined framework, timing or land budget for the expanded area means it is not presently possible to fairly apportion any share of DR-01's cost to that future Precinct Structure Plan. Any such apportionment must be considered through a future amendment process.

In terms of culverts, pipes and trunk drainage infrastructure:

- drainage infrastructure should be designed for current and near-term flows (to approximately 2030), supported by a risk assessment of projected flows to 2100

- a review of the accuracy of sizing and costings for the Final Day culverts should be undertaken with appropriate updates made to the PSP and DCP
- drainage pipes that fulfil a precinct level function by providing benefit to two or more PSP parcels should be included in the DCP
- culvert crossings and trunk drainage infrastructure that service multiple properties and significant catchments should be included in the DCP, including CU-01, CU-02 and CU-03, and SMEC culverts CULV 2, CULV 4 and CULV 5.

A separate Burrumbeet Creek Housing Area (BCHA) control is not necessary to manage flood or drainage risk once the PSP drainage works and the LSIO and FO frameworks are in place. The only distinct residual function originally ascribed to the BCHA that is not already covered elsewhere is securing revegetation linked to DR-01 and the realigned tributary, which can be addressed without a stand-alone 'housing area' bespoke control.

A narrowly tailored Public Acquisition Overlay (as exhibited) over the land ultimately required for WL-01 is justified and should be retained. The Public Acquisition Overlay should not be extended to or utilised for the delivery of DR-01, WL-04 or WL-05.

Transport network

There is no strategic case for including the duplication of Midland Highway (RD-02-1 or RD-02-2) as DCP-funded projects in the Ballarat North Precinct Structure Plan. The 'agent of change' and 'but for' arguments, including those grounded in current State budget constraints, do not provide a sound or principled basis to transfer responsibility for duplicating an existing State arterial road to this PSP or to its DCP.

The proposed roundabout treatments for IN-04 and IN-05 have not been strategically justified and should be replaced by traffic signal treatments (as shown in the exhibited Precinct Structure Plan and Development Contributions Plan). The traffic treatments at IN-04 and IN-05 should be redesigned to meet the basic and essential criteria for works associated with the Precinct Structure Plan and to satisfy the principles of need and nexus for inclusion in the Development Contributions Plan. The redesigned treatments should be limited to a basic and essential standard and contained within the existing Midland Highway reservation.

The Development Contributions Plan should apportion the full cost of projects IN-04 and IN-05, as traffic signal projects, to the PSP. If the State pursues roundabouts, the State should secure external funding for the additional cost associated with the treatments, including land acquisition costs.

RD-03-1 and CU-03 are strategically justified, fulfil the principles of need and nexus and should be included in the DCP. The apportionment of costs for the proposed works should be shared at 50 percent to the core PSP and 50 percent to the future expanded area, as reflected in the Final Day DCP.

Duplication of Gillies Road is not currently strategically justified nor required on traffic engineering grounds.

The proposed pedestrian and cycling bridge over the Western Freeway (BR-03) is not basic and essential infrastructure for the purposes of the DCP and is not required to achieve the PSP's core land use and movement objectives within the life of this DCP. Two alternatives to provide active transport links over the Western Freeway already exist: existing bridges on Gillies Road and Midland Highway.

The PSP should continue to identify an indicative active transport crossing in the Noble Court - Forest Street corridor, but it should be clearly annotated as a potential, unfunded project "*subject to further investigation, design and costing*" and not form part of the PSP's basic infrastructure package.

Southeast P-6 Government School site

While the location of proposed southeast P-6 primary school in the exhibited, Day 1 and Final Day PSP is strategically justified, relocating the school to the north-west corner of Olliers Road and Noble Court represents, on balance, the preferable outcome.

Other matters

The proposed Sporting fields (SR-02) was not identified as a referred matter for advice and therefore warrants consideration only insofar as it is raised incidentally through other matters before the Committee. The Committee is satisfied that the Day 1 location of SR-02 forms part of a deliberate and coherent open space and community infrastructure framework established through the PSP. Its location reflects precinct-wide planning considerations, including catchment coverage, accessibility within the movement network and the role of sporting infrastructure at the strategic planning stage.

The staging framework should be removed from the Amendment documentation in the manner set out in the recommendations below. Staging is a mechanism of last resort and should only be imposed where there is a demonstrated risk that out-of-sequence development will compromise infrastructure capacity or delivery. No such risk was demonstrated in this precinct.

The expanded area sits outside the current PSP boundary but underpins infrastructure scope, apportionment and timing within it. The planning framework should reflect this, and the Committee recommends targeted amendments to Clause 11.02-2L and the Ballarat North Expanded Area Map to provide the necessary transparency and certainty.

Recommendations

Based on the reasons set out in this Report, the Committee recommends that:

1. **Draft Ballarat Planning Scheme Amendment C256ball be prepared and approved as exhibited subject to the changes recommended in this Report.**

Precinct Structure Plan

2. **Amend the Final Day Ballarat North Precinct Structure Plan to:**

   a) **Make the following changes to section 1.12 'Implementation Note':**

      Any change to the size, type, staging or location of drainage assets (including wetlands and retarding basins; and waterways & drainage; and sediment basins), will be considered by the responsible authority as being generally in accordance with the Precinct Structure Plan if those drainage assets achieve the required performance standards, including any relevant updates to flood modelling for the Burrumbeet Creek and are approved by the ~~relevant~~ responsible authority having regard to any comments from the relevant Catchment Management Authority.

      Should the land required for the delivery of ~~these~~ the wetlands & retarding basins; and waterways and drainage; and sediment basin assets be reduced after the Precinct Structure Plan has been gazetted, then that surplus land may be used and developed in accordance with the applied zoning of that land under Schedule 3 of the Urban Growth Zone. Any increases in net developable hectare area are subject to Section 5.1 of the Ballarat North Contributions Plan which sets out the process for changes to the land use budget.

   b) **Delete the Burrumbeet Creek Housing Area mapping from Plan 3.**

   c) **Include the following Requirement in Section 3.3.2 Table 9:**

      A revegetation plan for the DR-01 constructed waterway corridor must be prepared, incorporating relevant wetland vegetation communities including Tall Marsh and Aquatic Herbland species consistent with the Ballarat North Precinct Structure Plan Biodiversity Assessment Report (WSP, August 2024), to the satisfaction of the responsible authority and in consultation with the Glenelg Hopkins Catchment Management Authority. The revegetation plan must be prepared prior to the commencement of works on DR-01.

d) Delete all references to road projects RD-02-1 and RD-02-2 (Midland Highway duplication).
e) Show Midland Highway as a single carriageway arterial road.
f) Note that any future duplication of the Midland Highway within or adjacent to the Precinct is a matter for State planning and funding processes and is not to be delivered or funded through this Precinct Structure Plan.
g) Show intersection projects IN-04, IN-04c (Midland Highway/Olliers Road) and IN-05 and IN-05c (Midland Highway/Sims Road) as signalised cross-intersections as the ultimate form of treatment and identify these intersections should be designed to a basic and essential standard and accommodated within the existing Midland Highway reservation.
h) Update Table 19 to include a notation that bridge project BR-03 is subject to further investigation, design and costing.
i) Relocate the southeast P-6 proposed government school and community facility CI-02 from the south-east corner of Olliers Road and Noble Court onto land parcel 57 on the north-west corner of that intersection and update all consequential plans, tables and provisions
j) Remove the Infrastructure Development Staging Plan (Plan 10), all staging guidelines and revise Table 19 from the Precinct Structure Plan, together with any consequential references to remove staging for infrastructure delivery in the Precinct Structure Plan documentation.

<u>Development Contributions Plan</u>

3. Amend the Final Day Ballarat North Development Contributions Plan to:

a) Include trunk drainage pipes that serve a precinct-level function (pipes benefiting two or more Precinct Structure Plan land parcels) as Development Contributions Plan funded infrastructure at 100 percent. A schedule and plan identifying these pipes should be prepared by the Department of Transport and Planning prior to gazettal.
b) Update Plan 3, Section 3.4 including its tables (Culvert Projects), Table 8 (Calculation of Costs), and Section 9.1 (including Section 9.1.1) to include SMEC culverts CULV 2, CULV 4 and CULV 5 as Development Contributions Plan funded projects, with final costings to be confirmed following the post-hearing pipe sizing review.
c) Reflect drainage pipes and culverts that are designed for current and near-term flows (to approximately 2030) with a risk assessment undertaken for the anticipated flows at the year 2100.
d) Update Plan 3 and Section 3.4 'Culvert projects' to include SMEC culverts CULV 2, CULV 4 and CULV 5.

e) **Delete road projects RD-02-1 and RD-02-2 (Midland Highway duplication), including all references to road projects RD-02-1 and RD-02-2 from all associated plans, tables and schedules.**
f) **Note that any future duplication of the Midland Highway within or adjacent to the Precinct is a matter for State planning and funding processes and is not to be delivered or funded through this Development Contributions Plan.**
g) **Amend infrastructure projects IN-04, IN-04c, IN-05 and IN-05c to reflect signalised cross-intersections at the Midland Highway/Olliers Road and Midland Highway/Sims Road intersections:**

- **All associated costings should reflect a basic and essential design standard and be informed by revised functional designs and updated cost estimates, consistent with the exhibited documentation.**
- **Update all associated plans, tables and schedules.**

h) **Note that if the State pursues roundabouts, the State should secure external funding for the additional cost associated with the treatment, including land acquisition costs.**
i) **Update Plan 4, the land budget, Section 3.5 'Community recreation projects' and any other consequential provisions for the southeast P-6 proposed government school and community facility CI-02 to reflect their relocation to the land parcel on the north-west corner of Olliers Road and Noble Court, consistent with the amended Precinct Structure Plan.**

<u>Urban Growth Zone Schedule 3</u>

4. **Amend the Final Day Urban Growth Zone Schedule 3 to delete the Burrumbeet Creek Housing Area provision in its entirety from *Section 2.4 — Specific provisions, Subdivision*.**

<u>Clause 11.02</u>

5. **Amend the Final Day Clause 11.02 at clause 11.02-2L as follows:**

a) **Strategies**

Ensure that the rezoning to allow the planning of the Ballarat North expanded area is progressed as the next greenfield Precinct Structure Plan (or other suitable strategic plan) and has regard to the following matters as appropriate through the preparation of a precinct structure plan or other suitable strategic plan is contingent on:

- ***Analysis to demonstrate the need for additional residential land within the Ballarat North area to contribute to the supply of residential land.***
- ~~***The ability for the surrounding State road network to either demonstrate sufficient existing capacity or be feasibly and safely upgraded as necessary to support development of the Ballarat North expanded area.***~~
- ***Arrangements being in place to construct necessary utility infrastructure to service the Ballarat North expanded area.***

b) replace the North Expanded Area Map with the map as it appears in Tabled Document 89(b).

Further recommendation

6. ***The Department of Transport and Planning undertake a final check of all Amendment documents to ensure they reflect the final Ballarat North Precinct Structure Plan, and Ballarat North Development Contributions Plan and the Committee's recommendations for document changes.***

Part A The Committee's approach

1 Introduction

1.1 Terms of Reference and referral

The VPA Projects Standing Advisory Committee (Committee) was appointed by the former Minister for Planning on 22 July 2020. The Committee's purpose is set out in its Terms of Reference dated 17 July 2020 (Appendix A) as follows:

> … to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

The Terms of Reference explains the Victorian Planning Authority (VPA) will provide a letter of referral to the Committee Chair:

> …seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter.

The Terms of Reference allow the Committee to inform itself in anyway it sees fit, but it must consider:

a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
b. The referred submissions
c. *Plan Melbourne 2017-2050*
d. Any relevant Regional Growth Plan or Growth Corridor Plan
e. The applicable Planning Scheme
f. Relevant State and local policy
g. Any other material referred to it.

The VPA (now the New Communities section of the Department of Transport and Planning) (DTP) referred the Ballarat North Precinct Structure Plan, March 2026 (PSP), Ballarat North Development Contributions Plan, March 2026 (DCP), Ballarat North Precinct Native Vegetation Precinct Plan, February 2026 (NVPP) and draft Ballarat Planning Scheme Amendment C256ball (draft Amendment) to the Committee on 16 January 2026 (see referral letter at Appendix B). This is Referral 15 to the Committee.

(i) Response to Terms of Reference

Table 1 sets out the Report outcomes specified at section 20 of the Committee's Terms of Reference and the relevant chapters where the matters are addressed.

Table 1 Response to Terms of Reference outcomes

Outcome	Report Chapter/s
Whether the referred elements of the draft amendment are appropriate.	Executive Summary, Chapters
A summary and assessment of the issues raised in submissions referred to the Committee.	Executive Summary, Chapters 4 – 6
Any other relevant matters raised in the course of the Committee process.	Chapter 7
A list of persons who made submissions considered by the Committee.	Appendix D
A list of tabled documents.	Appendix E
A list of persons consulted or heard, including via video conference.	Appendix E

(ii) Response to referral letter for advice on specific issues

Table 2 sets out the relevant chapters of the Report that address the advice and recommendations sought in the referral letter on specific issues.

Table 2 Response to Committee referral letter matters

Issue	Report Chapter/s
Development Contributions Plan (specific items and costings)	Executive Summary, Chapter 4 and 5
Transport Network (specified network components)	Executive Summary, Chapters 4 and 5
Drainage Infrastructure (location and sizing of assets)	Executive Summary, Chapters 4 and 5
Southeast P-6 Government School site (strategic justification)	Executive Summary, Chapter 6

1.2 Committee process and approach

(i) The role of DTP

The body formerly known as the VPA became part of the Department of Transport with the machinery of government changes after the last State election. DTP presented a whole-of-government response to the draft Amendment.

(ii) Consultation and referred matters

DTP exhibited the draft Amendment including the PSP, DCP and NVPP from 19 September to 20 October 2025. 63 submissions were received, including from:

- precinct landholders and occupiers
- Council
- other interest groups and community members.

DTP referred all submissions to the Committee. Table 1 of the referral letter identifies the key issues from submissions that DTP is seeking the Committee's advice on, including:

- Development Contributions Plan (strategic justification, specific items and costings)
- Transport Network (specified network components)
- Drainage Infrastructure (location and sizing of assets)
- Southeast P-6 Government School site (strategic justification).

The Committee:

- has confined its considerations to the referred matters
- has not undertaken a detailed review of the draft Amendment documentation drafting including the costings of DCP projects beyond that relevant to the referred matters
- notes the final version of the DCP costings and DCPO2 should be updated to reflect any recommended changes to the DCP
- anticipates DTP will review all Amendment documents prior to their finalisation to ensure consistent drafting and the inclusion of updated cross referencing of documents and planning controls.

(iii) Framing of the referred matters with respect to DCPs

Casey Capital Pty Ltd (Casey Capital) submitted that a careful approach is required given the framing of the DCP referred matters as the questions are framed to refer to direct principles of need and nexus and not equity and accountability. It submitted that if the intention is to halve the task of assessing DCPs under the Development Contributions Guidelines (June 2003, amended March 2007) (DCP Guidelines) that intention is misplaced. This is because all four terms are inextricably linked and are intended to influence a balanced outcome.

The Committee agrees. No proper analysis or conclusion can be reached in relation to strategic justification without consideration of all principles set out in the DCP Guidelines, informed by decades of considered planning practice in Victoria. Even if the intention were to narrow the meaning of strategic justification, the principles of need, nexus, equity, and accountability are, at the very least, relevant considerations and must be considered.

(iv) Experts and joint expert witness meetings

The Committee had regard to the evidence noted in Table 3.

Joint expert witness meetings were conducted before the Hearing on three issues which were followed by agreed statements:

- Drainage (D55)
- Development Contributions (D56)
- Transport network (D57).

Table 3 Experts

Issue theme	Expert	Firm	Party
Drainage infrastructure	Nina Barich	Incitus	DTP
	Chris Beardshaw	Afflux	Landmack Developments Pty Ltd (Landmack)
	John Mathios	DPM Consulting	Dennis Family Corporation (Dennis Family)
	Scott Dunn	Engeny	Ballarat Grammar Foundation (Ballarat Grammar)
	Rob Swan	HARC	North Ballarat Pastoral
	Warwick Bishop	Water Technology	Casey Capital
Transport network	Ben Mentha	PGA Australia	DTP
	Tim De Young	Eukai	Council
	Valentine Gnanakone	One Mile Grid	Dennis Family
	Jason Walsh	Traffix	Casey Capital
	Hillary Marshall	Ratio Consultants	North Ballarat Pastoral
	Leigh Furness	Traffix	Ballarat Grammar
DCP and costings	Chris De Silva	Mesh Planning	DTP
	Alex Hrelja	Hill PDA	Council
	Paul Shipp	Urban Enterprise	Casey Capital
	Greg Bursill	Bursill Consulting	North Ballarat Pastoral

Issue theme	Expert	Firm	Party
	Mark Fleming	Verve Consulting	North Ballarat Pastoral
	Jason Black	Insight Planning	Dennis Family
Planning	Mark Woodland	Urbis	Casey Capital
	Tim McBride-Burgess	Contour	North Ballarat Pastoral
	Jason Black	Insight Planning	Dennis Family
	Jason Fetterplace	A Different City	Ballarat Grammar
Economics	Chris McNeill	Colliers	Dennis Family
Social planning	Robert Panozzo	ASR Research	Dennis Family
Open space	Jenn Benden	Xyst Australia	Ballarat Grammar

(v) Amendment documentation including Day 1 document versions

Several versions of the exhibited documents including the DCP, PSP and ordinance were presented during the hearing, including:

- Day 1 documents
- Final Day documents.

Following the Hearing:

- parties were given the opportunity to comment on the Final Day documents – a number of parties made comments (documents D102 to D110)
- DTP provided a response to comments (documents D110 to D111).

The Committee's Report refers to the Amendment and documents in the following way:

- draft Amendment documents
- Day 1 version
- Final Day version.

(vi) Committee Report and recommendations

The Committee's Report focuses on the referred issues and deals with these issues under the following headings:

- Strategic context
- Drainage
- Transport infrastructure
- Southeast School Location

- Other matters.

The Committee's recommendations are based on DTP's Final Day version of the Amendment documents which incorporates the majority of the Day 1 changes and other minor corrections and which it supports unless specifically identified.

2 Ballarat North Precinct

2.1 The precinct and context

(i) The precinct

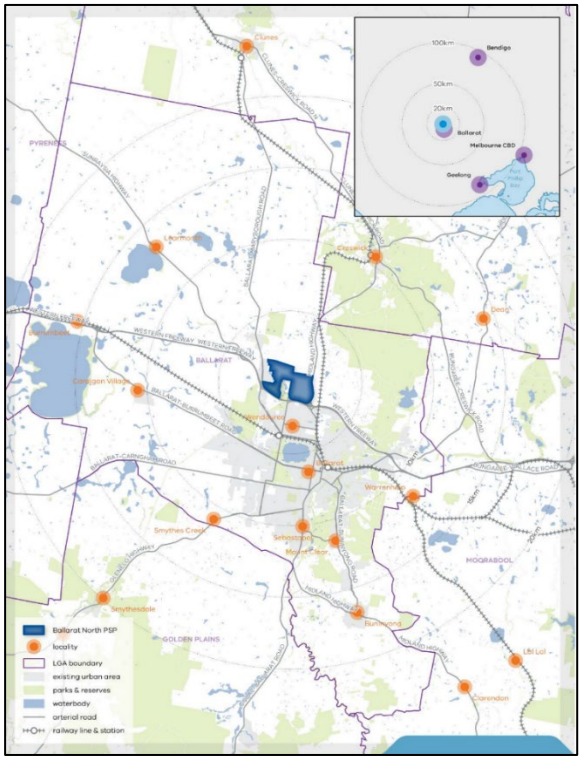
The Ballarat North Precinct (the precinct) comprises the core area of the Northern Growth Area, being approximately 571 hectares, located approximately seven kilometres north west of the Ballarat Central Business District, within the City of Ballarat (see Figure 1). The Precinct lies on Wadawurrung Country, with the Wadawurrung Traditional Owners Aboriginal Corporation recognised as the Traditional Owners and land managers across the broader region.

The precinct is bound by:

- Cummins Road to the north
- the Western Freeway to the south
- the Midland Highway to the east
- Miners Rest township and the Macarthur Park residential estate to the west.

Gillies Road runs through the centre of the precinct and provides a key internal north south spine connection.

Figure 1 Regional context and location of the Ballarat North precinct



Source: PSP, D1a

(ii) Existing land use and surrounds

The precinct extent and lot pattern is shown in Figure 2.

Figure 2 Subject land – Ballarat North Precinct



Source: Part A Submission, DTP, D22

The precinct has a total area of 571 hectares, and consists of 69 land parcels ranging in area from 0.1 to 88 hectares. Most of the land is in private ownership, with some land owned by Council and other agencies. The precinct is predominantly used for rural agriculture. It contains a small number of residential landowners, local businesses and accommodates the Ballarat Grammar School agricultural campus.

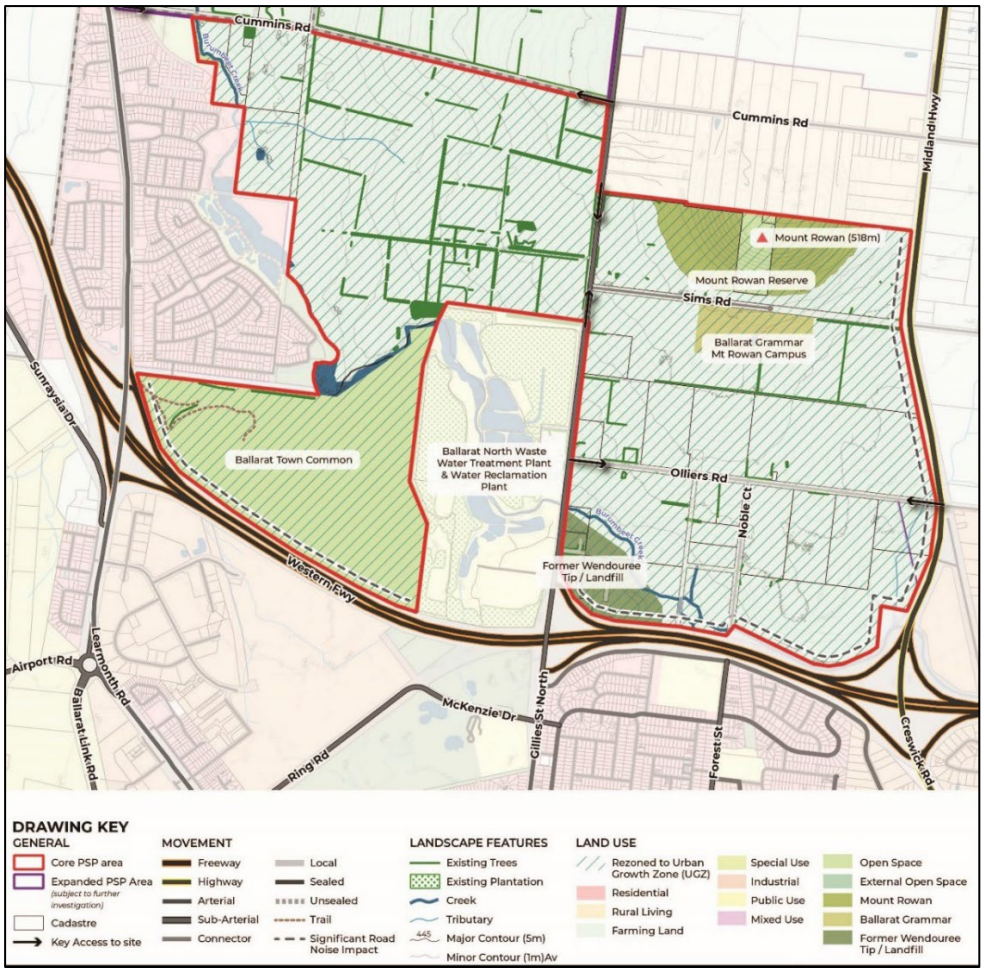
Land within the core area has been rezoned to the Urban Growth Zone, while the remainder of the broader precinct area is included in the Farming Zone. The land

remains generally characterised by agricultural land uses and associated residential dwellings.

The Precinct is bordered by a mix of rural, community, industrial, and residential uses (see Figure 3). To the east and north are predominantly rural areas, including the Dowling Forest Racecourse, while immediately east lie the Ballarat Showgrounds and Events Centre and Federation University's Mt Rowan Campus. Miners Rest Township and the Miners Rest South estate sit to the west alongside Burrumbeet Creek. Centrally located but outside the Precinct is the Ballarat North Water Reclamation Plant.

To the south-west, across the Western Freeway, is the Ballarat Airfield within the future Ballarat West Industrial Area, while Mitchell Park industrial reserve and Pioneer Park are directly south. Further east, Wendouree comprises mainly detached housing with some higher-density dwellings and community facilities such as Mount Rowan Secondary College. The Precinct is also adjacent to a Boral Asphalt plant at the Midland Highway and Western Freeway intersection.

Figure 3 Precinct features



Source: Background Report – Ballarat North PSP Final Landscape & Visual Assessment, MESH (Figure 5 – Local Context Plan), D3aa

2.2 The proposal

(i) Ballarat North Precinct Structure Plan

The PSP has been prepared by DTP. It includes:

- a vision, purpose and performance targets
- requirements and guidelines for achieving objectives
- a precinct infrastructure plan and land use budget details.

The PSP vision is:

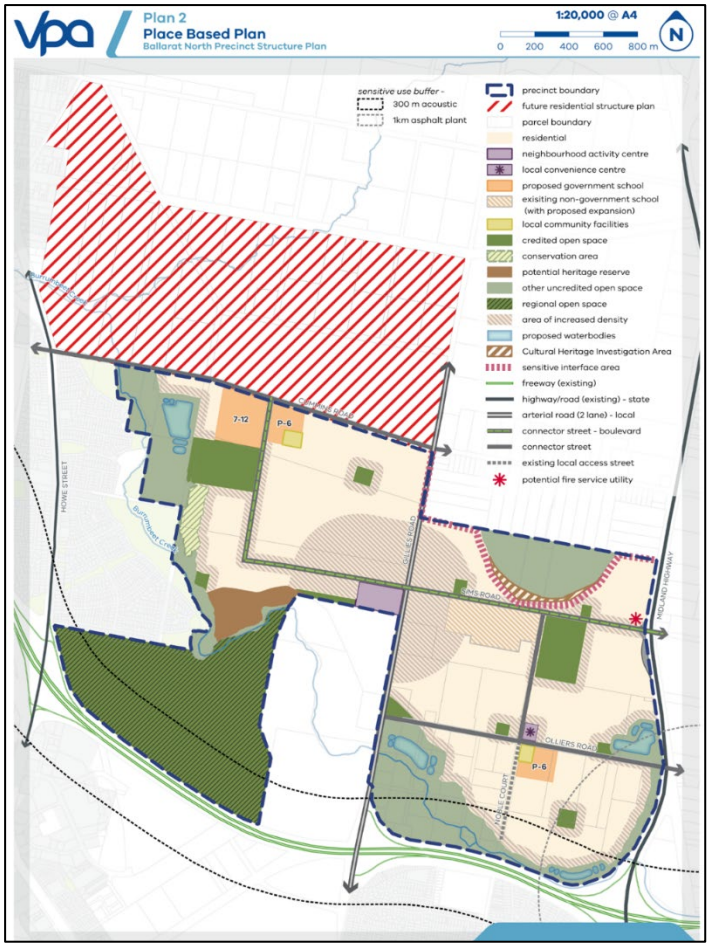
> The Ballarat North PSP envisions a thriving residential community shaped by a combination of unique landscapes, rich local heritage, and aspirations for a more connected and sustainable community, planned around a cohesive network of green spaces.
>
> The Ballarat Town Common will remain protected, along with Mount Rowan, which stands as a significant landmark and represents the cultural history of the Wadawurrung people. Both will be preserved for their natural beauty for future generations and will integrate elements of intangible and tangible cultural heritage in partnership with Traditional Owners.
>
> Education and community hubs will emerge within the residential areas, emphasising the importance of community and learning. Housing will cater to a variety of needs and preferences, with a focus on delivering diverse housing types for a wide range of households.
>
> Green linkages, featuring trees and pedestrian-friendly routes will be central to the design of the neighbourhood. This will promote internal and external connections to new schools, community facilities, playgrounds, and other amenities to deliver the essential infrastructure that the community needs. Conservation and protection of biodiversity along Burrumbeet creek will be a feature of the Precinct.
>
> Infrastructure development will prioritise safe roads, public transport, cycling routes, and pedestrian routes. This will ensure effective connectivity within and outside of the precinct.
>
> Environmental initiatives will include the conservation of native vegetation and other habitat values, improvement and protection of Burrumbeet Creek, and application of Biodiversity Sensitive Urban Design principles to achieve nature positive outcomes at subdivisions. Other environmental initiatives will include embracing an integrated water management approach and advanced stormwater management to protect and manage flood risks and improve drainage in the precinct.
>
> Sustainability will be a guiding principle, with net zero energy ambitions and urban heat responses supporting community resilience to climate change impacts. Neighbourhoods and buildings will be designed to deliver sustainability outcomes including walkable neighbourhoods, electric vehicle use, planting of canopy trees and water sensitive urban design – all supporting the long term liveability and amenity of the precinct.

The PSP will deliver 295 hectares of net developable area (NDA), representing 47.97 percent of the precinct. The plan accommodates approximately 5,800 dwellings for an estimated population of more than 16,000 residents. It will also support local employment by providing activity centres and non-residential uses.

The Day 1 PSP Plan 2, Place based plan (Figure 4) identifies:

- the precinct boundary and the future residential structure plan area to the north of the subject land (the expanded area)
- floodplain areas associated with Burrumbeet Creek and proposed waterbodies
- conservation areas and regional open space, including the Mount Rowan and western open space interface
- an arterial and connector road network, including the Midland Highway, Gillies Road, Cummins Road and Sims Road
- residential areas, including areas identified for increased density
- a neighbourhood activity centre and a local convenience centre
- proposed government schools, including two primary schools and a secondary school, and the existing non-government Ballarat Grammer year 4 campus
- local community facilities and a potential fire service utility
- credited and other uncredited open space
- investigation areas and identified sensitive use buffers associated with surrounding infrastructure and industry.

Figure 4 Day 1 PSP Plan 2 Place Based Plan



Source: Day 1 PSP, D23e

The Day 1 PSP (and DCP) land budget includes:

- 15.84 hectares for transport infrastructure and land (5.38 percent of NDA)
- 29 hectares for community and education facilities (9.84 percent of NDA)
- 27.28 hectares of credited open space (9.26 percent of NDA)
- 231.18 hectares of uncredited open space (78.47 percent of NDA) comprising:
  - 113.54 hectares of service open space (38.54 percent of NDA) and
  - 90.36 hectares of regional open space (30.67 percent of NDA).

In addition to Plan 2, the Day 1 PSP includes a number of plans to guide development, including:

- Plan 3 Housing
- Plan 4 Movement Network
- Plan 6 Water
- Plan 8 Community Infrastructure
- Plan 10 Infrastructure Development and Staging
- Plan 12 Precinct Infrastructure Plan
- Table 19 Precinct infrastructure
- Table 20 Summary land use budget
- Table 21 Property-specific land use budget
- Standard road cross sections at Appendix 5.

(ii) Ballarat North Development Contributions Plan

The DCP includes details of:

- transport, community and recreation construction projects to be funded by development contributions
- the cost of those projects, their staging (Short, Medium, Long), cost apportionment to the DCP levies to be applied
- public purpose land for delivery of roads and intersections, community facilities, sports reserves and drainage assets, where applicable
- timing for delivery of the funded infrastructure
- implementation and administration, including payment timing, works in kind, land in lieu, reporting, indexation and review.

The Day 1 DCP provides for 22 construction projects using the following project codes:

- Transport:
  - RD – road (four projects)
  - IN - Intersection (four projects)
  - CU – Culvert (three projects).

- Drainage:
  - WL – wetland and retarding basins (four projects)
  - DR – constructed waterway (one project).
- Community and recreation:
  - CI – community infrastructure (two projects for multi-purpose community centres)
  - SR & SP– Sports Reserve (four projects including sports fields, pavilions and other related infrastructure).

The Day 1 DCP reflects a net reduction of four construction projects compared to the exhibited version (September 2025), reducing from 26 to 22 construction projects with the following projects removed:

- RD-01-1c – Construction of Gillies Road over Burrumbeet Creek
- RD-03-2c – Construction of Cummins Road (east of Burrumbeet Creek)
- BR-01c – Construction of Cummins Road over Burrumbeet Creek Bridge (replaced by CU-03)
- WL-02c – Construction of Wetland & Retarding Basin (NWS).

The Day 1 DCP includes the following NDA per hectare levy:

- Development Infrastructure Levy (DIL):
  - Residential development contribution per net developable hectare: $556,812
  - Total cost attributed to the levy: $164,039,882.
- DIL category totals and contribution per net developable hectare:
  - Road: $33,152 per net developable hectare
  - Intersection: $112,372 per net developable hectare
  - Recreation: $ 172,709 per net developable hectare
  - Community: $80,925 per net developable hectare
  - Drainage: $144,537 per net developable hectare
  - Culvert: $13,116 per net developable hectare.
- Community Infrastructure Levy - $750 per dwelling (estimated total $4.4 million).

(iii) Draft Amendment

The draft Amendment seeks to facilitate development within the precinct in accordance with PSP and DCP. Specifically, the draft Amendment proposes to amend the Ballarat Planning Scheme (Planning Scheme) to:

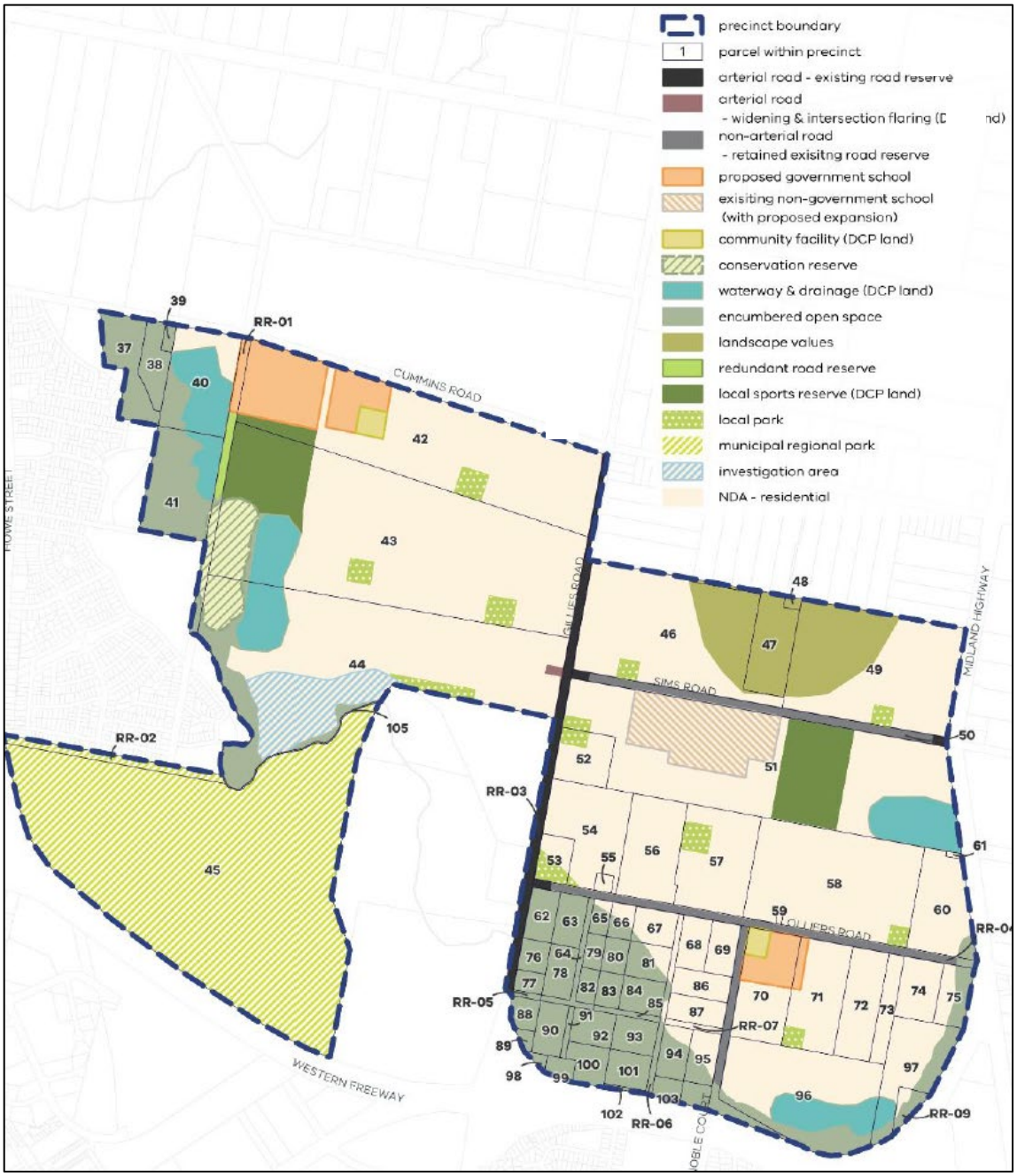
- update local planning provisions at Clause 11.01-1 (Settlement)

- introduce the PSP and DCP as incorporated documents in Clause 72.04
- amend the Urban Growth Zone Schedule 3 (UGZ3)
- introduce and apply the NVPP through Clause 52.16 and Clause 72.04
- amend Clause 53.01 to include a public open space contribution for the precinct
- apply the:
    - Development Contributions Plan Overlay Schedule 2 (DCPO2) to all land in the precinct to give effect to the DCP
    - Environmental Audit Overlay (EAO) to properties in the precinct identified as having high potential for contamination
    - Public Acquisition Overlay (PAO) to 62 Howe Road Miners Rest for stormwater and drainage infrastructure (PAO16)
    - Heritage Overlay (as well as updating Clause 72.04) to introduce five identified heritage places:
        - 15 Sims Road, Mount Rowan (HO252)
        - 134 Gillies Road, Mount Rowan (HO253)
        - 112 Olliers Road, Mount Rowan (HO254)
        - 103 Olliers Road, Mount Rowan (HO255)
        - 88 Olliers Road, Mount Rowan (HO256).

2.3 Land parcels relevant to referred submissions

PSP Plan 13 identifies the land parcels that make up the precinct (see Figure 5). The land parcels relevant to the referred submissions are identified in the relevant chapters of this Report.

Figure 5 PSP land parcels



Source: Exhibited PSP, D1a

3 Strategic context

3.1 Planning context

This chapter identifies the planning context and Planning Scheme provisions relevant to the draft Amendment (refer Table 4 summary). The exhibited Explanatory Report and DTP's Part A submission sets out in detail how the Amendment addresses the Municipal Planning Strategy and Planning Policy Framework, Plan for Victoria and relevant Ministerial Directions and Practice Notes. That detail is not repeated here.

The expert evidence statements of Mr Black, Mr Woodland, Mr McBride-Burgess and Mr Fetterplace also included an analysis of the relevant strategic and legislative context of the Amendment which broadly aligned with DTP's assessment.

Table 4 Planning context

	Relevant references
Planning and Environment Act 1987	- Part 1 section 4, Objectives - Part 3B, Infrastructure Contributions
Planning Policy Framework	- Clause 11.01 (Victoria) - Clauses 11.01-1S (Settlement), 11.01-1R (Settlement- Regional Victoria), 11.02 (Managing growth), 11.02-1S (Supply of Urban Land), 11.03-2S (Growth areas), 11.03 (Planning for Places) - Clause 12.01-2S (Native vegetation management), Clause 12.01-1S (Protection of biodiversity) Clause 12.01-1L (Protection of biodiversity), Clause 12.01-2S (Native vegetation management) Clause 12.03-1S (River and riparian corridors, lakes, wetlands and billabongs), Clause 12.06-1S (Urban forests) - Clause 13.03-1S (Floodplain Management), Clause 13.01-1S (Natural hazards and climate change), Clause 13.02-1S (Bushfire planning), Clause 13.04-1S (Contaminated and potentially contaminated land), Clause 13.05-1S (Noise management), Clause 13.06-1S (Air quality management), Clause 13.07-1S (Land use compatibility) - Clauses 14.02-1S (Catchment planning and management), 14.02-2S (Water quality) - Clause 15.01-1S and 15.01-1L (Urban design), Clause 15.01-3S (Subdivision design), Clause 15.01-4S (Healthy Neighbourhoods), Clause 15.01-5L (Ballarat Neighbourhood Character), Clause 15.03-1S and 15.03-1L (Heritage conservation), Clause 15.03-2S (Aboriginal cultural heritage)

	Relevant references
	- Clauses 16.01-1S (Housing supply), 16.01-2S (Housing affordability) Clause 16.01-1S (Housing supply), Clause 16.01-1L (Location of residential development), Clause 16.01-2S (Housing affordability), Clause 16.01-3L (Rural residential development) - Clause 17.01-1R (Diversified economy – Central Highlands) - Clause 18.01-1S (Land use and transport integration), Clause 18.01-2S (Transport system), Clause 18.01-2R (Transport system – Central Highlands), Clause 18.01-2L (Transport system – Ballarat), Clause 18.01-3S (Sustainable and safe transport), Clause 18.02-1S (Walking), Clause 18.02-1L (Ballarat walking networks), Clause 18.02-2S (Cycling), Clause 18.02-3S (Public transport), Clause 18.02-4S (Roads) - Clause 19.01-1S (Energy supply), Clause 19.02-2S (Education facilities), Clause 19.02-4S (Social and cultural facilities), Clause 19.02-5S (Emergency services), Clause 19.02-6S (Open space), Clause 19.03-1S (Development and infrastructure contributions plans), Clause 19.03-2S (Infrastructure design and provision), Clause 19.03-3S (Integrated Water Management), Clause 19.03-3L (Ballarat integrated water management).
Relevant strategies, policies and plans	- Plan for Victoria - Victoria's Housing Statement: The Decade Ahead 2024-34 - Central Highlands Regional Growth Plan, 2014 - Ballarat Housing Strategy 2041, August 2024 - Ballarat Infrastructure & Growth Alignment Framework.
Planning scheme provisions	- Urban Growth Zone (UGZ) - Land Subject to Inundation Overlay (LSIO) - Flood Overlay (FO) - Public Acquisition Overlay (PAO) - Development Contributions Plan Overlay (DCPO) - Heritage Overlay (HO).
Ministerial directions	- Ministerial Direction on the Form and Content of Planning Schemes - 1: Potentially Contaminated Land - 11: Strategic Assessment of Amendments - 12: Urban Growth Areas - 22: Climate change consideration - Section 46m(1) and 46QD: Ministerial Direction on the Preparation and Content of Development Contributions Plans and Ministerial

Relevant references	
	Reporting Requirements for Development Contributions Plans (MD on DCPs)
Planning practice notes/guidelines	- Planning Practice Note 46: Strategic Assessment Guidelines - Planning Practice Note 47: Urban Growth Zone - Precinct Structure Planning Guidelines: New Communities in Victoria (VPA, 2021) (PSP Guidelines) - Development Contributions Guidelines, March 2007 (DCP Guidelines)

3.2 Policies and strategies specific to the precinct

(i) Victoria's Housing Statement

Victoria's Housing Statement: The Decade Ahead 2024-2034 sets out the State of Victoria's target to build 800,000 homes in Victoria over the next decade. The Ballarat North PSP is identified as one of twenty-one priority planning projects (residential) to contribute towards the delivery of 60,000 homes and sustainable supply of greenfield land over this period.

(ii) Plan for Victoria

Plan for Victoria was released by the Victorian Government in March 2025. It sets out a long term plan for the state, particularly for Melbourne, regional cities and centres and small towns across regional and rural Victoria.

Planning for the PSP implements the pillars identified in Plan for Victoria, particularly Pillar 1: Housing for all Victorians. Map 2 of Plan for Victoria shows where most new homes will be located, including Melbourne and the major regional cities of Ballarat, Bendigo, and Geelong. It also itemises several regional greenfield projects, such as the Ballarat North PSP.

Ballarat Housing Strategy 2041

The *Ballarat Housing Strategy 2041* provides Council with a framework for managing and accommodating population and housing growth for a minimum period of 15-years across the municipality. It provides the strategic basis to introduce planning tools to enable the delivery of more housing in established areas with existing infrastructure, transport, and facilities.

The PSP is identified as a growth area in Figure 2 of the strategy. It also identifies a future expanded growth area to the north of the PSP.

Ballarat Infrastructure and Growth Alignment Framework

The Ballarat Infrastructure and Growth Alignment Framework (BIGAF) provides high level strategic advice on the orderly staging and sequencing of residential growth areas to leverage off existing and committed infrastructure capacity in Ballarat. The BIGAF identifies and recommends a sequence of development areas to prioritise development of established areas with infrastructure capacity to realise State Government's 60/40 growth target. Notwithstanding, the BIGAF supports and recommends the finalisation of the PSP in the short term.

3.3 Precinct Structure Planning Guidelines 2021

The PSP Guidelines define a PSP as:

> a high-level strategic plan that sets out the preferred spatial location of key land uses and infrastructure to guide decisions on staging of development, subdivision permits, building permits and infrastructure delivery.

The PSP Guidelines:

> …provide the framework for preparing PSPs that guarantees quality outcomes while also being flexible, responsive and supportive of innovation by setting aspirational goals for our future communities. The approach provides a transitionary model enabling 20-minute neighbourhoods to evolve over time and achieve the objectives as the area matures.

The PSP Guidelines provide the framework for preparing a PSP including minimum standards, general planning principles and performance targets.

3.4 Development Contributions Plan Framework

The DCP Guidelines set out an overview of the DCP legal framework including the:

- relevant provisions of the PE Act in Part 3B and associated Ministerial Direction for preparing DCPs
- the role and key content of a DCP
- the role of the Development Contributions Overlay
- outline the key elements and operation of the Infrastructure Contributions Plan (ICP) system
- provide advice on how to prepare, implement and administer an ICP
- explain how elements of the ICP system operate.

Clause 19.03 (Development and infrastructure contributions plans) includes the DCP Guidelines and Ministerial Direction on development contributions as a policy documents.

3.5 Strategic justification

(i) Discussion

There is a strong strategic foundation for preparing the PSP and DCP and establishing the precinct as a residential precinct. This is consistent with:

- Plan for Victoria
- the ongoing approach to strategic implementation through a program of PSPs and the relationship between the Ballarat North PSP and adjoining expansion area and developing residential precincts
- the broader Planning Policy Framework relating to settlements in Ballarat (Clause 11.01-1R), the supply of urban land (Clause 11.02-1S) and for the structure planning of growth areas (Clauses 11.02-1S and 11.02-2L) and the sequencing of development and infrastructure (Clauses 11.02-3S, 11.02-3L and 19.03-1S)
- the provision of housing consistent with Victoria's Housing Statement.

The appropriate planning strategic planning tools (an incorporated PSP, DCP and NVPP) and implementing statutory tools including the UGZ3 and overlays (DCP2, HO's and PAO's) have been applied in a manner broadly consistent with Ministerial Directions, Planning Practice Notes and other guidance documents.

The PSP and DCP have been developed in a rigorous and robust manner and were refined by DTP throughout the Hearing in response to submissions and evidence.

(ii) Conclusions and recommendation

For the reasons set out in this report, the Committee concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is generally well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in the referred submissions as discussed in the following chapters.

The Committee recommends:

> **Draft Ballarat Planning Scheme Amendment C256ball be prepared and approved as exhibited subject to the recommendations in this Report.**

Part B Issues

4 Drainage

4.1 Background

(i) Referral

The referred matters relevant to drainage include:

> Please advise whether the location and size of the proposed drainage assets for stormwater management are appropriate.
>
> Please advise whether:
>
> - The following specific projects proposed in the DCP are strategically justified and fulfill principles of need and nexus:
>   - DR-01
> - The proposed DCP costings for the projects listed above are appropriate.

(ii) Background reports

Exhibited documents

- *Ballarat North PSP IWM & Drainage Assessment,* ARUP, 2024 (Drainage Assessment)
- *Ballarat North PSP Stormwater Drainage, Proof of Concept*, SMEC, 2025 (Proof of Concept report)
- *Draft Development Contribution Plan, VPA, September 2025* (DCP)
- Valuation Report: Ballarat North PSP – Land Valuations, EY Parthenon, 28 August 2025 (Valuation Report).

Supplementary documents:

- *Ballarat North PSP Stormwater Review*, Incitus, 20 January 2026 (Stormwater Peer Review).

(iii) The draft Amendment

PSP

The PSP includes:

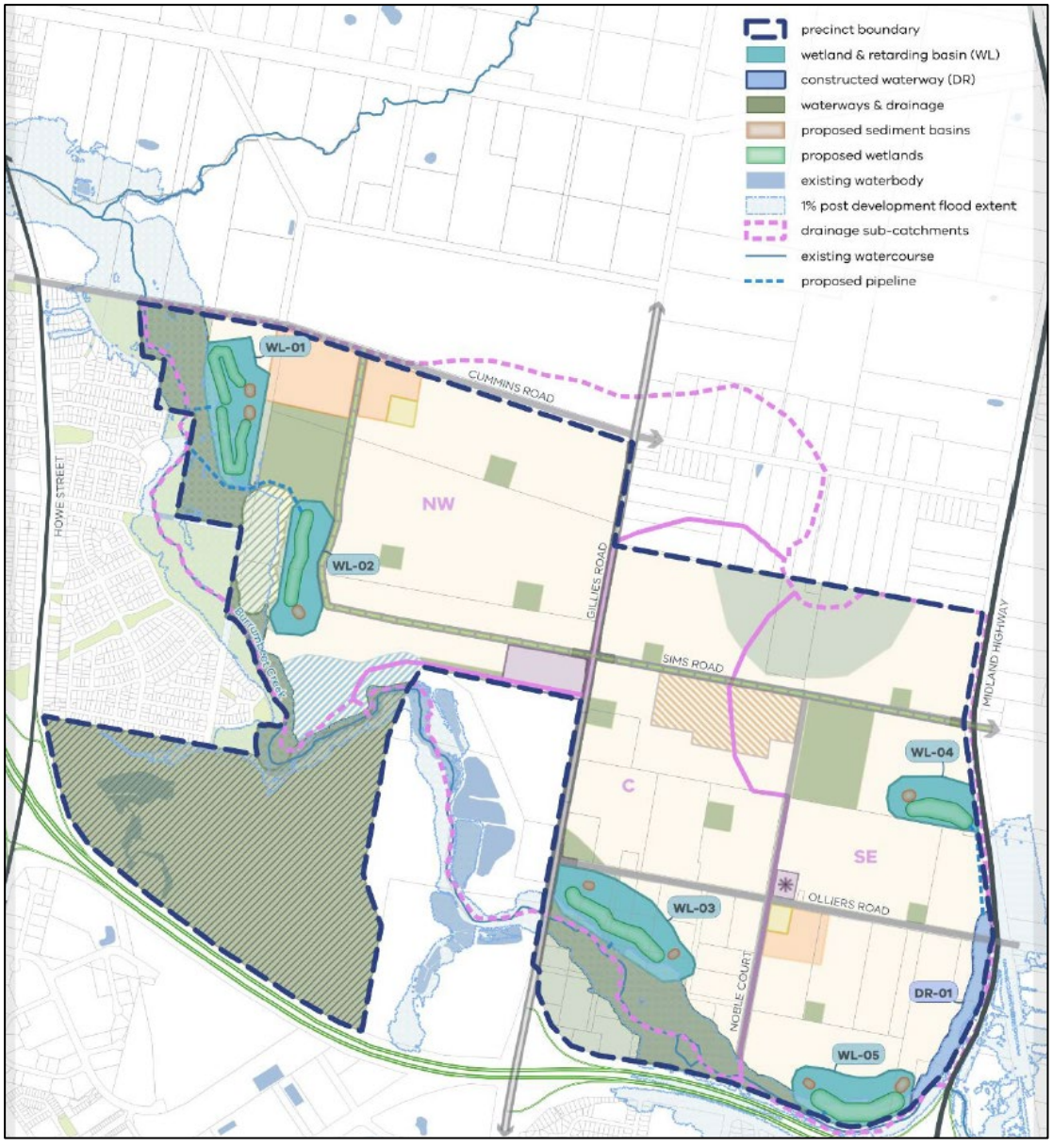
- 'Section 3.3 High Quality Public Realm' which includes:
  - place based objectives relating to sustainable systems for water and drainage
  - 'Drainage, Waterways and Integrated Water Management' requirements and guidelines

- Table 11 (Water infrastructure)
- Plan 6 Water depicting waterways and drainage, wetland and retarding basins, proposed sediment basins, wetlands and existing waterbodies.

- Section 3.6 Infrastructure Coordination which includes:
  - place based objectives relating to infrastructure coordination
  - staging of infrastructure requirements and guidelines
  - Plan 10 Infrastructure and development staging.

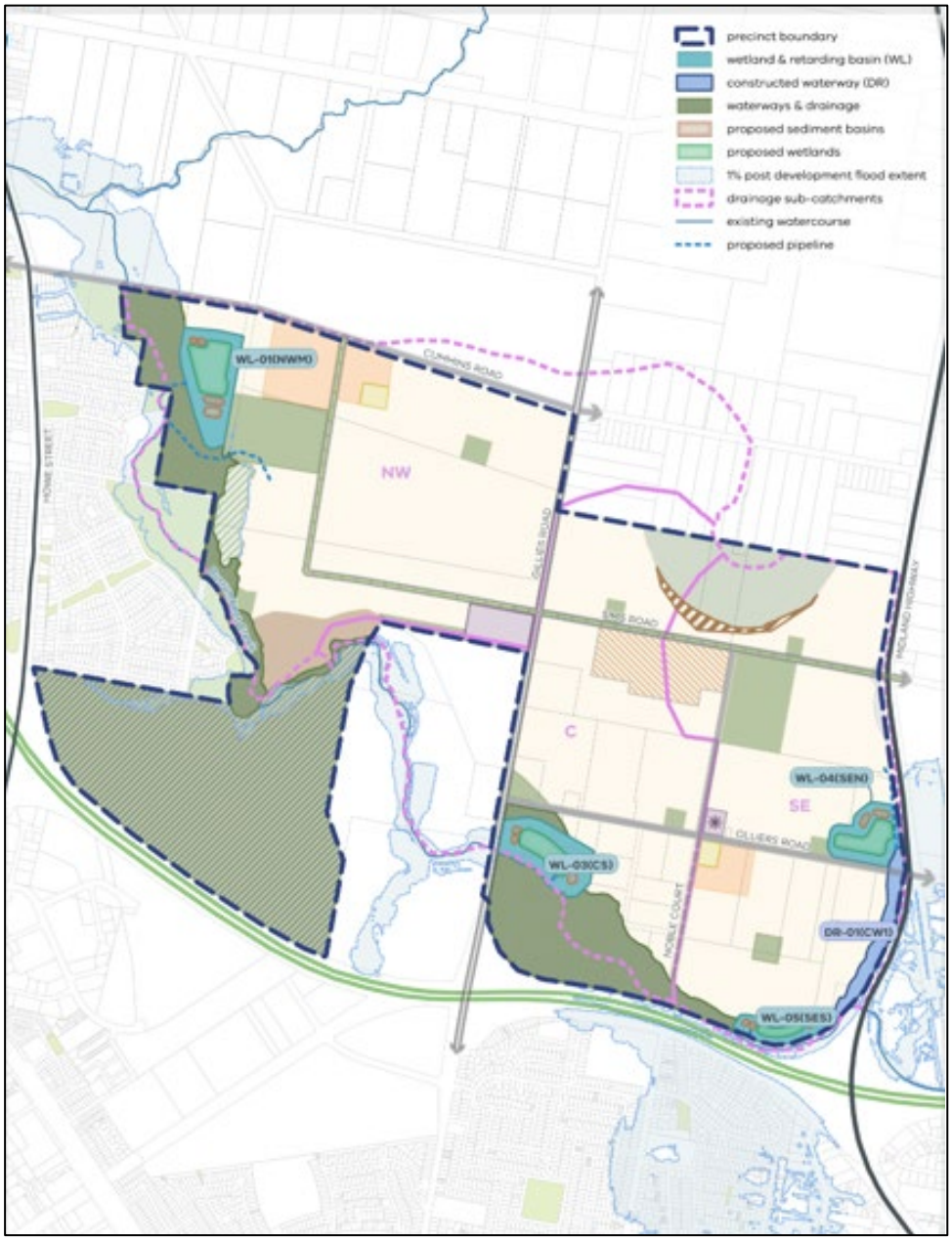
Plan 6 Water of the PSP sets out the location of the proposed drainage assets. The exhibited version is shown in Figure 6 and the Day 1 version is shown in Figure 7.

Figure 6 Exhibited PSP Plan 6 Water



Source: Exhibited PSP Plan 6 Water

Figure 7 Day 1 PSP Plan 6 Water



Source: Day 1 PSP Plan 6 Water

DCP

The Day 1 DCP specifies:

- the development and community infrastructure items to be funded by infrastructure contributions
- the total cost of the funded infrastructure items and the proportion of that cost attributed to the precinct
- the levies payable by development
- the timing for delivery of funded infrastructure

- how the DCP will be implemented and administered.

The Amendment proposes to incorporate the DCP into the Planning Scheme through application of a Development Contributions Plan Overlay Schedule 2 (DCPO2) to the Precinct.

(iv) Proposed changes to the draft Amendment

Following exhibition of the Amendment, Ms Barich was engaged to undertake an independent peer review of the Proof of Concept report. Further modelling was undertaken by SMEC following recommendations from Ms Barich which resulted in a series of updates to the exhibited PSP. The Day 1 changes to the PSP included:

- all drainage assets redesigned in accordance with the SSP2-4.5 climate change scenario and the recommendations of the Incitus Peer Review.[1]
- the function previously assigned to WL-02 to be performed by WL-01. As a result, WL-02 is no longer required and has been removed, with the revised extent of WL-01 applied
- WL-04 relocated from land parcel 51 (the Ballarat Grammer land) to land parcel 60 (the North Ballarat Pastoral land). As a consequence:
  - WL-04 now services a greater portion of the southeast catchment area
  - WL-05 now services a reduced portion of the southeast catchment area
- all preliminary cost estimates have been updated to align with the revised drainage assets.

(v) Expert meeting

An expert meeting for hydrology, stormwater and drainage was held on 17 March 2026 with all experts in attendance. A statement of agreed opinions was prepared and circulated to the Committee and parties.

In general, all experts supported the Day 1 outcomes resulting from Ms Barich's Stormwater Peer Review and agreed:

- the proposed land-take for drainage purposes was sufficient to meet the stormwater management requirements

[1] The public consultation version of the PSP adopted the location and sizes for drainage assets provided in the Ballarat North – Drainage Strategy- Final Proof of Concept (SMEC, July 2025) (2025 SMEC report). Following public consultation, DTP appointed Incitus to conduct an independent peer review of the 2025 SMEC report.

- drainage reserves were appropriate for the stormwater management requirements with optimisations to be sought through the development and design phase
- WL drainage assets may be located in the floodplain of Burrumbeet Creek to further reduce the land required for stormwater management and increase the NDA of the PSP subject to demonstration that the location within the floodplain would not result in any detrimental impacts and subject to relevant authority/s approval
- major drainage assets, other than WL-04, were generally in the appropriate locations
- realignment of the DR-01 asset was appropriate and should be included in the DCP
- drainage pipes and culverts should be designed for current and near term flows (say 2030), with a risk assessment undertaken for the anticipated flows at the year 2100
- any of the designs proposed for the WL-01 asset could work (Mr Bishop, Mr Beardshaw, Ms Barich evidence) and serve the required drainage and treatment function, and that the location of the WL-01 asset should be on flatter lower topography and not encroach into the steeper terrain around PSP land parcels 40 and 41
- the redundant pipeline shown on the Day 1 Plan 6 surrounding the WL-01 asset should be removed, as should the redundant pipeline shown on the Day 1 Plan 6 upstream of WL-04 adjacent to the Midland Highway (see Figure 7 above)
- culvert crossings of existing roads within the PSP land should be considered in the PSP and the DCP
- the Progressive Certainty implementation notes should be included to enable flexibility in the design of stormwater assets.

The areas of disagreement related to:

- the location of WL-04
- whether the BCHA was now required or needed specific controls in UGZ3
- whether the Day 1 PSP and DCP should include a pipe outfall for each property within the PSP land
- whether the drainage assets in Stage 1 of the Day 1 PSP should include a PAO.

(vi) Location of Drainage assets

The Committee considers that the Proof of Concept report results in considerable enhancement of proposed drainage infrastructure for the PSP. The review achieves a reduction of the land required for stormwater management, reduced costs to deliver drainage assets and an increase of NDA which was supported by all experts and parties.

In providing their evidence, each of the Drainage experts acknowledged the aspects of agreement achieved through the experts meeting and focused on aspects of non-agreement, in addition to the arrangements for the establishment of DR-01 and the location and size of WL-01 where Mr Beardshaw and Mr Bishop proposed alternative alignments for the wetland.

The Committee supports the outcomes agreed upon at the drainage experts meeting and how these have been incorporated by DTP into Day 1 changes for the DCP and PSP.

The location and size of the proposed drainage assets for stormwater management as set out in the Day 1 PSP are appropriate, subject to the further conclusions and recommendations in the subsequent sections of this chapter.

The aspects of disagreement are further expanded upon and discussed in the following chapters.

4.2 Wetland 1

(i) Issues

WL-01 is a proposed constructed wetland and retarding basin within the PSP drainage network, designed to treat stormwater and manage flows before they are discharged to Burrumbeet Creek.

In the Day 1 PSP, WL-01 has been expanded to incorporate the function of the previously separate WL-02 asset, effectively consolidating the two wetlands into a single, larger drainage asset. This combined asset continues to serve the broader north-western catchment and forms a key part of the integrated drainage system across the precinct.

The issues are whether:

- the location and size of WL-01 as shown in the Day 1 PSP is appropriate
- the PSP should include flexibility to enable alternative drainage concepts to be explored through a progressive certainty approach.

(ii) Evidence and submissions

Evidence

All experts agreed that the Day 1 size and location of WL-01 was appropriate, other than Mr Beardshaw and Mr Bishop who considered it would be better relocated within the adjoining floodplain. Ms Barich did not oppose the suggested relocation in principle, provided it resulted in no detrimental impact on surrounding properties. She did however recommend that any relocated embankment associated with WL-01 sitting within the floodplain be included in the flood model to ensure it does not increase the one percent

Annual Exceedance Probability (AEP) flood level of the Burrumbeet Creek. Ms Barich also highlighted the revised designs had not been referred to GHCMA for comment, and that the *GHCMA Flood Modelling Guidelines and Specifications*, August 2024 (GHCMA Guidelines) (D63) seek to locate drainage assets outside the one percent AEP flood extent.

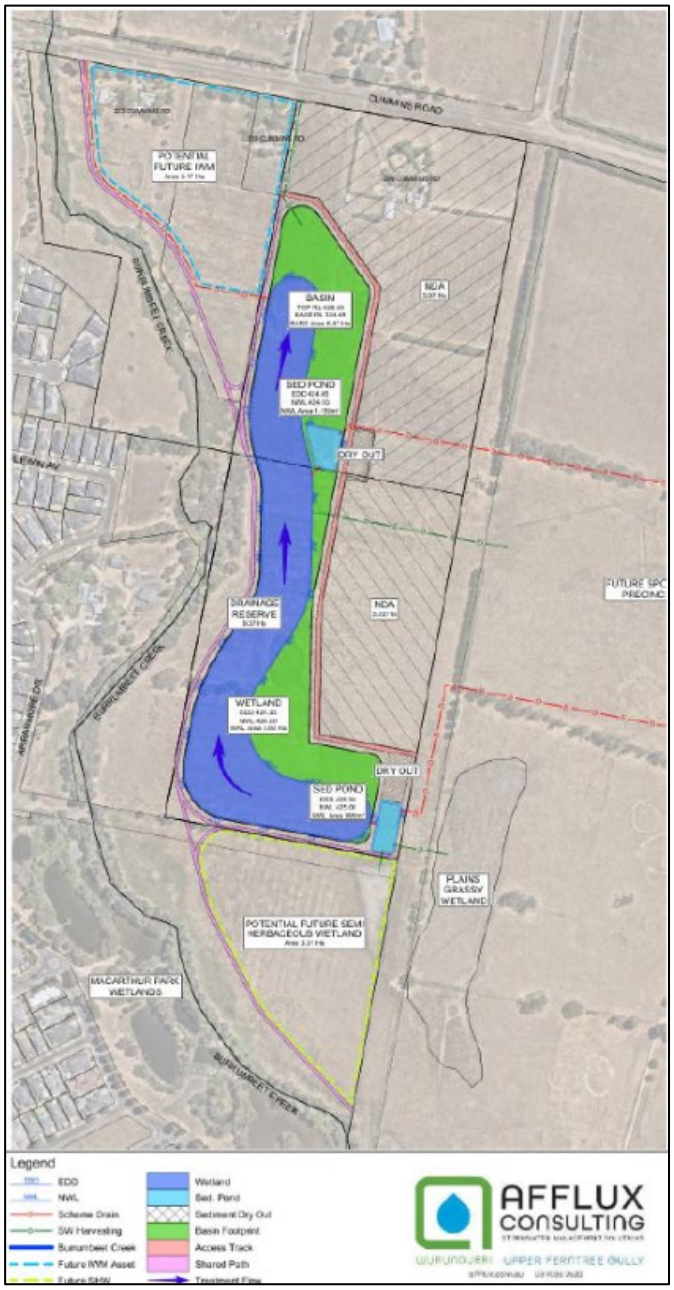
Mr Bishop agreed with the consolidation of WL-01 and WL-02 in the Day 1 documents. He considered the GHCMA requirement that "*new retention basins and wetlands are to be located outside of the one percent AEP flood extent*"[2] should be applied as a performance based assessment, rather than as a strict prerequisite. In his view, the requirement is at odds with positions commonly adopted by other water authorities. He provided an alternative design for WL-01 partially located within the existing mapped floodplain extent but supported Mr Beardshaw's proposal as further optimisation of his own assessment. He recommended the ultimate layout for WL-01 be resolved through detailed design and acknowledged that the Day 1 PSP Plan 8 sets aside a reserve that allows for this to be achieved.

Mr Beardshaw agreed with the Day 1 resizing of WL-01 but considered it should be moved further within the floodplain, enabling land savings and providing a more integrated asset within the local environment (see Figure 8 below). He was concerned that the Day 1 placement increased the extent of batters and the area of reserve required to be purchased. He considered the placement of WL-01 within the floodplain:

- Enabled better connectivity of the IWM components, treatment objectives and flood storage objectives
- improved storage within the floodplain as the asset sits below existing surface level
- reduced cost of the asset in both design and construction due to reduced complexity
- enabled other options such as placement of an IWM harvesting lake to the north of the proposed wetland and potential further stormwater harvesting areas.

[2] GHCMA Guidelines, D63

Figure 8 Beardshaw WL-01 proposal



Source: Expert Witness Statement, Chris Beardshaw, D37

Mr Mathios supported the Day 1 location of WL-01 and considered it would:

- simplify the 20 percent AEP drainage system in the north-west of the PSP
- reduce fragmentation of drainage infrastructure and associated maintenance burdens
- improve the efficiency of drainage reserve land use.

Mr Bursill, who gave DCP evidence, said to the extent possible, drainage:

- assets should be located within otherwise undevelopable land to avoid unnecessary DCP costs and to increase the developable area

- reserves should be shaped to maximise efficient subdivision design.

In relation to the concept of progressive certainty the joint expert drainage meeting agreed that implementation notes in modern PSP's are an appropriate tool to enable flexibility in the design and location of stormwater assets over time.

Mr Swan supported a progressive-certainty approach for drainage works, drawing directly on the Melton East PSP as a precedent. He provided model wording allowing post-gazettal changes to the size, type, staging or location of drainage assets, with surplus land able to be used and developed in accordance with the applied zoning, and with objectives to optimise land required for flood and stormwater management.

Mr Beardshaw, Mr Bishop and Ms Barich agreed during their evidence in chief that any of the WL-01 design options could function hydrologically, and that WL-01 should ideally be located on flatter, lower topography and avoid the steeper terrain around land parcels 40 and 41. They considered this would create scope for alternative, more efficient configurations. When questioned on this matter, the experts noted that because multiple functional options exist, it was sound practice to have a mechanism that could capture a more optimal layout through refinement at later stages, including detailed design, rather than locking in the Day 1 layout at the PSP stage.

During the hearing, in response to questions from parties and the Committee, experts including Mr Fetterplace, Mr Woodland, Mr Bursill, Mr Black, Mr Shipp, Mr Fleming and Mr De Silva discussed the merits of incorporating a progressive certainty provision for drainage assets. They confirmed that broadly it could work within the DCP system (as opposed to the ICP system). The experts generally supported the approach, subject to important qualifications, including:

- emphasising the need to make every effort to reduce subsequent changes in the future
- noting that if the concept of progressive certainty is simply about *kicking the can down the road*, that would be problematic, and emphasising the need to get the design refined as far as possible to establish a clear 'line in the sand'
- highlighting that progressing the detailed design as far as possible before adopting the DCP was important.

Submissions

Casey Capital supported the Day 1 consolidation of WL-02 into WL-01 and did not object to the relocation of WL-01 as proposed by Mr Beardshaw subject to the final design prepared in consultation with the relevant drainage authority.

Casey Capital, acknowledged the practical limitations facing the Committee in fully resolving the WL-01 location issue, doubting the Committee could fully resolve the matter, which should be resolved through a progressive certainty clause.

Landmack sought the relocation of WL-01 as proposed by Mr Beardshaw on the basis that it represented the most efficient infrastructure outcome, maximised developable land within the precinct and was likely to reduce the costs of construction. In the alternative, Landmack submitted a progressive certainty framework was necessary to preserve flexibility in the ultimate location of WL-01 while allowing the most efficient drainage outcome to be determined following further design work.

Landmack relied on three key precedents:

- Casey Fields South Employment / Devon Meadows PSP which includes implementation notes allowing changes to drainage assets post-gazettal, with any surplus land reverting to developable land and the NDA recalculated on the actual outcome
- Croskell Employment PSP which incorporates an explicit progressive certainty provision for drainage assets, allowing changes to asset size and location, and recognising increased NDA through the ICP framework
- Melton East ICP which contains a clause enabling capture of additional NDA through a section 173 agreement where design changes lead to an uplift in developable area.

Landmack submitted that these PSPs demonstrate that strategic planning frameworks can accommodate flexibility in design and siting of drainage infrastructure, while still ensuring any uplift in NDA is appropriately captured through a contribution framework. It submitted that the circumstances at Ballarat North are directly comparable.

It submitted that if the Committee is not prepared to adopt the Beardshaw proposal now, it should at least recommend a progressive certainty framework within the PSP and DCP documentation that preserves the ability to:

- further investigate the final location and configuration of WL-01
- realign related land use outcomes within the PSP, including open space, road and access arrangements
- capture any increased NDA through an appropriate contribution or agreement mechanism.

Landmack submitted that the progressive certainty framework should be drafted to ensure it provided sufficient certainty for overall PSP implementation and vision, while also preserving appropriate flexibility to optimise the final location, size and configuration of WL-01 and associated land use outcomes abutting it.

North Ballarat Pastoral and Ballarat Grammar supported the general adoption of a progressive certainty framework for drainage.

Council supported flexibility in the design of WL-01 subject to clear safeguards but expressed concern about the extent of the PAO (discussed in Chapter 4.8) if the final location and size of WL-01 remained uncertain. Council accepted that a progressive certainty clause could be used, but only to refine the final drainage strategy footprint, not as a basis for unduly broad acquisition.

DTP position

DTP submitted:

- the Day 1 location of WL-01 is appropriate for the purposes of the PSP (as supported by Ms Barich, Mr Bishop and Mr Beardshaw), notwithstanding that it may be further optimised at the detailed design stage
- the location of WL-01 should remain outside the one percent AEP flood extent, in accordance with the GHCMA Guidelines
- whilst the drainage experts considered the GHCMA Guidelines to be conservative compared with those of Melbourne Water and other Catchment Management Authorities, they should nevertheless be applied at the strategic precinct structure planning stage
- relocating WL-01 within the floodplain would be premature and therefore inappropriate in a document such as the PSP.

DTP accepted the view of the drainage experts that more explicit guidance was needed to allow for some flexibility.

During the hearing DTP sought further advice from GHCMA on the circumstances in which drainage assets might be located within the one percent AEP floodplain. On 1 April 2026, GHCMA responded as follows:

> GHCMA have maintained a strong position of locating drainage infrastructure assets outside of the 1 percent AEP floodplain given issues that have arisen with these assets in our region in the past. We are amenable to some flexibility following review of the conclave expert opinions.

GHCMA's response confirmed that, in principle, it could support relocation of drainage assets within the floodplain, provided that relevant performance standards were met through flood modelling which demonstrated that:

- the asset would be confined to low or moderate hazard areas
- would not adversely affect Burrumbeet Creek
- would not cause unacceptable afflux or worsen upstream or downstream flood conditions.

On 2 April 2026, DTP issued a memorandum setting out its position on flexible drainage design, proposing a formal 'Flexible drainage design (progressive certainty)' implementation note to be inserted into Section 1.12 of the PSP, together with a corresponding provision in Section 5.1 of the DCP. The memorandum recorded that DTP had:

> engaged with the Glenelg Hopkins Catchment Management Authority (GHCMA) and has its support for the following words to be added into the PSP…

and that the drafting was intended:

> to provide flexibility in relation to potential drainage asset realignment and relocation into the Burrumbeet Creek floodplain.

The proposed PSP note provided that any change to the size, type, staging or location of drainage assets would be considered *generally in accordance* with the PSP where the assets achieved the intended performance standards, including any relevant updates to flood investigations for Burrumbeet Creek, and were approved by the relevant drainage authority and GHCMA. It further provided that, where the land required for drainage assets was reduced post-gazettal with the written consent of those authorities, any surplus land could be used and developed in accordance with UGZ3, with any resulting increase in NDA subject to the DCP land budget process set out in section 5.1.

The corresponding DCP provision enabled the responsible authority to require a Section 173 Agreement under the PE Act to secure payment of contributions in respect of any additional NDA arising from design changes or efficiencies identified at the planning permit stage.

DTP's final position was not that the drainage design should be fixed differently within the PSP, but that the PSP should expressly preserve a controlled pathway for subsequent refinement. This pathway would be informed by updated modelling and GHCMA's hazard based criteria, with the progressive certainty mechanism operating within, rather than contrary to, the GHCMA Guidelines.

(iii) Discussion

The Day 1 location of WL-01 is appropriate, and as acknowledged by the drainage experts, has been appropriately sized. While the Committee is not opposed to relocating WL-01 within the floodplain, the ultimate layout should be resolved through detailed design and in consultation with the GHCMA.

However, the Committee considers that a progressive certainty mechanism is appropriate for drainage assets in the PSP and can operate effectively within the DCP framework.

The VPA Projects Standing Advisory Committee has supported similar approaches in other recent PSPs, recognising that strategic precinct planning necessarily involves some conservatism in asset sizing and location, and that detailed design at the planning permit stage will invariably refine what is shown at the PSP level. The Casey Fields South Employment/Devon Meadows PSP, and the Croskell Employment PSP demonstrate that, when carefully drafted, progressive certainty provisions can provide both flexibility and accountability.

The evidence before the Committee supports the application of progressive certainty in this context. The expert drainage meeting agreed that bespoke implementation provisions are an appropriate tool to enable flexibility in the design and siting of stormwater assets. The DCP and planning experts also supported the approach, while appropriately emphasising that it should not be used to defer necessary work.

The Committee agrees with the cautionary note expressed by Mr Shipp and other experts that, if progressive certainty were to operate merely as a means of "*kicking the can down the road,*" it would be inappropriate. Rather, the design should be advanced as far as practicable before gazettal to establish a clear "*line in the sand*". Progressive certainty is not a substitute for robust strategic planning, it is a mechanism to accommodate refinement and optimisation through subsequent detailed design. Further modelling and site-specific investigations undertaken at the planning permit stage can then continue to refine the outcome.

The Committee is satisfied that the progressive certainty approach can work within the DCP context, noting that:

- the mechanism preserves certainty about performance standards and authority approval requirements
- it includes appropriate safeguards through the requirement for written consent from the drainage authority and Catchment Management Authority before any surplus land can revert to development
- any increase in NDA is captured through Section 5.1 of the DCP, ensuring equitable contribution outcomes
- the *generally in accordance* principle is well established in PSP implementation and provides appropriate flexibility without undermining the strategic framework.

That said, the Committee has some concerns about the practicality of how the progressive certainty mechanism will operate when dealing with individual planning permit applications and detailed design processes, rather than the more coordinated strategic processes such as Melbourne Water's Development Services Scheme (as applied in the Casey Fields and Croskell examples). The progressive certainty provisions will need to be drafted with sufficient clarity to ensure that the responsible authority,

drainage authority and Catchment Management Authority can administer the mechanism consistently and efficiently across multiple landowners and development stages, and that the contribution framework remains equitable and transparent.

The Committee suggests that parties, including DTP, monitor the operation of this mechanism into the future to ensure its practical impacts are assessed progressively. If the mechanism does not operate appropriately or creates unintended consequences (including Victorian Civil and Administrative Tribunal (VCAT) challenges), it should be reviewed and refined rather than continued on the basis that it represents current best practice. Progressive certainty is an evolving approach in strategic planning, and its effectiveness in a DCP context may require ongoing evaluation and adaptation.

In terms of drafting, the Committee supports the wording changes as reflected in section 5.1 of the Final Day DCP, and section 1.12 of the PSP, subject to some additional clarifications suggested by Landmack, as follows:

> Any change to the size, type, staging or location of drainage assets (including wetlands & retarding basins; and waterways & drainage; and sediment basins), will be considered by the responsible authority as being generally in accordance with the PSP if those drainage assets achieve the required performance standards, including any relevant updates to flood modelling for the Burrumbeet Creek and are approved by the ~~relevant~~ responsible authority having regard to any comments from the relevant Catchment Management Authority.
>
> Should the land required for the delivery of ~~these~~ the wetlands & retarding basins; and waterways & drainage; and sediment basin assets be reduced after the PSP has been gazetted, then that surplus land may be used and developed in accordance with the applied zoning of that land under Schedule 3 of the Urban Growth Zone. Any increases in NDHA are subject to Section 5.1 of the Ballarat North Contributions Plan which sets out the process for changes to the land use budget.

The Landmack additions seek to define 'drainage assets' which are not defined or specifically identified in Plan 6.

(iv) Conclusions and recommendations

The Committee concludes:

- The location and size of WL-01 as shown in the Day 1 (and Final Day PSP) is appropriate.
- A progressive certainty mechanism for drainage assets is appropriate and can operate effectively within the DCP framework for the Ballarat North PSP.
- The mechanism should not be used to defer necessary strategic planning work, but rather to accommodate refinement and optimisation once detailed design, updated modelling and site-specific investigation occur at the planning permit stage.

- The progressive certainty provisions must be drafted with sufficient clarity to ensure consistent and efficient administration by the responsible authority, drainage authority and CMA across multiple landowners and development stages.
- The contribution framework must remain equitable and transparent, with any increases in Net Developable Area properly captured through the DCP mechanisms as outlined in DTP's Final Day drafting

The Committee recommends:

Precinct Structure Plan

Amend section 1.12 'Implementation Note' of the Final Day Ballarat North Precinct Structure Plan as follows:

Any change to the size, type, staging or location of drainage assets (including wetlands & retarding basins; and waterways and drainage; and sediment basins), will be considered by the responsible authority as being generally in accordance with the Precinct Structure Plan if those drainage assets achieve the required performance standards, including any relevant updates to flood modelling for the Burrumbeet Creek and are approved by the ~~relevant~~ responsible authority having regard to any comments from the relevant Catchment Management Authority.

Should the land required for the delivery of ~~these~~ the wetlands and retarding basins; and waterways & drainage; and sediment basin assets be reduced after the PSP has been gazetted, then that surplus land may be used and developed in accordance with the applied zoning of that land under Schedule 3 of the Urban Growth Zone. Any increases in Net Developable Hectare Area are subject to Section 5.1 of the Ballarat North Contributions Plan which sets out the process for changes to the land use budget.

4.3 Wetland 4

(i) Issue

WL-04 is a proposed constructed wetland and retarding basin within the PSP drainage network, designed to treat stormwater and manage flows before discharge to the downstream system.

The Day 1 PSP relocates WL-04 further south from its exhibited position, moving it from the Ballarat Grammar land to land owned by North Ballarat Pastoral, and keeping it upstream of Olliers Road.

The issue is whether the location and size of WL-04 as shown in the Day 1 PSP is appropriate.

(ii) Evidence and submissions

Evidence

The drainage expert evidence was:

- Ms Barich, Mr Dunn and Mr Mathios considered that the Day 1 PSP appropriately located the WL-04 asset
- Mr Swan sought to have WL-04 reinstated as exhibited, north of the Day 1 location
- Mr Bishop and Mr Beardshaw did not have an opinion on the appropriate location of the WL-04 asset
- all agreed that both locations for WL-04 would be able to meet the stormwater management performance objectives of the PSP.

Ms Barich stated that the Day 1 location of WL-04:

- resulted in an overall benefit to the community through the reduction of drainage reserve areas
- mitigated stormwater flows immediately upstream of the Olliers Road crossing, potentially reducing the size of the drainage infrastructure required for the crossing
- reduced the requirement to batter into the hill by an elevation of approximately two metres, potentially reducing the size of the drainage reserve required to accommodate the constructed wetland and required storage
- required a larger asset for WL-04, due to the additional catchment requiring treatment at that location, but would reduce the size of the WL-05 asset
- resulted in no increase to the total treatment area required to meet current best practice pollutant reduction targets
- assisted with avoiding an afflux upstream of the Midland Highway for the tributary of Burrumbeet Creek
- removed the requirement to have approximately 395 metres of an 825 millimetre diameter reinforced concrete pipe that would be required from the outlet of the exhibited WL-04 location to Olliers Road
- removed the requirement to pipe the regular flows from a 28 hectare catchment north of Olliers Road and west of Midland Highway to the WL-05 asset, removing

the requirement to pipe approximately 1.29 cubic metres per second of flow based on the current one event per year storm and the need for approximately 750 metres of a 1200 millimetre diameter reinforced concrete pipe
- potentially reduced the required culvert size at Olliers Road from 3 metres x 1.2 metres x 1.8 metres to one metre x 1.2 metres x 1.2 metre box culverts
- was appropriate in relation to staging and that there were many ways to design, construct and roll out WL-04 to ensure that it functioned as required over the build out of the PSP.

Mr Dunn supported the Day 1 WL-04 location, considering it would result in:

- reduced excavation and land-take as the Day 1 location sat on flatter terrain
- a reduced flood risk to downstream homes
- optimisation of drainage assets with reduction of approximately 400 metres of retarding basin outlet pipe, avoidance of pipe crossings of Olliers Road and reduced maintenance requirements
- improved biodiversity outcomes by having WL-04 adjacent to the unnamed tributary to Burrumbeet Creek.

Mr Mathios said that the Day 1 location for WL-04 to be appropriate and logical, with improved environmental benefits and in conjunction with DR-01, reducing the extent of the local flooding risk.

Mr Swan considered the location of WL-04 should be reinstated as exhibited because:

- the drainage catchment available to contribute to WL-04 from Stage 1 of the PSP would be insufficient, potentially necessitating an interim asset until Stage 2 is developed
- there was little difference in the terrain slope between the exhibited and Day 1 WL-04 locations
- the exhibited location is unlikely to result in any significant adverse impacts on flow or flood behaviour.

Mr Fetterplace, and Mr McBride-Burgess held differing planning views on WL-04. Mr Fetterplace considered the Day 1 location to be an improvement to the exhibited location through:

- integration and connection with DR-01 and proposed public open space LP-12
- colocation with the existing floodplain
- avoiding the need for a drainage pipe outfall from the exhibited location of WL-04 to DR-01
- overall reduction in land take for drainage assets providing an increased NDA for the PSP.

Mr McBride-Burgess considered the Day 1 drainage changes created an impost to the North Ballarat Pastoral properties, with three drainage assets (DR-01, WL-04 and WL-05) located on the land. He sought relocation of WL-04 to its exhibited location.

Mr Fleming's DCP evidence was:

- the Day 1 location of WL-04 means the wetland is required to facilitate part of Stage 1A, necessitating that its construction be brought forward from the medium to the short term
- alternative approaches, such as staging the construction of WL-04, should be explored to ensure the wetland can function effectively with only part of the catchment developed and generating sufficient runoff to support wetland health and the operation of the sediment and retarding basin
- the Day 1 location of WL-04 falls within the existing flood extent, requiring confirmation from the GHCMA as to the suitability of the proposed location.

Submissions

Council noted that the Day 1 location of WL-04 was likely to increase costs associated with implementing Integrated Water Management, particularly stormwater harvesting to service the SR-02 sporting reserve on Sims Road. They sought additional costs to be identified in the DCP as developer funded projects.

North Ballarat Pastoral opposed the relocation of WL-04 onto its land in the Day 1 PSP. It submitted that the proposed wetland, together with associated drainage and other infrastructure, would impose disproportionate and unfair cumulative burdens and create practical difficulties, particularly as more than two thirds of the WL-04 catchment serves properties to the north. It contended that WL-04 is primarily required to unlock land in Stage 2 of the PSP and that the exhibited location better facilitated separate drainage solutions across different stages and landholdings.

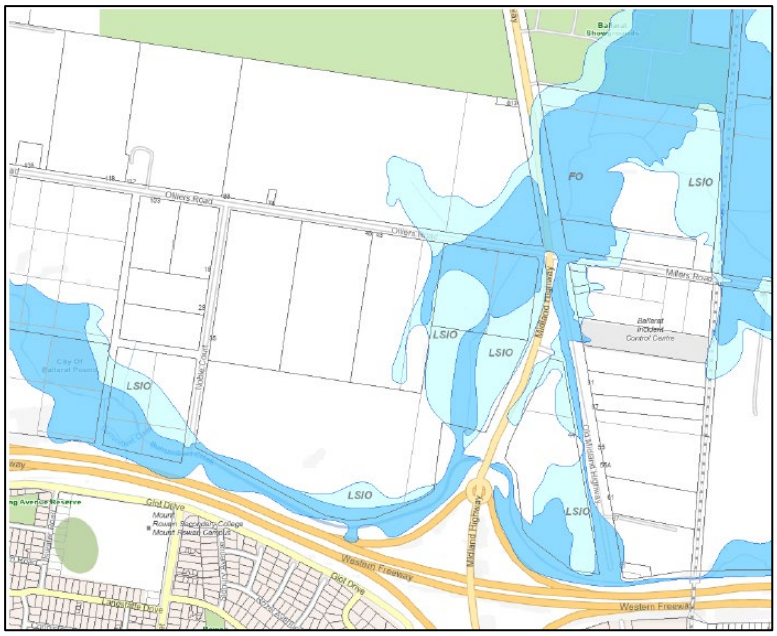
North Ballarat Pastoral also relied on the work undertaken by SMEC, which it submitted demonstrated that WL-04 could be located further north, closer to the land it would service. It noted that the wetland had increased in size from 5.36 hectares in the exhibited location to 5.56 hectares in the Day 1 location, without delivering material construction cost savings, as the removal of the outfall pipe would be offset by the need for a 1.35 metre reinforced concrete inlet pipe to convey untreated water from the catchment north of Sims Road. Further, it submitted that the Day 1 location would be inconsistent with the GHCMA Guidelines which require new retention basins and wetlands to be located outside the one percent AEP flood extent. Finally, it observed that all experts agreed that either location could meet the stormwater management performance objectives of the PSP.

Ballarat Grammar supported the Day 1 changes and submitted that the Day 1 WL-04 location:

- was subject to LSIO and FO controls, on land that was constrained and undevelopable due to flooding constraints, as shown in Figure 9
- minimised construction costs
- minimised impact on development yield.

Ballarat Grammar noted that the Day 1 DCP included a cost for the purchase of land that was required for WL-04 and did not oppose this as a DCP cost item, provided the valuation of the land reflected that it was constrained.

Figure 9 Flooding overlays



Source: D49

DTP position

DTP supported the Day 1 location of WL-04, consistent with Ms Barich's evidence. It noted that both the exhibited and Day 1 locations are functionally workable. However, the Day 1 location sits alongside the DR-01 waterway, which would reduce the amount of infrastructure needed to provide outfall and create opportunities for more efficient design at the detailed design stage after PSP gazettal.

DTP submitted that the Day 1 WL-04 would sit entirely outside the post development floodplain due to the proposed DR-01 and is therefore an appropriate location. It acknowledged that the wetland has slightly increased in size but this reflects the fact that it services a larger portion of the south-eastern catchment and adopts reduced design parameters.

DTP considered that SR-02 has sufficient capacity to accommodate integrated water management initiatives without relying on WL-04. It considered the staging of land relative to drainage infrastructure to be generally appropriate, subject to revisions to stage areas associated with WL-04 through the progressive certainty process.

Finally, DTP submitted that the SMEC modelling assumed the Ballarat Grammar land would be developed for residential use. As a result, DPT did not support the argument that relocating WL-04 to the exhibited location would provide staging benefits, as suggested by North Ballarat Pastoral.

(iii) Discussion

An outcome of the Stormwater Peer Review resulted in a change in location for WL-04 from the Ballarat Grammar land to the North Ballarat Pastoral land. Drainage experts who considered WL-04 all agreed that both locations would meet the stormwater management performance objectives of the PSP.

The issues raised in opposition to the Day 1 location of WL-04, in favour of the exhibited location, are not considered compelling when weighed against the benefits of the peer review option. This is particularly so given all experts agree both locations can meet the relevant performance objectives. In this context:

- the drainage experts described the differences in topography and elevation between the two options as marginal
- the drainage assets (DR-01, WL-04 and WL-05) on the North Ballarat Pastoral land are generally located on land that is already constrained and largely undevelopable due to flooding controls under the FO and LSIO (see Figure 9)
- SR-02 has sufficient capacity to enable Council to achieve integrated water management outcomes without reliance on WL-04
- GHCMA confirmed that drainage assets may be supported within the one percent AEP floodplain, subject to meeting performance standards and being underpinned by appropriate flood modelling. DTP also noted that the Day 1 WL-04 would be entirely outside the post development floodplain due to the proposed DR-01.

In addition, the Committee finds that relocating WL-04, as proposed in the Day 1 PSP, delivers a range of clear and interrelated functional, environmental and cost advantages. The revised location enables treated stormwater to discharge directly to a waterway rather than through a pipeline, consistent with better stormwater management practice and improved environmental outcomes. Co-location with DR-01 provides a more integrated drainage solution, reducing infrastructure requirements and improving system efficiency, including by reducing risks associated with pipe blockages.

The Committee also accepts that the exhibited location would require additional land take and higher construction costs due to topographical constraints, whereas the Day 1 location avoids these inefficiencies. Further, the relocation achieves a more balanced distribution of catchments between wetland assets, reducing pressure on WL-05 and lowering the risk of ecological degradation or asset failure.

The Committee notes that the Day 1 drainage changes reduce the total land required for DR-01, WL-04 and WL-05 from 17.4 hectares under the exhibited DCP to 13.5 hectares, while also avoiding more costly drainage infrastructure. Together, these improvements reduce overall DCP costs and increase NDA, delivering savings for existing landowners and ultimately lower costs for future home buyers.

Overall, the Committee is satisfied that the material presented by DTP and its drainage experts demonstrates that the location and size of WL-04 in the Day 1 PSP are appropriate and represent a superior and more efficient drainage outcome.

(iv) Conclusion

The Committee concludes:

- The location and size of WL-04 as shown in the Day 1 (and Final Day PSP) is appropriate.

4.4 Constructed drainage waterway

(i) Background

DR-01 is a proposed constructed drainage waterway within the PSP area designed to manage stormwater flows from both the precinct and surrounding catchments, and to provide a controlled outfall to Burrumbeet Creek. It involves the realignment and upgrading of an existing drainage channel to meet urban standards, reduce flood risk, and support the transition of land from rural to urban use. As a major piece of drainage infrastructure, it is intended to service both current and future development across the growth area.

(ii) Issues

The issues are whether:

- DR-01 is strategically justified and should be included in the DCP
- costings for DR-01 as shown in the Day 1 DCP are appropriate
- any land acquisition costs associated with DR-01 should be included in the DCP.

(iii) Evidence and submissions

Stormwater and drainage evidence

The drainage experts agreed that the:

- realignment (as shown in the Day 1 documents) of the DR-01 drainage asset is appropriate
- costs associated with DR-01 should be included in the DCP.

Ms Barich said DR-01:

- was a constructed waterway required to convey external catchment flows from the east through the PSP to Burrumbeet Creek in major events, including under climate-change scenarios
- provided the necessary outfall from WL-04 (and indirectly WL-05) to Burrumbeet Creek so that those assets could perform their storage and treatment functions
- together with associated culverts, formed part of the works needed for Olliers Road to satisfy GHCMA's one percent AEP flood-safety requirements under future climate conditions
- had been sized and its corridor footprint set using the SSP2-4.5 climate scenario, with sufficient width that, if policy later shifted to SSP3-7.0, a larger asset could still be delivered within the same footprint.

Mr Mathios said DR-01:

- should be refined through functional design to achieve a more orthogonal alignment with a regular 60 metre-wide corridor, as contemplated in both the Proof of Concept review and the Stormwater Peer Review
- was shown with an irregular corridor in the Day 1 PSP, which may overstate or distort the apparent land-take over its length, a regular corridor would provide clearer expectations for landowners and better integration with surrounding subdivision and road design
- should be realigned and reconstructed along the Midland Highway consistent with the Proof of Concept design (and the Day 1 documents) as a way to alleviate existing local flooding in the BCHA and provide a more efficient conveyance arrangement to Burrumbeet Creek.

Mr Swan said DR-01:

- was a critical constructed waterway required to convey both external flows from the approximately 990-hectare catchment east of the PSP and internal PSP flows (including the outfall from WL-04) to Burrumbeet Creek, and to enable the associated culverts to function so that Olliers Road could achieve appropriate flood-free access as the precinct was developed

- followed a new 60 metre wide alignment along the Midland Highway rather than the existing, much smaller constructed drain on North Ballarat Pastoral's land, and therefore imposed a significant NDA impost on the affected land
- should be retained as a DCP project, but that the land acquisition costs for the DR-01 reserve should also be funded through the DCP, given the width and regional function of the asset compared with the existing drain
- formed part of what as a disproportionate cumulative burden of drainage infrastructure on North Ballarat Pastoral's land (DR-01, WL-04 and WL-05), underscoring his support for progressive-certainty provisions so that any future design refinements which reduced the DR-01 land-take could be converted back to NDA with appropriate additional DCP contributions.

DCP and Planning evidence

The DCP experts agreed that:

- the construction costs for DR 01 should be included in the DCP, but did not reach agreement on whether the land component should be funded
- DR-01 was a necessary trunk drainage project required to convey flows from the PSP and external catchment to Burrumbeet Creek and to enable associated culvert works, and should therefore be retained as a DCP item
- it was appropriately identified and scoped at a strategic level, with the understanding that detailed design might refine costs and dimensions, but without altering its status as essential enabling infrastructure for the PSP.

Mr De Silva, Mr Black, Mr Shipp, Mr Bursill and Mr Fleming agreed that DR-01 was essential drainage infrastructure and its construction costs should be included in the DCP, with its construction cost funded upfront rather than left to be addressed later through individual development approvals. They each considered that DR-01 was necessary to manage catchment flows, provide a compliant urban outfall to Burrumbeet Creek, and support development by reducing flood risk.

There was also broad agreement that construction costs should be shared across the PSP based on use and benefit, consistent with standard DCP principles and comparable projects. Mr De Silva, Mr Black and Mr Shipp emphasised that the need for DR-01 was driven by the PSP development, even though it also accommodated existing upstream flows. Mr Bursill added that the cost apportionment should extend across both the core PSP area and any expanded areas that benefited from the infrastructure.

However, the experts differed on how land associated with DR-01 should be treated. Mr De Silva, Mr Black and Mr Shipp did not support separate DCP funding for land acquisition. They noted that the corridor was already affected by flood-related planning controls (such as LSIO and FO), and that its realignment increased the amount of usable

land. In their view, the land was already constrained and had limited additional value for DCP purposes, meaning that including it as a DCP cost would effectively result in double payment. They also pointed to standard practice, where construction costs were typically funded through DCPs but land was only funded where it was clearly developable and newly affected by drainage works.

In contrast, Mr Bursill and Mr Fleming considered that land costs should be explicitly recognised and fairly compensated. They supported a more detailed, site-specific valuation approach rather than a broad-hectare method, particularly where the drainage corridor diverges from existing conditions and reduces developable land. Mr Fleming also noted that the preliminary construction cost estimates for DR-01 should be refined to better reflect realistic construction requirements.

Submissions

North Ballarat Pastoral supported DR-01 remaining in the DCP as a standard piece of drainage infrastructure. It submitted that constructed waterways were essential to converting rural land to urban use, and that DR-01 was needed to manage both existing and future water flows, provide drainage outfalls, and meet urban water management requirements.

North Ballarat Pastoral also submitted that DR-01 should be treated as a DCP item across both the core PSP and the expanded area, with costs ultimately shared more broadly once a DCP for the expanded area was in place. However, it raised concerns about how drainage land was valued. It supported a site-specific approach to valuing its land, rather than using a broad, averaged method, and submitted that the same approach should be applied to the DR-01 realignment so that affected landowners were fairly compensated.

Dennis Family's submissions focused on timing and delivery risk rather than whether DR-01 was needed. They accepted that DR-01 was necessary infrastructure but submitted that a PAO should apply to ensure the land was secured and the project delivered when required. They submitted that without a PAO, land may not be made available in time, potentially delaying delivery and exposing early development stages to drainage and flooding issues.

Ballarat Grammar submitted DR-01 should remain in the DCP as a funded item even though it primarily benefited North Ballarat Pastoral by converting constrained, flood-affected land into developable land. It agreed that land acquisition costs should be included in the DCP, but that the land should be valued as constrained floodplain land rather than unconstrained residential land. Ballarat Grammar also supported the application of a PAO to ensure delivery and confirm compensation for affected landowners.

Casey Capital supported the evidence of Mr Shipp, submitting DR-01 was strategically justified, necessary and had a clear connection to the precinct. It endorsed Mr Shipp's approach that recognised the practical need for the realigned waterway, rather than viewing it solely as a benefit to the landowner. In this context, it submitted the existing channel should be treated as a waterway for planning purposes (see Clause 12.03 of the Planning Scheme), noting planning policy discouraged development within 50 metres of waterways and that the channel was identified as a designated waterway by the GHCMA. However, Casey Capital submitted the preliminary DCP cost estimates required further refinement through more detailed design, with a view to reducing the current contingency allowance.

Council supported including DR-01 in the DCP and broadly accepted the proposed alignment, subject to some flexibility for refinement through further design and modelling. However, its concerns related to delivery rather than need. It submitted a realigned, constructed waterway was not typical local government infrastructure and should be delivered by the GHCMA. Council also noted that DR-01 was a stage 1 project requiring delivery in the short term, and that it did not currently have the specialist capacity to deliver such a project itself. They were not aware of comparable examples in other Ballarat PSP areas where Council had been required to deliver infrastructure of this kind.

DTP position

DTP's starting point was the exhibited PSP and DCP, which identified DR-01 as a constructed waterway project to replace and realign an existing unnamed farm drain tributary to Burrumbeet Creek within land already affected by the LSIO and FO.

DTP submitted DR-01 was appropriately included in the DCP as an infrastructure works item and was required to manage both existing and future flows in the tributary, control flooding impacts outside the precinct, and provide a suitable outfall for the south-east catchment. It characterised DR-01 as a standard constructed waterway project of a type commonly included in DCPs and development services schemes.

Following consideration of further drainage and DCP evidence, DTP refined its position and confirmed that DR-01 should remain in the DCP as it was essential to achieving a compliant drainage strategy and enabling urban development of the precinct. It submitted there was a clear connection between the PSP development and the need to reconstruct the tributary as an engineered waterway, and that 100 per cent of the construction costs should be apportioned to the PSP.

In relation to land, DTP submitted only construction costs should be included in the DCP. It opposed the inclusion of land acquisition costs on the basis that both the existing tributary corridor and the proposed DR-01 alignment were already located within

flood-affected and encumbered land. The realignment improved NDA for the affected land, and including land value in the DCP would result in double counting. It also relied on comparable growth area examples to support this approach, where drainage corridors within existing waterways or floodplains were generally not assigned a separate DCP land value, with only the engineered works being funded.

DTP further emphasised the environmental and staging role of DR-01 including:

- that parts of the existing farm drain contain recognised aquatic and marsh vegetation communities that contribute to the health of Burrumbeet Creek
- Agency support for DR-01 was therefore contingent on these environmental values being reinstated along the new alignment
- the relevant planning controls were intended to secure this outcome, with DR-01 forming the primary corridor for revegetation.

DTP considered DR-01 critical to the operation of the wider drainage network, particularly in the south-east catchment, where assets such as WL-04 rely on DR-01 to achieve an appropriate outfall to Burrumbeet Creek. In this respect, DR-01 was a key piece of infrastructure underpinning both the function and staging of the drainage system.

More broadly, DTP distinguished DR-01 from works affecting the main Burrumbeet Creek floodplain, submitting that DR-01 was proposed to operate within an already encumbered tributary corridor rather than a major river system. It identified relevant agencies, including Department of Energy, Environment and Climate Action (DEECA) and the GHCMA, had provided in-principle support for DR-01, subject to meeting biodiversity requirements.

In relation to delivery, DTP submitted that Council, as the municipal drainage authority and responsible authority, should be the development agency for DR-01 to ensure an integrated drainage outcome. It rejected submissions suggesting that the GHCMA should be responsible for delivery and noted that the PE Act does not require the consent of a development agency before it was nominated in a DCP.

(iv) Discussion

The Committee is satisfied that DR-01 is strategically justified, necessary and properly included in the DCP as an essential constructed waterway. The Committee accepts the drainage experts' agreed position that the realignment shown in the Day 1 documents is appropriate, and that DR-01 should be delivered as part of the PSP drainage strategy.

The Committee also accepts the DCP experts' agreed position that DR-01 is a necessary trunk drainage project, and that its construction cost should be included in the DCP as essential enabling infrastructure.

The Committee places significant weight on the drainage evidence, which demonstrates DR-01 is required to convey both external and internal catchment flows to Burrumbeet Creek under future climate scenarios, provide an outfall for WL-04 (and indirectly WL-05), and support flood-safe access along Olliers Road through associated culvert works.

The Committee also accepts Mr Mathios' evidence that DR-01 be further refined through functional design to achieve a clear and regular corridor along the Midland Highway, consistent with the proof-of-concept work, while maintaining its role as a PSP-scale trunk drainage asset.

The Committee agrees with Mr Swan's characterisation of DR-01 as a critical constructed waterway serving both the 990 hectare external catchment and the PSP, and agrees its construction should be funded through the DCP. However, it does not accept his position that the land acquisition cost for DR-01 should also be funded through the DCP.

On that issue, the Committee was persuaded by the evidence of Mr De Silva, Mr Black and Mr Shipp. Those experts emphasised that DR-01 is located within land already encumbered by the LSIO and FO, that its realignment increases NDA by consolidating the flood corridor along the highway, and that including land costs in the DCP would result in double-counting.

The Committee prefers Mr Shipp's characterisation of the DR-01 corridor as encumbered drainage land with little or no DCP land value, and considers that DCP funding for land should be reserved for circumstances where a PSP newly sterilises otherwise developable land.

The Committee has considered the contrary position on land funding advanced by Mr Bursill and Mr Fleming, together with submissions from North Ballarat Pastoral seeking a site-specific valuation for DR-01 land. While the Committee acknowledges that DR-01 departs from the alignment of the existing farm drain and that its nominal 60 metre width exceeds that of the existing channel, it is satisfied that the works remain within a corridor already identified in planning policy and by the GHCMA as a waterway and floodplain. In this context, the Committee is persuaded by the submissions and evidence relating to Clause 12.03 and the broader Planning Policy Framework, which discourage urban development within defined setbacks to waterways. It considers that these provisions, together with the LSIO and FO, identify land that is inherently constrained for drainage purposes and should not reasonably be treated as standard developable land. In this context, a PAO is not required.

In relation to costs, the Committee agrees that DR-01's construction cost should be apportioned entirely to the PSP on the basis of need and nexus.

The Committee has also considered submissions that part of the DR-01 cost should be apportioned to a future expanded PSP area. It considers it unfortunate that the expanded area is not before it in this process, as it may have been appropriate in principle to consider allocating some of the cost to that future precinct, given the broader catchment served by DR-01.

However, on the evidence currently available, there is no defined framework, timing or land budget for the expanded area. In those circumstances, the Committee is not in a position to undertake a fair or reliable apportionment exercise.

Should a future amendment for the expanded area be brought forward and depending on the timing and delivery of DR-01, there may be an opportunity at that stage to revisit how costs are shared between the core PSP and the expanded area. However, that is a matter for a future process, and the Committee makes no definitive recommendations regarding expanded area contributions in this proceeding.

(v) Conclusions

The Committee concludes:

- DR-01 is a strategically justified and is an essential constructed waterway for the Ballarat North PSP. Its full construction cost should be funded as a DCP works item, with 100 percent apportionment to the Ballarat North PSP.
- The DR-01 corridor is located within land already encumbered by the LSIO and FO and identified as a waterway and floodplain in planning policy and GHCMA mapping. It should therefore be treated as encumbered drainage land rather than standard developable land. In these circumstances, neither DCP-funded land acquisition or the application of a PAO is warranted.
- Although DR-01 will ultimately serve a broader catchment, the absence of a defined framework, timing or land budget for the expanded area means it is not presently possible to fairly apportion any share of DR-01's cost to that future Precinct Structure Plan. Any such apportionment must be considered through a future amendment process.

4.5 Culverts and pipes, trunk services

(i) Background

The drainage strategy for the Ballarat North PSP is directed toward ensuring that urban development remains free from flooding, that existing flow regimes and flood extents within Burrumbeet Creek are maintained, and that external catchment flows can be safely conveyed through the precinct. The strategy relies on an integrated system of pipelines, culverts, overland flow paths and retarding basins to manage stormwater

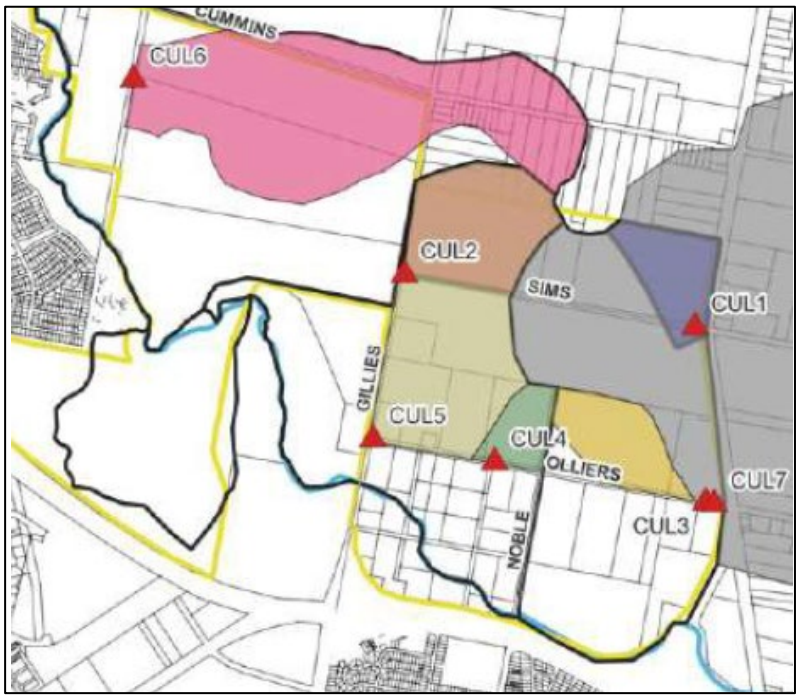
runoff associated with the urbanisation of the land and to achieve no adverse impacts on surrounding properties.

The exhibited and Day 1 PSP material reflects an evolving approach to these outcomes, including revisions to hydrologic modelling, climate change assumptions, drainage reserve sizing and the design of key infrastructure such as culverts and outfall arrangements to Burrumbeet Creek. In this context, a number of issues arise regarding the appropriate design horizon for climate change, the sizing and configuration of major drainage assets, and the extent to which infrastructure that performs a broader precinct function should be funded through the DCP. These matters go to the adequacy, efficiency and equity of the proposed drainage framework.

The Day 1 PSP adopts a revised naming convention for culverts (CU-01, CU-02 and CU-03), which differs from the earlier SMEC nomenclature (CULV 1 to 7) and, in some instances, reflects consolidation or reconfiguration of those earlier culvert crossings. In particular, CU-01 represents a combined and redesigned crossing that consolidates the earlier SMEC CULV 3 and CULV 7 alignments. The remaining culverts (CUL 1, CULV 2, CULV 4, CULV 5 and CULV 6) are retained as discrete crossings, with updated sizing or function in the Day 1 PSP.

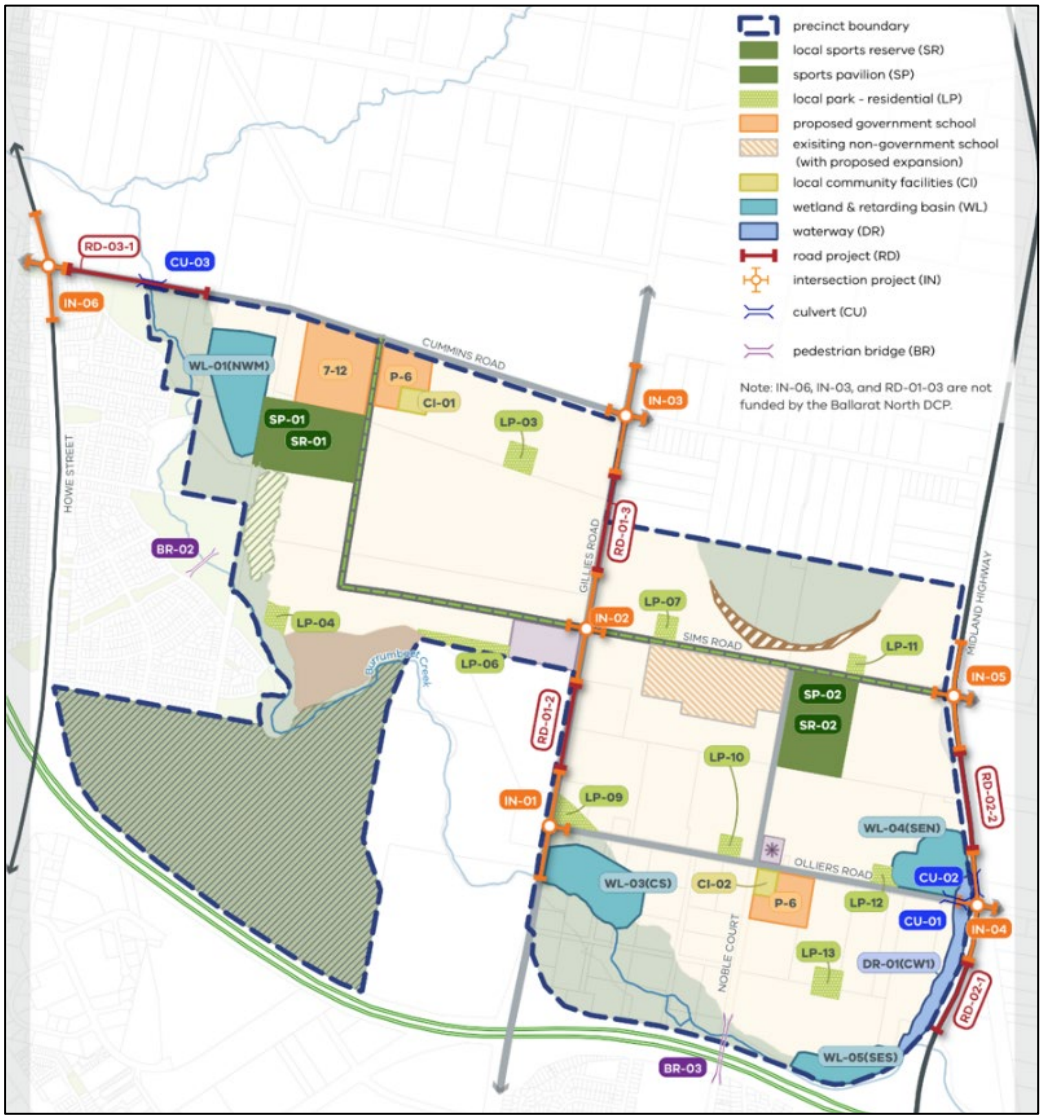
For consistency, this report adopts the Day 1 PSP culvert nomenclature (CU-01, CU-02 and CU-03) (Figure 11). References to earlier SMEC culvert numbering (CULV 1–7) (Figure 10) are included only where necessary to explain the evolution of the drainage strategy.

Figure 10 SMEC Major Culverts Plan



Source: Proof of Concept report, D3c

Figure 11 Day 1 PSP Plan 12 Precinct Infrastructure Plan



Source: Day 1 PSP, D23e

(ii) Issues

The issues are whether:

- the sizing and costings for CU-01 and CU-02 are appropriate, having regard to the adopted climate change design assumptions
- drainage infrastructure should be limited to a precinct scale function or extend to a local (lot-level) function
- culverts and pipe drainage that perform a broader precinct or trunk function should be included in the DCP.

(iii) Evidence and submissions

Evidence

Drainage design approach and climate assumptions

Ms Barich explained that the Day 1 PSP drainage strategy involves sizing culverts to accommodate peak one percent AEP design flows projected to the year 2100, based on a revised hydrologic model incorporating updated climate change scenarios. The adopted sizing to Burrumbeet Creek reliably conveys peak flows.

In contrast to the exhibited strategy, which proposed pipe culvert crossings, Ms Barich supported the adoption of box culverts. She stated that box culverts allow reduced cover requirements, enabling other utility infrastructure to be located directly above without separation, and the use of crown units with link slabs may reduce overall construction costs.

Experts differed on the appropriate standard for design. Mr Swan and Mr Fleming questioned the appropriateness of sizing infrastructure to accommodate long term climate change scenarios to 2100, particularly where this was reflected in higher capital costs. They considered that such assumptions may result in over-designed infrastructure.

Function and scope of drainage infrastructure

There was general agreement among the experts that drainage infrastructure performing a broader precinct or trunk function should be distinguished from local infrastructure.

Ms Barich said that all culverts beneath existing roads should be treated as part of the broader drainage network and included in the DCP, with potential to consolidate culvert crossings within Olliers Road at the Midland Highway intersection (now reflected as CU-01 in the Day 1 PSP). She also recommended that the DCP include one percent AEP pipelines downstream of culvert crossings, particularly where peak flows exceed approximately 4 cubic metres, which she identified as the typical upper limit for safe overland flow conveyance.

Similarly, Mr Beardshaw considered that the culvert crossing corresponding to CULV 6 (as identified in the earlier SMEC material) performs a precinct-level function and should be included in the DCP, while Mr Bishop supported the inclusion of trunk drainage more generally. Mr Mathios and Mr Dunn considered that culverts crossing existing roads should be treated as DCP items, with Mr Dunn also agreeing that culvert crossings (CULV 3 and CULV 7) could appropriately be consolidated, reflected as CU-01.

Mr Swan also supported the inclusion of culverts beneath existing roads, noting that trunk drainage provides benefits to both upstream and downstream properties. He referred to the Ballarat West DCP, where such infrastructure is funded across the precinct, thereby avoiding a disproportionate cost burden on downstream landowners.

Costing and sizing of culvert infrastructure

Several experts raised concerns about the accuracy and justification of culvert sizing and associated costings in the Day 1 PSP.

Mr Swan questioned the accuracy of the Day 1 sizing and costings for culverts CU-01, CU-02 and CU-03, and recommended that they be reassessed. He was particularly concerned that additional costs associated with accommodating long term climate change scenarios may not be appropriately attributable to the PSP.

Mr Fleming similarly identified discrepancies in the DCP costings and noted that, despite revisions to the drainage strategy, the estimates for CU-01, CU-02 and CU-03 remained consistent with earlier SMEC preliminary costings. He supported the need for a reassessment of both sizing assumptions and associated costs.

Submissions

The submissions addressed many of the same issues as the expert evidence, particularly the appropriate design horizon for climate change, the attribution of costs associated with major culvert infrastructure, and the extent to which such infrastructure should be included within the DCP.

Design horizon and climate change assumptions

Council did not support DTP's position that a design year of 2050 is appropriate for drainage pipe sizing. Relying on its asset management strategies and emerging national guidance, including the National Climate Risk Assessment and Draft National Climate Scenario Guidance (2025) Council submitted that drainage infrastructure should be designed to a longer term horizon, specifically the year 2090 under the SSP3-7.0 climate scenario.

North Ballarat Pastoral submitted that culverts should not be designed to accommodate 2100 climate change scenarios. It noted that the drainage experts generally supported design based on current or near term conditions (for example, to 2030), with a separate risk assessment undertaken for projected future flows.

Cost attribution and PSP responsibility

North Ballarat Pastoral submitted that the costings for CU-01 and CU-02 should be reassessed to address potential overestimation. It submitted that additional costs

associated with designing culverts to accommodate long term climate change scenarios represented an external factor and should not be attributed to the PSP.

DCP scope and funding of drainage infrastructure

North Ballarat Pastoral submitted that trunk drainage infrastructure should be included in the DCP where it performs a broader precinct function.

Dennis Family similarly submitted that the DCP should fund pipe outfalls where they serve a wider precinct role, including where they drain catchments of approximately one hectare.

DTP position

DTP advised that SMEC was originally commissioned to prepare the Proof of Concept report for the precinct, including pipelines, culverts and overland flow paths required to manage stormwater prior to discharge to Burrumbeet Creek. This work was subsequently reviewed by Incitus, which recommended adoption of box culverts to facilitate appropriate outfalls. This recommendation informed the Day 1 PSP.

DTP accepted the outcome of the drainage experts' meeting that certain culverts located beneath existing roads should be funded through the DCP. These included CU-01, CU-02 and CU-03, together with additional culvert crossings identified in earlier SMEC material (CULV 2, CULV 4 and CULV 5). It also submitted that CU-01 and CU-02 must manage afflux arising from external catchments and ensure no worsening of drainage conditions within or beyond the precinct.

DTP supported a risk-based approach to climate change, but considered that a design horizon of 2050 is more appropriate than 2030, as it better aligns with the anticipated 25-year lifespan of the PSP and DCP.

DTP also committed to undertaking a post-hearing review of pipe sizing.

In terms of funding trunk drainage infrastructure, DTP submitted that drainage infrastructure should be included in the DCP where it performs a precinct-level function and provides benefits to two or more PSP land parcels, somewhat supporting the submissions from North Ballarat Pastoral and Dennis Family.

(iv) Discussion

Design approach and climate assumptions

All drainage experts agreed that drainage pipes and culverts should be designed for current and near-term flows (to approximately 2030), with a risk assessment undertaken for anticipated flows to the year 2100. While DTP and Council expressed differing views, the Committee considers that a risk-based assessment of projected 2100 flows will

appropriately inform ultimate design decisions for stormwater assets. On this basis, the approach recommended by the drainage experts is appropriate.

Inclusion of culverts in the DCP

The drainage experts agreed that culvert crossings of existing roads within the PSP should be included in the Day 1 PSP and funded through the DCP. The Committee supports DTP's recommendation that the DCP include CU-01, CU-02 and CU-03 from the Day 1 PSP, together with earlier SMEC culverts CULV 2, CULV 4 and CULV 5.

SMEC culverts CULV 1 and CULV 6 are located within existing reserves for future roads and are therefore not included. SMEC culverts CULV 3 and CULV 7 are represented by CU-01 in the Day 1 PSP and are therefore captured within that item.

Each of the included culverts serves a significant catchment area and performs a broader precinct function. For this reason, their inclusion in the DCP is appropriate.

Role of CU-01 and CU-02

The Committee agrees with DTP that CU-01 and CU-02, located along the alignment of the Burrumbeet Creek tributary, should be included in the PSP and DCP. These culverts form integral components of the proposed drainage infrastructure, including the Day 1 WL-04 and DR-01 works, and CU-01 is also likely to be associated with IN-04 works.

The design of these works will need to ensure that afflux impacts on catchments to the east of the Midland Highway are appropriately managed. On this basis, inclusion of CU-01 and CU-02 in the PSP and DCP is appropriate.

Piped drainage and DCP funding principles

Considerable discussion occurred in relation to the inclusion of piped drainage in the DCP, with proposals ranging from infrastructure serving small catchments (approximately 0.4–1 hectare) to infrastructure serving a broader precinct function.

The Committee considers that trunk drainage infrastructure should be included in the DCP where it serves a significant catchment area and multiple property holdings. Such infrastructure is typically of a scale that forms part of the primary drainage network and collects flows from both upstream properties and local drainage systems.

The Committee accepts that drainage infrastructure performs a dual function, capturing runoff from upstream properties while also protecting downstream land. Excluding such trunk drainage from the DCP would result in an unreasonable and inequitable cost burden on downstream landowners.

Accordingly, the approach proposed by DTP, whereby pipes that perform a precinct-level function and benefit two or more PSP land parcels are included in the DCP, is supported.

Costing and sizing review

Mr Swan and Mr Fleming raised concerns regarding the accuracy of the sizing and costings for culverts in the Day 1 PSP. DTP acknowledged these concerns and committed to undertaking a post-hearing review of pipe sizing.

The Committee considers that such a review is appropriate and that the revised costings be reflected in the final DCP prior to gazettal.

(v) Conclusions and recommendations

The Committee concludes:

- Drainage infrastructure should be designed for current and near-term flows (to approximately 2030), supported by a risk assessment of projected flows to 2100.
- A review of the accuracy of sizing and costings for culverts should be undertaken with appropriate updates made to the PSP and DCP prior to gazettal.
- Drainage pipes that fulfil a precinct level function by providing benefit to two or more PSP land parcels should be included in the DCP.
- Culvert crossings and trunk drainage infrastructure that serve multiple properties and significant catchments should be included in the DCP, including CU-01, CU-02 and CU-03, and SMEC culverts CULV 2, CULV 4 and CULV 5.

The Committee recommends:

Development Contributions Plan

Amend the Final Day Ballarat North Development Contributions Plan to:

a) **Include trunk drainage pipes that serve a precinct-level function (pipes benefiting two or more Precinct Structure Plan land parcels) as Development Contributions Plan funded infrastructure at 100 percent. A schedule and plan identifying these pipes should be prepared by the Department of Transport and Planning prior to gazettal.**
b) **Update Plan 3, Section 3.4 including its tables (Culvert Projects), Table 8 (Calculation of Costs), and Section 9.1 (including Section 9.1.1) to include SMEC culverts CULV 2, CULV 4 and CULV 5 as Development Contributions Plan funded projects, with final costings to be confirmed following the post-hearing pipe sizing review.**
c) **Reflect drainage pipes and culverts that are designed for current and near-term flows (to approximately 2030) with a risk assessment undertaken for the anticipated flows at the year 2100.**
d) **Update Plan 3 and Section 3.4 'Culvert projects' to include SMEC culverts CULV 2, CULV 4 and CULV 5.**

4.6 Burrumbeet Creek Housing Area controls

(i) Background

The BCHA controls are specific provisions within UGZ3 that apply to land affected by the Burrumbeet Creek corridor and associated drainage and floodplain areas. They are intended to regulate subdivision and development so that flood risk, drainage infrastructure and environmental constraints are appropriately managed, including the integration of waterway and stormwater assets. In this way, the controls form part of the broader planning framework for coordinating infrastructure delivery and managing development within flood affected land in the precinct.

In the exhibited documents, DTP introduced the BCHA as a mapped overlay on Plan 3 of the PSP, supported by a specific control in UGZ3 that effectively seeks to defer subdivision until a suite of drainage, flood management and coordination requirements has been addressed. The exhibited clause requires, among other things, the preparation of a drainage and fill strategy demonstrating that no new lots are subject to one percent AEP inundation, that overland flow paths meet safety criteria and be fully contained within roads and reserves, and that there be no increase in flooding upstream or downstream. It also requires the underground drainage network within the BCHA to be designed to a five percent AEP standard.

In the Day 1 PSP, DTP reconsidered the role and scope of the BCHA controls in light of the updated drainage strategy and expert evidence. While the BCHA designation was retained in part, its necessity and function were more closely scrutinised, particularly given the agreed position that the delivery of DR-01 and associated drainage infrastructure would remove existing flood constraints from the affected land. As a result, the continued application of an additional, area-specific control, separate from the LSIO and the broader PSP drainage framework, emerged as a central issue, with several experts and submitters questioning whether it imposed requirements that would no longer be necessary once the drainage works are implemented.

(ii) Issue

The issue is whether the BCHA control in the PSP is needed.

Although not expressly identified in the referral letter, this question arises within the Committee's task of advising whether the drainage framework for the precinct is appropriate.

(iii) Evidence and submissions

Evidence

Mr Swan's evidence was that the PSP drainage works, particularly DR 01, would remove flooding associated with the one percent AEP event from the land, and that any residual flood risk could be adequately managed through the LSIO and FO without the need for a bespoke BCHA control.

He criticised the exhibited UGZ3 BCHA provision on several grounds:

- it requires underground drainage in the area to be designed to a five percent AEP standard, notwithstanding that both the PSP drainage strategy and Infrastructure Design Manual adopt a 20 percent AEP standard for urban underground drainage
- it applies a 'no increase upstream or downstream' test which does not align with the LSIO's established 'no adverse impact' performance standard
- it duplicates matters, such as drainage and filling controls, that would normally be addressed through a standard planning permit process.

Mr Swan also emphasised that, once DR-01 and the associated drainage works are delivered and the broader drainage strategy is implemented, land within the BCHA will no longer be subject to inundation. He considered that the LSIO would provide an appropriate and sufficient framework to manage any ongoing flood-related permit triggers and assessment requirements. On that basis, he concluded that the BCHA, including its mapping on the PSP plans and the associated UGZ3 provisions, is unnecessary.

Ms Barich's evidence focused on the PSP-wide drainage strategy and confirmed that, in her opinion, the Day 1 PSP has appropriately located the major drainage reserves needed to manage stormwater runoff from development. She concluded that the strategy would ensure new homes are protected from flooding while avoiding any increase in flooding to surrounding properties.

In relation to the BCHA controls, Ms Barich advised that, if the BCHA area were to be retained, the underground drainage standard should align with normal residential practice, a 20 percent AEP standard rather than five percent AEP. During cross-examination, she confirmed that there was no stormwater or drainage justification for retaining the BCHA control, as any residual flood risk could be appropriately managed through the LSIO and the broader PSP drainage framework.

Mr McBride-Burgess explained that the BCHA applies to North Ballarat Pastoral's south-east land parcel, which adjoins the Burrumbeet tributary and is already subject to LSIO and FO flood controls, as well as the PSP drainage strategy. He adopted Mr Swan's

drainage evidence that the delivery of the PSP drainage works, including DR-01, WL-05, WL-04 and associated culverts, would remove flooding from this area, and that the LSIO would provide an adequate framework to manage any residual flood risk.

On that basis, he considered the specific BCHA clause in UGZ3 to be inconsistent with the drainage strategy, as it assumes ongoing flood constraints after the agreed drainage works are delivered. He also regarded it as duplicative of existing flood controls within the planning scheme and likely to impose an additional and unnecessary burden at the permit stage on the affected land compared to other PSP land parcels.

Accordingly, he recommended that the BCHA provisions be removed from UGZ3 and that the corresponding BCHA overlay on Plan 3 be deleted. Alternatively, if any specific control is to be retained, he said it should be limited to securing the agreed revegetation outcomes for Tall Marsh and Aquatic Herbland associated with the DR-01 corridor.

Mr Black's planning evidence similarly highlighted that the UGZ3 BCHA requirements introduce an elevated level of cross landowner coordination and staging risk, which could impede the timely development of Stage 1 land. He recommended that the drainage response for this area be resolved prior to gazettal, and that the BCHA subdivision requirement be removed.

Submissions

North Ballarat Pastoral submitted, relying on the evidence of Mr Swan and Mr McBride-Burgess, the BCHA requirements in UGZ3 are unnecessary and should be removed. It considered that flood and drainage risks affecting the land can be appropriately managed through the LSIO and the PSP drainage strategy without the need for an additional bespoke control. North Ballarat Pastoral emphasised that drainage infrastructure already places a significant burden on its land, and that, rather than overlaying a special housing area control, the PSP should provide flexibility (through a progressive certainty approach) to allow land previously identified for drainage to be returned to NDA where detailed design shows it is not required.

Dennis Family submitted the BCHA provisions in UGZ3 should be deleted, on the basis that the matters they address are already dealt with elsewhere in the planning framework and are unnecessarily repetitive. It aligned with North Ballarat Pastoral's position that it is illogical to apply ongoing and onerous flood-related controls to land that will no longer be affected by flooding once the PSP drainage works are implemented. In support of this position, it referred to Ms Barich's evidence that there is no stormwater or drainage justification for retaining the BCHA control, and to Mr Swan's evidence that the control does not add any meaningful flood-safety benefit beyond the LSIO and the broader PSP requirements.

Other submitters were not directly affected by the Burrumbeet Creek Housing Area provisions and did not make submissions addressing the need for, or content of, the BCHA-specific controls.

DTP position

In its Part A submission, DTP submitted that the BCHA requirements represented a precautionary, place-specific response to the complex interface between the tributary, floodplain and future housing. It submitted that the BCHA in intended to operate alongside the broader PSP drainage strategy and flood overlays as an appropriate localised control to manage flood risk and infrastructure coordination in an area transitioning from flood-affected land to urban development.

In its Part B submission, DTP maintained that the BCHA control was an appropriate mechanism, in principle, for managing subdivision in this sensitive location in parallel with the PSP drainage framework and LSIO/FO controls. Its focus at that stage was on defending the overall drainage strategy, including DR-01, WL-04 and WL-05, and the reasonableness of the exhibited planning framework. DTP did not propose any fundamental changes to the BCHA provisions, instead maintaining that additional safeguards were justified given the complexity of the tributary realignment and staging considerations.

In its Part C submission, DTP acknowledged the weight of expert evidence and concerns raised by parties that the BCHA requirements were repetitive in light of the existing LSIO/FO controls and unnecessary complexity. It accepted that several elements of the exhibited provisions, such as the "*no increase upstream or downstream*" test and the five percent AEP underground drainage standard, either overlapped with or went beyond what was required once the PSP drainage framework was considered.

DTP accordingly reframed the role of the BCHA to a more limited function, centred on securing revegetation outcomes associated with DR-01 and the removal and realignment of vegetation communities along the tributary. It explained that Aquatic Herbland and Tall Marsh communities located within and alongside the existing farm drain had been identified as contributing to the health of Burrumbeet Creek, and that in-principle support from DEECA and the GHCMA for the DR-01 works was contingent on these communities being re-established along the new alignment.

Accordingly, DTP proposed to strip the BCHA control back to a single operative requirement:

> subdivision within the BCHA cannot proceed until a revegetation plan has been prepared, to the satisfaction of the responsible authority, that reinstates appropriate wetland vegetation communities, including indigenous species such as Tall Marsh and Aquatic Herbland.

It also proposed two spatial refinements to make this work in practice, by extending the BCHA polygon to include the DR-01 corridor (so revegetation can occur along both sides of the realigned waterway) and adjusting the polygon to better track the mapped distribution of Tall Marsh and Aquatic Herbland rather than simply mirroring the pre-development FO footprint.

In closing, DTP's position was that the BCHA should be retained but limited to this revegetation hook, with the existing requirements and references to flood risk and drainage standards removed. With these changes, DTP submitted that the BCHA becomes a focused mechanism to deliver agreed environmental conditions tied to DR-01, consistent with the broader drainage and biodiversity strategy for the precinct.

(iv) Discussion

The Committee considers that the need for a separate BCHA control is best assessed by reference to necessity within the drainage framework and proportionality having regard to the planning tools already available.

First, on necessity, the Committee is persuaded that the drainage strategy and flood overlays already provide a comprehensive framework to remove and then regulate flood risk along this tributary. Once the agreed drainage works are delivered, the land in question transitions from flood-affected farmland to standard residential land subject to LSIO-based tests and normal subdivision assessment. The BCHA control — including its requirements for a drainage and fill strategy, utility coordination plan and subdivision plan, satisfying specific flood performance standards which largely replicates what the FO, LSIO and the broader PSP drainage strategy already require. No compelling residual flood management gap exists that warrants a bespoke overlay.

Secondly, on proportionality, the Committee is concerned to avoid layering additional, site-specific controls on a small area of land unless they deliver a clear, incremental outcome that cannot reasonably be achieved through more general mechanisms. The evolution of the BCHA from a broad multi-purpose control to a narrow revegetation trigger illustrates that much of its original content was either repetitive or over specified. The remaining substantive purpose regarding securing revegetation of Tall Marsh and Aquatic Herbland along the DR-01 corridor is a legitimate environmental objective, but one that can be implemented through targeted requirements in the PSP and UGZ3 that apply to the relevant drainage corridor and subdivision approvals without a bespoke separate BCHA control.

The Committee considers it preferable to address the revegetation objective directly and proportionately, rather than retaining a bespoke BCHA control whose broader rationale has largely fallen away.

This can be achieved by:

- embedding a clear revegetation requirement tied to DR-01 and the former tributary corridor in the PSP
- ensuring subdivision applications demonstrate compliance with the adopted drainage strategy and LSIO performance standards
- relying on existing overlays and permit processes to manage any remaining site-specific design issues.

In doing so, the drainage framework remains robust, while the planning scheme avoids retaining an additional mapping layer and provision where the original, broader rationale has largely fallen away.

(v) Conclusions and recommendations

The Committee concludes:

- The flood and drainage requirements imposed by the BCHA control — including the drainage and fill strategy, utility coordination plan, individual flood safety standards and CEMP — are not necessary once the PSP drainage works, FO and LSIO frameworks are operative, as those matters are adequately addressed through the statutory overlays and the broader UGZ3 provisions.
- The revegetation of Tall Marsh and Aquatic Herbland communities linked to the DR-01 realignment is a legitimate environmental obligation but is more appropriately secured as a PSP requirement within the drainage and waterway provisions than as a subdivision precondition in UGZ3.
- Requiring joint consent from the responsible authority and GHCMA as a precondition to subdivision is not appropriate, given that GHCMA's statutory role under the LSIO is as a recommending referral authority.

The Committee recommends:

Precinct Structure Plan

Amend the Final Day Ballarat North Precinct Structure Plan to:

a) Delete the Burrumbeet Creek Housing Area mapping from Plan 3.

b) Include the following requirement in Section 3.3.2 Table 9:

A revegetation plan for the DR-01 constructed waterway corridor must be prepared, incorporating relevant wetland vegetation communities including Tall Marsh and Aquatic Herbland species consistent with the Ballarat North Precinct Structure Plan Biodiversity Assessment Report (WSP, August 2024), to the satisfaction of the responsible authority and in consultation with the Glenelg Hopkins Catchment Management Authority.

The revegetation plan must be prepared prior to the commencement of works on DR-01.

Urban Growth Zone Schedule 3

Amend the Final Day Urban Growth Zone Schedule 3 to delete the Burrumbeet Creek Housing Area provision in its entirety from *Section 2.4 — Specific provisions, Subdivision*.

4.7 Public Acquisition Overlay

(i) Issue

The issue is whether a PAO should be applied to the land required to deliver the WL-01, WL-05 and DR-01.

While not expressly identified in the referral letter, this question arises within the scope of the Committee's task of advising whether the location and size of the proposed drainage assets for stormwater management are appropriate.

(ii) Evidence and submissions

Evidence

Mr Shipp's development contributions evidence explained that the Amendment proposes to apply a PAO to part of 62 Howe Street, Miners Rest, with Council as the acquiring authority, to facilitate delivery of stormwater and drainage infrastructure. The PAO applies to part of 62 Howe Street to enable acquisition of land required for the southern extent of the WL-01 wetland and retarding basin.

He noted that, in the Day 1 PSP, WL-01 is the only drainage asset currently supported by a PAO. In contrast, DR-01 is identified as a DCP works item, and WL-03 is located on existing Council land. DR-01 comprises the realigned tributary of Burrumbeet Creek, generally located along the eastern edge of the precinct adjacent to the Midland Highway, and is intended to convey external catchment flows through the PSP. WL-05 is a wetland and retarding basin located in the south-eastern part of the precinct, designed to receive and treat stormwater flows prior to discharge to Burrumbeet Creek.

Mr Shipp also noted that drainage reserve land, including at WL-01, has been significantly reduced through the Day 1 process, such that the PAO now applies to an optimised footprint rather than an intentionally over-sized reserve.

A number of experts supported the use of the PAO as a mechanism to facilitate the timely and coordinated delivery of drainage infrastructure.

Mr Black's evidence was that generally PAO's and associated implementation mechanisms are appropriate to enable timely delivery of drainage works. He referred to the Shepparton South East PSP as a precedent where a PAO was applied over drainage flood mitigation, open space and transport land ensured that Council could compulsorily acquire land when required, particularly in fragmented ownership contexts. He observed that parts of the Ballarat North PSP exhibit a similar level of fragmentation and considered that the application of the PAOs for drainage land is warranted. He concluded that, regardless of the final drainage layout, applying a PAO would enable Council to secure the required land in a timely manner and support orderly development.

Mr Mathios also supported the role of the PAO in facilitating delivery of drainage infrastructure, particularly for basin assets such as WL-05. While he did not specifically call for a PAO over DR-01, he linked the use of the PAO to the early delivery of trunk drainage infrastructure, reducing reliance on interim solutions. He said:

> I encourage the use of a Public Acquisition Overlay (PAO) and any other drafting provision that provides landholders with the ability to access land required for drainage purposes in order to secure the drainage reserves WL-03 and WL-05.

Mr Mathios considered application of the PAO to drainage assets such as WL-03 and WL-05 would:

- enable early delivery of drainage infrastructure and unlock upstream catchments
- provide critical outfall connections to Burrumbeet Creek
- reduce reliance on interim drainage arrangements
- support staging and implementation requirements.

Ms Barich and Mr Dunn focused on the design, sizing, configuration and staging of drainage infrastructure, including WL-01, DR-01 and WL-05. Their evidence did not advocate for or against specific PAO extents, instead treating land acquisition as an implementation matter rather than a design constraint.

Submissions

Several parties pressed for a more interventionist acquisition framework for drainage land.

Landmack proposed an investigation area PAO spanning all of land parcels 40 and 41 at 62 Howe Street, coupled with a sunset clause so that any land not ultimately required for WL-01 would fall out of the overlay once the basin was delivered.

Casey Capital made submissions in relation to WL-01, directed to its location, design and the need for greater flexibility, including the ability to relocate assets into the floodplain subject to appropriate modelling. It did not seek application of the PAO over WL-01 or

other drainage assets, and did not support Landmack's proposal for an expanded overlay or sunset mechanism.

Dennis Family submitted:

- WL-05 and DR-01 are effectively landlocked to a single landholding, creating a real risk that their delivery may be delayed or that surrounding landholders will be forced to rely on individual, costly and inefficient interim drainage infrastructure
- on that basis the PAO should be applied to both WL-05 and DR-01 to ensure these assets are delivered when needed, together with appropriate compensation mechanisms.

Ballarat Grammar supported the application of a PAO to WL-04 to provide certainty of access to that wetland, although it accepted that such an overlay was not strictly necessary for its delivery or function.

Council supported the application of a PAO over WL-01 in principle but opposed Landmack's proposal to extend the overlay across the entirety of land parcels 40 and 41 or to link it to a sunset clause. Council submitted that the PAO should be confined to the land actually required once the drainage strategy for WL-01 was finalised, and that elsewhere (including DR-01, WL-04 and WL-05) drainage land should continue to be secured and delivered through the combination of the PSP, the DCP and standard subdivision processes, rather than by broad compulsory acquisition powers.

DTP position

Throughout the hearing, DTP consistently promoted a single, tightly focused PAO for drainage and resisted calls to extend PAOs to drainage assets (other than part of 62 Howe Street for WL-01). DTP maintained that PAOs for drainage are justified only in limited circumstances, specifically where there is no NDA and therefore no incentive for the landowner to proceed with development. It considered that test satisfied at 62 Howe Street, where WL-01 would effectively sterilise most, if not all, of the parcel, meaning the market would be unlikely to bring the land forward for development.

On that basis, DTP supported the WL-01 PAO as exhibited and opposed any expansion to an undefined investigation area across the wider Landmack landholding. It also submitted that a PAO cannot lawfully include a sunset clause. DTP further submitted that, under the proposed regime, if subsequent drainage design changes result in the release of additional NDA, that land could be developed through the standard subdivision and referral processes, with Council acting as the acquiring and drainage authority and retaining discretion in how it responds to any future application.

In relation to DR-01 and WL-05, DTP acknowledged concerns about delivery timing but maintained that a PAO would not address them. It submitted that the affected landowners are experienced developers with strong commercial incentives to progress development, and that interim drainage solutions are routinely employed pending delivery of ultimate infrastructure. DTP submitted that, irrespective of whether a PAO is applied, Council cannot acquire the land or construct DR-01 or WL-05 until sufficient DCP funds have been collected.

In its view, a PAO in these locations would not enable a developer to compel early acquisition and is unlikely to expedite delivery. Accordingly, it submitted there was no compelling justification for applying PAOs to DR-01 or WL-05.

In relation to WL-04, DTP submitted that the Day 1 WL-04 location, adjacent to DR-01, was functional, located on land with substantial NDA, and capable of being delivered and staged through standard permit processes and DCP-funded works. On that basis, it did not support the application of a PAO to WL-04.

(iii) Discussion

The Committee is not satisfied that a broad or expanded PAO regime is justified for drainage land in this PSP. It distinguishes between:

- a narrowly targeted PAO over WL-01 to secure land that would otherwise be unlikely to develop, and
- proposals to extend the PAO to WL-05, DR-01 or wider investigation areas over developable land with substantial NDA.

In relation to WL-01, the Committee does not support extending the PAO across all of land parcels 40 and 41 or adopting Landmack's investigation area and sunset clause approach. The exhibited PAO, confined to the land required once the drainage design is settled, is an appropriate and proportionate response. WL-01 sits on land which, on the Day 1 design, is largely sterilised by the basin and floodplain, and the Committee agrees that without compulsory acquisition the market is unlikely to bring that land forward in a timely way. A tightly drawn PAO, aligned with the final drainage strategy and supported by the progressive certainty mechanism, provides an appropriate pathway for the rationalisation of land and the delivery of WL-01 without unnecessarily reserving a wider area or constraining future NDA.

For WL-05 and DR-01, the Committee is not persuaded that the PAO should be applied. Dennis Family's concerns about staging and the risk of interim works are understandable, and the Committee notes that Mr Mathios and Mr Black regard the PAO as one useful tool to facilitate early delivery of trunk basins in fragmented ownership. However, their evidence does not demonstrate that DR-01 or WL-05 cannot practicably

be delivered through the combination of the PSP, the DCP and standard subdivision processes. Nor that a PAO would in fact accelerate acquisition or construction in circumstances where Council must still assemble sufficient DCP funds before it can exercise compulsory acquisition powers. On balance, the Committee accepts DTP's and Council's positions that the PAO should be reserved for sites that would otherwise be an unlikely to come to market and that DR-01 and WL-05 do not fall into that category.

Similarly, the Committee does not recommend a PAO over WL-04. While Ballarat Grammar sought a PAO to provide additional certainty, it acknowledges that WL-04 can be delivered without one, and the drainage evidence demonstrates that WL-04 is functional in its Day 1 location on land with ongoing development potential. In these circumstances and given the Committee's preference to minimise the use of compulsory acquisition tools where other mechanisms are available, a PAO over WL-04 is neither necessary nor warranted.

(iv) Conclusions

The Committee concludes:

- A narrowly tailored PAO (as exhibited) over the land ultimately required for WL-01 is justified and should be retained.
- The Public Acquisition Overlay should not be extended to or utilised for the delivery of DR-01, WL-04 or WL-05.

5 Transport infrastructure

5.1 Background

(i) Referral

The referred matter is:

> … advise whether:
>
> - The following components of the road network proposed by the PSP are strategically justified:
>
> - The Cummins Road crossing of Burrumbeet Creek
> - The proposal to not duplicate Gillies Road
> - The duplication of the Midland Highway
> - Whether pedestrian access from the PSP over the Western Freeway to established Ballarat is required.

(ii) Background reports

Exhibited documents

- *Integrated Transport Assessment Report,* Jacobs, August 2025 (Transport Assessment)
- *Strategic Transport Modelling Assessment Report,* Jacobs, July 2025 (Jacobs Modelling).

Supplementary documents

- *Ballarat North, Transport Designs, Preliminary Schematic*, Revision B, SMEC, February 2026 (SMEC preliminary schematic)
- *Ballarat North, Transport Designs, Preliminary Costings*, Revision 0, February 2026 (Preliminary costings).

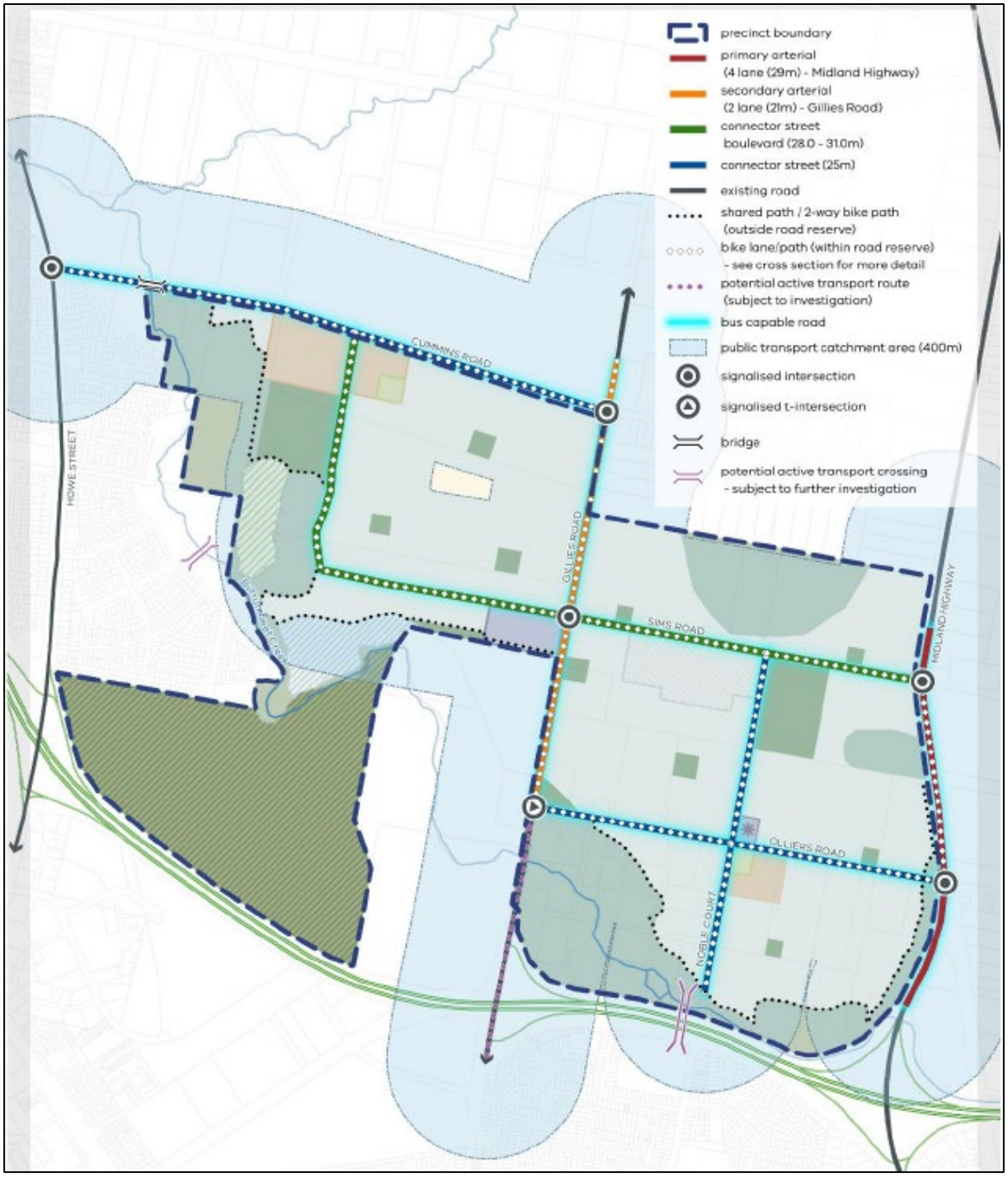
(iii) The draft Amendment

Relevant to transport and movement the Day 1 PSP includes:

- 'Section 3.2 Safe, accessible and well-connected' which includes:
  - movement network objectives, requirements and guidelines
  - Plan 4 Movement network (see Figure 12 below) identifying the arterial and connector street network, bike lanes and shared paths, traffic management treatments
- standard road and streetscape cross sections

- Plan 12 Precinct infrastructure plan (see Figure 13 below) depicting road network infrastructure items
- Table 19 describing the precinct infrastructure items.

Figure 12 Exhibited PSP Plan 4 Movement network



Source: Exhibited PSP Plan 4, D1a

Figure 13 Exhibited PSP Plan 12 Precinct infrastructure plan



Source: Exhibited PSP Plan 12, D1a

(iv) Proposed changes to the draft Amendment

In relation to the Cummins Road floodplain crossing, the Day 1 documents have been updated as follows:

- BR-01 has been removed and superseded by CU-03
- RD-03-1 and RD-03-2 have been amalgamated into a single project: RD-03-1
- replacement of the existing structure with a connector road structure

- the addition of new box culverts required to provide safe access during 2 percent AEP flood events
- updated costings to reflect those from the Preliminary Costings.

In relation to the Gillies Road projects and the Midland Highway duplication, the Day 1 documents have been updated to reflect the:

- the concept alignment as shown in the preliminary schematic designs with roundabouts replacing IN-04 and IN-05
- preliminary costings.

No change was made to the pedestrian access (BR-03) from the PSP over the Western Freeway.

5.2 Duplication of the Midland Highway

(i) Background

RD-02-1 and RD-02-2 (see Figure 14) are proposed duplication projects on the Midland Highway along the eastern edge of the PSP, together providing a continuous four-lane divided carriageway along the PSP frontage. Specifically:

- RD-02-1 applies to the section between the Western Freeway interchange and Olliers Road
- RD-02-2 extends the duplication north from Olliers Road to Sims Road.

The duplication projects were informed by the following key background reports, being the:

- Jacobs Modelling
- Transport Assessment
- SMEC Preliminary Schematic.

These documents identified that:

- development of the PSP would generate additional traffic on Midland Highway, while the road continues to operate as a regional freight route between Geelong and Mansfield
- forecast daily traffic volumes with the PSP in place would exceed typical thresholds for a two-lane rural arterial, supporting a duplicated cross-section.

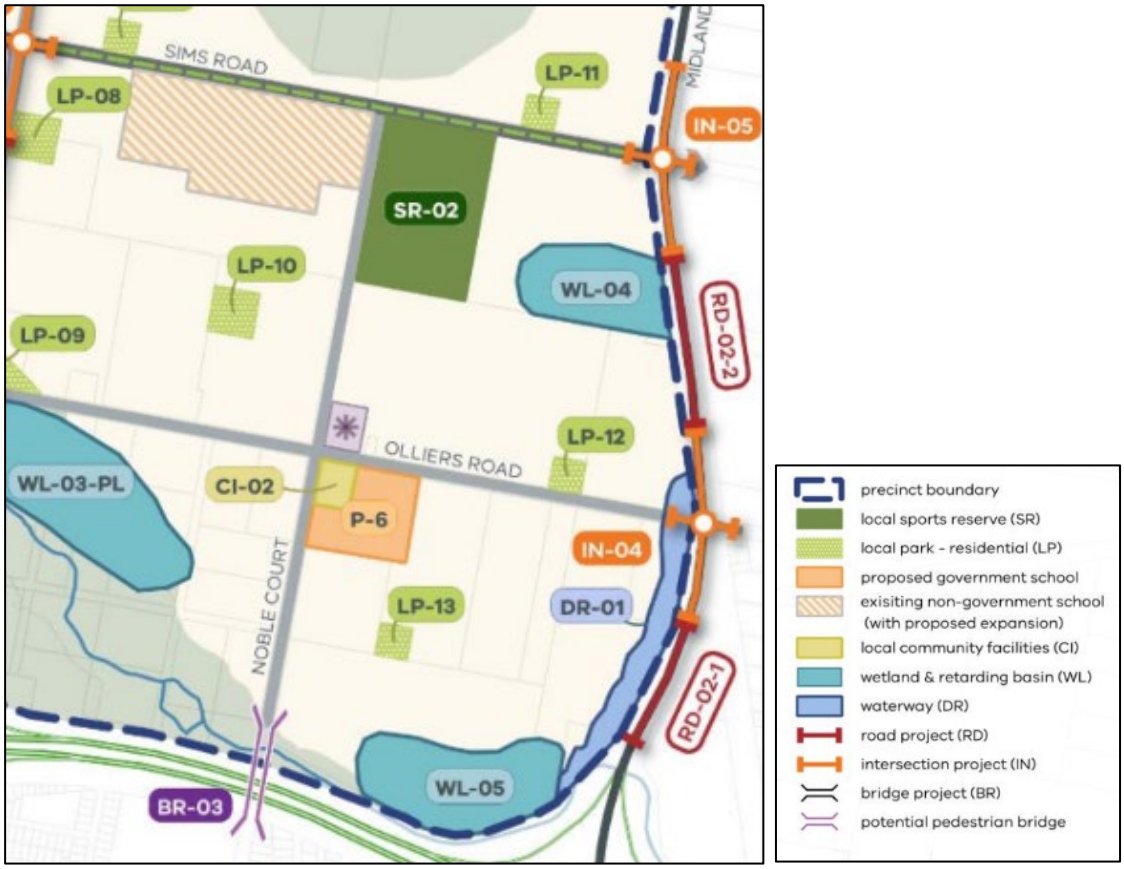
At exhibition, RD-02-1 and RD-02-2 were shown:

- on the PSP transport plans (including Plan 4 – Movement Network and Plan 12 Precinct Infrastructure Plan) (see Figures 12 and 13)
- identified as DCP projects in the exhibited DCP

- with Council as the development agency.

The Day 1 DCP noted DTP as the development agency.

Figure 14 RD-02-1 and RD-02-2



Source: Excerpt from PSP Plan 12, D1a

(ii) Threshold considerations

State infrastructure and DCPs

Projects RD-02-1 and RD-02-2 provide for the duplication of the Midland Highway, from the Western Freeway to Olliers Road, and from Olliers Road to Sims Road, respectively. The Midland Highway is a State declared highway under the control of DTP.

The Ministerial Direction on DCPs permits the following items to be funded through a development infrastructure levy:

- acquisition of land for roads and public transport corridors
- construction of roads, including active transport paths and traffic management and control devices.

The Direction does not expressly exclude State roads or State transport infrastructure from being included. Similarly, the DCP Guidelines acknowledge that development contributions are "*one of a number of options for funding infrastructure available to local*

and State government", and that a DCP "*may include infrastructure to be provided by a council or State Government agency*".

At the hearing, the parties and experts largely agreed that, while unusual, there is no legislative barrier to the inclusion of State infrastructure within a DCP. The Committee agrees. It notes that State infrastructure may be funded through a DCP provided that need, nexus, equity and accountability are clearly demonstrated. It therefore accepts that a DCP may include funding for infrastructure to be delivered either by a council or by the State.

However, the critical issue for any DCP is not merely whether such an inclusion is permissible, but whether it is appropriate in the particular circumstances, having regard to the established principles that apply to DCPs across the State.

Several, if not all, relevant witnesses characterised the proposed duplication, and in particular its proposed 100 percent funding through the DCP as "*unusual*" or "*atypical*". That characterisation is accepted. A more instructive question, however, is not whether the proposal is unusual, but why that is so.

DCP projects RD-02-1 and RD-02-2 represent a departure from established practice in relation to the funding of State declared highways. Such roads ordinarily perform a broader strategic function within the State transport network and are typically planned, prioritised and funded through State programs, drawing on general revenue to reflect their wider public and regional benefits. Requiring their duplication to be funded wholly through a DCP represents a departure from this usual allocation of responsibility.

This raises questions of nexus and proportionality. While the Committee accepts that the proposed development will contribute to increased traffic demands on the Midland Highway, the duplication is also likely to address existing traffic and accommodate through-traffic and regional movements unrelated to the development. In those circumstances, full attribution of the project cost to future development risks overstating the extent to which the duplication is necessitated solely by growth within the DCP area.

The projects also engages considerations of equity. Development contributions are intended to ensure that growth pays its fair share of the infrastructure required to support it, not to transfer the full cost of infrastructure with substantial pre-existing or wider community benefits onto a limited cohort of developers and future residents. Funding the duplication entirely through the DCP may therefore result in an inequitable outcome if beneficiaries extend well beyond the contributing development area.

Finally, the Committee notes the importance of accountability and precedent. Full funding for major State road upgrades within a DCP risks blurring institutional responsibilities and, if unexamined, may set an expectation that similar State infrastructure could be funded through local development contributions in other growth

areas. This underscores the need for particular caution and a clear, evidence-based justification where departure from established practice is proposed.

(iii) Issues

The issues are whether projects RD-02-1 and RD-02-2:

- are strategically justified, fulfil principles of need and nexus and should be included in the DCP
- meet the 'basic and essential' infrastructure test under the DCP Guidelines
- if they are included, whether and how they should be apportioned.

(iv) Evidence and submissions

Traffic expert meeting

Traffic experts convened a meeting to discuss traffic and transport issues related to the PSP (D57). The experts agreed that RD-02-1 is strategically justified on the basis of modelled daily volumes exceeding typical thresholds for a single-carriageway arterial (around 20,000 vehicles per day). Ms Marshall agreed with Mr Gnanakone that this did not, in itself, demonstrate a sufficient nexus to the PSP alone for DCP purposes.

Except for Mr Mentha, all experts agreed:

- RD-02-2 was not strategically justified, other than Mr Furness who indicated that duplication could be justified if the expanded area was included
- RD-02-1 and RD-02-2 should be removed from the DCP and that a shared path should be provided along the west side of Midland Highway for section RD-02-2.

All experts agreed that:

- costings for DCP transport projects should be based on basic and essential designs
- intersection designs should be informed by a sequential process of SIDRA road traffic modeling analysis, then concept design, then costing
- current costings did not meet these tests and therefore were not appropriate
- the Jacobs Modelling overstated PM peak traffic volumes and should be refined.

Mr Walsh, Mr Gnanakone and Mr De Young agreed with Ms Marshall that the inclusion of the duplication of an existing arterial road in a DCP was contrary to typical DCP practice.

Mr De Young noted the SIDRA analysis indicated that duplication was not required north of the Midland Highway/Olliers Road roundabout, and this informed his position on RD-02-2.

Traffic evidence

Mr Mentha's evidence on Midland Highway and projects RD-02-1 and RD-02-2 was:

- the Jacobs Modelling demonstrated the development of the PSP would generate the demand for duplication of Midland Highway, requiring a second carriageway to be constructed
- the PSP generated the majority of future traffic demand that resulted in the need for duplication, with the expanded area contributing a smaller proportion
- traffic volumes on Midland Highway were likely to be higher than the Jacobs Modelling suggested as the model assumed that Gillies Road would be a four lane arterial whereas the Day 1 PSP showed it as a two lane arterial
- based on this if the model was rerun with Gillies Road as a two lane arterial, a proportion of the traffic demand would be reassigned from Gillies Road onto Midland Highway
- in a rural or fringe context it was appropriate to adopt an 18,000 vehicles per day threshold for considering duplication, which is lower than typical metropolitan thresholds due to shorter peak periods and higher heavy-vehicle proportions on rural arterials.
- based on this threshold, duplication of RD-02-1 (Western Freeway to Olliers Road) would be required when approximately 40 percent of the PSP has been developed, and duplication of RD-02-2 (Olliers Road to Sims Road) would just reach or slightly exceed the threshold at ultimate PSP development, so could occur later, albeit with potential efficiencies in delivering both sections together
- delivery of RD-02-1 was dependent on duplication of Midland Highway to the south, including upgrade works to the Western Freeway interchange and a second overpass bridge, with the timing of those works subject to State Government funding
- further design refinement was required for the Midland Highway corridor and intersections, and final DCP costings should be based on refined concept designs rather than the Preliminary Schematics.
- there was no need to duplicate Midland Highway north of Sims Road
- Council should be the development agency.

Mr Mentha provided a tabulation of traffic volumes taken from the Jacobs Modelling to show modelled traffic changes for sections of Midland Highway at 2051 based on a full build out of the PSP and expanded area. The Committee has combined this with base traffic volume data at 2018, also from the Jacobs Modelling, for further comparison in Table 5.

Mr Mentha noted the Jacobs Modelling omitted traffic volumes in one direction on Midland Highway between Olliers Road and Sims Road (as noted in the Table 6) and that the resultant two-way traffic volumes had therefore been estimated.

Table 5 Midland Highway – Two-Way Traffic Volumes

Section	2018 Traffic Volumes (Vehicles per day)	Ultimate 2051 Traffic Volumes		
		Base Case	Core (PSP) Only	Core (PSP) + Expanded Area
Between Western Freeway and Olliers Road	7810 vpd	12,870 vpd	26,020 vpd	27,800 vpd
Between Olliers Road and Sims Road	8050 vpd	13,240 vpd	18,510 vpd (Estimated by Mentha due to missing data in one direction)	20,560 vpd (Estimated by Mentha due to missing data in one direction)
Between Sims Road and Cummins Road	6900 vpd	13,240 vpd	13,700 vpd	14,200 vpd
North of Cummins Road	6900 vpd	13,250 vpd	13,630 vpd	13,110 vpd

Source: Expert Witness Statement, Mentha D38 and Jacobs Modelling, D3dd

The other traffic experts accepted that the Jacobs Modelling indicated volumes on RD-02-1 exceeded around 20,000 vehicles per day, and this supported a strategic case for duplication in the longer term. However they did not treat the modelling and preliminary designs as a settled basis for a fully DCP-funded duplication and considered further SIDRA analysis and design refinement was required.

Mr De Young's points of nuance and difference were:

- duplication of RD-02-2 was not necessary within the PSP horizon, as forecast volumes between Olliers Road and Sims Road could be managed on a two-lane cross section supported by upgraded intersections at IN-04 and IN-05
- duplication of RD 02-2 was a longer term or contingent project that could be deferred unless post development monitoring showed higher than expected demand
- it was not appropriate for Council to be the development agency.

Ms Marshall's points of nuance and difference were:

- duplication of RD-02-2 within the PSP timeframe was not supported, noting the modelled volumes between Olliers Road and Sims Road were substantially lower than on RD-02-1 and could be accommodated on a two-lane road with appropriate treatments at IN-04 and IN-05
- daily volume alone did not mandate duplication and that many single-carriageway arterials in metropolitan areas operated at volumes of around 25,000 to 30,000 vehicles per day, so context and corridor safety performance should also be considered
- including RD-02-2 duplication in the DCP risked over-specifying infrastructure that may not be needed within the PSP timeframe and favoured deferring any duplication north of Olliers Road until post-development monitoring confirmed that volumes and safety outcomes warranted it
- more detailed design should be undertaken before settling any duplication proposal which would provide an opportunity to refine the scope and cost estimates for both RD-02-1 and RD-02-2.

Mr Walsh's points of difference were:

- RD-02-1 and RD-02-2 should not be included as fully DCP-funded projects on the basis that duplication of mid-block segments of State arterial roads are typically funded by the State rather than fully attributed to a single PSP
- within the PSP horizon duplication of RD-02-2 was not required as a DCP project given the lower forecast volumes and the ability to manage traffic through intersection upgrades.

Mr Gnanakone's points of difference were:

- the principles of need and nexus were not satisfied for full 100 percent DCP apportionment of RD-02-1 and RD-02-2, given material showing that external traffic (non-PSP) made up a substantial proportion of 2051 volumes on Midland Highway
- it was inequitable for the cost of duplication to be fully borne through the DCP and that duplication could not be attributed solely to PSP development.

DCP expert meeting

All DCP experts agreed the scope and cost estimates for RD-02-1 and RD-02-2 still required refinement before the impacts on the development infrastructure levy could be reliably understood.

On funding and apportionment, two broad positions emerged:

- Full PSP funding (need/nexus focus) by Mr De Silva and Mr Hrelja who:
  - considered duplication necessary to accommodate PSP-generated traffic

  - supported 100 percent apportionment of RD-02-1 and RD-02-2 to the PSP/DCP
  - took the view that Midland Highway could absorb regional growth without duplication but could not accommodate PSP traffic without the works, so the additional need should be attributed to the PSP.

- State responsibility / external share (equity/share-of-usage focus) by Mr Shipp, Mr Bursill, Mr Black and Mr Fleming who:

  - did not regard duplication of Midland Highway as an appropriate DCP item
  - emphasised duplication of a declared State arterial was usually State-funded and that DCPs/ICPs typically fund land and a single carriageway or interim works rather than the ultimate duplication
  - said if duplication was retained in the DCP, any apportionment should recognise the State's role and external users and be based on share of usage rather than an 'agent-of-change' approach
  - Mr Black indicated that, based on the Jacobs Modelling, around 60 percent of Midland Highway demand is attributable to the PSP, which would be the upper bound of any fair PSP contribution if a share-of-usage apportionment is adopted.

DCP, costing and planning evidence

Mr De Silva:

- explained DTP's approach to distinguishing 'core' and 'expansion area' demand and when to apply external apportionment to transport items
- accepted the Jacobs Modelling that combined PSP core and expansion traffic as the critical trigger for Midland Highway duplication
- considered Midland Highway an unusual but justified DCP item, because:

  - the PSP was clearly the agent of change
  - the need, nexus and external apportionment were clearer than in most cases
  - the Jacobs Modelling was detailed enough to demonstrate nexus (although he had not independently assessed the adequacy of that modelling)

- concluded that projects RD-02-1 and RD-02-2:

  - were strategically justified
  - met the principles of need and nexus
  - should be funded 100 percent by the DCP, with costs shared between core and expansion areas but with no wider external share

- emphasised the network benefits of duplicating Midland Highway, including relieving Gillies Road and supporting the intended movement network.

Mr Hrelja:

- supported the overall structure of the Day-1 DCP and focused on eligibility, classification and apportionment rather than preparing independent engineering cost estimates
- noted that including an upgrade of a State road such as Midland Highway in a DCP is unusual but permissible if clearly justified under the DCP Guidelines
- relied on the Jacobs Modelling indicating that duplication is driven largely by PSP-related traffic and would reduce pressure on Gillies Road, and endorsed DTP's position that RD-02-1 and RD-02-2 are strategically justified, satisfy need and nexus and can be funded 100 percent by the PSP
- acknowledged that several transport project scopes and costs, including RD-02, were still being refined and stressed that final cost reviews must occur before DCP approval.

Mr Shipp:

- said the Midland Highway was a declared State arterial managed by DTP, performing a broad regional role by connecting key regional cities, so its duplication sits in the category of State road upgrades rather than typical local growth area projects
- described a long established practice that State managed roads are funded by the State, including major works such as duplication, with DCPs/ICPs typically funding only interim works on State roads while the State delivers the ultimate works when budget becomes available
- considered that requiring the DCP to fund the Midland Highway duplication would depart from practice, creating inconsistent arrangements with other growth areas and, if replicated, a different funding treatment for arterial roads in regional growth areas compared with metropolitan growth areas, which he regarded was inequitable
- noted that, on the Jacobs' Modelling, external traffic remains a substantial contributor to demand (around 12,870 vehicles per day in 2051), so any inclusion of duplication in the DCP should adopt a share-of-usage apportionment rather than treating the PSP as the agent of change
- quantified that share-of-usage was approximately 46 percent external, 47 percent PSP core and six percent expanded area, providing a concrete alternative to the 100 percent PSP apportionment.

Mr Bursill:

- explained that duplication of State roads was usually not funded through a DCP but through consolidated State revenue, and that PSP development already contributes to that revenue through ordinary taxation

- recommended the State fund the construction costs of RD-02-1 and RD-02-2, rather than those costs being recovered by the DCP
- observed that if the Midland Highway duplication, or the large roundabouts at IN-04 and IN-05, were kept in the DCP, the DCP Guidelines would require most duplication costs to be treated as external demand and therefore funded by the State, because a high share of traffic is unrelated to the PSP
- considered it inequitable for PSP development alone to bear the full cost of the ultimate Midland Highway treatment where there is substantial external demand and other nearby land uses, including industrial areas, the Ballarat Showgrounds and Federation University, which would significantly add to traffic
- recommended that, if extra land within the PSP was ultimately needed for the Midland Highway duplication or its intersections, the full cost of that land should be funded by the DCP so that affected owners can be compensated at the subdivision stage through an established mechanism.

Mr Fleming:

- considered duplication necessary for both PSP and external traffic and said that any DCP funding should be apportioned to reflect the PSP's share of demand, rather than 100 percent to the core PSP
- proposed explicit apportionment for RD-02-1 and RD-02-2 based on traffic modelling:
  - RD-02-1: 46 percent external, 54 percent PSP (core + expanded)
  - RD-02-2: 67 percent external, 33 percent PSP (core + expanded)
- supported inclusion of RD-02-1 and RD-02-2 in the DCP only to the extent of PSP-generated demand, on the basis that external users also benefited through improved safety, capacity, connectivity and pavement life
- considered the Midland Highway projects strategically justified but stated that the DCP should typically fund an interim treatment, with the ultimate duplication funded by others, consistent with recent greenfield practice (for example Shepparton South East DCP)
- identified numerous issues in the Preliminary Costings for RD-02-1 and RD-02-2 (pavement assumptions, missing allowances, transition treatments) and concluded that a full costing review was required, with revised estimates prepared to reflect appropriate scope and rates.

Mr McNeill:

- considered the inclusion of the full Midland Highway duplication costs for RD-02-1 and RD-02-2 was a significant contributor to the relatively high development

infrastructure levy for the PSP compared with other regional DCPs, with implications for project feasibility and market competitiveness
- analysed the function of the Midland Highway and concluded that a substantial part of the duplication responded to regional and external demand rather than the PSP, so that recovering the full cost from the Ballarat North development would be inconsistent with shared usage and equity principles in the DCP Guidelines
- considered the duplication costs for RD-02-1 and RD-02-2 should be funded by the State (or, in the alternative, heavily externally apportioned), so that the DCP focused on infrastructure more directly attributable to the precinct and maintained a levy at a level that could realistically support timely development.

Mr Black:

- characterised RD-02-1 and RD-02-2 as a substantial and unusual component of the DCP because they are upgrades to an existing declared State arterial rather than typical growth area connector or new arterial works
- considered that a significant part of the duplication works responded to existing conditions and broader network objectives (including raising the pavement to meet flood standards), so the proposal that new development fund the full cost did not align with the principle that development should pay only its projected share of usage
- ultimately recommended that duplication costs (RD-02-1 and RD-02-2) be removed from the DCP and funded by the State.

Mr Fetterplace:

- considered RD-02-1 and RD-02-2 strategically justified but the 100 percent apportionment to the PSP area failed tests of need, nexus and equity, because the highway is a State arterial also serving wider north–south movements between Ballarat and Creswick and beyond
- recommended the apportionment be reviewed so that only the approximate PSP-generated share (about 60 percent) is funded through the DCP, with the balance treated as external
- from a network perspective, supported the overall road layout but sought DCP inclusion and early delivery of Sims Road as an east–west connector and Neighbourhood Activity Centre access, and a review of Midland Highway apportionment before finalising the DCP.

Mr Woodland:

- described the Midland Highway as a State-controlled primary arterial and observed that making the DCP responsible for its duplication was unusual

- considered that a large share of DCP transport costs were directed to works on this existing State road to addressed network-wide and existing issues as well as PSP demand and this did not align with development contribution principles of need, nexus and proportional apportionment
- accepted intersection upgrades linking the PSP to the arterial network are appropriate DCP inclusions, but broader duplication should be reconsidered and more appropriately funded at State level or, at minimum, significantly externally apportioned.

Submissions

The major landowners submitted that RD-02-1 and RD-02-2 should not be DCP items because they are upgrades to an existing declared State arterial in the Transport Zone and therefore 'unambiguously State infrastructure', not local growth area works.

They emphasised that Midland Highway:

- was a long-distance route through western and northern Victoria
- linked Geelong, Ballarat, Bendigo, Shepparton and Mansfield
- was already a high-order regional and freight corridor
- was a declared State arterial forming part of a broader statewide network.

They submitted that the draft Amendment:

- did not change Midland Highway's function
- located the PSP consistently with State's policy to focus growth around existing key transport links
- benefited from Midland Highway's established strategic role, which pre-dated the PSP, with the PSP positioned to take advantage of that existing State route rather than to change it
- applied to land already zoned UGZ
- was concerned with setting the detailed framework for how development should proceed in the locality, not with redefining the status of Midland Highway.

On that basis they submitted that RD-02-1 and RD-02-2 should be removed from the DCP and PSP because duplication of Midland Highway was a State responsibility, not a precinct cost, even though the PSP contributes to future demand for the upgrade.

Casey Capital submitted agent of change reasoning relied on by DTP was not a proper basis for imposing a full funding obligation on the PSP, because increased use of Midland Highway to support regional growth was an outcome already anticipated under established State policy. They stated:

> This rationale is flawed. First, it overlooks the ongoing role and function the Midland Highway is intended to have as a matter of established policy and as evident from other upgrades that have been made or planned along the alignment.
>
> This draft Amendment does not affect the role and function of the highway.
>
> Put another way, there is no 'agent of change' for the purposes of this assessment. To the contrary, the strategic planning decisions that lead to the identification of the growth area have already been committed to the continued role and function of the highway to meet a range of growth and economic policies.

Relying on Mr Shipp's evidence, Casey Capital submitted that long standing practice in Victoria is for State managed roads to remain a fiscal responsibility of the State, with DCPs typically funding interim and intersection works while the State delivers any ultimate mid-block duplication when traffic volumes and budgets allow.

Major landowners (including Casey Capital, DFC and North Ballarat Pastoral) relied on the Jacobs Modelling and DTP's apportionment material to emphasise that a substantial share of 2051 traffic on Midland Highway would be external to the PSP, and that any inclusion of RD-02 must therefore be on a share-of-usage basis rather than 100 percent to the precinct. It was submitted that DTP's 100 percent PSP apportionment approach would create inequitable and inconsistent funding arrangements between this regional PSP and other PSPs, including in metropolitan Melbourne.

Casey Capital and North Ballarat Pastoral referred to the DCP Guidelines to quantify a fair apportionment, pointing to evidence that a PSP share in the order of about 46 percent for the southern section and 23 percent for the northern section would be more consistent with projected usage.

DFC and North Ballarat Pastoral highlighted that DTP's own technical work assumed separate State-funded upgrades to the Western Freeway/Midland Highway interchange, and submitted that duplicating Midland Highway through the PSP without that interchange upgrade would simply displace congestion south and diminish the value of RD-02.

Across the major landowners, there was a consistent distinction between:

- accepting upgrades at IN-04 and IN-05 as DCP items, with 100 percent PSP apportionment, provided they are limited to basic and essential access works; and
- opposing RD-02 mid-block duplication as a DCP responsibility, and resisting intersection designs (such as four lane roundabouts) that effectively deliver the ultimate duplicated highway within the DCP scope.

Parties also submitted the agent of change rationale was not a recognised DCP funding principle. Loading full duplication costs onto a single regional PSP offended the equity principles in the DCP Guidelines and section 17 of the *Transport Integration Act*.

Council's position on RD-02 was:

- Jacobs Modelling showed the section between the Western Freeway and Olliers Road (RD-02-1) could justify some duplication in principle
- duplication on the northern section between Olliers Road and Sims Road (RD-02-2) was not justified
- it was inconsistent for DTP to resist duplication of Gillies Road at similar or higher volumes while insisting on duplication of Midland Highway in RD-02-2, and this inconsistency undermined the case for duplication north of Olliers Road
- on an interrupted-flow arterial like Midland Highway, intersection design is the primary determinant of performance, and that once IN-04 and IN-05 are re-scaled appropriately there was no clear evidence that mid-block duplication along RD-02-2 to Sims Road was required to cater for PSP traffic.

Council noted DTP's position that, because the existing Midland Highway can carry future traffic if the PSP did not proceed, any extra lanes would only be needed because of the PSP and should therefore be 100 per cent PSP funded. However, Council did not accept that this automatically justified full duplication of RD-02-1 and RD-02-2, and submitted that even if PSP traffic was the trigger, any duplication should be limited to works that are clearly necessary to serve PSP traffic.

Council's position did not support RD-02-1 and RD-02-2 as exhibited, and sought removal of RD-02-2 from the DCP and a substantially scaled back scope for RD-02-1.

DTP position

DTP described RD-02-1 and RD-02-2 as necessary for the PSP transport network to function, relying on the Jacobs Modelling to show that:

- duplication of RD-02-1 (Western Freeway to Olliers Road) was accepted by all experts as strategically justified, with PSP traffic pushing volumes to levels where duplication would ordinarily be expected
- duplication of RD-02-2 (Olliers Road to Sims Road) was also justified because forecast volumes in this section would exceed DTP's preferred duplication trigger for a high-speed rural arterial, even after allowing for traffic that would divert from a non-duplicated Gillies Road.

DTP placed strong weight on Midland Highway's role as a regional route between Geelong and Mansfield and its 80 kilometres per hour operating speed, submitting that:

- duplication along both RD-02-1 and RD-02-2 was required on safety and functional grounds
- duplicating only the southern section would create unsafe frequent merging between Sims Road and the Freeway in a short distance.

DTP treated RD-02-1 and RD-02-2, together with IN-04 and IN-05, as basic and essential projects in DCP terms, necessary to manage PSP-generated traffic while preserving Midland Highway's broader movement and freight function.

In its Part C submission DTP made the 'but for the PSP/agent of change' argument explicit:

- confirming that the existing single carriageway of Midland Highway could accommodate external traffic growth to 2051 without duplication
- said the need for a second carriageway between the Freeway and Sims Road only arose because of the PSP; without the PSP, no second carriageway would be required
- on that basis, characterised the second carriageway as entirely PSP-driven and should be 100 percent apportioned to, and funded through, the PSP and DCP
- invited the Committee to apply this contextual 'but for' approach consistently with recent regional PSP precedents, including Wonthaggi North East, Creamery Road and Shepparton South East.

DTP also characterised Ballarat North as atypical compared with metropolitan greenfield PSPs because:

- in typical Melbourne PSPs the 'first' carriageway funded by the PSP mainly serves PSP traffic and is positioned to leave room for a future State funded second carriageway for external demand
- at Ballarat North, the existing Midland Highway carriageway primarily serves external users, and the 'second' carriageway is needed only to cater for PSP traffic.

This nuance was a reversal of the typical position and therefore supported full PSP funding of the second carriageway.

On delivery and cost, DTP:

- noted that fitting a second carriageway within the existing Midland Highway reserve is challenging because the current carriageway sits centrally and functions as an Over Size Over Mass (OSOM) route
- identified two high-level options:
    - adding a second carriageway alongside the existing one (which may require land beyond the reserve), or
    - reconstructing and shifting the existing carriageway within the reserve to make space

- maintained that, whichever engineering solution is adopted, the cost of the additional carriageway should be fully funded by the DCP on the basis of need and nexus.

DTP's position on treatment of the existing Midland Highway pavement also evolved during the hearing. It initially advanced costings for the duplication works that contemplated rehabilitation of parts of the existing carriageway as part of the overall Midland Highway project. Over time this was narrowed, and in its Part C submission expressly accepted that the DCP should not fund maintenance or rehabilitation to address existing pavement deficiencies. However, it reserved the possibility of limited rehabilitation works where they were directly required as part of constructing DCP-funded intersections over the existing carriageway.

DTP also stressed that duplication between the Western Freeway and Sims Road was not in any committed State capital works program. They also noted that statewide Victorian Integrated Traffic Model assumptions did not represent a commitment by the State to fund duplication. It submitted that relying on an uncertain future State budget process could delay or prevent delivery of Midland Highway upgrades, and therefore inclusion of RD-02-1 and RD-02-2 as 100 per cent PSP-funded DCP items was needed to give funding certainty and support orderly and timely PSP rollout.

In relation to who the development agency should be, DTP's position was:

- while in the exhibited DCP, Council was identified as the development agency for all road projects, including Midland Highway duplication, in the Day 1 DCP documents, Head, Transport for Victoria was instead nominated as the development agency for RD-02-1 and RD-02-2, with Council remaining development agency for intersections IN-04 and IN-05
- in its Part C submission, DTP maintained that the planning authority could lawfully nominate a development agency without that body's consent and that Council could not effectively veto inclusion of Midland Highway works in the DCP by declining the development-agency role. It did not, however, propose any change to the Day 1 position that Head, Transport for Victoria be the nominated development agency for RD-02-1 and RD-02-2.

Overall, DTP's final position was that RD-02-1 and RD-02-2:

- were strategically justified and meet need and nexus tests
- should be treated as basic and essential DCP projects
- should remain in the DCP with 100 percent apportionment to the PSP, subject only to:
  - refinement of the detailed designs for IN-04 and IN-05

- a modest southern extension of RD-02-1 to tie into the existing culvert and any future Western Freeway interchange upgrade.

(v) Discussion

The Committee considers that there are significant difficulties with DTP's justification for including duplication of Midland Highway projects RD-02-1 and RD-02-2 in the PSP and DCP. The background material supports the need for upgraded intersections at Midland Highway/Olliers Road and Midland Highway/Sims Road, and shows that Midland Highway will experience increased demand associated with development of the precinct. However it does not demonstrate that this PSP should fund duplication of Midland Highway, whether through RD-02-1 or RD-02-2.

The 'agent of change' and 'but for' arguments advanced by DTP are not a sufficient basis to shift responsibility for duplication of an existing State arterial road onto this PSP. The contention that the existing carriageway would continue to operate adequately absent the PSP, and that a second carriageway is therefore wholly attributable to PSP traffic, is too blunt. It does not properly engage with Midland Highway's role as an established State road carrying wider regional traffic and freight movements. That a PSP contributes materially to future demand on a State arterial does not alone provide a sufficient basis for recovering augmentation costs through a DCP. The Committee considers that something more is required, namely a clear attribution of costs to PSP generated demand as well as a principled basis for departing from the State's responsibility for its own network.

The proper question is not whether development is a factual trigger in a 'but for' sense, but whether the PSP creates a need that is appropriately and fairly met through PSP infrastructure funding rather than through the State's ordinary responsibilities as road authority for the regional arterial network.

In that context, budgetary constraints in the State capital program cannot be used as a justification for loading the cost of duplicating Midland Highway onto this PSP. This departs from the established approach, which focuses on whether a State project is funded or unfunded, not on the State's overall financial capacity. Introducing an 'ability to pay' consideration shifts DCPs away from their proper planning purpose and risks using them to address budget pressures rather than to fairly allocate infrastructure costs based on need and nexus. An argument that duplication must be PSP-funded because there is no current State budget allocation fails to grapple with the broader policy framework, including State commitments to facilitating residential growth and to maintaining and renewing State arterial road network assets in an orderly way.

Recent PSP reports do not support a different view. Creamery Road, Wonthaggi North-East and Shepparton South-East were all cited in submissions, but none establish a

general principle that a PSP should fund duplication of an existing State arterial road in circumstances such as these:

- Creamery Road involved a different factual and network context and does not, on the material before this Committee, justify shifting responsibility for duplication of Midland Highway to the PSP.
- Wonthaggi North-East, as described by DTP, dealt with drainage and overland flow, and any 'but for' reasoning in that setting cannot simply be transposed to a major State highway duplication task.
- Shepparton South-East concerned 100 percent apportionment of particular intersection works on a regional freight route; intersection upgrades to integrate a PSP with an existing network are not the same as requiring this PSP to fund duplication of the arterial corridor itself, and the comments here are not inconsistent with the findings in any of those matters.

On the evidence, the threshold for inclusion of the duplication in the DCP is not met. The transport expert meeting recorded agreement that duplication of RD-02-1 is strategically justified in transport terms given forecast volumes above 20,000 vehicles per day. In addition, with the exception of Mr Mentha, the experts considered duplication of both RD-02-1 and RD-02-2 should be removed from the DCP.

Reliance on modelling assumptions that include the expanded area is also not accepted. The expanded area is not being considered for approval through this process, and only limited weight can be given to a funding case that depends, expressly or implicitly, on traffic assumptions extending beyond the land and development presently before it. To the extent the combined core and expanded-area assumptions were used to support duplication outcomes on Midland Highway, that approach weakens rather than strengthens the case for including duplication in this PSP and DCP.

Landowner submissions are accepted to the extent they distinguish between strategic pressures on Midland Highway and the question of who should fund and deliver any ultimate augmentation. There may be a strategic need, over time, for works on Midland Highway, having regard to its regional freight role, safety, and the way Ballarat's northern growth interfaces with that corridor. That is not the same as concluding that the PSP should fund duplication of the highway, particularly where it is an existing State arterial and where the present material does not establish a basic and essential project scope attributable fairly and transparently to this precinct alone.

In terms of the development agency, Council should not be placed in the position of delivery agency for augmentation of a State road in these circumstances. While the exhibited DCP nominated Council as development agency for the Midland Highway duplication, the Day 1 DCP shifted that role to Head, Transport for Victoria for RD-02-1 and RD-02-2, with Council remaining development agency only for the associated intersection

works. Although DTP submitted that Council could be nominated without its consent and would thereby have greater control over timing and coordination, that does not address the more fundamental difficulty that the roles and responsibilities of different authorities are not the same, even where their objectives often align.

It is not an appropriate or reasonable approach for Council to be required, through the PSP/DCP mechanism, to act as the delivery vehicle for a substantial upgrade to State road infrastructure that sits outside its ordinary network responsibility. That concern is reinforced where the form, extent and costing of the duplication remain unresolved. It underpins the broader view that State arterial road upgrades should not be attributed to PSPs except where there is a clear, demonstrable and precinct-specific need that cannot reasonably be met through State funding and delivery pathways.

Duplication of Midland Highway should not be included in the PSP as a DCP funded project. This does not deny the strategic importance of Midland Highway, nor does it preclude future State led planning and delivery of upgrades to that corridor. It reflects the narrower conclusion that, on the material before this Committee, the PSP should not be used to carry the duplication of Midland Highway and that the PSP is not, of itself, the sole or predominant source of future traffic on this State arterial.

(vi) Conclusions and recommendations

The Committee concludes:

- There is no strategic case for including the duplication of Midland Highway (RD-02-1 or RD-02-2) as DCP-funded projects in the Ballarat North Precinct Structure Plan.
- The 'agent of change' and 'but for' arguments, including those grounded in current budget constraints, do not provide a sound or principled basis to transfer responsibility for duplicating an existing State arterial road to the PSP or DCP.

The Committee recommends:

Development Contributions Plan

Amend the Final Day Ballarat North Development Contributions Plan to:

a) Delete road projects RD-02-1 and RD-02-2 (Midland Highway duplication), including all references to road projects RD-02-1 and RD-02-2 from all associated plans, tables and schedules.

b) Note that any future duplication of the Midland Highway within or adjacent to the Precinct is a matter for State planning and funding

processes and is not to be delivered or funded through this Development Contributions Plan.

Precinct Structure Plan

Amend the Final Day the Ballarat North Precinct Structure Plan to:

- **a) Delete all references to road projects RD-02-1 and RD-02-2 (Midland Highway duplication).**
- **b) Show Midland Highway as a single carriageway arterial road.**
- **c) Note that any future duplication of the Midland Highway within or adjacent to the Precinct is a matter for State planning and funding processes and is not to be delivered or funded through this Precinct Structure Plan.**

5.3 Midland Highway intersections

(i) Background

DTP advised that, at the time of public consultation, placeholder designs and benchmark costs for a signalised cross intersection were applied to ensure stakeholders understood that intersection treatments would carry a cost.

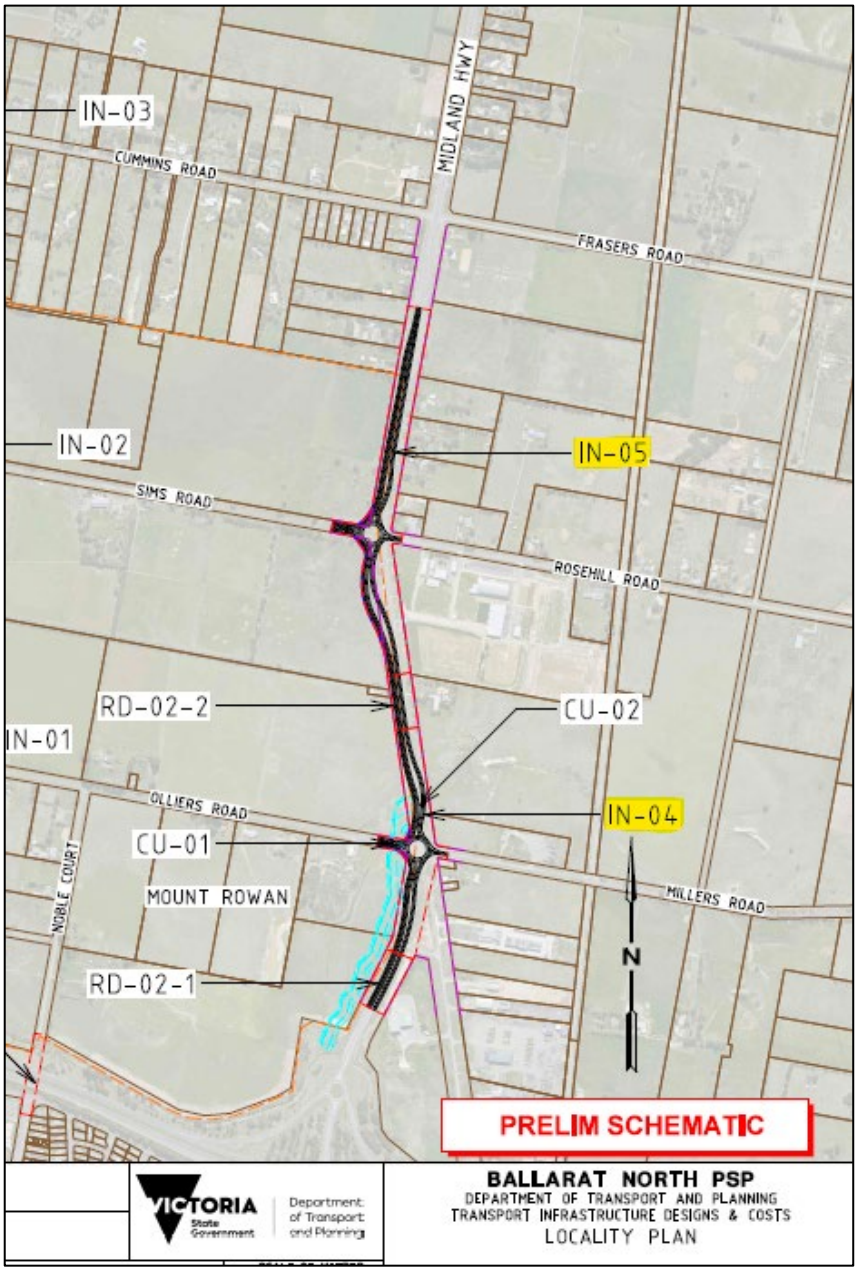
During consultation, the Head of Transport for Victoria (Head, TfV) indicated a clear preference for roundabouts over signalised intersections in this setting. This position was based on both safety and operational considerations in a high speed environment. In particular, the Head, TfV advised that pedestrian access across the Midland Highway was neither safe nor warranted, and that signalised cross intersections were not supported on the basis of safety and traffic efficiency. Roundabouts were instead identified as the more appropriate, Safe System aligned treatment, consistent with typical approaches on rural high speed roads.

In relation to design configuration, the Head, TfV did not support a three lane roundabout, noting:

- a four lane duplication of the Midland Highway was anticipated, and intersection design should align with this ultimate configuration
- although SIDRA modelling suggested a three lane roundabout could achieve a comparable level of service, it was expected to create bottlenecks and increased congestion.

Accordingly, SMEC was instructed to develop designs based on an ultimate four lane roundabout arrangement. See Figure 19.

Figure 18 Excerpt of plan showing schematic designs for IN-04 and IN-05



Source: SMEC Preliminary Schematic, D15a

(ii) Issues

The issues are whether projects IN-04 and IN-05:

- are strategically justified, fulfil principles of need and nexus and should be included in the DCP
- if they are included, whether and how they should be apportioned.

(iii) Evidence and submissions

Traffic expert meeting

All experts agreed:

- IN-04 and IN-05 should be retained in the DCP as intersection projects
- prior to determining the intersection control, a comparison of roundabout versus signalised treatments should be undertaken. This should consider the needs pedestrians, cyclists and public transport users as well as traffic capacity, cost and land take
- if roundabouts were adopted, the SMEC preliminary schematic design needed to be revised to ensure that it is basic and essential. This includes siting within the existing 60 metre road reserve for Midland Highway where practicable and aligning the traffic capacity requirements determined through SIDRA analysis
- 100 percent apportionment in the DCP should be contingent on works being basic and essential.

Mr Mentha supported the undertaking of a comparative assessment that considers all road users, however, he emphasised that the ultimate decision between roundabout and signalised controls rests with DTP as the responsible road authority.

Mr De Young noted that, if roundabouts were to be adopted, then based on his SIDRA analysis and typical roundabout design practice:

- the design of IN-04 should be limited to providing short second through lanes (approximately 100 metres in length) on the approach and departure of the roundabout on the north and south legs
- the design of IN-05 should generally comprise a single through lane on Midland Highway, with the exception of an additional left turn lane on the southbound approach from Midland Highway into Sims Road.

Traffic evidence

Mr Mentha gave evidence on DTP's position regarding the Midland Highway intersection and duplication works, referring to the TfV Position on Updated Transport Projects (D22g). He stated that DTP does not support a three lane roundabout configuration, and instead considers a four lane cross section on Midland Highway to be strategically justified based on projected traffic volumes and volume to capacity outcomes.

Consistent with this position, DTP instructed SMEC to design and cost the following DCP projects:

- IN-04 and IN-05 as ultimate four leg roundabouts
- RD-02 1 and RD-02 2 as divided four lane arterial road upgrades.

Mr Mentha noted that the Day 1 PSP had also replaced signalised intersections at IN 04 and IN 05 with roundabout treatments. In his view, roundabouts were appropriate having regard to forecast traffic volumes, network consistency with adjacent roundabouts, and safety considerations associated with higher speed environments. He said that while signals can operate at 80 kilometres per hour, increased speeds are associated with greater crash severity, and Safe System principles generally favour avoiding signalised intersections in such environments.

While acknowledging that signalised intersections provide improved outcomes for pedestrians and cyclists, Mr Mentha noted that pedestrian demand along Midland Highway is relatively low and could be managed through alternative measures, including bus route diversion into the precinct or provision of pedestrian signals offset from the roundabouts.

In relation to intersection form and scale, Mr Mentha:

- supported a four lane Midland Highway cross section at both mid-block and intersection locations
- noted high left in and right out volumes associated with PSP access movements
- considered dual northbound lanes sufficient to accommodate demand
- recommended an additional short approach lane on the west leg at each intersection to separate turning movements
- suggested that the second southbound lane north of IN 05 could be reviewed, subject to design standards.

He also indicated that:

- the use of larger design and check vehicles (for example B Triple) for through movements should be reconsidered, as Midland Highway is not part of the Principal Freight Network
- roundabout designs would require substantial approach and departure lengths to accommodate deceleration and merging
- design outcomes may have been influenced by a desire to minimise land acquisition outside the PSP.

Mr Mentha said roundabout costs would be higher than signalised intersections due to the extent of works required, however, this could be offset by reduced lengths of mid-block duplication works. He considered that the four related projects (IN-04, IN-05, RD-02 1 and RD-02 2) should be assessed collectively for cost comparison purposes, and that 100 percent apportionment to the PSP/DCP was appropriate given the development generates the need for the works.

Mr De Young agreed that roundabouts at IN-04 and IN-05 could be strategically justified, subject to a more restrained and capacity driven design consistent with "basic and essential" DCP principles. Based on his SIDRA modelling, he considered that:

- IN-04 could be accommodated by a dual circulating lane roundabout, with short (approximately 100 metre) second lanes on Midland Highway approaches and departures only
- IN-05 could be accommodated by a single circulating lane roundabout, with one additional left turn lane on the southbound Midland Highway approach.

He emphasised that additional lanes should not extend beyond what is required for intersection operation, noting that many Victorian roundabouts transition from two lanes within the intersection to one lane on approach and departure.

Mr De Young was critical of the SMEC preliminary schematic designs, stating they:

- were not informed by SIDRA modelling
- did not represent a basic and essential solution
- were inconsistent with the form of existing roundabouts on Midland Highway, particularly in relation to their footprint within the existing 60 metre road reservation.

He further considered that the designs required refinement to improve alignment within the existing reserve and to achieve appropriate deflection and geometry.

Mr De Young also raised concerns regarding the basis for selecting roundabouts, noting limited explanation beyond DTP's stated preference relating to safety and operational efficiency in a high speed environment. He questioned whether this position had been informed by detailed Safe System analysis or consideration of alternative mitigation measures, such as speed reduction.

In addition, he queried the conclusion that pedestrian access across Midland Highway was not warranted, noting the presence of an existing bus route (Route 30) with stops requiring pedestrian access across the corridor.

Based on iterative SIDRA modelling undertaken by his office, Mr De Young concluded that both intersections could operate at a high level of service with the reduced configurations outlined above.

Mr Walsh said there was sufficient nexus for IN-04 and IN-05 to be funded through the DCP, and that either a roundabout or signalised intersection could provide an appropriate treatment. He considered that both options should be fully designed and costed, with the preferred outcome determined through comparison, with cost being a key factor.

Mr Walsh expressed a preference for signalised intersections on the basis that they would better facilitate pedestrian access across Midland Highway, including access to existing bus stops and businesses located on the western side. He noted that the State had recently constructed a pedestrian refuge to assist crossings, indicating an identified need for pedestrian connectivity.

In relation to design and cost, Mr Walsh considered that roundabouts would increase DCP costs due to additional land take, loss of NDA, and the extent of construction works required. By contrast, signalised intersections could likely be accommodated more centrally within the existing 60 metre reservation, minimising land acquisition, although potentially incurring additional costs for signal infrastructure. He said that if roundabouts were ultimately required by DTP, the DCP should only fund the lower cost solution, with any additional cost borne by the State. Mr Walsh also raised concerns that roundabout design requirements for oversized vehicles resulted in wider carriageways than necessary for typical freight vehicles, contributing to increased cost and footprint. He supported the more constrained roundabout designs proposed by Mr De Young.

Ms Marshall similarly considered that either intersection form could provide appropriate access; however, she concluded that the roundabout designs exceeded the basic and essential requirements for a DCP item and had not been adequately justified. She noted that no comparative assessment of roundabouts and signals had been provided, particularly in relation to cost, traffic function or land impacts, and emphasised that impacts on NDA should be considered, with a preference for signalised intersections.

Ms Marshall also raised concerns regarding pedestrian safety, noting that the provision of mid-block signals between roundabouts, as suggested by Mr Mentha, would introduce safety risks. She observed that signalised intersections are commonly used in urban–rural fringe environments.

In comparing design approaches, Ms Marshall highlighted that the SMEC preliminary schematic designs were substantially larger than those assumed in the Jacobs Modelling, which had been undertaken to determine minimum functional requirements. Key differences included:

- additional through lanes on Midland Highway in both directions (rather than northbound only)
- increased roundabout sizes (including inner island diameter)
- full dual lane circulation rather than partial duplication
- expanded approach geometries that extended beyond the existing road reserve.

She stated that these design changes resulted in significant cost increases, estimating that conversion of IN-04 from signals to a roundabout added over $3 million (excluding land acquisition), while IN-05 increased by more than $8 million.

Mr Furness gave evidence specifically in relation to IN-05, acknowledging that SIDRA modelling demonstrated that a roundabout could operate satisfactorily from a traffic capacity perspective. However, he identified significant safety and accessibility concerns for pedestrians and cyclists, particularly in a higher speed environment. He said that pedestrians would experience difficulty crossing Midland Highway due to continuous traffic flow, with limited access to key destinations including the Ballarat Showgrounds, Federation University and bus stops.

Mr Furness also noted that the roundabout design would create safety challenges for users of the north–south shared path, particularly where pedestrians and cyclists are required to cross near the intersection where vehicles are accelerating. He considered that a signalised intersection would provide a safer and more legible crossing aligned with the PSP's objectives for active transport.

In addition, Mr Furness said that a roundabout would require significant land acquisition outside the existing road reserve, whereas a signalised intersection could be accommodated within the 60 metre corridor. He concluded that the roundabout option did not meet the 'need' test, as it would cost at least 2.3 times more than a signalised intersection while providing similar traffic performance outcomes and inferior outcomes for pedestrians, cyclists and public transport users.

Mr Gnanakone agreed that IN 04 and IN 05 were strategically justified within the broader network but noted that roundabout options were significantly more expensive than signalised intersections (approximately 2.5 times higher). He considered that pedestrian access across Midland Highway would become increasingly important, particularly with upgrades to Federation University.

Mr Gnanakone also questioned the practicality of providing mid-block pedestrian signals between roundabouts, noting that such treatments would require significant separation (approximately 100 metres) and are inconsistent with the rationale advanced for avoiding signalised intersections. He said that traffic signals would better align with pedestrian desire lines and would be appropriate given the likely urbanisation of Midland Highway adjacent to the PSP. In that context, he considered that the corridor should be treated as a mid speed environment, rather than a high speed rural environment.

DCP expert meeting

The DCP expert meeting recorded the following areas of full or partial agreement:

- some form of intersection treatment is required at IN-04 and IN-05. Both intersections are strategically justified and satisfy the principles of need and nexus in facilitating access to the PSP area (all experts)
- the standard of intersections IN-04 and IN-05 should be reviewed and, if necessary, re costed (all except Mr De Silva)
- an interim single carriageway treatment, rather than an ultimate duplicated standard, should be funded through the DCP (all except Mr De Silva, Mr Hrelja and Mr Bursill)
- intersection costs should be fully funded (100 percent) by the DCP (Mr De Silva and Mr Hrelja only)
- the presence of an expanding industrial area and university/TAFE to the east of the Midland Highway means these uses would also benefit from the intersections; accordingly, cost apportionment should reflect shared usage (Mr Black and Mr Bursill only)
- 100 percent of an interim treatment should be apportioned to the PSP area and funded by the DCP (Mr Shipp and Mr Bursill only)
- If an ultimate (duplicated) intersection standard is determined to be required and appropriate for inclusion in the DCP, the component attributable to duplication should be apportioned on a usage basis (Mr Shipp only)
- the Day 1 DCP cost estimates for IN-04 and IN-05 are inadequate and require review (Mr Fleming).

DCP evidence

Mr De Silva said:

- IN-04 and IN-05 are strategically justified, satisfy the principles of need and nexus, and are appropriate for inclusion in the DCP as funded projects
- the DCP Ministerial Direction does not restrict the type of road or intersection projects that may be funded by reference to road status, rather, the key requirement within the DCP framework is that the need and nexus tests are satisfied
- the need for IN-04 and IN-05:
  - is primarily generated by development within the core PSP area, with only modest additional traffic arising from the expanded area
  - is strategically justified and meets the principles of need and nexus and
  - warrants 100 percent attribution of costs to the DCP

- he did not support an interim approach to the intersections that would defer remaining works to the State in the future
- the comparatively lower cost of traffic signals is a factor weighing in their favour.

Mr De Silva and Mr Hrelja agreed:

- where roundabouts require additional works to accommodate OSOM vehicles not necessitated by the PSP, those works could be the responsibility of the State
- where traffic signals adequately meet the needs of the PSP and function effectively for the Midland Highway, but the State requires roundabouts at a higher cost, the State may be responsible for the cost difference.

Mr Fleming considered:

- signalised intersections at IN-04 and IN-05 would be a more cost effective solution than roundabouts
- apportioning the full cost of ultimate intersections to the PSP area, where those intersections also cater for traffic from the expanded area and external users, is inequitable and inconsistent with the approach adopted in recent PSPs and DCPs
- external users would derive clear benefits from the upgrades, including improved safety, traffic flow, connectivity, drainage, and asset life
- while PSP development may trigger the upgrades, the required scope is driven by total traffic volumes, not solely PSP demand
- the shift from signalised intersections to roundabouts has a significant cost impact on the DCP
- the SMEC costings contain several discrepancies, including issues with quantities, rates, and omissions.

Mr Bursill said:

- IN-04 and IN-05 should be scaled back to a form that is fit for purpose for the PSP, with costs apportioned between the core and expanded area DCPs
- any scaling back should include:
  - reducing northern and southern leg lengths to tie into existing pavement as quickly as minimum standards allow
  - limiting turn and through lanes to the minimum required for safe PSP operation, without catering for longer term external demand
  - designing intersections with maximum regard to the existing Midland Highway alignment
- a cost–benefit analysis should be undertaken to assess the relative merits of roundabouts versus traffic signals

- staging of the Midland Highway intersection upgrades should be explored to reduce upfront costs imposed on early developers
- Council could be nominated as the development agency, recognising the likelihood of in kind delivery by developers
- if the State requires relocation of intersections away from the most cost effective locations, it should fund the additional costs
- in the absence of State funding for such changes, the works should proceed in their most cost efficient form.

Mr Shipp considered the justification for including ultimate four lane roundabouts at IN-04 and IN-05 in the DCP weak, given that a lesser interim configuration (as recommended by SMEC) would better align with the principle of funding essential infrastructure and standard practice of delivering interim works.

Submissions

Council submitted:

- from a traffic engineering perspective, it had no preference between signalised intersections and roundabouts at IN-04 and IN-05, provided the designs were revised to reflect a basic and essential standard in accordance with Mr De Young's evidence
- from a strategic planning perspective, it preferred signalised intersections because:
  - signals are likely to be less costly than roundabouts
  - signals provide more reliable control of conflicting movements than multi lane roundabouts
  - signals deliver safer outcomes for pedestrians and cyclists through controlled crossings and enable safe crossing of the Midland Highway
  - basic and essential signal designs are unlikely to require unnecessary land acquisition.

Council submitted that IN-04 and IN-05 have not been designed to a basic and essential standard should be revised to:

- be located within the existing 60 metre Midland Highway reservation wherever practicable
- be based on demonstrated traffic capacity requirements, including SIDRA analysis
- respond only to the needs of the PSP, including providing additional through lanes only where justified.

Council submitted:

- if roundabouts are ultimately adopted, it relied on Mr De Young's evidence, including his reduced scale alternative designs
- 100 percent cost apportionment in the DCP should be contingent on works being demonstrated as basic and essential.

North Ballarat Pastoral submitted:

- the Day 1 multi lane roundabouts at IN-04 and IN-05 are excessive, unwarranted, and not basic or essential infrastructure
- signalised intersections would provide access to the Midland Highway at a significantly lower cost
- if roundabouts are retained, their scope should be substantially reduced
- four lane roundabouts at both intersections:
  - exceed what is required to service the precinct
  - do not meet the basic and essential test and represent 'gold plated' infrastructure unsupported by traffic evidence
- if the State insists on more expensive roundabouts, the development industry should not bear the additional cost burden
- signalised intersections offer superior outcomes as they:
  - can be accommodated within the existing 60 metre reservation
  - provide safer conditions for pedestrians and cyclists by stopping traffic
- by contrast, roundabouts:
  - create barriers to pedestrian permeability
  - require pedestrians to cross without priority, particularly in multi lane configurations
  - will require pedestrians from the PSP to cross the Midland Highway to access key destinations, including bus stops, the Ballarat Showgrounds, Federation University (Mount Rowan) and employment areas to the south
- proposed pedestrian signals associated with roundabouts would:
  - divert pedestrians 100 to 200 metres from desire lines
  - impose unnecessary cost
- the PSP will transition to an urban fringe context with lower speeds, making 90 km/h roundabout design inappropriate
- signalised intersections are commonly and safely used on 80 km/h arterial roads in growth areas

- signals provide safer freight operation, staging flexibility, and better use of existing pavements
- if roundabouts are pursued, the SMEC concept designs should be substantially revised to reflect a basic and essential standard.

Casey Capital adopted the submissions of North Ballarat Pastoral in full and did not oppose inclusion of IN-04 and IN-05 upgrades in the DCP. It supported signalised intersections for land efficiency, or alternatively, a comparative assessment of roundabout and signal options, with the least expensive option adopted. Casey Capital submitted that if roundabouts proceed, they should be delivered as interim (single carriageway) arrangements.

Dennis Family generally supported the submissions of other parties and submitted IN-04 and IN 05 should be delivered as signalised intersections designed to a basic and essential standard and justified against DCP principles including need, nexus, equity and accountability. It submitted the proposed multi lane roundabouts:

- are excessive and unnecessary
- exceed the requirements of the precinct
- constitute gold plating infrastructure outcomes driven by broader arterial objectives rather than precinct needs.

Ballarat Grammar's submissions echoed the other developer party's positions. It submitted that the DCP should not fund gold plated roundabout treatments and should be limited to infrastructure reasonably required to service the PSP.

DTP position

DTP considered the Day 1 roundabout configuration to be basic and essential infrastructure, on the basis that the PSP would generate the need for increased capacity along the Midland Highway.

DTP submitted pedestrian access across the Midland Highway was not a primary consideration. While acknowledging existing uses to the east, such as the showgrounds and some commercial activities, DTP noted further development potential in this area is constrained by overlays including the LSIO, FO and Environmental Significance Overlay.

DTP acknowledged alternative design suggestions, including those put forward by Mr Mentha, and agreed that further detailed design work is appropriate, consistent with Mr De Young's evidence. It indicated that the designs for IN-04 and IN-05 would continue to be refined to improve land use efficiency, provided that any changes do not compromise road safety or compliance with relevant standards and guidance.

Finally, DTP relied on the applicable policy framework to support its position, including:

- the Victorian Road Safety Strategy 2021–2030, which requires the integration of Safe System principles into road infrastructure design
- Clause 18.02 4S of the Planning Scheme, which seeks an efficient and safe road network integrated with existing infrastructure
- the DTP Road and Roadside Safety Policy (May 2024), which identifies roundabouts as the preferred treatment in environments of 80 kilometres per hour or above.

Having regard to the movement and place role of the Midland Highway, the Head, TfV supported retaining the 80 kilometres per hour speed limit and did not support further investigation of signalised intersections at IN-04 or IN-05.

(iv) Discussion

The Committee agrees with the inclusion of intersection projects IN-04 and IN-05 in the DCP. The PSP generates a direct need for safe access to and from Olliers Road and Simms Road onto the Midland Highway, replacing existing uncontrolled cross-road intersections with Millers Road and Rose Hill Road on the western side. That need arises directly from the PSP development, and the cost is appropriately funded by the DCP.

The Committee is not persuaded, however, that a four lane roundabout is the appropriate treatment. DTP's position relies primarily on a memorandum from the Head TfV, which itself references the *Best Practice Guide for Project Scoping and Optioneering*. That guide identifies roundabouts as appropriate in 80 kilometre per hour environments but does not mandate a four lane configuration, and it is explicitly stated not to constitute formal policy.

The expert evidence supports a smaller-scale roundabouts as capable of meeting the operational requirements generated by the PSP. Traffic signals were also identified as a potentially more cost effective outcome.

The Committee has concerns with the process by which the four lane ultimate configuration has been adopted. The exhibited position initially proposed signalised intersections, but this was later revised following advice from the Head TfV opposing signals on the basis of safety and efficiency in a high speed environment, and asserting that pedestrian access across the Midland Highway was neither safe nor warranted. This shift in position is not supported by any clear strategic justification or evidence of investigation.

The Committee is also concerned that the advice from Jacobs was effectively discounted. Jacobs undertook an iterative design process and demonstrated that intersection options could achieve acceptable levels of service, with minimal delay during peak periods. DTP submitted that, although SIDRA modelling showed a three lane

roundabout could achieve comparable levels of service, it would likely lead to congestion and bottlenecks. This position was not supported by any accompanying analysis and is inconsistent with Jacobs' findings. In effect a detailed, industry-based technical assessment was set aside without adequate justification.

DTP's broader strategic justification appears to rely on the DTP *Road and Roadside Safety Policy, Department of Transport,* May 2024 (D71), particularly through its incorporation of the Best Practice Safe System Guide for Project Scoping and Optioneering. DTP has relied on Table 3 of that Guide to support the need for roundabouts in high speed (80 kilometre/hour or greater) environments.

The Committee gives weight to the submission of Dennis Family, which noted that the relevant table is not part of the policy itself, but appears in Attachment A—the Best Practice Guide, which is expressly described as guidance to assist in achieving Safe System objectives, not policy in its own right.

The Committee considers that the traffic and DCP experts, together with the parties, raised substantive concerns about the proposed roundabouts, suggesting that the treatments may not constitute basic and essential infrastructure and may not satisfy the principles of need and nexus for the PSP. In particular:

- the DTP design criteria require accommodation of OSOM vehicles, 26 metre B double vehicles, and a 35.4 metre B triple design vehicle, which significantly influences the scale of the proposed treatments
- both roundabouts have substantial footprints, requiring land beyond the existing 60 metre road reserve. Particularly IN-05, where the design extends well outside the current reserve to achieve appropriate approach deflections, impacting an estimated 8,000 square metres of NDA
- associated works are extensive, including approach treatments of approximately 175 metres for vehicle deceleration, 100 to 150 metres on the departure side, and approximately 146 metres of additional works to merge with the existing road pavement
- the conclusion that pedestrian access across the Midland Highway is neither safe nor warranted is questioned, particularly given the presence of an existing bus service with formalised stops and key destinations on the eastern side of the highway, including the Ballarat Showgrounds and Federation University.

The significant cost increase associated with roundabouts over traffic signals is also of concern. Costs are identified as increasing by $3 million for IN-04 and $8 million for IN-05, not including land take costs (which were not accounted for at all). DTP countered that the increased extent of works to Midland Highway for the roundabouts resulted in reduced costs for the mid-block duplications, and that as a package of works (IN-04, IN-05, RD-02-1 and RD-02-2) the costs are comparable between the exhibited traffic signals

and the roundabout proposals. The Committee does not find this a persuasive basis for adopting the more expensive individual treatments.

The Committee finds that DTP's requirement for ultimate four lane roundabout treatments is not demonstrably supported by technical analysis, safety evidence, or data-driven decision-making. The proposed configuration was not derived from SIDRA modelling and pursues an ultimate design outcome that exceeds what is necessary to accommodate forecast traffic demand.

The four lane roundabout option is not strategically justified. It represents an outcome beyond what can be considered basic and essential infrastructure and does not satisfy the principles of need and nexus. Should DTP/Head, TfV elect to pursue a roundabout that future proofs duplication, it should secure funding for the additional cost. It would not be fair and equitable to burden the precinct that exceed those warranted by agreed traffic demand data, particularly when that need does not arise from the development.

The downplaying of pedestrian and active transport needs is also of concern, particularly given that DTP recently undertook works to Midland Highway to provide a mid point refuge island to assist pedestrians crossing the road between existing bus stops. DTP also downplayed the potential for PSP residents to access destinations on the eastern side of Midland Highway, including the Ballarat Showgrounds, Federation University and the industrial employment area. No consideration was given to cyclists using the proposed shared path that parallels the Burrumbeet Creek through to Olliers Road, crosses Olliers Road, and continues northerly within the Midland Highway road reserve to Sims Road, as shown on the Final Day PSP Plan 4 – Movement Network.

Mr Mentha suggested access to bus services on Midland Highway could be addressed by diverting the bus routes through the PSP road network or providing pedestrian signals mid-block between roundabouts. The Committee agrees with the traffic experts diverting bus routes from a major arterial is impractical. Equally, mid-block pedestrian signals would be unsafe, as vehicles would be accelerating away from a roundabout, and would take pedestrians more than 100 metres from their desired paths of travel.

The Committee also notes the observation of Ballarat Grammar that DTP's focus was limited to the Midland Highway vehicle movements and overlooked the likelihood of pedestrians and cyclists needing to cross Olliers Road and Sims Road at the intersections. There will be a need for north-south crossings for cyclists on the proposed cycle path and pedestrians moving around the precinct.

The Committee agrees with submissions and the predominant traffic evidence opposing roundabouts which present a strong basis for recommending traffic signals as the preferred option for IN-04 and IN-05 as originally proposed. Traffic signals:

- exist elsewhere across Victoria at the urban/rural interface of communities

- provide a safer environment for pedestrians and cyclists crossing roads than a roundabout
- would be better for the path of travel of OSOM vehicles, avoiding the need to slow and deviate through the roundabout
- are more visible from a distance
- are often encountered along a route with nearby roundabout treatments
- avoid the need and cost for additional pedestrian signals mid-block
- provide for safe pedestrian desire lines, including crossing of Olliers Road and Sims Road
- support the planned shared path network
- have a smaller footprint than roundabouts
- are easier to transition back to the existing roadway
- will require no land take, reducing cost impact and optimising NDA.

The Committee agrees with Mr Gnanakone that Midland Highway will progressively become urbanised adjacent to the PSP. The reference used by Head TfV from the Best Practice Safe System Guide for Project Scoping and Optioneering (Table 1) D71, would likely be a mid speed environment., which supports pedestrian movements and selection of traffic signals for intersection treatments.

Having considered the merits of traffic signals and roundabouts as options for IN-04 and IN-05. Traffic signals will provide a safe environment for all road users. As the PSP develops, pedestrian and cyclist activity along Midland Highway will increase and should be accommodated. The cost of traffic signals appears significantly less than the roundabout options, collectively saving approximately $11 million to the DCP.

Traffic signals represent a basic and essential response to the needs of IN-04 and IN-05, and appropriately satisfy the principles of need and nexus, and should be charged at full cost to the DCP.

The Committee also agrees with the views expressed by experts and the parties that if the Head, TfV required roundabouts, the PSP should only be required to fund the cheaper solution, or the cheaper of the two options, with the State to fund any additional cost of upgrading to a higher standard of works.

(v) Conclusions and recommendations

The Committee concludes:

- The proposed roundabout treatments for IN-04 and IN-05 have not been strategically justified and should be replaced by traffic signal treatments (as shown in the exhibited Precinct Structure Plan and Development Contributions Plan).

- Traffic signal treatments at IN-04 and IN-05 meet the basic and essential criteria for works associated with the Precinct Structure Plan and fulfil the principles of need and nexus for inclusion in the Development Contributions Plan.
- The Development Contributions Plan should apportion the full cost of projects IN-04 and IN-05, as traffic signal projects, to the Precinct Structure Plan. If the State pursues roundabouts, the State should secure external funding for the additional cost associated with the treatments, including land acquisition costs.

The Committee recommends:

Precinct Structure Plan

Amend the Ballarat North Precinct Structure Plan to:

a) Show intersection projects IN-04, IN-04c (Midland Highway/Olliers Road) and IN-05 and IN-05c (Midland Highway/Sims Road) as signalised cross-intersections as the ultimate form of treatment. These intersections should be designed to a basic and essential standard and accommodated within the existing Midland Highway reservation.

Development Contributions Plan

Amend the Ballarat North Development Contributions Plan

a) Amend intersection projects IN-04, IN-04c, IN-05 and IN-05c to reflect signalised cross-intersections at the Midland Highway/Olliers Road and Midland Highway/Sims Road intersections.

- **All associated costings should reflect a basic and essential design standard and be informed by revised functional designs and updated cost estimates, consistent with the exhibited documentation.**
- **Update all associated plans, tables and other provisions.**

b) Note that if the State pursues roundabouts, the State should secure external funding for the additional cost associated with the treatment, including land acquisition costs.

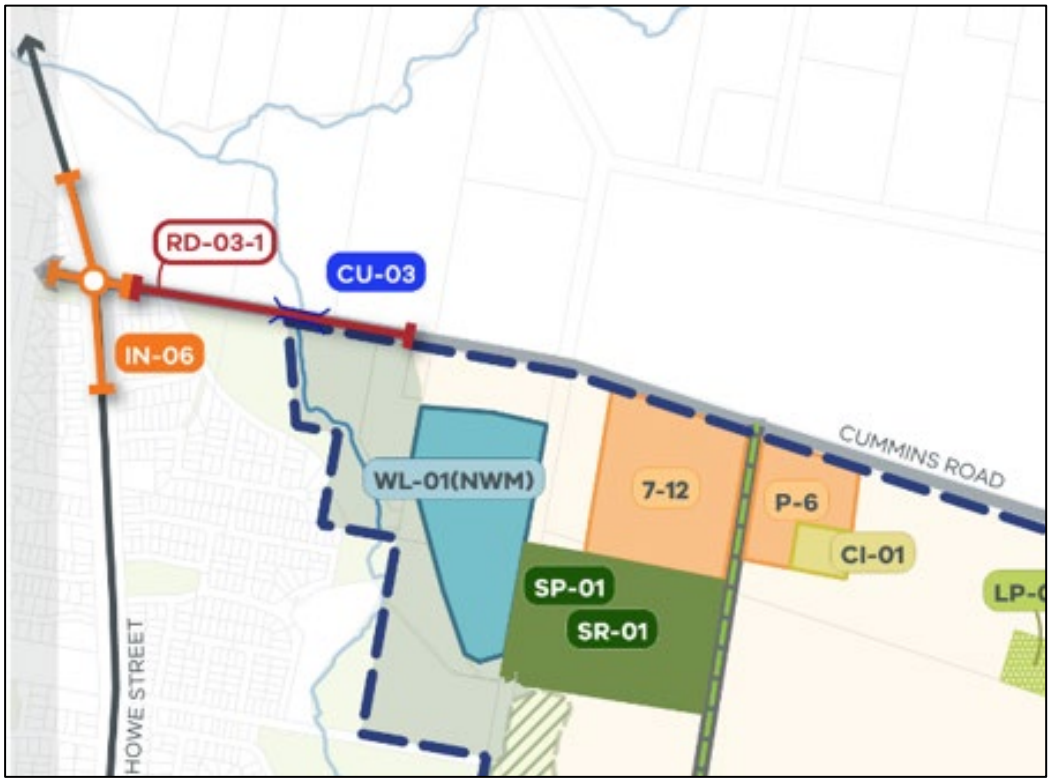
5.4 Cummins Road crossing of Burrumbeet Creek

(i) Background

RD-03-1 comprises the upgrade of Cummins Road between Howe Street and the eastern extent of the open space adjacent to Burrumbeet Creek. CU-03 relates to the upgrading the existing culvert at the Burrumbeet Creek crossing on Cummins Road. Together,

these works are proposed to improve the standard and functionality of this section of the road and to ensure the crossing meets applicable flood level requirements and remains operational during significant rainfall events.

Figure 15 Cummins Road upgrade (RD-03-1) and Burrumbeet Creek culvert (CU-03)



Source: Day 1 PSP, D23e

(ii) Issue

The issue is whether projects RD-03-1 and CU-03 (previously RD-03-2 and BR-01):

- are strategically justified, fulfil principles of need and nexus and should be included in the DCP, and if they are included, whether and how they should be apportioned.

(iii) Evidence and submissions

Traffic expert meeting

Mr Gnanakone and Mr Furness did not have a view in relation to the Cummins Road crossing of Burrumbeet Creek including RD-03-1 and CU-03.

All experts (with Mr Gnanakone and Mr Furness abstaining) agreed:

- RD-03-1 should be designed to be basic and essential with the scope of works based on retaining the existing carriageway

- RD-03-1 should be apportioned 50 percent to the DCP and 50 percent to the expanded area
- CU-03 is strategically justified and should be apportioned 50 percent to the DCP and 50 percent to the expanded area
- the CU-03 cross-section should provide one traffic lane in each direction with suitable bicycle infrastructure (shared path or bicycle lanes).

Traffic evidence

Mr Mentha said:

- RD-03-1 was required to facilitate movement of PSP traffic to Howe Street, an existing DTP declared arterial road
- the strategic transport modelling shows that both the PSP and the expanded area generates a traffic demand along Cummins Road and therefore an apportionment of 50 percent to the DCP is appropriate
- the construction of a culvert upgrade at Cummins Road over Burrumbeet Creek (CU-03) is required to meet the relevant flood levels for the road and to facilitate movement of PSP traffic to Howe Street.

Mr De Young:

- agreed:
  - the existing bridge at Cummins Road over Burrumbeet Creek was unsuitable to convey the PSP traffic
  - the existing bridge needed to be upgraded to service the projected PSP traffic volumes along the link
- considered RD-03-1 and CU-03 strategically justified
- had no concerns with the proposed apportionment, subject to the expanded area being developed in the foreseeable future.

Mr Walsh said:

- while connector roads are not typically included as DCP items, Cummins Road presented an atypical circumstance. The western section lies outside the PSP and interfaces with land identified as potential open space within the expanded area, while the eastern section is bounded by open space (or future open space) on both sides
- in this context, it is appropriate to include RD-03-1 and CU-03 within the DCP, as these constraints limit the ability for the works to be delivered through standard development mechanisms. However, if the expanded area is not expected to proceed in the foreseeable future, it would be reasonable to increase the funding apportionment to the PSP

- the only works required to improve RD-03-1 were eastbound bicycle provisions as either an on-street bicycle lane or a shared path
- the western end of Cummins Road should not be raised and reconstructed as it was a relatively new road, constructed around 2020 (see Figure 16).

Figure 16 Aerial View of Cummins Road to the West of Burrumbeet Creek



Source: Expert Witness Statement, Walsh, D29

Ms Marshall considered:

- Cummins Road was a significant east-west link and should be included in the DCP and provided through to Gillies Road
- the existing bridge over Burrumbeet Creek on Cummins Road was inadequate to support growth in the core and expanded area and CU-03 should be included in the PSP and DCP.

DCP evidence

The meeting of DCP experts agreed:

- RD-03-1 and CU-03 were strategically justified
- external apportionment for RD-03-1 and CU-03 of 50 percent to the expanded area should occur.

Mr Hrelja differed stating that PSP apportionment was undertaken on a planning purpose basis not traffic generation basis and therefore RD-03-1 and CU-03 should be apportioned 60 percent to the PSP and 40 percent to the expanded area.

In evidence, Mr De Silva added that a consequence of the 50 percent apportionment approach was that Council could be required to deal with the funding gap if the works were delivered before development occurs within the expansion area.

Submissions

Council:

- supported the inclusion of the Cummins Road projects in the DCP, that they were strategically justified and should be apportioned 60 percent to the PSP, subject to the Expanded Area developing in the short term
- submitted if the Expanded Area was not proceeding in the short term then the apportionment should be increased to the PSP.

North Ballarat Pastoral did not object to the Cummins Road projects.

Casey Capital did not object to the inclusion of RD-03-1 and CU-03 as DCP items and relied on evidence of Mr Walsh for the standard of works.

DTP position

DTP advised that for RD-03-1 and CU-03:

- the existing bridge at Cummins Road over Burrumbeet Creek was unsuitable to convey PSP traffic as it only provided a single, unsealed lane for vehicles to cross the creek
- the existing structure needs to be upgraded to a standard connector road to provide for:
  - safe pedestrian and active transport movements
  - safe and efficient access for projected PSP traffic volumes
  - bus capable access
- SMEC had modelled the two percent AEP flood conditions and confirmed that a bridge structure (BR-01) was not required and that culverts were sufficient in this location (CU-03)
- with the introduction of CU-03, the associated road was now one continuous length over the culvert (RD-03)
- the works required were:
  - strategically important, as this was the only practical access point west of the PSP
  - necessary to provide a complete transport network for the PSP and the future expanded area
  - not typical connector road works
- apportionment should be based on approximately 50 percent of demand for the connection generated by the PSP and the remaining 50 percent generated by the expanded area

- there was strong policy support in the *Ballarat Infrastructure and Growth Alignment Framework* for the expanded area and Council had the ability to influence its timing
- acknowledged that the remainder of Cummins Road to the west of the crossing was a newly constructed road and agreed that any works required for RD-03 were only to raise the level to meet the culvert and not to replace the existing road.

(iv) Discussion

There was general agreement from the traffic and DCP experts as well as the parties that projects RD-03-1 and CU03 are strategically justified and should be included in the DCP.

The Committee agrees with DTP that the current crossing of Burrumbeet Creek is unsuitable to convey PSP traffic as it only provides a single, unsealed lane for vehicles to cross the creek. This needs to be upgraded to a standard connector road to provide safe pedestrian and active transport movements, safe and efficient access for projected PSP traffic volumes and bus capable access.

The decision of DTP to retain the recently constructed section of Cummins Road without alteration, apart from any transition to match into the new CU-03 crossing, is a practical outcome.

The Committee agrees with the evidence of Mr Walsh that works in this location should also include provision for eastbound bicycle access as either an on-street bicycle lane or a shared path. This will provide cyclist facilities on both sides of the road.

The Committee supports the proposed apportionment of costs for the works being shared at 50 percent to the core PSP and 50 percent to the future expanded area. From a traffic perspective and in line with proximity and planning considerations, the need for upgrading Cummins Road is equally important to both the core PSP and the expanded area. The core PSP has three main arterials serving the area (Midland Highway, Gillies Road and Howe Street) and will be developed around these. The southern part of the PSP is developed around Midland Highway and Gillies Road with little nexus connecting it to Cummins Road. The northern area of the PSP has a stronger nexus with Cummins Road and will rely on it for access to Howe Street. The expanded area has a very strong nexus to Cummins Road and will rely on it for connection to Howe Street and Gillies Road. Spatially the two precincts are properly considered to equally benefit from the upgrade of Cummins Road.

In response to requests that the apportionment be increased to the PSP, should the expanded area not proceed in the short term. The Committee notes advice from DTP that the BIGAF provides strong policy support for the expanded area.

Importantly, DCPs are based on the principle of need and nexus at an ultimate development scenario, not the sequencing or certainty of delivery. While there may be uncertainty regarding the timing or progression of the expanded area, this does not negate its contribution to demand or its role in justifying the infrastructure. The 50/50 split therefore ensures an equitable allocation of costs aligned with long term beneficiaries, avoiding overburdening the PSP with infrastructure that serves a broader catchment.

(v) Conclusions

The Committee concludes that:

- RD-03-1 and CU-03 are strategically justified, fulfil principles of need and nexus and should be included in the Development Contributions Plan.
- The apportionment of costs for the proposed works should be shared at 50 percent to the core PSP and 50 percent to the future expanded area, as reflected in the Final Day Development Contributions Plan.

5.5 Duplication of Gillies Road

(i) Background

Gillies Road/Street is an existing sealed road running north-south from the centre of Ballarat to Creswick North. To the south of the Western Freeway the road is named Gillies Street and is managed by DTP as a declared State arterial road. From the centre of Ballarat northerly to Wendouree, Gillies Street is a divided carriageway with two lanes in each direction. From Wendouree to the Western Freeway the road is a single lane in each direction with a painted centre median incorporating right turning lanes as required for access to adjacent local streets. To the north of the Freeway the road becomes Gillies Road and is classified as a local road managed by Council. It is constructed as an undivided road with a single lane in each direction for the remainder of its length to Creswick North.

Gillies Road runs through the centre of the precinct, located approximately two kilometres to the east of Howe Street (declared State arterial road) and approximately 1.5 kilometres to the west of Midland Highway (declared State arterial road). Traffic experts have determined that it has a road reserve varying in width from 30 to 35 metres.

At exhibition Gillies Road was identified in the DCP as a two lane secondary arterial (local) road. Upgrading of the road was shown as three sections:

- RD-01-1 Gillies Road construction over Burrumbeet Creek south of Olliers Road (short term, 100 percent funded by the DCP)

- RD-01-2 Gillies Road Urbanisation between Olliers Road and Sims Road (medium term, 100 percent funded by the DCP)
- RD-01-3 Urbanisation of Gillies Road north of Sims Road (long term, 100 percent funded externally by the expanded area).

Intersection upgrades were planned with traffic signals at Olliers Road (IN-01) (short term) and Sims Road (IN-02) (medium term) funded by the precinct at 100 percent and traffic signals at Cummins Road (IN-03) (long term) 100 percent externally funded by the expanded area.

Plan 4 – Movement Network of the PSP showed Gillies Road as a bus capable road with a potential active transport route from Olliers Road southwards across the Western Freeway and a bike lane/path north of Olliers Road within the road reserve.

The Day 1 PSP and DCP:

- deleted RD-01-1, the proposed upgrading of the road south of Olliers Road
- changed IN-03 at Cummins Road to a roundabout treatment
- introduced a PSP requirement R13 stating that:

  > Direct lot access to Gillies Road must not be provided unless otherwise agreed by the responsible authority

The Day 1 amendment of Plan 4 – Movement Network removed the potential active transport route from Olliers Road southwards, replacing it with a bike lane/path within the road reserve to align with what was shown north of Olliers Road.

There were no further changes in the Final Day DCP and PSP.

(ii) Issue

The issue is whether Gillies Road should be duplicated.

(iii) Evidence and submissions

Traffic expert meeting

All experts agreed (except for Mr Furness who did not express a view):

- there was no need to duplicate Gillies Road
- there was potential to modify the cross-section to remove kerb and channel, subject to civil and drainage considerations, and remove the shared path along the west side of the road, south of the neighbourhood activity centre (where there was no active frontage)
- RD-01-1 should be re-instated in the PSP and DCP, but its scope of works limited to the shared path on the eastern side, including a crossing of Burrumbeet Creek.

Mr De Young and Ms Marshall considered that the Gillies Road reservation should provide a consistent cross-section through the PSP to allow for future duplication, if required. Ms Marshall suggested a road reservation of 34 metres to align with standard design practice for a secondary arterial road. Mr De Young agreed this represented an acceptable minimum for midblock locations.

Mr Walsh however was of the view the existing road reservation was sufficient to allow for future duplication if it was ever required. Mr Gnanakone agreed.

Evidence

Mr Mentha said:

- any strategic justification to duplicate Gillies Road within the PSP would need to be linked to duplication south of the Western Freeway, for which DTP has no current plans
- the transport modelling assumed a four-lane arterial within the PSP, whereas the Day 1 PSP provides for a two-lane arterial; this discrepancy likely overstates demand, and if modelled consistent with the PSP, some traffic would redistribute to other roads (such as Midland Highway), resulting in lower volumes on Gillies Road
- forecast traffic volumes for the PSP and expanded area are at the lower end of the secondary arterial range, supporting its classification as a two-lane secondary arterial in the Day 1 PSP.

Mr De Young added that the predicted traffic volumes along the road were expected to be less than the 20,000 vehicles per day threshold for duplication meaning duplication was not strategically justified.

Mr Walsh said:

- the Jacobs Modelling indicated future two-way traffic volumes on Gillies Road of approximately 19,000 vehicles per day within the PSP, however this was likely an overestimate and actual volumes would be lower
- the PSP identifies Gillies Road as a single carriageway with one lane in each direction, which could notionally accommodate traffic volumes of up to 20,000 vehicles per day
- the Gillies Road cross-section is sufficient to cater for anticipated demand, and duplication is not required
- a secondary arterial road (divided carriageway with two lanes in each direction) was typically provided in a 34 metre wide reservation, however this standard would not be required for Gillies Road which would only require a single lane in each direction. The existing road reserve varies between 30 and 35 metres and

there no need to consider land take to widen the existing road reserve to provide a consistent width of at least 34 metres.

Ms Marshall considered:

- the Austroads Guide to Traffic Management identifies a theoretical capacity of around 18,000 vehicles per day for a two-lane arterial, with duplication typically considered only when volumes exceed approximately 20,000 vehicles per day
- while traffic volumes may approach the theoretical capacity at full development, they do not justify duplication
- the existing road reserve, generally between 30 and 35 metres wide, is sufficient to accommodate a future four-lane secondary arterial if required, with minimal additional land.

Mr Bursill said the Transport Assessment confirms the proposed road design is capable of accommodating the projected traffic volumes, and that there are no plans to duplicate Gillies Road south of the Western Freeway. Accordingly, there is no practical or strategic basis to support duplication of Gillies Road within the PSP area.

Submissions

Council submitted:

- while there is no immediate need to duplicate Gillies Road, duplication is likely to be required over the longer term, particularly as the expanded area develops
- future duplication may require additional land acquisition, as the current road alignment and the presence of underground services within the reserve constrain the ability to deliver a widened roadway
- on this basis, Council sought a 10 metre land reservation along the eastern side of the road.

North Ballarat Pastoral submitted that there was no traffic engineering basis, and no demonstrated need or nexus, to justify the inclusion of Gillies Road duplication in the DCP.

Casey Capital similarly relied on Mr Walsh's evidence, which concluded that Gillies Road did not require duplication and should not be planned for future duplication.

Ballarat Grammar supported the approach adopted in the DCP for Gillies Road and also considered that duplication was not strategically justified.

DTP position

DTP said:

- it did not have plans to duplicate Gillies Road south of the freeway and therefore creating additional capacity through the PSP would have limited value for vehicle trips outside of the PSP
- the Jacobs Modelling suggested the traffic volumes would not reach a level warranting duplication, even when the expanded area was delivered.

(iv) Discussion

There is no demonstrated traffic engineering basis to support the duplication of Gillies Road within the PSP or its inclusion as a duplicated road within the DCP.

The Committee has considered evidence indicating that projected traffic volumes for Gillies Road are expected to be in the range of approximately 14,000 to 20,000 vehicles per day. Based on accepted traffic engineering standards, a two lane, single carriageway arterial road is capable of safely and efficiently accommodating traffic volumes within this range. The experts generally recommended that road duplication should be considered as traffic volumes approached 20,000 vehicles per day. Accordingly, the Committee is satisfied that the road can operate within its functional capacity without the need for duplication in the foreseeable planning horizon.

Evidence presented during the transport expert meeting was consistent across expert witnesses, all of whom agreed that both current and forecast traffic volumes do not warrant duplication of Gillies Road as part of the precinct planning framework. This consensus is significant in assessing the necessity and proportionality of the proposed infrastructure.

The Committee places weight on the lack of broader network continuity associated with the proposed duplication. In particular:

- the section of Gillies Road south of the Western Freeway is under State management
- the Western Freeway interchange is also State-controlled infrastructure
- there is no current State proposal to duplicate either the southern section of Gillies Road or the interchange.

In this context, duplicating only the section within the PSP would create an isolated upgrade, effectively funnelling increased traffic into a constrained and unduplicated network immediately to the south. The Committee considers that such an outcome would provide limited strategic or functional benefit to the wider transport network.

The Committee has considered the evidence regarding the need to reserve additional land to accommodate potential future duplication. While there was some support for protecting the corridor, it was also acknowledged that:

- the existing reservation may be sufficient
- any future duplicated cross-section could potentially be accommodated within the current corridor through design optimisation.

On this basis, the Committee considers that there is insufficient justification for additional land acquisition at this time solely for future-proofing purposes.

(v) Conclusion

The Committee concludes that:

- Duplication of Gillies Road is not currently strategically justified nor required on traffic engineering grounds.

5.6 Pedestrian and cycling access over the Western Freeway

(i) Background

BR-03 is a proposed active transport bridge over the Western Freeway connecting the PSP to the Forest Street Strategic Cycling Corridor in established Ballarat (refer Figure 17).

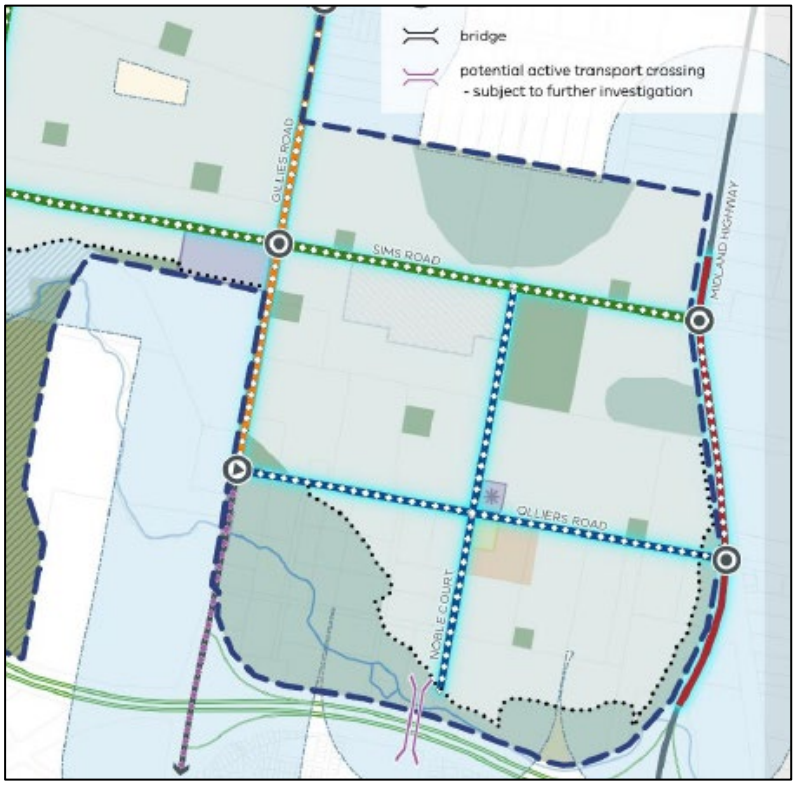
The bridge would connect from the south end of Noble Court (within the PSP area) to the north end of Forest Street in Wendouree, crossing both Burrumbeet Creek and the Western Freeway. The estimated crossing distance is approximately 150 to 160 metres.

The exhibited materials noted there is currently no safe or practical pedestrian crossing of the Western Freeway between the PSP and established Ballarat.

At public exhibition, BR-03:

- was shown on the PSP plans (including Plan 4 - Movement Network) as an 'indicative pedestrian bridge' and as 'potential active transport crossing - subject to further investigation'
- was listed in the PSP's Table 19 Precinct Infrastructure Plan as infrastructure apportioned to external funding
- noted Council as responsible for delivery
- was not included in the exhibited DCP.

Figure 17 BR-03



Source: Excerpt from exhibited PSP Plan 4 , D1a

(ii) Issues

The issues are whether project BR-03:

- is strategically justified, fulfils principles of need and nexus and should be included in the DCP
- is basic and essential infrastructure
- if it is included in the DCP, whether and how it should be apportioned.

(iii) Evidence and submissions

Traffic expert meeting

The traffic expert meeting report identified broad agreement on the need to improve pedestrian and cyclist connectivity across the Western Freeway, but no consensus that BR-03 should be delivered or funded through the DCP.

Key points of agreement:

- with the exception of Mr Furness (who abstained), the experts agreed that pedestrian access between the PSP and established Ballarat was required, and that an active transport crossing in the Noble Court / Forest Street vicinity should be identified in the PSP

- the Western Freeway (and to a lesser extent Burrumbeet Creek) was a significant accessibility barrier
- some form of grade-separated active transport connection is required to address this constraint.

Key points of difference:

- there was no consensus that BR-03 should be included in the DCP, with this turning on whether it satisfied the "basic and essential" test and how it would be delivered
- while there was agreement that a crossing should be shown in the PSP, several experts (including Mr Gnanakone, Mr Walsh and Ms Marshall) considered it should be identified as indicative or potential only, rather than a committed project.

Evidence

Strategic justification, need and nexus

Mr Mentha said BR-03 was a pedestrian and cyclist bridge connecting Noble Court to Forest Street over the Western Freeway and Burrumbeet Creek, providing a strategic linkage between the PSP and established Ballarat. The project responded to a need for safe active transport connections between the PSP and existing residential areas to the south, noting that:

- the Midland Highway interchange did not provide pedestrian facilities
- Gillies Road was the only viable crossing, creating reliance on a single route.

Mr Mentha said the bridge would likely be used by students and residents accessing schools and community facilities south of the freeway and concluded that BR-03 could be strategically justified, although he accepted that alternative solutions such as upgrades at Gillies Road could be considered if the bridge proved cost-prohibitive.

Mr De Young said the bridge was strategically justified and an important element of connectivity between the PSP and Ballarat. He said BR-03 satisfied need and nexus for the DCP, as it responded to demand generated by the PSP and would form part of an integrated active transport network. He did not accept that the bridge could not be delivered in a basic and essential form, although he acknowledged that further work and testing of alternatives, including at Gillies Road, would be required.

Mr Gnanakone said BR-03 was a substantial structure with significant cost implications, and that its strategic justification was limited, identifying:

- existing crossings at Gillies Road and Midland Highway already provided connections across the freeway

- in the absence of broader supporting network improvements, the bridge would not materially improve accessibility outcomes.

He concluded that BR-03 did not satisfy the principles of need and nexus and was not warranted having regard to the cost and available alternatives.

Ms Marshall said that, while an additional crossing between Gillies Road and Midland Highway could be considered in principle, BR-03 had a limited walkable catchment and would serve relatively few users, particularly as the PSP would provide its own schools, activity centres and community facilities.

Mr Walsh said that only a relatively small number of existing dwellings would fall within the effective catchment of the proposed bridge, and that demand from PSP residents for access to external schools and facilities would be modest, given planned internal provision. He said that Gillies Road was capable of accommodating pedestrian and cyclist movements and concluded that there was insufficient demand and nexus to justify BR-03 as a DCP funded project.

Mr De Silva said BR-03 was not strategically justified for DCP purposes at this stage, and that further investigation would be required to establish both need and nexus, including consideration of alternative crossing options such as upgrades at Gillies Road or Midland Highway. More specifically, he said that no specific investigations had been undertaken to establish the need for the bridge or the extent of demand generated by the PSP, and therefore no clear causal connection (nexus) between the development and the infrastructure had been demonstrated.

Mr Hrelja said that the question of whether BR-03 was strategically justified should be based on and informed by the transport experts' conclusions about whether an over-freeway pedestrian connection was required. He said, in the absence of transport justification, and a defined scope and robust costing, he did not support inclusion of BR-03 in the Day 1 DCP.

Basic and essential

Mr De Young said BR-03 could be delivered as basic and essential infrastructure and should be included in the DCP. However, most experts said the project did not meet the basic and essential threshold.

Ms Marshall and Mr Walsh said it was a "*nice to have*" rather than essential. Mr McNeill said BR-03 would improve connectivity and choice, but was not required to enable development outcomes, particularly as the PSP would include its own schools and facilities. Mr Black said the bridge would be a substantial and costly structure and was not justified given its limited benefits. He said it was unlikely to be required within the life

of the DCP. Mr Shipp and Mr De Silva said there was insufficient information on scope, cost and need to conclude that the project was basic and essential.

Mr Fetterplace acknowledged that BR-03, if delivered, could improve active transport access between the PSP and Ballarat central, but treated the bridge as one of several potential connections rather than essential enabling infrastructure.

Mr McNeill said BR-03 was best characterised as a project that might enhance broader connectivity and choice, rather than being an essential enabling infrastructure necessary to achieve the PSP's core development outcomes.

Scope and costing

The DCP experts said BR-03 was not included in the exhibited or Day 1 DCP and had only been identified as a potential PSP item with limited detail. They said that, although a nexus could exist if the project were delivered, there was insufficient information to justify its inclusion in the DCP.

Mr Fleming said the scope and costings for BR-03 were uncertain and potentially unreliable. He said:

- the assumed bridge design did not reflect contemporary freeway bridge design practice
- the costing did not include necessary elements such as anti-throw barriers
- the estimates relied on older or untested bridge examples.
- the project scope should be properly defined before any DCP inclusion is considered.

Mr McNeill did not advocate for BR-03 to be funded through the DCP and instead treated it as a potential longer-term, externally funded project, dependent on future cost–benefit and demand analysis. He said the overall DCP levy was already comparatively high relative to other regional DCPs and, on that basis, considered it important that only clearly justified, essential infrastructure be included, which weighed against adding a discretionary project such as BR-03.

Mr Black said inclusion of BR-03 in the DCP was likely to be cost-prohibitive relative to its connectivity benefits, particularly in a precinct with a relatively low NDA and already high development infrastructure levy, and he was not persuaded it would be needed within the reasonable life of the DCP.

Apportionment

Mr Mentha said that, because the bridge would benefit both the PSP and the existing community, a 50/50 apportionment could be appropriate (50 percent to the PSP and 50 percent to Council).

Mr De Young said a 75 percent PSP/25 percent external split would reasonably reflect predominantly PSP generated demand.

Other experts, including Mr De Silva, said apportionment could not be determined without clearer information on:

- project scope
- cost
- demand.

They said the bridge would clearly provide benefits to users beyond the PSP, requiring any DCP funding to be appropriately limited.

Role in the PSP

Most experts said BR-03 could be shown in the PSP, but only as a potential or indicative future project.

When asked whether an unfunded BR-03 should continue to be identified in the PSP, Mr Black said the bridge should not be shown at all, but accepted that if it were included, it should be clearly identified as indicative only. In his view, a more logical and efficient way to improve active transport connectivity was to upgrade shared paths and related facilities along Gillies Road and Midland Highway, and he went so far as to say that BR-03 should not be shown in the PSP at all.

Mr Woodland said it would be acceptable to retain a reference to an unfunded bridge, provided it was subject to further investigation and future funding.

Submissions

Council submitted BR-03 was strategically justified and enjoyed substantial strategic support across the planning framework. Council submitted:

- an active transport link of this kind was well supported in planning policy, and its delivery would implement State transport and structure planning policy in clauses 11.02-2S, 18.01-1S and 18.01-3S
- it would provide direct active transport links to the Forest Street Strategic Cycling Corridor and established Ballarat
- it was supported by local strategies and policies, including the Ballarat Cycling Action Plan 2017–2025 and the City's broader integrated transport objectives, which emphasised delivery of a safe, continuous off-road cycling network and removal of major physical barriers to everyday cycling.

Council submitted that the delivery of BR-03 was intrinsically linked to the PSP's place-based requirements and guidelines for safe, accessible and well-connected neighbourhoods. It submitted that it was required to meet requirement R9 and Target T8

in the PSP Guidelines concerning pedestrian and cyclist crossings every 400 to 800 metres along accessibility barriers.

In that context, Council submitted:

- the Western Freeway and Burrumbeet Creek were significant accessibility barriers between the PSP and established Ballarat, and that without BR-03 there would be no crossing east of Gillies Road for about 1.5 kilometres
- the Jacobs Modelling identified the Western Freeway as a significant physical barrier and recommended multiple active transport connections, including in the vicinity of Forest Street/Noble Court
- BR-03 was necessary to give effect to PSP 2.0 Target 8 for frequent pedestrian and cyclist crossings of major barriers and to achieve the PSP vision for a connected, low-car-dependency neighbourhood.

During the hearing, Council's engineers prepared and tabled the BR-03 – Active Travel Bridge over the Western Freeway Technical Memorandum (D 73), which Council relied on to demonstrate that BR-03 could be delivered as a feasible, basic and essential DCP project.

Council explained that the memorandum:

- reviewed comparable active travel bridges and identified the Mt Atkinson and Tarneit Plains ICP bridge as the most relevant benchmark design
- developed a site-specific BR-03 concept design based on that benchmark, incorporating a freeway-compliant main span, a switch-back southern ramp, a northern ramp connecting to Noble Court, and provision for crossing Burrumbeet Creek
- concluded that the proposed design was suitable for the site, capable of meeting clearance, safety and accessibility requirements, and appropriate as basic and essential infrastructure
- produced an updated cost estimate of $9,958,747.50, which Council relied upon as the basis for including BR-03 in the DCP.

In relation to the DCP, Council submitted that:

- BR-03 could and should be delivered as basic and essential infrastructure, using a functional, benchmark-based design (informed by the Mt Atkinson bridge) that provides the minimum works necessary for a safe and compliant active transport crossing
- the project should be apportioned 75 percent to the PSP, relying on Mr De Young's evidence that demand would be predominantly generated by residents of the core PSP area

- the timing of BR-03 in the PSP should be revised from 'long term' to 'medium term', while maintaining Council's intention to deliver the bridge as soon as practicable once funding is secured, including any required contribution beyond DCP revenue
- Council was prepared to act as the delivery agency and to address any funding shortfall to enable the project to proceed.

The major private landowner submitters all opposed inclusion of BR-03 in the DCP. They invited the Committee to find that, while an additional connection over the Western Freeway might be beneficial, it was not basic and essential infrastructure in this context and should not be funded through the DCP levy. They submitted that BR-03 would add a large cost to an already high-cost regional DCP, that its benefits extend beyond the PSP, and that any further active transport investment should focus on upgrading existing pedestrian connections such as at Gillies Road and Midland Highway rather than constructing a new DCP-funded bridge.

North Ballarat Pastoral characterised BR03 as a desirable connection but not essential to the functioning of the precinct, and submitted that opportunities to:

> reduce or refine infrastructure footprints and costs should be taken rather than loading additional high-cost items into an already expensive levy

North Ballarat Pastoral noted that the overall DCP cost burden was:

> exceptionally high for a regional setting therefore the Committee must ensure that only infrastructure which is genuinely basic and essential and has a clear, material need and nexus is included.

North Ballarat Pastoral submitted that BR03 should be shown in the PSP but not funded through the DCP, with priority instead given to more proportionate active transport works such as upgrades along Gillies Road and Midland Highway where they satisfy need, nexus and equity.

Casey Capital objected to the inclusion of BR-03 in the DCP. It emphasised that the DCP already carried significant road and intersection costs and that a dedicated bridge at Noble Court was not required to enable development of the PSP. Casey Capital rejected Council's position that BR-03 was necessary as a strategic link into existing Ballarat, and instead pointed to the existing Gillies Road reservation as sufficient for PSP connection purposes, subject to targeted upgrades.

Dennis Family submitted that applying DCP principles of need, nexus, equity and accountability, BR-03 did not meet the test for inclusion, particularly when weighed against the cost and scale of the structure and the existing opportunities to improve connections on the road network.

DTP position

DTP supported the location of BR-03:

> in-principle, as the most strategically appropriate location for a bridge to provide safe pedestrian and active transport connection over the Burrumbeet Creek and Western Freeway.

DTP submitted that BR-03 should remain excluded from the DCP because "*while a pedestrian or road bridge would be a strategic benefit for Ballarat, it was not initially considered to be basic and essential infrastructure*".

DTP submitted that it had not been established that BR-03 met the basic and essential test given there was no data on projected use and the PSP was designed to allow future residents to undertake daily activities without leaving the PSP area.

By the end of the hearing DTP changed its position in part and said that it "*generally agrees that there is strategic justification for an appropriately designed BR-03 to connect pedestrians and cyclists across the Western Freeway*".

DTP said it would consider the inclusion of BR-03 as a DCP funded project based on the Committee's findings. If included, it suggested the Committee could adopt an upper cost assumption of $20 million with a 50 percent DCP contribution. If the final cost exceeded $20 million, it said the project should either be excluded from the DCP or the PSP contribution capped at 50 percent of $20 million (that is, $10 million maximum).

DTP also advanced a fallback position in its closing submission. It noted investigations were underway into whether a safe shared user path could be accommodated on the existing Gillies Road interchange bridge. If the Committee supported a pedestrian crossing but had concerns about BR-03's cost or design, DTP submitted:

> if the Committee is minded to support a pedestrian crossing over the Western Freeway it ought to prefer the location of BR-03 as shown in the Day 1 PSP or alternatively, recommend that both locations (Day 1 BR-03 location and Gillies Road interchange bridge) be shown as potential locations for a pedestrian crossing

(iv) Discussion

Need, nexus and 'basic and essential'

The evidence establishes that a pedestrian and cycling connection over the Western Freeway is desirable and enjoys broad strategic support in principle, but that BR-03, as currently defined, is not basic and essential infrastructure in DCP terms. Multiple experts agreed that active transport links and walkable neighbourhoods are appropriate outcomes and that a connection in the Noble Court to Forest Street area could improve access between the PSP and established Ballarat. However, the weight of transport and DCP evidence was that the PSP can function, and its core land use and movement

objectives can be achieved, without delivering BR-03 within the life of this DCP, particularly given existing crossings at Gillies Road, Howe Street and Midland Highway, and the PSP's own provision of schools, centres and community facilities.

The Committee does not accept the proposition that simply refining or minimising the design scope of infrastructure is enough to make it 'basic and essential'. The basic and essential test turns on whether the infrastructure is necessary to support orderly and economic development of the PSP, having regard to need, nexus, equity and accountability, rather than on whether its design has been value-managed to a lower standard or cost.

On that basis, the Committee does not consider that BR-03 satisfies the basic and essential test for inclusion in the DCP. The bridge is more appropriately characterised as an enhancement to broader regional connectivity, rather than infrastructure that is necessary to enable the PSP to develop in an orderly and economic manner. The Committee also accepts the evidence that alternative means of improving active transport connectivity, including upgrades to shared paths and crossing facilities on Gillies Road and Midland Highway, could deliver meaningful outcomes at a lower cost and with clearer PSP nexus.

Cost, definition and DCP context

There was significant uncertainty about the scope and cost of BR-03. The Council memorandum advances a tailored design and a cost estimate of approximately $10 million, but this work was prepared late in the process, had not been tested through joint design with the road authority, and was criticised for relying on example bridges that are not yet constructed and may not reflect current freeway design and safety requirements. Other evidence suggested a wider cost range of $8 to 20 million and highlighted potential additional requirements such as anti-throw barriers, ramp refinements and interface works, which have not yet been fully scoped or costed. The Committee accepts the DCP experts' view that, in these circumstances, the project has not been advanced to a point where its cost and scope can be relied on as a robust input to the DCP.

It is also important that the Committee notes that this is a DCP where the total development infrastructure levy is comparatively high for a regional precinct and the NDA is relatively low. Several experts described the levy as exceptionally high and emphasised the need to confine the DCP to clearly justified, basic and essential infrastructure. In that setting, the Committee considers it particularly important not to include a large, relatively uncertain, discretionary project such as BR-03 in the schedule of funded works. Adding a substantial new bridge of this kind would further elevate the development infrastructure levy for a modest NDA, and would do so on a cost base that is not yet sufficiently defined or agreed.

Treatment in the PSP

The Committee accepts the broad strategic logic of a future active transport connection between Noble Court and Forest Street and the evidence that the Western Freeway and Burrumbeet Creek form a significant barrier between the PSP and established Ballarat. It is therefore appropriate that the PSP continues to identify the potential for a crossing in this general location. However, any such reference should make clear that BR-03 is not a DCP project, is not funded through the levy, and is subject to future investigation, design and funding decisions by the relevant road and transport authorities and Council.

(v) Conclusions and recommendation

The Committee concludes that:

- BR-03 is not basic and essential infrastructure for the purposes of the Development Contributions Plan and is not required to achieve the PSP's core land use and movement objectives within the life of this Development Contributions Plan.
- Two alternatives to provide active transport links over the Western Freeway already exist; existing bridges on Gillies Road and Midland Highway.
- The Precinct Structure Plan should continue to identify an indicative active transport crossing in the Noble Court–Forest Street corridor, but it should be clearly annotated as a potential, unfunded project "*subject to further investigation, design and costing*" and not form part of the PSP's basic infrastructure package.

The Committee recommends that:

Precinct Structure Plan

Update Table 19 of the Final Day Ballarat North Precinct Structure Plan to include a notation that bridge project BR-03 is subject to further investigation, design and costing.

6 Southeast school location

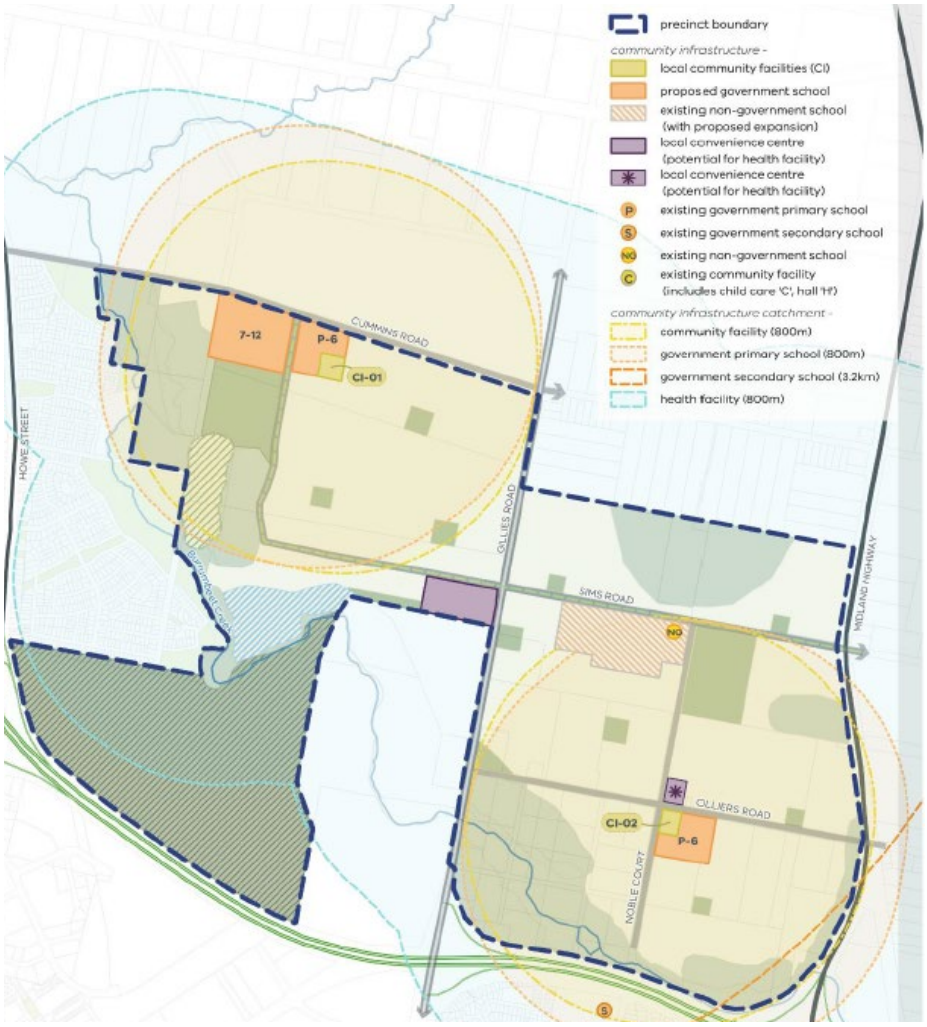
6.1 Background

(i) Amendment documents

The PSP includes:

- at Section 3.4 Services and destinations:
  - objectives, requirements and guidelines relating to locational and design considerations for schools
  - Plan 8 identifying the location of community infrastructure including two primary and one secondary school sites (one a non-government school).

Figure 18 Exhibited PSP Plan 8 Community infrastructure



Source: Exhibited PSP Plan 8

(ii) Background reports

- *Community Infrastructure and Open Space Needs Assessment V3*, VPA, October 2024

6.2 Location and size of schools

(i) Background

The exhibited PSP and the Day 1 Ballarat North PSP each plan for four schools in total, including two government primary schools, one government secondary school and one non-government school.

The southeast P-6 school is currently shown on the south-east corner of Olliers Road and Noble Court, co-located with a local community facility CI-02 and opposite a local convenience centre on the north-east corner as shown in Figure 18.

(ii) Issues

The issues are whether:

- the proposed location of the southeast P-6 primary school is strategically justified
- if not, where the proposed southeast P-6 primary school should be located.

(iii) Evidence and submissions

There was broad agreement among experts that the Olliers Road/Noble Court intersection is the correct general location for the eastern government primary school and associated community facilities. The key issue in dispute was whether the facility should remain in the south-east corner (as exhibited) or be relocated to the north-west corner.

Planning evidence

A key issue raised across the planning and economic evidence was the extent to which the alternative school locations satisfied the PSP accessibility benchmarks of 70 percent of dwellings within 800 metres of a government primary school and 80 percent within 800 metres of a community facility.

Mr Black and Mr Fetterplace supported relocation to the north-west. While both accepted that the exhibited south-east site broadly met the target of having around 70 percent of dwellings within an 800-metre catchment of a government primary school, they noted it performed less well against the 80 percent community facility catchment

target and left gaps in coverage within the northern part of the PSP. They considered the north-west corner would:

- improve overall 800-metre catchment coverage
- better align with PSP Guidelines (including Target 18 and F14.1)
- locate the facilities on two connector roads and maintain convenient access to Midland Highway and Gillies Road.

Mr McBride-Burgess supported retaining the south-east location, finding that it already formed part of a coherent eastern community hub. He considered that the south-east location already achieved acceptable 800-metre catchment outcomes, contributing to around 70 to 74 percent of dwellings being within walking distance of a government primary school and strong overall access to community infrastructure. He therefore regarded the exhibited arrangement as strategically sound, notwithstanding that alternative layouts could also function.

He said the exhibited location:

- met relevant accessibility benchmarks
- was co-located with a community facility and open space
- had good connections to the local convenience centre and bus network
- had no unresolved constraints (including contamination).

He concluded that, while alternatives could function, they did not represent a clearly superior strategic outcome and could undermine the intended role of the existing centre.

Transport evidence

Mr Gnanakone considered that locating the school on the south-east corner would result in a sub-optimal traffic outcome due to its reliance on Noble Court south of Olliers Road, which terminates at the PSP boundary. He observed that this configuration would likely:

- concentrate school traffic on a dead-end local street
- lead to circulation issues, including U-turns and movement through local streets
- create inefficiencies in pick-up and drop-off operations.

He considered that relocating the school to the north-west corner would:

- enable better traffic distribution, with access via both directions along Noble Court
- place the school on connector roads, improving functionality and capacity
- provide a more efficient and safer outcome without materially changing overall network demand.

He also supported co-location with open space, noting this aligns with best practice and improves overall functionality.

Ms Marshall similarly identified constraints with the south-east location. She said:

- the south-east location relied on a local access street terminating at the precinct boundary
- this arrangement was inconsistent with standard practice, as schools should have direct access to higher-order, bus-capable roads
- it would likely generate circulating traffic and turning movements in local streets.

She considered the north-west location preferable because it:

- provided dual frontage to connector streets, both suitable for bus access
- improved accessibility for vehicles, buses and active transport
- more closely aligned with PSP expectations that schools be located on connector streets with good walking and cycling links.

Mr Mentha saw merit in both options but acknowledged slightly better walkability in the north-west.

Economic evidence

Mr McNeill assessed the alternative school location from a feasibility and catchment-efficiency perspective, having regard to the PSP accessibility targets. His analysis indicated that, under the exhibited (south-east) configuration:

- approximately 73 percent of dwellings would be within 800 metres of a government primary school, thereby meeting the 70 percent target
- approximately 76 percent of dwellings would be within 800 metres of a community facility, thereby falling short of the 80 percent target.

By contrast, relocating the school and co-located community facility to the north side of Olliers Road would:

- increase school catchment coverage to approximately 81 per cent, thereby exceeding the 70 percent target
- increase community facility catchment coverage to approximately 80%, thereby meeting the 80 percent target.

He concluded that the alternative location would optimise performance against PSP Target 18, while also improving development efficiency by reducing land sterilisation in the south-east and supporting earlier delivery of housing. He further noted that the government primary school is unlikely to be required before around 2033–2037, meaning there is sufficient time to secure and deliver the preferred site.

Social and open space planning evidence

Ms Benden's open space and recreation evidence highlighted that co-locating active open space with schools and other community facilities is a strong open space planning principle. It did not itself address, or make a recommendation about, whether the P-6 school should be relocated. Her evidence was framed around relocating and configuring SR-02, not selecting between school locations.

Mr Panozzo assessed the alternative configurations having regard to the PSP Guidelines and Department of Education's Site Selection Criteria – Toolbox, October 2021 (Toolbox), applying a multi-criteria framework focused on the effectiveness of community infrastructure provision. His assessment considered, in particular:

- 800-metre catchment coverage for government primary schools, community centres and active open space
- the proximity of facilities to the centroid of the residential catchment
- the degree of co-location between schools, community facilities and open space
- functional links to the local convenience centre
- accessibility via the connector street, walking and cycling network
- the avoidance of physical or environmental constraints.

Using this framework, he compared the exhibited south-east configuration with north-west relocation options. He found that while the south-east arrangement was functional, the north-west options performed more strongly across these criteria, particularly where co-location with active open space was achieved.

Submissions

Dennis Family opposed the Day 1 location of the south-east P-6 government primary school, submitting that it was not strategically justified. Relying on the evidence of Mr Black, Mr McNeill, Mr Gnanakone and Mr Panozzo, it submitted that the school and co-located community facility should instead be located at the north-west corner of Olliers Road and Noble Court (land parcel 57), on the basis that this location:

- was more centrally positioned within the precinct and better satisfied catchment objectives
- more closely accorded with the Toolbox
- provided superior access from two connector roads
- avoided sterilising development-ready residential land within Dennis Family's holdings in a precinct intended to deliver substantial new housing.

In response to questions from the Committee about heritage constraints on the north-western land, Dennis Family produced further plans and mapping to illustrate how a

relocated school and community facility could be configured while accommodating the proposed post-contact HO curtilage on land parcel 57.

Ballarat Grammar supported relocation of the school and co-located community facility to the north-west corner of Olliers Road and Noble Court. It submitted that the exhibited south-east location was not strategically justified, contending that the alternative location would serve a broader catchment and reduce inefficiencies in catchment coverage. It further submitted that relocation would create an opportunity to also relocate the sports reserve SR-02, either to the same north-west location or alternatively to Council land proximate to WL-03.

North Ballarat Pastoral supported the Day 1 location of the school. It submitted that the location satisfied Target 18 of the PSP Guidelines, was supported by DTP and the Department of Education, and was appropriately co-located with community infrastructure, including a local community facility, a local park and a convenience centre.

The owners of land parcels 56 and 57 opposed relocation of the school and community facility onto their land and submitted that the current location was strategically justified. They relied on DTP's assessment and the Department of Education's support for the existing site, disputed the claimed strategic and catchment benefits of relocation. They also contended that the Committee's task was to determine whether the existing location was strategically justified, not whether another site might be preferable.

Council did not oppose the current location of the southeast P-6 proposed government school and supported the Department of Education's position on that issue.

DTP position

DTP maintained that the issue for determination was whether the nominated south-east P-6 school site is strategically justified, not whether an alternative location might perform marginally better against selected metrics. It emphasised that the south-east site has remained unchanged between the exhibited and Day 1 PSPs, was retained in the final material, and is supported by the Department of Education as consistent with Toolbox.

DTP placed significant weight on the Department of Education's support, submitting that as the authority responsible for government school delivery, its site selection should be afforded considerable weight. It noted that the Day 1 PSP meets and exceeds the Target 18 benchmark of 70 percent of dwellings within 800 metres of a government primary school. While acknowledging that relocation north of Olliers Road may incrementally improve catchment metrics, particularly the community facility target (from around 76 percent toward 80 percent), DTP submitted that these gains were modest and unlikely to result in a meaningful on-the-ground difference given the proximity of the alternative sites.

DTP also emphasised the importance of co-locating the school with the community centre, noting functional benefits such as integrated early years services and more convenient drop-off arrangements.

In relation to equity and land use outcomes, DTP submitted that land acquisition and compensation considerations were not a proper basis for relocating the school. Rather, the PSP should seek to equitably distribute the burdens and benefits of major community infrastructure across the precinct. Its comparative NDA analysis indicated that relocating the school and community facility to the north-east corner of Olliers Road and Noble Court would materially reduce developable yield on those parcels while improving outcomes for Dennis Family's land in the south-east. DTP characterised this as reflecting, at least in part, site-specific interests in maximising NDA, rather than a clearly superior precinct-wide outcome.

DTP also raised deliverability concerns, noting that the owners of the relevant north-west parcels had not supported relocation and opposed accommodating the facilities. It submitted that concentrating multiple major assets (school, community facility and potentially open space) on a single holding, particularly without landowner support, would weaken delivery compared to the exhibited arrangement.

Accordingly, DTP concluded that the south-east location is not only acceptable against the Toolbox and PSP Guidelines, but was also the more equitable and deliverable outcome, and that any benefits of relocation were insufficient to justify altering the PSP.

(iv) Discussion

While the submissions and evidence differed with respect to the most appropriate location for the primary school, all parties broadly agreed:

- two government primary schools are needed in the PSP
- the location must be tested against the PSP Guidelines (targets for 800 metre catchments, co-location in hubs, connector street access, avoidance of hazards) and the Toolbox
- both the exhibited/Day 1 site (the south-east corner of Olliers Road/Noble Court) and the proposed alternative (the north-west corner of Olliers Road/Noble Court) are broadly capable of accommodating a school in planning terms.

DTP and Council submitted that the south-east site meets the relevant benchmarks in the PSP Guidelines and has been endorsed by the Department of Education as consistent with their site selection Toolbox, which means there is no threshold deficiency that would preclude its use. That endorsement is relevant to the minimum 'strategic justification' question in the referral, but it does not prevent the Committee from

considering whether, on the totality of the evidence, a different site at the same intersection would deliver a better long-term outcome for the precinct.

On traffic and vehicle access, the Committee is persuaded by the fact that the only dedicated traffic evidence addressing the school location favoured relocation. That evidence demonstrated that retaining the school frontage on a dead-end segment of Noble Court south of Olliers Road would entrench inherent circulation and turning constraints at school traffic peaks. Whereas locating the school and community facility on the north-west corner, with frontages to two connector streets, would avoid those operational limitations without introducing unacceptable effects elsewhere in the network.

In a greenfield setting where the street and access pattern is being established from first principles, the Committee considers it appropriate to favour a configuration that embeds best-practice access and circulation. This consideration weighs in favour of moving the south-east primary school and its associated community facility to the north side of Olliers Road.

On accessibility and catchment performance, the Committee accepts DTP's position that the Day 1 arrangement exceeds the 70 percent target for dwellings within 800 metres of a government primary school. However, compliance with the minimum standard should not be determinative. The relocation case demonstrates that the north-west option reduces the extent of 'wasted' catchment outside the PSP boundary and strengthens coverage within the main eastern residential area. The Committee also notes that:

- relocating the school and community facility to the north-west corner better centres the eastern community hub within its functional catchment
- improves performance against the community facility walkable-catchment target
- keeps the hub within the intended Olliers Road/Noble Court focus area.

In combination, these factors indicate that relocation resolves a structural weakness in the current layout rather than simply moving numbers around within an otherwise satisfactory pattern.

Through the hearing, the possibility of co-locating the school with the adjacent heritage asset was explored. However, the evidence did not persuade the Committee that a residential heritage asset is necessarily as strategically aligned with school and community-infrastructure co-location as was suggested by Dennis Family. That said, the Committee accepts there is sufficient room within that broader area to accommodate an appropriate school and community-infrastructure outcome without intruding into the heritage extents of the adjacent asset. The point, however, is that physical capacity to

avoid direct heritage impact is not the same thing as demonstrating that such a location is the preferable strategic outcome when equity, deliverability, ownership, and facility distribution across the precinct are also brought into account.

On equity and land distribution, the Committee recognises DTP's and landowner concern that relocating the school and community facility to land parcels 56 and 57 would reduce NDA and increase the share of encumbered land for those owners, while improving developable yield on Dennis Family's south-eastern landholding. DTP invited the Committee to:

- regard this as indicative of "*relocation advocacy*" being driven by "*self-interest in maximising NDA*" rather than by objective strategic merit
- to avoid concentrating multiple major public assets on a single private landholding that has not volunteered to accommodate those uses.

The Committee acknowledges that NDA impacts and the equitable distribution of burdens and benefits between landowners are relevant considerations. However, it does not regard them as determinative where a relocation option delivers a materially better school and community hub outcome in terms of planning, access and catchment performance in a greenfield context. This is particularly the case given the school land can be acquired on just terms and compensation principles apply wherever the school is ultimately located. The Committee further notes submissions that Ballarat North is a residential PSP intended to contribute to Victoria's greenfield housing supply, and that timely delivery of lots on the south-east landholding is a practical imperative in meeting that objective.

As such, in circumstances where the north-west option:

- retains an effective eastern community hub
- improves school access and circulation
- strengthens compliance with relevant PSP and Toolbox benchmarks
- facilitates early, coordinated delivery of housing.

The Committee considers it acceptable and on balance preferable, to recommend relocation of the south-east P-6 school and co-located community centre to the north-west corner of Olliers Road/Noble Court.

Balancing these considerations, the Committee accepts that the exhibited/Day 1 south-east site is strategically sound and that DTP and Council were entitled to rely on Department of Education support and compliance with minimum PSP targets. Nonetheless, the Committee considers that the north-west corner of the Noble Court extension and Olliers Road will deliver a more robust long-term outcome by:

- removing avoidable access and circulation constraints associated with the dead-end segment of Noble Court
- closing an identified gap in catchment coverage to the north and improving the alignment between the hub and its residential catchment.

For those reasons, while accepting that either site as being strategically sound, the Committee prefers the north-west location and considered that the PSP should be modified to show the southeast P-6 school and CI-02 on the north side of Olliers Road.

(v) Conclusion and recommendations

The Committee concludes:

- While the location of proposed southeast P-6 primary school in the exhibited, Day 1 and Final Day PSP is strategically justified, relocating the school to the north-west corner of Olliers Road and Noble Court represents, on balance, the preferable outcome.

The Committee recommends:

Precinct Structure Plan

Amend the Final Day Ballarat North Precinct Structure Plan to relocate the southeast P-6 proposed government school and community facility CI-02 from the south-east corner of Olliers Road and Noble Court onto land parcel 57 on the north-west corner of that intersection and update all consequential plans, tables and provisions

Development Contributions Plan

Amend the Ballarat North Development Contributions Plan so that Plan 4, the land budget, Section 3.5 'Community recreation projects', and any other consequential provisions for the southeast P-6 proposed government school and community facility CI-02 are updated to reflect their relocation to land parcel 57 on the north-west corner of Olliers Road and Noble Court, consistent with the amended Precinct Structure Plan.

7 Other matters

7.1 Sporting fields

(i) Background

The PSP includes:

- at Section 3.3 High quality public realm:
  - place-based objectives, requirements and guidelines relating to locational and design considerations for schools
  - Plan 5 identifying the location of local parks and sports reserves.

Figure 19 Exhibited Plan 5 Public Realm



Source: Exhibited PSP Plan 5

(ii) Issue

The issue is whether the proposed sporting reserve SR-02 is appropriately located.

(iii) Evidence and submissions

The Ballarat Grammar Foundation (Foundation) submitted that the exhibited location of the sports reserve SR-02, on the Foundation's land at the northern edge of the precinct, was poorly located and should be reconsidered. While the location of the sports reserves were not a referred matter, it contended that changes arising from the refinement of the drainage strategy and the proposed relocation of the government primary school (P-6) and community centre (CI-02) created an opportunity to relocate the sports reserve to a site that better served the community and reduced costs to the DCP.

The Foundation's primary position was that the sports reserve should be co-located with the relocated primary school and community centre at the north-west corner of the Noble Court extension and Olliers Road. It submitted that co-location of educational, community and recreational facilities was consistent with established strategic planning principles, including Victorian Government school site selection guidance, and would maximise accessibility, walkability and shared-use opportunities.

Evidence relied upon by the Foundation indicated that this location would substantially increase the number of dwellings within walking distance of the school, sports reserve and community facilities, thereby encouraging more sustainable transport outcomes.

Specifically, Ms Benden undertook a comparative open space assessment of five potential sports reserve locations against strategic criteria derived from DTP and Council policy. Ms Benden concluded co-location of the sports reserve with the relocated primary school and community centre provided the greatest strategic, accessibility and community benefit, and that the exhibited location on the Foundation's land performed the poorest.

This evidence was supported by Mr Black and Mr Panozzo, who gave strategic planning evidence that co-location of schools, community facilities and sporting infrastructure is an established and preferred approach in greenfield developments, enabling shared use, improved accessibility and more efficient use of land. Mr Fetterplace's evidence similarly supported relocation of the primary school and, consequentially, the co-location of the sports reserve.

The Foundation also relied on traffic engineering evidence from Ms Marshall and Mr Gnanakone, who supported the north-west Olliers Road and Noble Court location for the school and associated community infrastructure on the basis of improved access, road connectivity, bus circulation and active transport outcomes. Collectively, this evidence sought to demonstrate that relocation of the sports reserve would increase walkable

catchments, support sustainable transport and better integrate the reserve within the precinct's community hub.

In the alternative, the Foundation supported locating the sports reserve on Council-owned land adjacent to proposed retarding basin WL-03. It submitted that this land was constrained by other planning considerations, including landfill buffer requirements, and could be made available at no cost to the DCP, thereby reducing overall DCP costs. This option was also said to have retained proximity to the relocated school and community facilities.

The Foundation also raised site-specific impacts associated with locating the sports reserve on Ballarat Grammar land. It submitted that the affected land was actively used by the school for agricultural education purposes, including classrooms, sheds, stockyards and animal husbandry facilities. Relocating the sports reserve to this land would have required removal and relocation of these assets and would have given rise to disturbance compensation, thereby increasing acquisition costs and the overall cost burden on the DCP.

A number of submitters, including Dennis Family Corporation, the Foundation and North Ballarat Pastoral, raised concerns regarding the distribution of encumbered land, contending that the location of the sports reserve and other precinct assets resulted in a disproportionate concentration of non-developable land on particular holdings. These submissions contended that relocation of the sports reserve would achieve a more equitable outcome across landowners.

Council and DTP did not support the relocation of the sports reserve and submitted its location in the Day 1 PSP is strategically justified. Both submitted that the location of the sports reserve is not a referred matter, and therefore its location should not be reconsidered indirectly through arguments about other facilities, such as the proposed government P–6 school.

Council acknowledged that several alternative locations for SR-02 had individual merits, including proximity to the school or local centre in some cases. However, it ultimately considered these benefits were outweighed by a consistent range of drawbacks that diminished their suitability as a district-level sporting reserve. Across the options, Council identified concerns that alternative sites would result in reduced or irregularly shaped open space areas, constraining the ability to deliver functional sporting fields and co-located facilities. In some instances, the size of the reserve would have been materially diminished and not fit-for-purpose as an active sports reserve.

Council also submitted the alternative locations generally performed more poorly in terms of accessibility and equitable distribution of open space. Its catchment analysis indicated that several options would have reduced overall access to active open space,

failed to meet the 800-metre catchment benchmark, or placed substantial portions of the catchment outside the precinct. In addition, some locations would have clustered open space in areas already well served, rather than distributing it across the precinct to maximise walkable access for residents.

DTP submitted that any proposal to relocate the sports reserve was largely contingent on landowner preferences and not supported by independent strategic justification at the PSP stage.

While DTP acknowledged that co-location of schools and sporting facilities can offer benefits in principle, it submitted that co-location was not a mandatory planning requirement and that the current configuration adequately serves the future community. DTP also rejected claims of inequity arising from the current location, noting that land affected by PSP assets is addressed through the established PSP and DCP framework and that no material imbalance has been demonstrated.

(iv) Discussion

The Committee notes at the outset that SR-02 was not identified as a referred matter for advice, and therefore warrants consideration only insofar as it is raised incidentally in relation to other matters that are before the Committee.

The Committee is satisfied that the Day 1 location of SR-02 forms part of a deliberate and coherent open space and community infrastructure framework established through the PSP. Its location reflects precinct-wide planning considerations, including catchment coverage, accessibility within the movement network and the role of sporting infrastructure at the strategic planning stage. The PSP is intended to establish the location and quantum of major assets, rather than resolve detailed design, programming or operational matters, which can be addressed at subsequent stages.

Several submitters contended that relocation of SR-02 would deliver advantages, particularly through potential co-location with a government school or redistribution of land affected by PSP assets. The Committee accepts that co-location of community facilities can offer benefits in certain circumstances. However, it is not persuaded that co-location is required by policy or guidelines at the PSP stage, or that the current arrangement fails to deliver reasonable access to sporting facilities for the future community. The absence of co-location does not, in itself, demonstrate a strategic deficiency.

In relation to landowner equity, concerns were raised about the distribution of encumbered land. However, the Committee is not satisfied that the material before it demonstrates a level of inequity that would warrant revisiting the location of SR-02. Sporting reserves are a typical and anticipated component of PSP planning, and their

provision is addressed through established compensation and contribution mechanisms. The evidence does not demonstrate that the current location results in a material imbalance inconsistent with the operation of the PSP framework.

The Committee has also given weight to the fact that arguments for relocation are largely contingent, arising in connection with preferred outcomes for other facilities, rather than identifying a standalone strategic problem with SR-02's current location. In this context, the appropriate test is not whether an alternative location could be identified, but whether the existing location is strategically sound.

SR-02 in its Day 1 location serves its intended catchment at an acceptable level, consistent with precinct planning expectations for access and distribution of active open space. On the material before it, the Committee finds that no substantive imbalance or catchment deficiency has been established that would warrant relocation of SR-02.

(v) Conclusions

The Committee concludes:

- SR-02 is appropriately located in its Day 1 position and should be retained in the Ballarat North Precinct Structure Plan.
- SR-02 is appropriately located adjacent to the Ballarat Grammar School and the current configuration delivers reasonable access to active open space for the future community.

7.2 Staging

(i) Background

The PSP includes an Infrastructure Development Staging Plan (Plan 10) (refer Figure 20) that identifies two broad stages of development across the precinct. Stage 1 comprises land in the south-east of the precinct, abutting Gillies Road, Sims Road and the Midland Highway, being the area containing key transport and drainage infrastructure considered necessary to service the wider precinct. Stage 2 comprises the remaining areas in the northern and western portions of the precinct.

The staging framework is given effect in the PSP through:

- R32: a requirement that staging of infrastructure and development be generally in accordance with Plan 10 and Table 19, and provide for the timely provision and delivery of nominated infrastructure
- G44: a guideline permitting out-of-sequence development by agreement, and allowing the responsible authority to consider early delivery of Stage 1B where IN-01, IN-02 and RD-01-2 were delivered

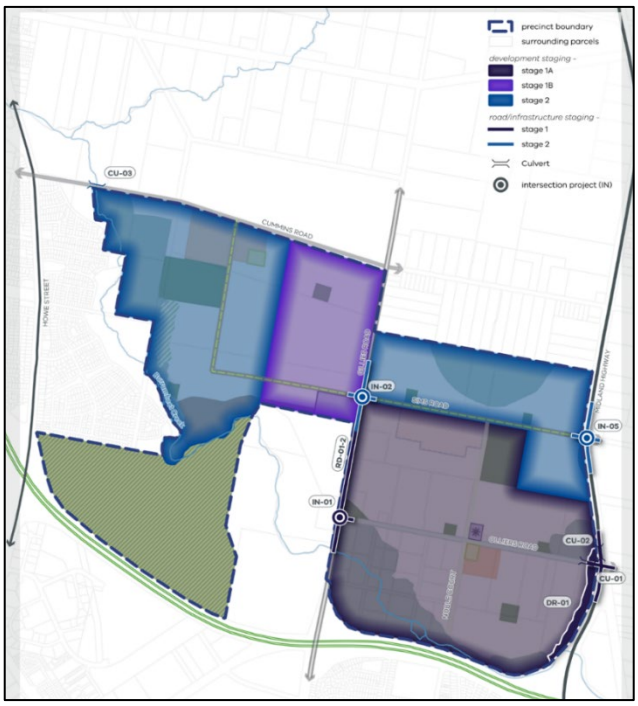
- Table 19: the Precinct Infrastructure Plan, which included a timing column for road projects that carried sequencing implications.

The purpose of staging

Staging is a mechanism intended to facilitate orderly development and delivery of infrastructure where there is a risk that out-of-sequence development may compromise existing capacity and infrastructure. The VPA Guidance Note on Infrastructure and Development Staging, February 2025 recognises that staging ought not be imposed in the absence of appropriate justification, and that it is not intended to create a commercial advantage for some landowners over others or to create a queue that controls the pace of land development. Rather, staging is a means of ensuring that development occurs in time with infrastructure capacity and delivery, and is designed to secure equitable access to services and infrastructure for existing and future residents and workers.

The PSP Guidelines (Feature F17) similarly provide that direction on staging, including development trigger points, should be included "*where relevant*". That is, only where there is a demonstrated need to align development sequencing with infrastructure delivery. The Guidelines note that more directive staging controls, including lot caps, are reserved for circumstances involving critical infrastructure capacity constraints. The DCP Guidelines provide that DCPs must have a clear strategic basis and that infrastructure costs must be apportioned equitably.

Figure 20 Day 1 PSP Plan 10 Infrastructure and Staging Plan



Source: Day 1 PSP, D23e

(ii) Submissions and evidence

All traffic evidence before the Committee was uncontested: there is no traffic basis to require staging in this PSP. It was resolved during the hearing process that all references to staging based on traffic projects should be removed from the Amendment documentation.

The Committee put questions to a range of experts including Mr Shipp and Mr Fleming about the effect of removing all explicit staging references so that no formal staging framework remained. During the discussion:

- none identified a disadvantage in removing the staging plans
- both Mr Shipp and Mr Fleming expressed a preference for least restrictive controls over hard staging
- both Mr Shipp and Mr Fleming indicated that if any staging framework was retained, the basis for it should be clearly stated so that it could be readily adjusted.

Mr Shipp considered removal of staging references would reduce his concerns, though he noted that the WL-04 wetland provisions would require updating regardless of any staging decision. Mr Fleming noted that the south-east area of the precinct was not significantly fragmented and that delivery was not an issue there. When a similar question was put to Mr Swan, he agreed that removal of the PSP's staging framework would resolve his concern about insufficient catchment contributing to WL-04 from Stage 1.

Submissions

Despite earlier agreement, Casey Capital submitted DTP's Final Day changes did not go far enough, as its land continues to be identified within 'Stage 1B' and 'Stage 2' without a clear strategic justification.

Casey Capital's preferred position was that Plan 10 be deleted entirely, with the changes to R32 and G44 proposed in the Final Day PSP retained and the footnote to Table 19 removed insofar as it retained any sequencing implications for traffic works and staging.

In the alternative, if Plan 10 was retained, Casey Capital proposed that:

- Plan 10 be amended so that all Casey Capital land was identified as 'Stage 1' (and at minimum that 'Stage 1B' be reclassified as 'Stage 1');
- the changes to R32 and G44 proposed in the Final Day PSP be retained; and
- Table 19 be amended to remove all timing references associated with road projects.

It also submitted that Table 19 should be amended to remove all timing in the relevant column for road projects.

DTP position

DTP supported the inclusion of a broad staging plan in the PSP and did not support its removal. It submitted the purpose of the staging plan was not to prevent development, but to assist the responsible authority in guiding the sequencing of development and in assessing whether DCP revenue within each stage could broadly fund the associated infrastructure costs.

DTP confirmed it did not intend to prevent Stage 2 land from developing where it was ready to proceed, noting that the PSP did not impose rigid stage gates such as lot caps. Discussions with the responsible authority confirmed a consistent position.

DTP acknowledged the staging plan had caused concern for some submitters and indicated it would refine the staging plan to provide clearer stage categories and to clarify the infrastructure to be delivered within each stage, provided the intent of the plan was not undermined.

In relation to transport infrastructure specifically, DTP noted that it did not typically include detailed guidance on interim transport works in the same way it did for drainage, on the basis that interim transport works could be more readily managed by the responsible authority at the planning permit stage. However, in response to submitter concerns, DTP indicated it was open to including additional guidance and added G12 to clarify that developers may, in appropriate circumstances, be required to deliver interim connector road works extending past their immediate frontage.

DTP's Day 1 changes amended the staging plan to introduce the Stage 1A and Stage 1B categories, added G44 to provide for out-of-sequence development by agreement, and simplified R32.

At the conclusion of the hearing DTP noted that it did not support deletion of Plan 10 but indicated it would consider reclassifying Stage 1B as Stage 1.

(iii) Discussion

Staging in a PSP context should be a tool of last resort. It is appropriate only where there is a demonstrated risk that out-of-sequence development will compromise infrastructure capacity or delivery. Where that risk does not exist, staging imposes constraints on landowners and the responsible authority without a commensurate planning benefit.

The starting point for the Committee's consideration is the traffic evidence, which was uncontested. No traffic expert identified a traffic basis for staging in this precinct. That

evidence, combined with the agreed position reached during the hearing, effectively removes one of the primary justifications upon which Plan 10 was prepared.

The Committee accepts DTP's position that the staging plan was not intended to prevent development and was not designed as a rigid gate. However, the practical effect of retaining a staging plan, even a flexible one, is that it creates a framework against which the responsible authority must assess development proposals. Where the basis for that framework has been removed by the evidence, retaining it risks producing outcomes that are inconsistent with the agreed position and inequitable as between landowners.

The Committee is also conscious of the broader policy context. The VPA Guidance Note is clear that staging is not intended to create a commercial advantage for some landowners over others or to produce a queue. The evidence before the Committee suggests that is precisely the concern that has arisen in relation to Casey Capital's land in Stage 1B, and potentially other landowners in Stage 2.

The DCP revenue sequencing argument advanced by DTP, that the staging plan assists in testing whether levy revenue within each stage can broadly fund associated infrastructure costs, is a legitimate consideration. However, the Committee does not consider it provides a sufficient standalone basis to retain Plan 10. DCP revenue management is a function of the contributions framework itself, not of a development staging plan. Infrastructure delivery obligations can be managed through R32 in amended form, focused on what infrastructure must be provided as a condition of subdivision rather than when and in what order land may be developed.

The Committee notes that deletion of Plan 10 does not affect any drainage-related sequencing that may be operationally necessary for individual assets. Mr Shipp's evidence identified that the WL-04 wetland provisions would require updating regardless of any staging decision. That matter should be addressed through implementation notes consistent with the progressive certainty approach, endorsed by Committee in Chapter 4.3 of this report, rather than through a staging plan.

On balance, the Committee agrees with Casey Capital and supports deletion of Plan 10. The arguments in favour of retention are principally administrative in nature. They relate to guidance for the responsible authority rather than to any demonstrated infrastructure risk. Those administrative purposes can be achieved through less restrictive means, consistent with the preference expressed by experts under questioning.

(iv) Conclusions and recommendation

The Committee concludes:

- Staging is a mechanism of last resort and should only be imposed where there is a demonstrated risk that out-of-sequence development will compromise

infrastructure capacity or delivery. No such risk was demonstrated in this precinct.

- The staging framework should be removed from the Amendment documentation in the manner set out in the recommendations below.

The Committee recommends:

Precinct Structure Plan

Amend the Ballarat North Precinct Structure Plan to remove the Infrastructure Development Staging Plan, all staging guidelines and Table 19 from the Precinct Structure Plan, together with any consequential references to staging or timing for infrastructure delivery in the Precinct Structure Plan documentation.

7.3 Expanded area

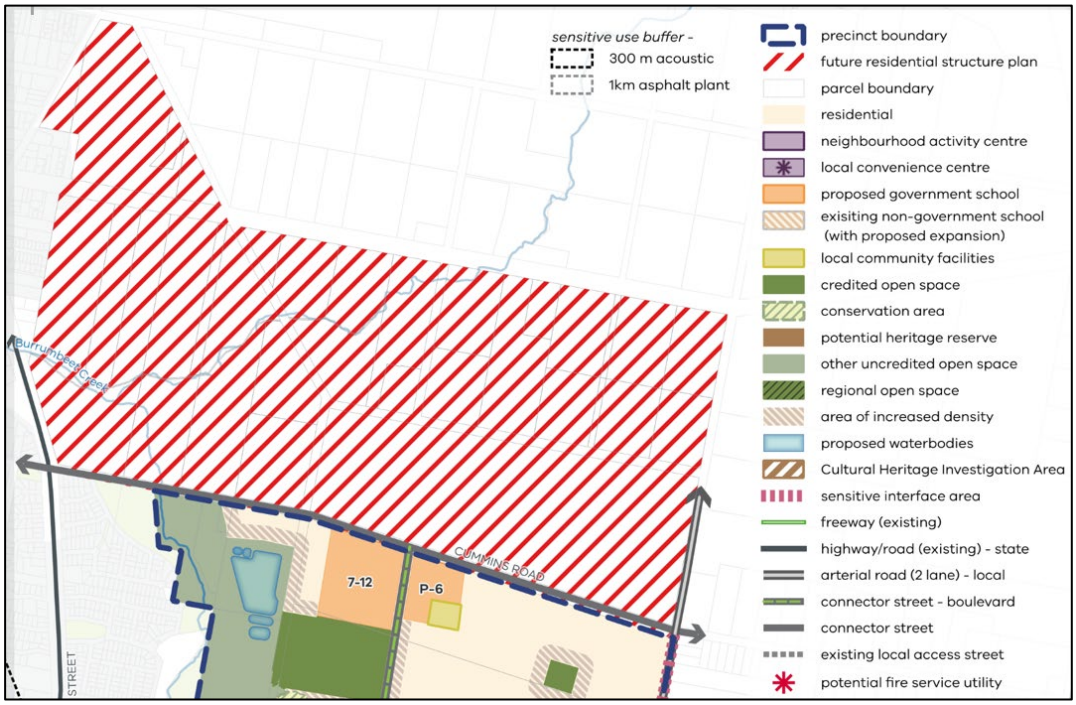
(i) Background

The expanded area is the land north of Cummins Road, identified in the exhibited PSP on Plan 2 (refer to Figure 21) as a red hatched area noted as 'future residential structure plan – Expansion Area' and in the Framework Plan as the 'Ballarat North Expanded Area'. It falls outside the current PSP boundary.

The draft Amendment proceeded on the basis of not rezoning or including the expanded area in the current PSP process. Notwithstanding this, the PSP and DCP were prepared with the expanded area in mind. Infrastructure sizing, land use configurations and DCP apportionment for certain projects, in particular the Cummins Road floodplain crossing (CU-03/RD-03), were based on assumptions that included the expanded area's future development. The Amendment also proposed changes to planning policy through Clause 11.02-2L to provide a strategic basis for the Expanded Area's future planning.

The matter was broadly identified as falling outside the Key Issues referred to the Committee.

Figure 21 Extract of Final Day PSP Plan 2 (Place Based Plan) showing the Expanded Area



Source: Final Day PSP

(ii) Submissions

Council submitted that if the expanded area was expected to contribute to infrastructure funding it should be included in the PSP to ensure fair cost apportionment and avoid unfunded liabilities. Council expressed concern about the risk of infrastructure funding shortfalls where costs were apportioned across two areas but the expanded area remained without a formal planning framework and timeline. Council requested that, if a separate PSP process was ultimately required for the Expanded Area, the existing technical work prepared for the Ballarat North PSP be reused to avoid duplication.

Casey Capital has an interest in land to the north of the PSP at Lot 1 on TP14481 Gillies Road, Miners Rest and located in the red hatched area "future residential structure plan" in Plan 2 Place Based Plan of the PSP and the Framework Plan Ballarat North Expanded Area.

Casey Capital submitted that if the expanded area is to continue to be relied upon to justify infrastructure scope, apportionment or timing, it should be formally incorporated into the PSP and associated controls, including Clause 11.02-2L and the UGZ3. In its view, this would provide transparency and planning certainty, rather than leaving the expanded area as an undefined but influential construct. Casey Capital prepared draft Clause 11.02-2L drafting and provided it to DTP with an offer to workshop improvements.

This position was supported by their planning expert Mr Woodland who identified:

- the Ballarat North Growth Area is a single growth corridor separated into two development stages, and the PSP and Expansion Area Framework Plan together function as an overarching framework for the corridor
- the DCP was prepared based on assumptions drawn from both the PSP and the Framework Plan, including in relation to transport networks, community facilities and infrastructure apportionment, meaning the Framework Plan needs to be given statutory recognition under the Planning Scheme
- the proposed Clause 11.02-2L drafting did not adequately articulate the expected land use and infrastructure requirements for the wider growth corridor, did not reflect the BIGAF's staging recommendations, and was not expressed in sufficiently positive terms given the expansion area's likely role as a shorter-term contingency for housing supply
- having regard to Ballarat's current greenfield construction trends and the Plan for Victoria housing distribution targets, precinct planning for the expansion area is likely to be needed in the shorter rather than medium or longer term, and orderly planning for both areas concurrently is prudent.

DTP submitted that it had sufficiently considered the expanded area and that it was not appropriate to rezone it or include it in the current PSP process. DTP's position relied on the BIGAF having identified the expanded area as the next sequenced greenfield area to proceed in the medium term (2029–2033) if required. DTP also relied on Council retaining substantial undeveloped capacity across Ballarat West and Ballarat North. DTP submitted that apportioning infrastructure costs across the two areas was consistent with standard metropolitan PSP practice and had not been identified as problematic by the independent peer review of the DCP. No changes were made to the PSP in respect of the expanded area in the Day 1 document.

DTP did not agree in full with Casey Capital's proposed Clause 11.02-2L drafting but accepted that a needs assessment should be undertaken to determine whether there was demand for the Expanded Area to be progressed as Ballarat's fourth greenfield offering, and that such assessment should encompass the whole municipality rather than being limited to Ballarat North. DTP included revised Clause 11.02-2L drafting in the Final Day documents.

(iii) Discussion

Clause 11.02-2L was redrafted during the hearing process with the final drafting resolved as it relates to the expanded area. It was agreed that Clause 11.02-2L amended to:

> Strategies
>
> Ensure that the rezoning to allow the planning of the Ballarat North expanded area is progressed as the next greenfield Precinct Structure Plan (or other suitable strategic plan) and has regard to the following matters as appropriate through the preparation of a precinct structure plan or other suitable strategic plan is contingent on:
>
> - Analysis to demonstrate the need for additional residential land within the Ballarat North area to contribute to the supply of residential land.
> - The ability for the surrounding State road network to either demonstrate sufficient existing capacity or be feasibly and safely upgraded as necessary to support development of the Ballarat North expanded area.
> - Arrangements being in place to construct necessary utility infrastructure to service the Ballarat North expanded area.

The Committee accepts that the expanded area cannot be included in the draft Amendment and that the Clause 11.02-2L approach in the Final Day documents is broadly appropriate. However, given its findings in relation to the Midland Highway duplication projects RD-02-1 and RD-02-2, which the Committee has concluded should not be included in the PSP or funded through the DCP, the second dot point requiring demonstration of State road network capacity is not consistent with those findings and should be deleted.

The only remaining change sought by Casey Capital was the inclusion of the 'Ballarat North Expanded Area Map' in Clause 11.02-2L which Casey submitted should contain a level of indicative detail consistent with Appendix 6 of the PSP (as per Tabled Document 89(b)). The Committee accepts that the 'Ballarat North Expanded Area Map' properly reflects the background studies to the DCP and that the map as it appears in Tabled Document 89(b) should replace the map as it appears in the Final Day UGZ.

(iv) Conclusions and recommendation

The Committee concludes:

- The expanded area should not be included in the current Amendment.
- The Clause 11.02-2L drafting in the Final Day documents is appropriate in principle, subject to deletion of the second dot point regarding State road network capacity which is inconsistent with the Committee's findings on projects RD-02-1 and RD-02-2. The Ballarat North Expanded Area Map in Clause 11.02-2L should be replaced with the map as it appears in Tabled Document 89(b).

The Committee recommends:

Amend the Final Day Clause 11.02 at clause 11.02-2L as follows:

Strategies

Ensure that the rezoning to allow the planning of the Ballarat North expanded area is progressed as the next greenfield Precinct Structure Plan (or other suitable strategic plan) and has regard to the following matters as appropriate through the preparation of a precinct structure plan or other suitable strategic plan is contingent on:

- ***Analysis to demonstrate the need for additional residential land within the Ballarat North area to contribute to the supply of residential land.***
- ~~***The ability for the surrounding State road network to either demonstrate sufficient existing capacity or be feasibly and safely upgraded as necessary to support development of the Ballarat North expanded area.***~~
- ***Arrangements being in place to construct necessary utility infrastructure to service the Ballarat North expanded area.***

Amend the Final Day Clause 11.02 to replace the North Expanded Area Map at clause 11.02-2L with the map as it appears in Tabled Document 89(b).

7.4 Drafting

DTP should undertake a final check of all Amendment documents to ensure they reflect the PSP and DCP, in particular and the impacts of the Committee's recommendations for document changes.

The Explanatory Report should also be updated with any consequential changes resulting from the Committee's recommendations.

The Committee recommends:

Further recommendation

DTP undertake a final check of all Amendment documents to ensure they reflect the final Ballarat North Precinct Structure Plan, and Ballarat North Development Contributions Plan and the Committee's recommendations for document changes.

Appendix A VPA Projects Standing Advisory Committee Terms of Reference

Terms of Reference

VPA Projects Standing Advisory Committee

Version 1: July 2020

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and plans and associated draft planning scheme amendments.

Name

The Standing Advisory Committee is to be known as the 'VPA Projects Standing Advisory Committee'.

1. The Committee is to have members with the following skills:
   a. Strategic planning
   b. Statutory planning
   c. Civil engineering (infrastructure planning)
   d. Development contributions
   e. Road and transport planning
   f. Biodiversity
   g. Social planning
   h. Urban design
   i. Heritage (post contact and Aboriginal)
   j. Planning law.
2. The Committee will include a Chair, Deputy Chairs and not less than ten other appropriately qualified members.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

Background

5. The VPA is responsible for preparing development plans and other proposals in identified metropolitan, growth areas and regional cities and towns. Some of these plans are to be approved through the planning scheme amendment process using the provisions of section 20(4) of the Act.
6. This Committee process allows submissions to be made to the VPA on a draft plan and associated draft planning scheme amendment, with any unresolved issues to be considered by the Committee before the final planning scheme amendment is submitted to the Minister for Planning for approval.
7. The Committee will provide a targeted and timely process to assess the merits of discrete unresolved issues associated with State and regionally significant projects.

Method

8. The Committee may meet, and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be on the papers; through round table discussions or forums;

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or Hearings. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair.

9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Notice

10. As directed by the Minister, the VPA will prepare and give notice of a 'draft Amendment' and receive submissions. The VPA will consider all submissions and where possible seek to resolve issues with submitters prior to referring matters to the Committee.

11. The Committee is not expected to carry out additional public notification or referral of matters but may seek the views of any relevant referral authority, responsible authority or government agency.

Referral

12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.

13. The letter of referral must be accompanied by:

    a. The relevant plan and associated draft planning scheme amendment and planning permit documentation

    b. The referred submissions

    c. Any supporting background material.

Committee Assessment

14. The Committee may inform itself in anyway it sees fit, but must consider:

    a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it

    b. The referred submissions

    c. *Plan Melbourne*

    d. Any relevant Regional Growth Plan or Growth Corridor Plan

    e. The applicable Planning Scheme

    f. Relevant State and local policy

    g. Any other material referred to it.

15. Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.

16. The Committee will be provided with the written submissions and other supporting material by parties, and may:

    a. Direct that parties meet, to discuss and further resolve issues, or

    b. Act as a mediator to seek to resolve issues in dispute.

17. The Committee may direct the VPA and relevant parties to provide additional information on specified matters.

18. The committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation of ss 22(3) and 22(5) of the Planning and Environment Act 1987.

19. The written submission of the VPA is to include:

    a. an overview of the draft amendment and/or any relevant planning permit and the relevant Plan, including a detailed explanation of the referred elements.

b. a written response to each referred submission and how the draft plan, amendment or permit might be changed to respond to the submission.

Outcomes

20. The Committee must produce a written report for the VPA and the Minister for Planning, providing the following:
    a. Whether the referred element(s) of the draft amendment or planning permit is appropriate
    b. A summary and assessment of the issues raised in submissions referred to the Committee.
    c. Any other relevant matters raised in the course of the Committee process.
    d. A list of persons who made submissions considered by the Committee.
    e. A list of tabled documents.
    f. A list of persons consulted or heard, including via video conference.
21. Following the completion of the report the Committee may deliver an oral briefing to the Minister for Planning or the VPA. The briefing may be in person, by video conference or telephone.

Submissions are public documents

22. The Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
23. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'. A document may be made available for public inspection electronically.

Timing

24. The Committee is required to commence its process by issuing a written notice of the referral of a matter from the VPA to all referred submitters no later than 10 business days from the date of any specific letter of referral received.
25. The Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the last day of its proceedings, tabling of submissions or consultation process.
26. The VPA must release the report of the Committee within 10 business days of its receipt.

Fee

27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
28. The costs of the Committee will be met by the VPA.



Richard Wynne MP
Minister for Planning

Date: 17 / 07 / 2020

Appendix B Referral Letter

Department of Transport and Planning

GPO Box 2392
Melbourne, Victoria 3001 Australia

Ref: BORG-1-25-5010

Ms Sarah Carlisle
Lead Chair
Victorian Planning Authority Projects Standing Advisory Committee
Planning Panels Victoria
Via email: office@planningpanels.vic.gov.au

Dear Ms Carlisle

BALLARAT NORTH STANDING ADVISORY COMMITTEE REFERRAL

I refer to draft Amendment C256ball to the Ballarat Planning Scheme (draft Amendment), which facilitates the use and development of land within the Ballarat North precinct primarily for residential use, generally in accordance with the Ballarat North Precinct Structure Plan (PSP), the Ballarat North Development Contributions Plan (DCP) and Ballarat North Native Vegetation Precinct Plan (NVPP).

On 22 August 2025, the Minister for Planning approved the VPA (which is now part of the Department of Transport and Planning (DTP)) to use a streamlined planning process to progress the draft Amendment, and undertake informal public consultation about the matter and delegated to the Head of Spatial Planning the power to refer matters directly to the VPA Projects Standing Advisory Committee (Committee).

Between 19 September 2025 and 20 October 2025, DTP undertook a targeted public consultation process for the PSP and the associated draft amendment. A total of 63 submissions were received.

Referral

In accordance with clause 12 of the terms of reference for the Committee (July 2020) and delegation provided to the VPA (now DTP), I am writing to refer 'key issues' identified in **Table 1** below for advice and recommendations. These key issues have been derived from the submissions to the draft Amendment.

All submissions received during public consultation are included in the enclosed materials however only the 'key issues' identified in **Table 1** below are referred to the Committee for advice and recommendations.

DTP notes that not all the issues raised by submitters fall into the identified 'key issues' at **Table 1**. The Committee is to limit itself to considering only those parts of the submissions that are relevant to the 'key issues' identified in **Table 1** of this letter. A number of submissions do not consider the 'key issues' identified at Table 1 of this letter. These submissions are provided to the Committee for its context only.

DTP will continue seeking to resolve specific issues or submissions that have not been referred to the Committee directly with submitters.

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The matters that have not been identified as Key Issues in **Table 1** are those DTP is confident will be resolved outside of the Committee process or where DTP has formed a clear position that does not require the Committee's consideration.

Table 1 - Key Issues

Key Issues	Advice Sought

Development Contributions Plan	Please advise whether:
	- The following specific projects proposed in the DCP are strategically justified and fulfill principles of need and nexus:
	  o DR-01
	  o RD-02-1
	  o RD-02-2
	  o IN-04
	  o IN-05
	  o RD-03-1
	  o RD-03-2
	  o BR-01
	- The proposed DCP costings for the projects listed above are appropriate.
	- BR-03 is strategically justified and fulfills the principles of need and nexus to be included as a DCP item and if so, what costing apportionment should be applied to this item.

Transport Network	Please advise whether:
	- The following components of the road network proposed by the PSP are strategically justified:
	  o The Cummins Road crossing of Burrumbeet Creek
	  o The proposal to not duplicate Gillies Road
	  o The duplication of the Midland Highway
	  o Whether pedestrian access from the PSP over the Western Freeway to established Ballarat is required.

Drainage Infrastructure	Please advise whether: - The location and size of the proposed drainage assets for stormwater management are appropriate.
Southeast P-6 proposed government school	Please advise whether: - The location of the P-6 proposed government school on the south-east corner of Olliers Road and Noble Court is strategically justified.

Committee Process

Without limiting its powers under the *Planning and Environment Act 1987* (Vic), including the power to regulate its own proceedings, DTP encourages the Committee to consider adopting the following procedures to provide an efficient and timely process for the assessment of the referred issues:

a) Specifying a time limit for submitters seeking to be heard;

b) Require receipt of evidence from like witnesses concurrently, commencing with exploratory questions posed by the parties and Committee.

c) Regulating the duration of evidence in chief to balance efficiency and fairness;

d) Limiting cross examination to matters which are of interest to the Committee; and

e) Directing the submitters to focus preparation of submissions and appointment of experts only on the key issues DTP has requested your advice on and raised in **Table 1**.

The supporting documents required by clause 13 of the terms of reference are enclosed via a ShareFile link in the accompanying email.

Enclosed are all submissions, and a submissions summary table which identifies the key issues and DTP's current response to submitters.

Acknowledging that all submissions have been provided to the Committee, the VPA Part A submission will include a response on the VPA position for issues that fall outside of the 'key issues' to assist the Committee. If submitters raise issues that are outside of the identified key issues before the Committee during the hearing, the VPA may, if it considers it appropriate, address these issues in writing in its closing submission.

Any engagement by the VPA on issues not identified in the 'key issues' before the Committee is in furtherance of its efforts to resolve unreferred issues and is not intended to alter the limited scope of the 'key issues' referred to the Committee for advice.

Please be advised that the public release of the Committee's Report will be at the discretion of the Minister for Planning.

If you would like further information, please email Dean Rochfort, Executive Director - New Communities at dean.rochfort@transport.vic.gov.au.

Yours sincerely,



Justin O'Meara (DTP)
Head of Spatial Planning & VPA CEO
Housing, Building and Land Delivery

Date: 16/01/2026

Enclosed:

- Ballarat North PSP, NVPP and DCP (public consultation versions)
- Draft Amendment C256ball to the Ballarat Planning Scheme documentation (public consultation versions)
- Submissions and submitter details
- Key Issues Summary Table
- Ballarat North Public Consultation Report (draft)
- Supporting background reports

Appendix C Document List

No.	Date	Description	Provided by
Referred documents			
1	15 Jan 26	Draft Incorporated Documents a. Precinct Structure Plan b. Development Contributions Plan c. Native Vegetation Precinct Plan d. Small Lot Housing Code 2024 e. Bernera Homestead Statement of Significance (May 2025) f. Chalmers Homestead Statement of Significance (May 2025) g. Hawthorn Farm Statement of Significance (May 2025) h. Hawthorn Park Statement of Significance (May 2025) i. Scott's Homestead Statement of Significance (May 2025)	DTP
2	15 Jan 26	Draft Planning Scheme Ordinance and Maps a. Clause 11_01 b. Clause 37_07s3 c. Clause 43_01s d. Clause 45_01s e. Clause 45_06s2 f. Clause 45_12s g. Clause 52_16s h. Clause 53_01s i. Clause 72_03-s j. Clause 72_04-s	DTP

No.	Date	Description	Provided by
		k. Explanatory Report l. Instruction Sheet m. DCPO Maps 05_07_11_12_13 n. D-EAO Maps 12_13 o. D-FO Maps 12_13 p. D-SCO Maps 12_13 q. EAO Map 12 r. HO Map12 s. LSIO Maps 12_13 t. PAO Map 05 u. ZN Maps 05_07_11_12_13	
3	15 Jan 26	Technical Studies and Assessments: a. Adverse Amenity Impact Assessment (GHD, May 2024) b. Affordable Housing Needs Assessment (VPA, July 2025) c. Arboricultural Assessment and Report (TreeLogic, August 2024) Part 1 of 4 d. Arboricultural Assessment and Report (TreeLogic, August 2024) Part 2 of 4 e. Arboricultural Assessment and Report (TreeLogic, August 2024) Part 3 of 4 f. Arboricultural Assessment and Report (TreeLogic, August 2024) Part 4 of 4 g. Biodiversity Assessment Report (WSP, August 2024) h. Bushfire Development Report (Terramatrix, August 2025).pdf i. Bushfire Development Report and Risk Assessment (Ecology and Heritage Partners, July 2024)	DTP

No.	Date	Description	Provided by
		j. Community Infrastructure and Open Space Needs Assessment (VPA, October 2024) k. Draft Integrated Transport Assessment Report (Jacobs, August 2025) l. Draft Land Valuations Report (EY Parthenon, August 2025) m. Economic Retail Assessments (Urbis, June 2024) n. Energy Assessment (AusNet, October 2024) o. Geological Prospectivity Report (Groundwork, October 2023) p. Heritage Citation - Bernera Homestead 88 Olliers Road Mount Rowan (RBA, April 2025) q. Heritage Citation - Chalmers Homestead 15 Sims Road Mount Rowan (RBA, April 2025) r. Heritage Citation - Hawthorn Farm 134 Gillies Road Mount Rowan (RBA, April 2025) s. Heritage Citation - Hawthorn Park 112 Olliers Road Mount Rowan (RBA, April 2025) t. Heritage Citation - Scotts Homestead 103 Olliers Road Mount Rowan (RBA, April 2025) u. Historical Post Contact Heritage Assessment (RBA, July 2024) v. IWM and Drainage Assessment (ARUP, July 2024) w. Land Capability Assessment (Jacobs, October 2024) Part 1 of 3 x. Land Capability Assessment (Jacobs, October 2024) Part 2 of 3 y. Land Capability Assessment (Jacobs, October 2024) Part 3 of 3 z. Landfill Gas Assessment (Landserv, April 2025) aa. Landscape and Visual Assessment (Mesh, April 2025)	

No.	Date	Description	Provided by
		bb. Situational Analysis Report and Utility Servicing Assessment (Stantec, July 2024) cc. Stormwater Drainage Proof of Concept (SMEC, July 2025) dd. Strategic Transport Modelling Assessment Report (Jacobs, July 2025) ee. Utilities Assessment Report (Stantec, March 2025) Part 1 of 2 ff. Utilities Assessment Report (Stantec, March 2025) Part 2 of 2	
4	15 Jan 26	Public Consultation Documents: a. Copies of referred submissions b. Key Issues summary table c. Consultation report	DTP
Tabled documents			
5	30 Jan 26	Letter to DTP – Request for further information	Casey Capital
6	4 Feb 26	Letter– Response to request for further information	DTP
7	6 Feb 26	Email attaching correspondence sent to submitters a. Drainage Peer Review and attachments b. DCP Peer Review and attachments	DTP
8	13 Feb	Table of issues to be discussed at Directions Hearing	Council
9	16 Feb	Email filing correspondence with Mr Bartlett	DTP
10	17 Feb	Committee Letter regarding Hearing timetable V1, procedural matters	PPV
11	19 Feb	Email confirming no changes to Letter of Referral or Key Issues	DTP
12	23 Feb	Email – Costings, enclosing:	DTP

No.	Date	Description	Provided by
		a. Ballarat North – Transport Designs – Preliminary Schematic – Revision A – Feb 2026 b. Ballarat North – Transport Designs – Preliminary Costings – Revision 0 – Feb 2026	
13	24 Feb	Directions and Hearing Timetable v1 (amended)	PPV
14	25 Feb	Email responding to DTP regarding conclaves	PPV
15	25 Feb	Email from DTP enclosing: a. Ballarat North – Transport Designs - Preliminary Schematic – Revision B – 25 Feb 2026 (Revision B) b. Email request from North Ballarat Pastoral Pty Ltd requesting CAD files c. CAD file	DTP
16	27 Feb	Preliminary drainage costings	DTP
17	27 Feb	Site inspection itinerary and map	DTP
18	27 Feb	Submitter location map [confidential – for Committee use only]	DTP
19	27 Feb	Letter requesting information from DTP	Casey Capital
20	2 March	Letter from DTP to Casey Capital Australia Pty Ltd	DTP
21	2 March	Email, with attachments: a. Correspondence from North Ballarat Pastoral Pty Ltd dated 26 Feb 2026 b. DTP position on SIDRA analysis and transport project scope changes for Day 1 c. SIDRA memo dated 12 Feb 2026	DTP
22	6 March	Part A Submission, enclosing: a. Biodiversity Assessment Report (January 2026) b. Updated Citations (February 2026)	DTP

No.	Date	Description	Provided by
		c. Economic and Retail Assessment (December 2025) d. Cultural Values Assessment e. Draft Landfill Gas Risk Investigation (February 2026) f. Summary of Resolved Submissions g. Head TfV position on updated transport projects	
23	6 March	Day 1 Documents: a. Development Contributions Plan b. Document Changes Log c. Native Vegetation Plan d. Precinct Structure Plan e. Small Lot Housing Code (November 2024)	DTP
24	6 March	Day 1 Planning Scheme Ordinance: a. Clause 11.02 b. Clause 37_07s3 c. Clause 43_01s d. Clause 45_01s e. Clause 45_06s f. Clause 52_16s g. Clause 53_01s h. Clause 72_03-s i. Clause 72_04-s j. Explanatory Report k. Instruction Sheet	DTP
25	6 March	Day 1 Heritage Statements of Significance: a. Basalt Remnant SOS (February 2026)	DTP

No.	Date	Description	Provided by
		b. Bernera Homestead SOS (February 2026) c. Hawthorn Farm SOS (February 2026) d. Hawthorn Park SOS (February 2026) e. Homestead SOS (February 2026)	
26	6 March	Day 1 Planning Scheme Maps a. Heritage Overlay map 12 b. Development Contributions Plan Overlay maps 05, 07, 11, 12 and 13 c. Environmental Audit Overlay maps 12 and 13 d. Flood Overlay maps 12 and 13 e. Specific Controls Overlay maps 12 and 13 f. Environmental Audit Overlay map 12 g. Land Subject to Inundation Overlay maps 12 and 13 h. Public Acquisition Overlay – Schedule 6 map 05 i. Urban Growth Zone maps 05, 07, 11, 12 and 13	DTP
27	13 Mar	Expert Witness Statement of Chris De Silva	DTP
28	13 Mar	Expert Witness Statement of Nina Barich	DTP
29	13 Mar	Expert Witness Statement of Jason Walsh	Casey Capital
30	13 Mar	Expert Witness Statement of Mark Woodland	Casey Capital
31	13 Mar	Expert Witness Statement of Paul Shipp	Casey Capital
32	13 Mar	Expert Witness Statement of Warwick Bishop	Casey Capital
33	13 Mar	Expert Witness Statement of Jonathon Fetterplace	Ballarat Grammar
34	13 Mar	Expert Witness Statement of Leigh Furness	Ballarat Grammar
35	13 Mar	Expert Witness Statement of Scott Dunn	Ballarat Grammar

No.	Date	Description	Provided by
36	13 Mar	Expert Witness Statement of Jenn Benden	Ballarat Grammar
37	13 Mar	Expert Witness Statement of Chris Beardshaw	Landmack
38	13 Mar	Expert Witness Statement of Benjamin Mentha	DTP
39	13 Mar	Expert Witness Statement of Alex Hrelja	Council
40	13 Mar	Expert Witness Statement of Tim De Young	Council
41	13 Mar	Expert Witness Statement of Jason Black	Dennis Family
42	13 Mar	Expert Witness Statement of Chris McNeill	Dennis Family
43	13 Mar	Expert Witness Statement of Robert Panozzo	Dennis Family
44	13 Mar	Expert Witness Statement of Valentine Gnanakone	Dennis Family
45	13 Mar	Expert Witness Statement of John Mahitos	Dennis Family
46	13 Mar	Expert Witness Statement of Gregory Bursill	North Ballarat Pastoral
47	13 Mar	Expert Witness Statement of Hilary Marshall	North Ballarat Pastoral
48	13 Mar	Expert Witness Statement of Mark Fleming	North Ballarat Pastoral
48	13 Mar	Expert Witness Statement of Rob Swan	North Ballarat Pastoral
50	13 Mar	Expert Witness Statement of Tim McBride-Burgess	North Ballarat Pastoral
51	17 Mar	Pipe Sizing Optimised file by SMEC	DTP
52	18 Mar	Hearing Timetable (v2) and Distribution List (v4)	PPV
53	20 Mar	Opening submission	North Ballarat Pastoral
54	20 Mar	Memorandum from Dr Iain Cowan (Zephyr Environmental)	North Ballarat Pastoral
55	20 Mar	Drainage joint expert statement	DTP
56	20 Mar	DCP joint expert statement	DTP

No.	Date	Description	Provided by
57	20 Mar	Transport joint expert statement	DTP
58	20 Mar	Opening submission	DTP
59	20 Mar	Opening submission	Casey Capital
60	23 Mar	Hydrology, Drainage and Stormwater joint expert statement	DTP
61	23 Mar	Opening submission	Dennis Family
62	23 Mar	Presentation of John Mathios	Dennis Family
63	23 Mar	GHCMA Flood Modelling Guidelines and Specifications	DTP
64	23 Mar	Pipe Sizing Optimised	DTP
65	24 Mar	Opening submissions	Ballarat Grammar
66	26 Mar	DTP comments on Transport conclave	DTP
67	26 Mar	Submission, enclosing attachments: a. Compare Pilot Metrics b. L1 Building Height c. L1 Building Siting d. Proposed Residential Streets e. Proposed Roads and Public Open Space f. Proposed Sewer Offsets g. Proposed Traffic Network h. Road length i. Road length plan j. Section 173 Agreement for Banksia Estate k. Section 173 Agreement for Timbarra Community Development l. Three Costing Plans	Howard Bartlett

No.	Date	Description	Provided by
		m. Town Centre Access n. Town Centre Residential Pilot 48 lots o. Town Centre Residential Pilot 72 lots p. Town Centre Residential Pilot 84 lots	
68	27 Mar	Hearing Timetable (version 3) and Distribution List (version 4)	PPV
69	30 Mar	Opening submissions	Council
70	30 Mar	Presentation of Tim De Young	Council
71	1 Apr	Road and Roadside Safety Policy	DTP
72	1 Apr	Position on DCP Expert Conclave	DTP
73	1 Apr	Development Contributions	DTP
74	1 Apr	BR-03 City of Ballarat Cost Estimate – Summary	Council
75	2 Apr	GHCMA Response to DTP questions	DTP
76	2 Apr	Ballarat North – Flexible Drainage Design – Memorandum	DTP
77	9 Apr	Memorandum BR-03 – Cost estimate for an Active Travel Bridge	Council
78	10 Apr	Memorandum - change in position on Lead Agency	DTP
79	10 Apr	Presentation of Mark Fleming	North Ballarat Pastoral
80	13 Apr	Hearing Timetable (v3) and Distribution List (v4)	PPV
81	14 Apr	Part B Submission	DTP
82	14 Apr	Submission	Landmack
83	15 Apr	Response from Mr Shipp to Committee directions	Casey Capital
84	15 Apr	Submissions (updated)	Landmack

No.	Date	Description	Provided by
85	15 Apr	Submissions, with attachments: a. Planning Scheme excerpts – CMA's planning role b. Ballarat Cycling Action Plan 2017-25	North Ballarat Pastoral
86	16 Apr	Submission	Howard Barlett
87	17 Apr	Position on BR-03	DTP
88	21 Apr	Submission	Council
89	21 Apr	Submission with attachments: a. Proposed changes to Day 1 documents b. Comments on Clause 11.02-2L (Casey updates)	Casey Capital
90	22 Apr	Submission	Dennis Family
91	22 Apr	Hearing Timetable (version 4)	PPV
92	23 Apr	Letters to Margaret Maher dated: a. 29 January 2026 b. 14 April 2026	Dennis Family
93	23 Apr	Victorian Government School Site Selection Criteria Guidance	Dennis Family
94	23 Apr	Email regarding the relocation of SR-02	Margaret Maher
95	23 Apr	Submissions with attachments: a. Ballarat North Precinct Structure Plan Co-Design Summary, VPA, October 2024 b. Ballarat North Precinct Structure Plan Background Report (For Public Consultation), VPA, September 2025 c. Nearmap aerial image - dated 03 November 2020 d. Nearmap aerial image - dated 9 April 2020; and	Ballarat Grammar

No.	Date	Description	Provided by
		e. Nearmap aerial image - dated 18 October 2022	
96	24 Apr	Note from Mr Fleming	North Ballarat Pastoral
97	24 Apr	Adverse Amenity Impact Assessment prepared by GHD, dated 28 May 2024	Ballarat Grammar
98	24 Apr	Submissions, enclosing attachments: a. DFC correspondence dated 9 January 2024 b. Lot 69 correspondence dated 8 February 2026 c. Lot 53 Correspondence dated 10 February 2026 d. Lot 55 correspondence dated 12 February 2026 e. DFC correspondence 14 April 2026 f. DFC correspondence 30 June 2023 g. PSP Note Non-Government Schols	Margaret Maher
99	24 Apr	Part C Submission, with attachments: a. Final Day Change log b. Final Day Version – Clause 11.02 c. Final Day Version –Clause 37_07s3 d. Final Day Version – Development Contributions Plan e. Final Day Version Precinct Structure Plan	DTP
100	27 Apr	Closing submission	Council
101	27 Apr	Memorandum of Robert Panozzo – Alternative DFC site options and Active Open Space site version 2	Dennis Family
102	1 May	Comments on Final Day Change Log	Dennis Family
103	1 May	Comments on Final Day Change Log	Ballarat Grammar
104	1 May	Comments on Final Day Change Log	Casey Capital
105	1 May	Comments on Final Day Change Log	North Ballarat Pastoral

No.	Date	Description	Provided by
106	1 May	Comments on Final Day Change Log	Council
107	1 May	Comments on Final Day Change Log	Landmack Developments
108	5 May	Response to DTPs proposed additional notation to Plan 11 of the PSP	Council
109	5 May	Clarification regarding comments to Final Day Change	Council
110	7 May	Clarification regarding comments to Final Day Change	Council
111	8 May	Development Agency and barriers under Road Management Act 2004	DTP
112	8 May	Final Day Change Log	DTP

Appendix D List of submitters

No.	Submitter	No.	Submitter
1	Department of Justice and Community Safety	30	Angela Narracott
2	Laura Torelli	31	Vicki Simpson
3	Philippe Fernandez	32	Reg Hill
4	Kort Anderson	33	Dennis Family Corporation
5	Cameron Maher	34	Beveridge Williams (on behalf of 697 Midland Highway & 212 Gillies Road)
6	David (surname not provided)	35	Beveridge Williams (on behalf of Lot 2 Noble Court, Mt Rowan)
7	Luke Vermaas	36	Beveridge Williams (representing the development industry)
8	Craig Jenkins	37	Kim Romeo
9	Lawrence Faustini	38	Courtney Debono
10	Kain Richardson	39	Jacqueline Moore & Karl Schier
11	Tom (surname not provided)	40	Howard Bartlett
12	Powercor	41	Heidi Johnson
13	Sharon Keen	42	Megan Robinson
14	Jill Riseley and Scott Taylor	43	Stephanie Ng (on behalf of Community Housing Industry Association Victoria)
15	Jess Kirkpatrick	44	Coulter Legal & Steven Davis (on behalf of the Estate of Lesley Dawn Evans)
16	Sam McCaskill	45	Mike Kaufmann
17	Chris Phillips	46	Bernadette Cheesman
18	Rick Taylor	47	Campbell McKellar (on behalf of BVP Superannuation)
19	Department of Health	48	Brandon Narracott
20	Richard Blackburn & Catrina Sargent	49	Michael Carollo
21	Limin Ye (Elaine)	50	Sue Titcumb
22	Beveridge Williams (on behalf of Landmack Developments)	51	Integra Group
23	Gabriel Waldron	52	Ben Werner
24	Aanuj Malhotra	53	APD Projects (Casey Capital Pty Ltd)
25	Louise Hind	54	Margaret Maher
26	Dianne and Ian Fulton	55	Beveridge Williams (on behalf of Ballarat Grammar)
27	Dale Dumpleton	56	Christine Hay
28	Mark Dobbyn	57	Cameron Haines

No.	Submitter	No.	Submitter
58	Norton Rose Fulbright (on behalf of North Ballarat Pastoral)	61	Department of Energy, Environment and Climate Action (DEECA)
59	Department of Education	62	City of Ballarat
60	James Anderson	63	Environment Protection Authority (EPA)

Appendix E Parties to the Committee Hearing

Submitter	Represented by
DTP New Communities (the Planning Authority, formerly VPA)	James Lofting and Sonia Turnbull of Russell Kennedy who called evidence from: - Benjamin Mentha of PGA Australia on transport - Nina Barich of Incitus on drainage and stormwater - Chris De Silva of Mesh on development contributions
City of Ballarat	Kristin Richardson of Maddocks who called evidence from: - Tim De Young of Eukai on transport - Alex Hrelja of Hill PDA on development contributions
Landmack Developments Pty Ltd	Edward Mahony of Best Hooper who called evidence from: - Chris Beardshaw of Afflux Consulting on drainage and stormwater
Dennis Family Corporation	Peter O'Farrell KC and Tara Hooper, instructed by Planning and Property Partners who called evidence from: - Jason Black of Insight Planning on planning and development contributions - John Mathios of DPM Consulting Group on drainage and stormwater - Valentine Gnanakone of One Mile Grid on transport - Chris McNeill of Colliers on economics - Robert Panozzo of ASR Research on social planning
Ballarat Grammar Foundation	Andrew Walker of Counsel, instructed by Colin, Biggers & Paisley Lawyers who called evidence from: - Scott Dunn of Engeny on drainage and stormwater - Jenn Beden of Xyst Australia on open space - Jonathan Fetterplace of A Different City on planning
Casey Capital Australia Pty Ltd	Chris Townsend KC and Jane Sharp, instructed by Norton Rose Fulbright who called evidence from: - Mark Woodland of Urbis on planning - Jason Walsh of Traffix on transport - Paul Shipp of Urban Enterprise on development contributions - Warwick Bishop of Water Technology on stormwater and drainage

Submitter	Represented by
North Ballarat Pastoral	Paul Connor KC and Tom Ellicott of Counsel, instructed by Norton Rose Fulbright who called evidence from: - Tim McBride-Burgess of Contour on planning - Hillary Marshall of Ratio Consultants on transport - Rob Swan of HARC on drainage and stormwater - Greg Bursill of Bursill Consulting on development contributions - Mark Fleming of Verve Consulting on costings
Margaret Maher	Lauren Maher
Howard Bartlett	

Appendix F Procedural issues

F:1 Issues before the Committee

i) Background

At the Directions Hearing a number of parties sought a Direction from the Committee that the scope of its advice will include all matters raised in all submissions, including those which are not identified in the list of issues outlined in Table 1 of the Committee's referral letter.

It was put that the referral letter is invalid to the extent that it purports to exclude some matters raised in submissions. This was put on the basis that the Committee was referred all submissions (rather than key unresolved submissions) and is bound by its Terms of Reference and must consider the "referred submissions" (as per clause 14 of the Terms of Reference).

ii) Committee response

A letter dated 17 February 2026 was circulated to parties outlining the Committee's position stating:

> The Committee's jurisdiction in relation to draft Amendment C256ball is defined by the Terms of Reference and the Referral Letter. The referral adopts an issue-based approach, seeking the Committee's advice on discrete unresolved matters derived from submissions.
>
> The Referral Letter expressly identifies "key issues" in Table 1 and states that these issues are referred to the Committee for advice and recommendations. While all submissions received during public consultation are included in the referral materials, the Referral Letter clearly distinguishes between submissions provided for context and matters referred for consideration.
>
> The Referral Letter further directs that the Committee is to limit itself to considering only those parts of submissions that are relevant to the Table 1 key issues. Submissions that do not address the key issues are provided for context only and do not form part of the referred matters.
>
> The Committee notes that the Terms of Reference establish a targeted process for assessing unresolved issues associated with significant projects. Clause 12 anticipates that referral letters may seek advice on particular matters or unresolved issues raised in submissions, rather than requiring consideration of all matters raised in every submission.
>
> Clause 14 requires the Committee to consider the referred submissions. In this referral, the Committee understands "referred submissions" to mean submissions insofar as they relate to the issues referred in Table 1. Clause 14 does not operate to expand the scope of the referral beyond the matters expressly identified in the Referral Letter.
>
> The Committee confirms that evidence and submissions should be confined to the Table 1 key issues, being:

- Development Contributions Plan (specific items and costings)
- Transport Network (specified network components)
- Drainage Infrastructure (location and sizing of assets)
- Southeast P–6 Government School site (strategic justification)

The Committee recognises that this process may include submissions on matters which fall outside the Table 1 key issues. Matters outside the Table 1 key issues will not be the subject of findings or recommendations, however where such matters are raised by submitters, the Committee may note them for context but will not entertain detailed evidence, cross examination or submissions on those topics.

If the Planning Authority seeks to expand its list of key issues, then it should do so no later than 12 noon on Thursday 19 February. This will in turn necessitate advising all submitters that the list of key issues has changed and giving submitters a second opportunity to become a party to the proceeding in the event their submission deals with a new key issue.

DTP did not seek to expand its list of referred matters.