

**IN PLANNING PANELS VICTORIA****NORTHERN AND WESTERN GEELONG GROWTH AREAS STANDING ADVISORY COMMITTEE****GREATER GEELONG PLANNING SCHEME****DRAFT AMENDMENT C450GEE: CREAMERY ROAD PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN****CLOSING SUBMISSION ON BEHALF OF THE CITY OF GREATER GEELONG****A. INTRODUCTION**

1. These closing submissions (**Part C Submissions**) are made on behalf of the City of Greater Geelong (**Council**), the Responsible Authority and the Planning Authority under the *Planning and Environment Act 1987 (the Act)* for administering and enforcing the Greater Geelong Planning Scheme (**Planning Scheme**).
2. They are supplementary to the Part A, Opening and Part B Submissions and are made following the conclusion of the hearing process and receipt of the submissions of all parties.
3. Council has relied on the evidence of:
  - 3.1. Mr Mark Woodland on town planning;
  - 3.2. Mr Mark Sheppard on urban design;
  - 3.3. Ms Jane Keddie on environmentally sustainable design;
  - 3.4. Mr Reece Humphries on traffic and transport;
  - 3.5. Ms Jo Noesgaard on open space planning; and
  - 3.6. Mr Bernhard Funke on quantity surveying / transport infrastructure costings.

**Structure of submission**

4. This submission is structured as a response to the submissions of each of the parties that have presented submissions in this matter. Council notes that there is some overlap in respect of the issues raised, and therefore Council has cross-referenced back on common issues and has also dealt with some common issues by topic.
5. The Part C Submissions also encompass other documents which include a closing version of the Amendment comprising:
  - 5.1. UGZ8 Closing;
  - 5.2. Creamery Road PSP Closing;
  - 5.3. Creamery Road DCP Closing; and
  - 5.4. DCP Indicative Summary sheet.

6. Council has also circulated a final day comment sheet to assist parties with the framing of their submissions.

### Matters requested to be addressed by the Committee

7. Social and affordable housing and the impact of recent legislative changes, is addressed in the context of the Lovely Banks Submission response.
8. On amenity areas, Council has provided amenity areas indicatively within the PSP and notes that the minimum densities in Table 4 of the PSP are just that — minimums. Council would welcome and support higher residential density in areas outside of the amenity areas where higher amenity outcomes are provided.
9. The Clever and Creative Boulevard (**CCB**)/Clever and Creative Corridor (**CCC**) is nominated as the CCB in the PSP and this should be the approach. Council considers the PSP should explicitly set out that the CCB forms a part of the CCC. We note both Mr Woodland and Ms Jordan accepted that the Policy at 11.02-2L applied to it when framed as the CCB.
10. On bushfire, Council is broadly satisfied that the changes introduced by clause 53.02 will satisfy the bushfire provisions within the PSP, though notes that the PSP will require structural changes to respond to the updated position following the gazettal of VC248, which post-dated the preparation of the PSP. Council will engage closely with CFA to ensure all changes proposed are appropriate. Council notes there may be some site-specific actions that remain, noting this is contemplated by Planning Permit Applications in a Bushfire Management Overlay or Bushfire Prone Area – Guideline (1 May 2026) at page 9 where it states:

*Additional controls are often applied to deliver the bushfire requirements put forward in a planning scheme amendment. A planning scheme amendment that supports new settlement growth or intensifies growth is required to implement a higher standard of bushfire protection compared to the full range of measures at clause 53.02. Additional controls may limit the range of measures permitted by clause 53.02 or apply additional requirements.*

11. Council has responded to the question regarding the role of DEECA going forward on permit applications as they apply to 200 Ballan Road and elsewhere. In summary DEECA will be a determining referral authority in respect of applications under Clause 52.17 for any native vegetation not considered by the Native Vegetation Precinct Plan (**NVPP**) and for applications under Clause 52.16 in respect of vegetation to be retained under the NVPP.
12. The Committee requested a comparison of the position in the evidence and supporting materials advanced in respect of the Draft Amendment and the evidence of Paul Shipp. Council adopts the land take of 1Ha from Mr Shipp and provides its closing position in respect of the community facility below. This reflects:

Table 1. Comparison of Community Facility Floorspace Provisions

| COMMUNITY INFRASTRUCTURE ELEMENTS | DCP Nov 2025 (HILLPDA) | P. SHIPP EVIDENCE |              | DCP DAY 12 VERSION |
|-----------------------------------|------------------------|-------------------|--------------|--------------------|
| Kindergarten                      | 1,200                  | 1,200             |              | 1,200              |
| Maternal and Child Health (MCH)   | 200                    | 100               |              | 115                |
| Multipurpose spaces               | 800                    | Lvl 1<br>200      | Lvl 2<br>500 | 400                |
| Other                             | -                      | 15                | 30           | -                  |

|                           |              |              |              |              |
|---------------------------|--------------|--------------|--------------|--------------|
| <b>Total indoor space</b> | <b>2,200</b> | <b>1,515</b> | <b>1,830</b> | <b>1,730</b> |
|---------------------------|--------------|--------------|--------------|--------------|

13. Table 2. Comparison of Community Facility Costings

|   | <b>DCP Nov 2025</b>    | <b>P. SHIPP EVIDENCE</b> | <b>DCP DAY 12 VERSION</b> |
|---|------------------------|--------------------------|---------------------------|
| Floorspace (sqm)                                | 2,200                  | 1,830                    | 1,720                     |
| External area (sqm)                             | 7,800                  | 8,170                    | 8,280                     |
| <b>Total Site Area (sqm)</b>                    | <b>10,000</b>          | <b>10,000</b>            | <b>10,000</b>             |
| Cost rate floorspace (sqm)                      | \$7,222.79             | \$7,777.00               | \$7,222.79                |
| Cost Rate Works to Land (sqm)                   | \$653.15               | \$ -                     | \$653.15                  |
| Cost Estimate Floorspace                        | \$15,890,127.63        | \$14,231,910.00          | \$12,423,190.69           |
| Cost Estimate Works to External Area (sqm)      | \$5,094,594.59         | \$ -                     | \$5,408,108.11            |
| <b>Total Cost Estimate of Works (excl. GST)</b> | <b>\$20,984,722.22</b> | <b>\$14,231,910.00</b>   | <b>\$17,831,298.80</b>    |

14. In respect of the Preliminary Risk Screen Assessments (**PRSA**), the Committee has requested information on who should be signing off these requirements. Council notes that, where relevant, the UGZ8 requires the preparation of a PRSA or environmental audit statement be prepared and that:<sup>1</sup>

*Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person (with the costs borne by the applicant) to the satisfaction of the responsible authority.*

15. The PRSA or environmental audit must be signed off by the suitably qualified environmental consultant or other suitable person, with Council's role limited to determining whether it is satisfied that this has occurred.
16. Council notes the Committee's query as to the potential duplication of requirements arising from the contaminated land provisions within the UGZ8 and the site specific Environmental Audit Overlays proposed to be applied. In response, Council notes the in-built capacity in the UGZ8 to waive, vary or reduce application requirements where in the opinion of the responsible authority, the relevant requirement is not relevant to the assessment of the application.<sup>2</sup> Where an EAO applies to a site within the PSP, the requirements of that overlay will take precedence over the corresponding contaminated land requirements in the UGZ, and it will be appropriate for the UGZ8 requirements to be waived, provided the requirements of the EAO are complied with.

### **Submissions on behalf of Batesford Developments Pty Ltd (Villawood)**

#### *Opening Comments*

17. Council refers to the written and oral submissions of Villawood delivered on Friday 8 May 2026 (Document 95).

<sup>1</sup> UGZ8, p 9.

<sup>2</sup> UGZ8, cl 3.

18. At the outset, it is necessary to distinguish the starting proposition advanced in those submissions from the evidence that has been delivered to the Committee. In this case, there is tested evidence and then there are matters raised by submission only. The distinction is important, particularly where the proposition advanced carries significant implications, if adopted, for the Committee's approach to the draft Amendment.
19. At paragraph 3 of the Villawood submission, it is said that '*development in the Creamery Road precinct may simply lack commercial viability*'.<sup>3</sup> At paragraph 4, it is said that '[a] PSP that is commercially unviable will not deliver housing, infrastructure or community outcomes'.<sup>4</sup> In oral submissions, Ms Brennan SC described Villawood's proposals as '*strategically elegant*' whilst characterising the exhibited draft Amendment as '*virtually unworkable*' (.)<sup>5</sup> In the open space discussion it was said Villawood will not be proceeding if the open space is on its land.<sup>6</sup>
20. No evidence has been advanced to support these assertions. These are submissions, elegantly put, from the bar table. This contrasts with Referral 1. At the Referral 1 roundtable hearing, detailed presentations were made that the DCP was not bankable, including by Mr Chris McNeil on behalf of Villawood. Mr McNeil's presentation on that occasion was supported by detailed financial modelling, albeit this was untested in the context of that hearing. This Committee has received no similar evidence or presentations. Not from Villawood, and very importantly, not from any other party. Indeed, the submissions of the other developer parties, at their highest, seek to appropriately optimise costs, but none of them are advanced in the tenor of the Villawood submission.
21. This Committee should be cautious in departing from the evidence and the policy to give weight to submissions that are unsupported by detail and by evidence. Submissions are not a substitute for evidence and Villawood's case is obviously very well resourced. The absence of material to substantiate the claimed lack of viability is a matter that should weigh against the acceptance of the premise upon which Villawood's case is constructed.
22. Secondly, in opening matters, the suggestion made orally that this Committee's terms encompass the earlier committee's terms is just not borne out by a reading of the request for early advice and the question that pertained against the current process.<sup>7</sup>
23. Finally, Council continues to rely on its decision making framework advanced in the Part B and recently applied in the context of the Officer South PSP amendment.

### *Costings*

24. On the issue of intersection costings, Villawood advanced Tabled Documents (TD) 91, 96, and 98. These comprise the Creo Civil memorandum in response to Mr Funke's evidence addendum (TD 91), the DCP Intersections Cost Sheets comparison prepared by Creo (TD 96), and the summary of key variances prepared by Creo (TD 98).
25. Mr Funke's evidence was tested in cross-examination and Council has addressed that evidence in its Part B Submission. Council relies upon the analysis set out in that document.
26. In relation to costings, the cross examination and submission filed demonstrated that Mr Funke had made an assumption in relation to paths (asphalting) that is not reflected in the relevant designs. This assumption can and should be rectified by recalculating the costs on the footing of concrete paths.

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<sup>3</sup> Villawood Main submission (Tabled Document (TD) 95), para [3].

<sup>4</sup> Villawood Main submission (TD 95), para [4].

<sup>5</sup> Hearing Recording, 8 May 2026, approximately 12:35.

<sup>6</sup> Hearing Recording, 8 May 2026, approximately 100:26.

<sup>7</sup> Hearing Recording 8 May 2026, 14:26.

27. TD98, the Summary of Key Variances, was provided as an update on 7 May 2026 and introduces additional reference to the VPA Benchmark Infrastructure Costings.
28. In relation to the Benchmark Costings, a 'P80' rate is attributed to the VPA Benchmark guidelines in the column heading of the Document 98 table (described as 'VPA BIC 25/26 P80 Rate').<sup>8</sup> However, the VPA Benchmark Infrastructure Costings adopt a P90 design rate as their default. The Benchmark Costings Report states expressly that '*[i]n order to minimise the potential for shortfall in PSP project funding the default cost estimates are derived using the P90 probability*'.<sup>9</sup>
29. It is not possible in the time available for Council to review how this different P80 Benchmark has been calculated. It is assumed that it has been indexed in accordance with the relevant Benchmark Costings index, but no explanation has been provided as to why a lower probability threshold has been selected in preference to the P90 rate adopted by the VPA.
30. The approach taken by Villawood in TD 98 is ultimately piecemeal. It reflects an approach of selectively rationalising a reduction in costs because Villawood does not accept the tested evidence of Mr Funke. That is its right. However, Mr Funke represents the only tested expert evidence on costings in this matter. He was clear in cross-examination that his assessment was independent and that his generally middle-ground position was reached through an independent assessment, not by reverse-engineering a predetermined result.
31. The Committee must weigh Mr Funke's tested evidence against this new approach, which is an untested, hybrid and selective methodology. Where rates are agreed, the TD 98 table appears to accept the Slattery rate.<sup>10</sup> However, where rates are not agreed, the table proposes either the Creo/Villawood suggested rate or the VPA Benchmark P80 rate — whichever is lower — as a '*suggested compromised rate*.'
32. Council prefers the test evidence of Mr Funke in lieu of the compromise approach.

#### *Open Space — SR\_02*

33. In relation to open space, Council returns briefly to the issue raised in the Villawood submissions concerning the opportunity cost of development in the location of SR\_02. The area in question is an area of standard residential development of approximately 8 hectares. Properly construed, that is not an opportunity lost to the PSP because the housing including higher density housing will be delivered elsewhere in the precinct. The land is not removed from the precinct but allocated to a different use.
34. Council has already responded to the commentary about efficiency gains and whether they are real, exaggerated, or even properly planning matters. Council does not repeat those submissions here. However, Council returns to two comments made in the oral submissions.
35. The first is the suggestion that the western extension of Myers Reserve is an "impoverished nod" to co-location.<sup>11</sup> To this, Council simply notes the location of the western extension in relation to Myers Reserve, Covenant College and the new primary school. The co-location is real, proximate, and functional. The outcome of the western extension is exemplary compared to the more distant northern extension of Myers Reserve.
36. The second is the comment at approximately 100:15 of the recording, where it is said that '*if SR\_02 is put on the Villawood land, Villawood will not proceed with the project*'.<sup>12</sup> Council returns again to the evidence led in the proceeding (or absence of it) and notes this for what it is — a submission from the bar table.

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<sup>8</sup> Villawood - Intersection Costings - Summary of Key Variances by Creo (TD 98) (7 May 2026), p 1.

<sup>9</sup> Review-of-Benchmark-Infrastructure-Costings-Report-11-April-2019-FINAL-VERSION, p 10.

<sup>10</sup> Villawood - Intersection Costings - Summary of Key Variances by Creo (TD 98) (7 May 2026), p 1.

<sup>11</sup> Hearing Recording, 8 May 2026, approximately 57:53.

<sup>12</sup> Hearing Recording, 8 May 2026, approximately 100:15.

37. At paragraph 11 of the Villawood submission, there is a reference to the Referral 1 Committee Report, which acknowledged that the Villawood proposal had '*some significant potential advantages in maximising NDA and reducing the amount of the DIL*'.<sup>13</sup> It is notable that the potential advantages highlighted were NDA and DIL. On the question of NDA, it is now virtually the same across the Council and Villawood positions — the Council's position delivers approximately 210 hectares of NDA, and the Villawood position delivers approximately 212.5 hectares (or 210 hectares under Case B).<sup>14</sup> The DIL cost difference, to the extent it exists, is driven by other factors not the open space. Therein lies the risk of adopting commentary from the earlier report rather than addressing the current evidence.
38. In respect of the '*network-based approach*' advanced from paragraph 14 of the Villawood submission, that is precisely what Council is providing. Council has already set out its position in relation to overlapping catchments and its submission that it is applying a network approach rather than the Villawood approach of providing almost completely overlapping catchments concentrated at Myers Reserve.

### *Neighbourhood Activity Centre*

39. Council now turns to the submissions on the NAC.
40. At paragraph 61, the Villawood submission quotes Clause 11.02-2L of the Planning Scheme, which contains a strategy that, prior to resolving to commence a Precinct Structure Plan, a planning authority should ensure that the '*precinct's development will support the effective and early development of public transport infrastructure, town centre and employment precincts*'.<sup>15</sup> What is not captured in the submission is that this is an assessment of a much broader grain than the siting of a NAC within a PSP. It is a threshold assessment that the planning authority is to undertake "*[p]rior to resolving to commence a Precinct Structure Plan*".<sup>16</sup> This threshold policy is being used to justify a layout. The Committee should take care with the work this submission asks the policy to do.
41. The submissions then quote the PSP Guidelines at page 93. Feature F 16.3 provides that '*[m]echanisms to support early activation of the activity centre should be explored and encouraged*'.<sup>17</sup> However, a proper reading of the passage in its context reveals that the 'early activation' sought by the clause is under the heading — how to apply in a PSP — is the encouragement of interim uses where it states '*[p]lace-based guidance should encourage the establishment of temporary spaces or interim uses that support residents to live locally*'.<sup>18</sup> It is a quote put to do work which, in its proper context, the source does not do.
42. At paragraph 66, in relation to the reference to Mr Sheppard and Mr Woodland accepting that the CCB is part of the CCC, that concession should be extended to Ms Jordan, who also agreed that the CCB was part of the CCC and that the relevant policy applied to it as such.
43. On the question of signage, Villawood was asked about wayfinding signage as a mechanism to identify the NAC from Geelong-Ballan Road. This is logical. The response as to why this might not be sufficient runs against the evidence from Mr Shipp himself — that once people know where the centre is, they will use it. Signage can perform precisely that function.
44. At paragraph 75 is one example (along with paragraph 91) of how assumptions about the CCB as it existed at Referral 1 have persisted to influence the position of the Villawood experts at Referral 2. The CCB volumes at the NAC were agreed between Mr Walsh and Mr Humphries at 5,000 vehicles per day. That is not an insignificant volume. The characterisation of the CCB as a low-volume connector does not reflect the agreed traffic evidence.

<sup>13</sup> Villawood Main submission (TD 95), para [11].

<sup>14</sup> CoGG - Part B Submission (7 May 2026), p 34.

<sup>15</sup> Villawood Main submission (TD 95), para [61].

<sup>16</sup> Clause 11.02-2L — Strategies, Greater Geelong Planning Scheme.

<sup>17</sup> VPA-Precinct-Structure-Planning-Guidelines-New-Communities-In-Victoria-October-2021, p 93.

<sup>18</sup> VPA-Precinct-Structure-Planning-Guidelines-New-Communities-In-Victoria-October-2021, p 93.

45. At paragraph 78, Villawood submits that early delivery should be given 'determinative' weight in the Committee's deliberations.<sup>19</sup>
46. Council disagrees.
47. It is not safe, nor possible, to give determinative weight to a factor that is so opaque.
48. The extent to which earlier delivery will occur is, on Villawood's own position, a matter 'determined by the market'.<sup>20</sup> A factor that is acknowledged to be market-dependent cannot bear determinative weight in a planning assessment. It is one consideration among many, and the Committee should weigh it accordingly.

#### *ESD Matters*

49. On ESD-related matters, it appears that Villawood accepts the lot-level ESD guidelines being recorded on title. The remaining question relates to the emphasis given to the other provisions — specifically, the Sustainable Energy Plan, Zero Carbon Operational Energy Plan, and Circular Economy Plan as application requirements under the UGZ8.
50. This is a drafting matter. Council's position remains that application requirements are completely appropriate in this regard. They do not impose permit conditions unless the voluntary position of a submitter necessitates such. Council will advance changes to these provisions within the PSP to provide further clarity on their operation.

#### *BR\_01 — Batesford South Bridge*

51. In respect of the BR\_01 project, the removal of the bridge from the DCP is not supported. Council's submissions about equity have not been satisfactorily addressed by Villawood, given the accepted usage of this infrastructure by the Creamery Road precinct.
52. Council notes that Villawood refers to the timeframe principles within the DCP Guidelines, which state that the time horizon '*should not exceed 20 to 25 years*' and that if the time horizon is not reasonable, '*new development in the early years will be paying for infrastructure that will not be delivered until many years later*'.<sup>21</sup> Council observes that these are Guidelines — they are not mandatory. The need for a bridge is obvious and as Council has stated a bridge has always proposed in this location. In respect of the traffic volumes and the need for persons to travel through and beyond the precinct, the Stantec July 2024 Review identifies approximately 16,905 vehicles per day using BR\_01, of which 2,022 are generated by the Creamery Road PSP.<sup>22</sup>
53. On external apportionment, Council adopts the submissions of others that the delivery of the interim-only bridge at P50 means that the apportionment of the project to the Creamery Road precinct is already low, albeit a contribution to the whole.
54. Apportioning the external component to the State or Council is simply unrealistic in circumstances where no funding commitment exists and where the DCP Guidelines themselves contemplate that external usage costs '*must be funded by another source such as general rates, taxes or grants*'.<sup>23</sup> The item remains properly included; the question is one of apportionment. Council supports the 11.96% apportionment as reflected in the Day 0 DCP, which is derived from a select link analysis undertaken by Stantec and represents the Creamery Road precinct's proportional usage of the bridge.

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<sup>19</sup> Villawood Main submission (TD 95), para [78].

<sup>20</sup> Villawood Main submission (TD 95), para [78].

<sup>21</sup> Development Contributions (16 June 2003, amended March 2007), p 13.

<sup>22</sup> Villawood Main submission (TD 95), para [178].

<sup>23</sup> Development Contributions (16 June 2003, amended March 2007), p 65.

## Submissions of the Nardi Family and HB Land

### *Conversion of WLRB7 to SB07*

55. Council does not oppose the conversion of the WLRB7 wetland asset to a sediment basin, designated as SB07. As set out at paragraph 200 of Council's Part B Submission, *'[i]n principle, Council does not oppose the conversion of the WLRB7 wetland asset to a sediment basin, designated SB07.'*<sup>24</sup> The experts are unanimously agreed that this conversion can occur without prejudicing the overall treatment performance for the PSP land. There is accordingly no dispute between the parties on this point, and the submission at paragraph 9 of the Nardi/HB Land submission proceeds on the same basis.

### *Nitrogen Reduction — A Misapprehension*

56. The submission at paragraph 66 proceeds on a misapprehension. It states that "*Council's criticism is directed primarily toward Total Nitrogen (TN) outcomes identified in the Water Technology memorandum.*"<sup>25</sup> This is not what Council submitted. Council's concern is not directed at nitrogen reduction.
57. Rather, Council's position, as set out at paragraph 206 of its Part B Submission, is that *'a slightly larger asset size is warranted for the DCP* because *'[a]dditional space is required to allow for the inclusion of ancillary assets including access tracks, battering, and turn-around areas.'*<sup>26</sup> The concern is one of spatial adequacy at detailed design, not water quality modelling outcomes for nitrogen.

### *The Characterisation of Evidence*

58. The submission makes repeated reference throughout to *'sworn evidence'* and *'the only sworn expert evidence before the Committee'*.<sup>27</sup> This characterisation does not accurately reflect the Committee process. The Standing Advisory Committee process is not a court proceeding. There is no sworn evidence before the Committee — experts present written evidence and give oral evidence at the hearing, but this is not evidence given on oath in the manner described. The submission's repeated emphasis on the absence of *'sworn expert evidence'* from Water Technology is, in this context, unmerited. Like the more recent document received from Ms Barich, what the Committee has before it is the technical material provided by the parties and their experts. The weight to be afforded to these untested memorandums is a matter for the Committee.

### *The Water Technology Memorandum*

59. The Water Technology memorandum dated 6 May 2026 generally endorses the position advanced by Ms Barich regarding the conversion of the asset from a wetland to a sediment basin but indicates that some increased conservatism is required to ensure that the asset, once it reaches detailed design, has sufficient space.
60. The instructions to Water Technology were to *'optimise the cost and footprint of an acceptable asset'*.<sup>28</sup> The memorandum confirms that Ms Barich utilised the same underlying MUSIC model prepared by Water Technology, that the comparative modelling outputs were broadly comparable, that suspended solids performance improved under the revised arrangement, and that phosphorous treatment performance remained broadly comparable. In

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<sup>24</sup> CoGG - Part B Submission (7 May 2026), para [200].

<sup>25</sup> Submissions (Nardi Family and HB Land), para [66].

<sup>26</sup> CoGG - Part B Submission (7 May 2026), para [206].

<sup>27</sup> Submissions (Nardi Family and HB Land), para [68]–[70].

<sup>28</sup> N Barich Response Council Submission B & Water Tech memo (TD110), p 2.

other words, the memorandum confirms that the proposed arrangement is capable of functioning from a stormwater treatment perspective.

61. The Water Technology memorandum acknowledges that the previous Alluvium modelling similarly identified treatment target shortfalls capable of later refinement (though not in reflect of nitrogen) and that determining whether the nitrogen shortfall for the PSP area is acceptable is ultimately a matter for Council discretion.
62. Council exercises that discretion in favour of a marginally more conservative footprint — not because a sediment basin is inappropriate, but because planning at the DCP stage warrants a modest additional allowance for design development.
63. The Barich memorandum states that the drainage reserve required to accommodate the sediment basin and retarding requirements is *'likely to be 1.8 ha as set by their design, however no design to demonstrate how this area was determined has been included in the memorandum'*.<sup>29</sup>
64. This is an inaccurate representation of the Council position.
65. Council does not adopt the 1.8Ha. Council's position, as set out in its Part B Submission, is that the appropriate footprint is *'likely to be slightly larger than the 1.385 hectares advanced by Mr Craigie, which will in turn reduce the cost of construction compared to the consultation draft of the DCP and increase, by a modest amount more than 0.5ha, the net developable area within the precinct'*.<sup>30</sup> WLRB7 within the consultation Draft Amendment has a footprint of 2.14Ha.<sup>31</sup> This suggests the proposed Council area is approximately 1.6Ha.
66. Council submits it is *'far easier to reduce an asset footprint at detailed design stage than it is to require a larger asset and the consequential removal of net developable area through the permit process'*.<sup>32</sup>

#### *Progressive Certainty*

67. Council endorses the submission advanced at paragraph 79 of the submission concerning 'progressive certainty'. Council is proposing a marginally more conservative footprint be included within the DCP. If 1.4 hectares per Mr Craigie or 1.3 hectares per Ms Barich is achieved at detailed design, then this will provide for additional developable land.
68. In this regard, the Committee is referred to section 4.1.1 of the DCP, which provides that:

*The NDA may only change if the collecting agency agrees to a variation to the summary land use budget (Table 6) and the detailed property-specific land budget (Appendix A) and associated tables.*<sup>33</sup>
69. Proposed changes to section 4.1.1 are intended to make it clearer — though the mechanism already existed — that material changes which increase NDA can be facilitated with the consent of the collecting agency. In other words, the DCP already provides a pathway for the development of land that is ultimately not required for an infrastructure project.
70. Council reiterates its submission that it is significantly easier to give back land rather than to use land identified for development as drainage.

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<sup>29</sup> N Barich Response Council Submission B & Water Tech memo (TD110), p 2.

<sup>30</sup> CoGG - Part B Submission (7 May 2026), para [207].

<sup>31</sup> Water Technology, Drainage Strategy Peer Review, 23 October 2025, p 70.

<sup>32</sup> CoGG - Part B Submission (7 May 2026), para [207].

<sup>33</sup> DCP, p 16, section 4.1.1.

### *Ms Barich's Memorandum*

71. It is worth noting that the memorandum prepared by Ms Barich dated 10 May 2026 is less than conclusory on its own terms. Ms Barich describes her design as "*an indicative design only*" that "*was intended to check the storage provided by the revised drainage reserve, which is limited to the lowest point in the proposed drainage reserve*".<sup>34</sup> Ms Barich further states that her "*design provided included 3D strings to the lowest point in the proposed retarding basin located adjacent to Cowies Creek*" and that "*[t]he design was limited to this*".<sup>35</sup> She acknowledges that "*[t]his additional information would have been provided if it was thought that an engineer reviewing the proposal was not capable of measuring a distance and reading contours to determine a slope*".<sup>36</sup> In other words, by Ms Barich's own acknowledgement, further work is required to move from this indicative assessment to a detailed design suitable for construction.
72. Further, the Committee is reminded of Ms Barich's oral evidence at Day 2 of the hearing (recording from approximately 1:20) in which she stated words to the effect that the asset "would warrant having an outfall drawn to Bluestone Bridge Road... the outfall for this is only further refinement that is required for this asset."<sup>37</sup>
73. These matters confirm that the asset has not yet been the subject of a detailed design process. Council's position of adopting a marginally larger footprint in the DCP is a prudent and conservative approach that protects the interests of the future community while preserving the capacity to reduce the footprint at detailed design.

### *Volumetric Controls (Paragraphs 80–84)*

74. The submission refers to volumetric controls from paragraphs 80 to 84. Those provisions were removed in the Day 1 version of the PSP. The submission appears to refer, possibly in error, to the Day 0 DCP. No further action is required in respect of this matter.

### *Requirement 98*

75. Council deals with the proposed amendments to R98 in the drafting process. Council is considering appropriate wording to ensure consistency between Requirements 98, 99 and 100 and will circulate revised drafting to the parties.

### *Section 173 Agreements (Paragraph 91)*

76. The submissions at paragraph 91 are inadvertently liable to mislead.
77. The submission states that "*it is unnecessary to bind all parcels of land via a section 173 agreement*".<sup>38</sup> It is not clear from where the notion of binding *all* parcels of land via a section 173 agreement is derived. That is not necessarily the Council's position. The scope of parcels to which an interim drainage agreement will apply will be determined at the time of the relevant agreement. Agreements are frequently drafted to end in respect of ultimate residential lots created through a subdivision to ensure that released lots are not bound by obligations relating to a developer's interim drainage infrastructure.

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<sup>34</sup> N Barich Response Council Submission B & Water Tech memo (TD110), p 1.

<sup>35</sup> N Barich Response Council Submission B & Water Tech memo (TD110), p 1.

<sup>36</sup> N Barich Response Council Submission B & Water Tech memo (TD110), p 1.

<sup>37</sup> Ms Barich's oral evidence, Hearing Recording Day 2, 29 April 2026, approximately 1:20.

<sup>38</sup> Submissions (Nardi Family and HB Land), para [91].

78. As Council submitted at paragraph 257 of its Part B Submission, "[a]greements can be prepared relatively inexpensively and can be drafted such that they fall away from child lots as stages of development progress".<sup>39</sup>

#### *Community Infrastructure Land*

79. To the extent that the submission refers to a reduction of the community infrastructure land to 0.8 hectares, it is understood that the position of Villawood is to have an asset with a size of 1.0 hectares, aligning with the evidence of Mr Shipp. Council's position on community facilities is set out at paragraph 272 of its Part B Submission. Council provides support elsewhere in this submission for a 1Ha site in accordance with the evidence of Mr Shipp.

#### **Submissions of Lovely Banks Development Group and Growland**

##### *Precedent in Growth Area Planning (Paragraph 4)*

80. Council urges caution in respect of the submissions concerning 'precedent' advanced at Paragraph 4 of the submission, where it is stated that "*LBDG and Growland are acutely aware of the precedent the Amendment will establish in relation to the roll-out of the balance of the precincts within the Northern and Western Geelong Growth Areas (NWGGA)*".<sup>40</sup> Examples given in oral submissions related to 'precedent' included matters such as online or offline drainage and affordable housing.
81. Precinct Structure Plans are a cumulative planning process that considers a broad range of background inputs to create an integrated outcome. Not every background finding makes its way into a PSP which represents an integrated planning assessment responding to the particular characteristics of the land in question.
82. Using one of the examples provided, the Creamery Road precinct exhibits both *online* and *offline* drainage solutions — Cowies Creek has values that require offline treatment (for example WLRB5), while the central drainage line adjacent to SR-02 utilises the efficiencies of an online system. It is a 'horses for courses' approach which is appropriate and responsive to site conditions.
83. The submitter's aspiration for consistency across precincts, while understandable from a market certainty perspective, does not displace site specific planning.

##### *Independent Feasibility Assessments (Paragraphs 20 and 37)*

84. At paragraphs 20 and 37, the submission seeks "*a clear commitment from the Council to commission independent feasibility assessments to account for both 'standard' and 'non-standard' requirements at the early stages of the planning for the balance of the precincts within NWGGA*".<sup>41</sup>
85. Council recognises that feasibility reports can be a relevant consideration in the planning of growth area precincts. However, it is simply beyond the scope of this Committee to recommend that Council take actions in relation to other precincts. The referral before this Committee concerns the Creamery Road PSP and DCP. The management and planning of future precincts is a matter for Council in due course.

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<sup>39</sup> CoGG - Part B Submission (7 May 2026), para [257].

<sup>40</sup> TD102 Lovely Banks Development Group & Growland - Main submission, para [4].

<sup>41</sup> TD102 Lovely Banks Development Group & Growland - Main submission, para [36].

*Novel or Non-Standard Matters (Paragraph 40)*

86. At paragraph 40, the submission contends that "*cumulative costs associated with novel/non-standard PSP ambitions such as smart city initiatives, ESD measures, bespoke cross-sections and similar policy layers which, when considered collectively, are likely to affect project viability, delay housing delivery and/or place upward pressure on housing costs*".<sup>42</sup> While an eye on cumulative costs is important, there is no detail in the submission that would assist the Committee in assessing the risk or potential problems with the particular arrangements proposed in the Creamery Road PSP.
87. The submission advances a general proposition without empirical support to this precinct.
88. Armstrong Creek was approved largely between 2010 and 2014. The more recent Marshall Precinct within Armstrong Creek in 2025 includes, for example, ESD guidelines. Planning practice evolves and the inclusion of contemporary policy requirements does not, of itself, render a PSP inappropriate.

*Evans Road (Paragraph 64)*

89. At paragraph 64, the submission notes that the Evans Road Link has not been included in the Creamery Road DCP. On the question of whether it might be included in a further DCP, this is not a matter presently contemplated by Council, nor is it a matter which is before this Committee.

*BR-01 Apportionment (Paragraphs 71–72)*

90. Council notes the commentary of the submitter at paragraphs 71 and 72 and the support expressed for Mr Shipp's preference for apportionment based on net developable area.
91. Council retains its position that usage defined a select link analysis is the preferred basis for determining apportionment of BR01, as set out at paragraphs 279 to 280 of its Part B Submission. A select link analysis demonstrates that the Creamery Road PSP would contribute "2,022 vehicles per day out of a total of 16,905 vehicles per day using BR\_01".<sup>43</sup>
92. This approach directly responds to the DCP Guidelines' requirement for expert assessment by a traffic engineer for road infrastructure. Council notes that the Northern Growth Area is not contributing to the bridge.
93. Whether or not a different global infrastructure item relating to the NWGGA might be properly apportioned on some other basis is a matter to be determined in respect of that item at the relevant time.

*Affordable Housing (Paragraph 1.11)*

94. On the issue of affordable housing, the *Planning Amendment (Better Decisions Made Faster) Act 2026* has introduced new provisions to the Act permitting the imposition of conditions relating to affordable housing contributions. The Act now states that a planning scheme may:
- 6(2)(ja) provide that any use or development of land is conditional on the provision of an affordable housing contribution;*
95. Related provisions are found at sections 6(2AA)-6(2AAG). Regulations are yet to be proclaimed.

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<sup>42</sup> TD102 Lovely Banks Development Group & Growland - Main submission, para [40].

<sup>43</sup> CoGG - Part B Submission (7 May 2026), para [280].

96. The submission states that '*any future mandatory affordable housing contribution should be applied consistently across all future PSPs in the NWGGA, thus ensure a level playing field for all proponents*'.<sup>44</sup>
97. Council makes two observations.
98. First, the provisions are permissive. They are not mandatory. They provide for what a Planning Scheme can provide for.
99. Second, the imposition of a mandatory contribution would need to be supported by appropriate strategic work indicating the level of affordable housing justified in the circumstances. There is no strategic material that would satisfy this requirement available to Council at this time. Accordingly, for Creamery Road — prepared as it was prior to the recent changes to the Act — the PSP proceeds on the 'usual' basis of a voluntary contribution. Council's approach is consistent with the VPA's approach in this regard. Any future amendment properly informed by strategic assessment and the recent legislative change may be appropriate at that time.

#### *Consistent Approach (Section 1.12)*

100. While a consistent approach across the NWGGA is no doubt desirable from the submitter's perspective, it is not always possible or appropriate depending on site conditions and the legislative regime as it may evolve over the next 30 years. Planning must remain responsive to the characteristics of each precinct and to the policy and legislative settings that prevail at the time of preparation. The submission at paragraph 77 identifies matters such as "*the Clever and Creative Corridor/Boulevard, online/offline drainage outcomes, sustainability obligations, and apportionment principles for global infrastructure items*" as requiring consistent application.<sup>45</sup> Council does not consider it appropriate to bind future precinct planning to outcomes determined in the context of the Creamery Road precinct where different site conditions, policy objectives or legislative requirements may apply.

### **Council's Response to the Submission of the Head, Transport for Victoria**

#### *Intersection Design Concerns*

101. Council notes that the DTP submission expresses a view on a number of matters that were the subject of expert evidence in the proceeding. For example, the submission states in respect of several intersections that they provide "*poor levels of service*" and that the current designs are "*not acceptable for an intersection on an arterial road serving a growth area*".<sup>46</sup>
102. While it is understood that DTP was present for the traffic evidence, which is welcomed, the oral evidence is not reflected, at least in a balanced way, in the submission. That oral evidence included Mr Walsh's position that further modelling is not required. It is correct that Mr Humphries did express a preference for updated modelling — but Mr Humphries is predominantly a modeller. He did not go so far as to suggest that the intersection designs were problematic. Indeed, it would be surprising if this were so, given that Mr Humphries and his team undertook a review process on the One Mile Grid assessment.<sup>47</sup>
103. Importantly, DTP did not question any of the traffic evidence.

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<sup>44</sup> TD102 Lovely Banks Development Group & Growland - Main submission, para [75].

<sup>45</sup> TD102 Lovely Banks Development Group & Growland - Main submission, para [77].

<sup>46</sup> TD99. Head, Transport for Victoria - Main submission, paras [68], [74], [79], [83] and [93].

<sup>47</sup> Document 41 Mr Humphries states: 'Subsequent to the Referral 1 hearing, Stantec, prepared a document titled Creamery Road PSP Review of Villawood Designs, dated 19 September 2025 for the City of Greater Geelong' at Page 3.

### *Further Modelling*

104. The DTP submission states that "*Council's own independent expert witness has expressed a preference for updated modelling to assess and analyse the performance of the proposed transport network and associated intersection treatments*".<sup>48</sup> Requesting further modelling at this time is unnecessary and unlikely to change the output of the PSP. Insofar as the PSP intersects with DTP-controlled roads, Council observes that the UGZ schedule provides for the involvement of DTP in the process. Clause 3.0 of the UGZ8 now includes a requirement for Head, TfV to be consulted where there is an impact to the Principal Road Network. If, notwithstanding the evidence of Mr Walsh and the review undertaken by Mr Humphries, there is augmentation of the intersections required at the detailed design stage, then DTP holds the capacity to require that through the permit process. Detailed traffic reports will be submitted with permit applications.

### *Bus Priority and Signalisation*

105. Council notes the support of DTP for bus jump lanes and signalisation at intersections on the CCB. As noted in the submission, "*The Head TfV supports traffic signals due to the ability they provide to support bus priority through use of bus jump lanes*".<sup>49</sup> Council's position is consistent with this approach.

### *Evans Road*

106. Council notes the commentary in respect of Evans Road. The traffic conclave was satisfied that the shared paths could be designed within the Evans Road reserve and the traffic conclave were comfortable with the outcome.<sup>50</sup>

## **Submission of the McCann Family**

### *Scope of the Referral and Global DCP Items (Paragraph 7)*

107. Council adopts the position advanced at paragraph 7 of the McCann Family submission.
108. As the submission states, the McCann Family "*strongly resists any attempts for an important and strategic global infrastructure project to be deleted from the DCP simply in an effort to further reduce what is otherwise an already appropriate DIL*".<sup>51</sup> The draft Amendment should not be used as a vehicle to remove a global DCP item, given the scope of the Committee's referral.
109. Council says further that apportioning to 0% is a backwards way of achieving what is in substance a deletion, and should not be endorsed by the Committee.

### *North-South Road Designation (Paragraph 21)*

110. Council rejects the suggestion at paragraph 21 of the submission that the north-south road in the location of BR01 could be a connector road. The submission states that "*the road network in the vicinity either side of the Moorabool River would likely look very different and would likely be of a connector road designation (rather than arterial)*".<sup>52</sup>

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<sup>48</sup> TD99. Head, Transport for Victoria - Main submission, para [112].

<sup>49</sup> TD99. Head, Transport for Victoria - Main submission, para [95].

<sup>50</sup> Conclave Item 43.

<sup>51</sup> TD93. McCann family - Main submission, para [7].

<sup>52</sup> TD93. McCann family - Main submission, para [21].

111. The volumes on the north-south road in this location are in the order of 23,158 vehicles per day.<sup>53</sup> Those volumes are well beyond the function of a connector road. What follows from this is important: arterial roads do not have direct access. The Committee is referred to page 167 of the consultation draft of the PSP which illustrates the treatment of arterial road interface that do not permit direct access.

#### *Road Approaches*

112. It remains Council's view that the road approaches are neither normally nor should extraordinarily be included in the bridge project. That the road has an arterial function does not alter this assessment. Council notes that this matter is beyond the scope of the Committee's powers and the scope of the referral in any event. The referral addresses apportionment of BR-01. It does not extend to the project description or the inclusion of additional components.

#### *External Apportionment (Paragraphs 75 onwards)*

113. Council refers to its response elsewhere in relation to external apportionment. Council generally endorses the approach set out from paragraph 75 of the McCann Family submission. As stated at paragraph 79 of that submission, "*exclusion of usage external to the WGGA is reasonable, appropriate, reflects current practice and is strategically justified, such that the 12% figure can remain in the Creamery Road DCP*".<sup>54</sup> Council supports the 11.96% apportionment as reflected in the Day 0 DCP.

#### **Submission of Adbri Limited**

##### *Broader Matters*

114. The Adbri submission is cast in very similar terms to the Lovely Banks Development Group and Growland submission on broader issues of consistency, feasibility assessments, State infrastructure and related matters. Council relies on its response to those matters as set out above.

##### *Timeframe for Batesford South and BR-01 (Paragraph 46)*

115. Council does wish to make one observation in relation to paragraph 46 of the Adbri submission. That paragraph states, relevantly, that "*Adbri and the McCann Family have made it clear that quarrying activities will likely continue for a further 10-15 years*" and that "*despite the assertions by Villawood that the commencement of planning for the delivery of the Batesford South precinct will not occur until after the quarrying activities have ceased, this is simply not the case*".<sup>55</sup>
116. Council sees some merit in this submission. The submission challenges the notion advanced by Villawood to the effect that planning for the Batesford South precinct will not occur until after the quarry ceases operations and potentially not until the lake is full. In the Amendment C395ggee proceeding, it was suggested that the filling of the lake could take up to 20 years.<sup>56</sup> The Villawood assertion should not be given weight. The Batesford South precinct is large and rehabilitation may sensibly serve the future use rather than being a discrete phase.
117. It may well be that parts of the precinct proceed depending on demand in the early and middle PSPs. As Adbri states, "*due to the scale of the Batesford South precinct, development*

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<sup>53</sup> NWGGA Bridge Review Stantec, July 2024 at 10.

<sup>54</sup> TD93. McCann family - Main submission, para [79].

<sup>55</sup> TD103. Adbri Limited - Main submission, para [46].

<sup>56</sup> 395ggee Panel report at 6.8.

*in discrete areas of the precinct can commence in advance of the cessation of the quarrying activities – comfortably avoiding any buffer implications associated with the quarrying activities".*<sup>57</sup>

118. The Committee does not have to form a concluded view on the precise timing of the Batesford South precinct. Ultimately, it simply should not take the assertions advanced on behalf of Villawood as being correct. They are speculative and are contradicted by the evidence of the landowners within that precinct who have made clear their intention to progress planning in a timely manner.

### **Submission of 305 Bat Pty Ltd**

#### *Drainage Land Take — Alleged Inconsistencies (Clause 3.6)*

119. In relation to the matters raised at Paragraph 3.6 of the submission, the alleged inconsistencies across documents are not in fact inconsistencies at all. The submitter has not properly, or fully, read the documents.
120. The detailed land use budget that underpins the PSP and the DCP includes two relevant land descriptions: one is 'Drainage Land' and the other is 'Drainage (DCP Land)'. The relevant 305 Bat land<sup>58</sup> includes 0.4 hectares of Drainage Land and 1.426 hectares of Drainage (DCP Land). Drainage Land is land that falls within the 1% AEP and is encumbered in existing circumstances. It is true that there is a minor 0.01 hectare discrepancy between the area in the land valuation and the area in, for example, the Water Technology Report — these are in rounding matters.
121. There is no inconsistency in fact and no need for recommendations in this regard.

#### *Construction Costs for WLRB6*

122. Council welcomes the acknowledgement at paragraph 4.2 of the submission that the submitter "*is no longer pursuing increases in construction costs for the delivery of DI-DR-06, being the delivery of WLRB-06, and therefore seeks no change to the cost of DI-DR-06 in the DCP*".<sup>59</sup>

#### *Section 173 Agreements*

123. With great respect to the drainage experts, the decision of whether a section 173 agreement is an appropriate tool to secure interim drainage controls is not a drainage matter — it is a planning matter. The submitter advanced no planning evidence and did not in any meaningful way grapple with the arguments of Council on this issue as set out in its Part B Submission at paragraphs 253 to 260.

#### *EPA Document 1739.1*

124. As to EPA Document 1739.1, the Day 1 drafting of R67 calls for a development to respond to 1739.1, not to meet so-called 'requirements' of the policy document. That said, the material at paragraph 3.15 of the submission, which proposes the wording "*development proposals are to manage stormwater in response to EPA document 1739.1 (Urban Stormwater*

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<sup>57</sup> TD103. Adbri Limited - Main submission, [46].

<sup>58</sup> Property 45 – see the detailed PSP land use budget at, for instance p 148 of the consultation draft of the PSP.

<sup>59</sup> TD116. 305 Bat Pty Ltd - Main submission, para [4.2].

*Management) in so far as reasonably practicable",<sup>60</sup> is an appropriate response. Council will consider this language in its updated drafting.*

#### *Outfall to Geelong Ring Road and Properties 41 and 42*

125. Council considers there is likely to be a saving to the DCP in the event that WLRB6 can convey treated water to the Geelong Ring Road. In this respect, Council supports an approach that would see Properties 41 and 42 retain a reasonable level of development land (with a 0.31 approximate asset) and 305 Bat achieve drainage independence (1.48Ha asset).
126. Subject to Council evaluating the alternate plan as satisfactory, it will engage with the owners of Properties 41 and 42 directly outside of this SAC process.
127. Present indications are that total land requirements for the two asset option is presently manageable within the same land footprint.

#### *Service Placement Guidelines*

128. As to the service placement guidelines raised at paragraphs 3.25 to 3.30 of the submission, this matter only arises in the event that the alternative outfall to the Geelong Ring Road is not realised.
129. If that outfall proceeds, the Bluestone Bridge Road pipe is not required and the service placement issue falls away.

#### *Traffic — Western Left-In/Left-Out*

130. Council's updated Future Urban Structure adopts the removal of the Midland Highway western left-in/left-out, consistent with the weight of traffic evidence and the Transport Conclave outcomes.

#### *IN-06 and IN-07*

131. For reasons outlined elsewhere in this submission in response to the DTP submission, Council does not accept the position of the submitter in respect of the redesign of IN-06 and IN-07. The Conclave at 19 indicates agreement at 19 that the design of IN06 is satisfactory for the purpose of the DCP while Ms Marshall thought further refinements were possible.
132. Council says that Mr Humphries is misquoted at paragraph 5.27 of the submission in relation to bus jump lanes. The submission states that "*Mr Reece Humphreys for Council accepted that bus lanes on the CCC should be removed*".<sup>61</sup> It is correct that Conclave statement records at 11 this position (which was Mr Humphries position) but the draft Amendment has not since Referral 1 included bus lanes. Mr Humphries evidence on bus jump lanes is recorded at Item 12.
133. Council's position is that bus jump lanes — as distinct from full bus lanes — are an appropriate and proportionate measure to support public transport priority on the CCB. As per Mr Walsh these are matters that will be determined at detailed design ultimately.

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<sup>60</sup> TD116. 305 Bat Pty Ltd - Main submission, para [3.15].

<sup>61</sup> TD116. 305 Bat Pty Ltd - Main submission, para [5.27.3].

### *Open Space — CP07 and CP08*

134. Council does not accept the position on CP07 and CP08. Council's position is consistent with the evidence of Ms Noesgaard, who supports the open space layout as proposed in the PSP. The proposal to split these parks into 0.5 hectare parcels is not supported.

### **Submission of Yih-Sheng Investments Pty Ltd and Janet & Richard Michael**

#### *The Submitter's Position*

135. Council's position in relation to the submitter's land is quite simple.
136. The submitter seeks that areas not included in Offset Area 1 and Offset Area 2 in the EPBC Approval (Ref: EPBC 2023/09498, approved 12 December 2025) can be developed for residential land. As the submission states, Yih-Sheng seeks that the Committee recommend to "*include the land to the north and south of Cowies Creek as urban residential to align with the EPBC Approval and otherwise make the necessary changes to the NDA*".<sup>62</sup>
137. Council accepts that as a result of the approval there will be an increase in NDA particularly to the south.

#### *Consequences of Including Land as Developable*

138. The consequence of this position is that additional land will be included in the land use budget as developable land. The further consequence of that is that if the land cannot ultimately be developed, the owner will still be charged for the NDA identified in the DCP. Payment is linked to the NDA described in the detailed land use budget of the DCP.
139. This is relevant to both the land to the north of Cowies Creek and the land to the south. The DCP charges levies in accordance with the tables identifying NDA, and there is no mechanism to retrospectively adjust charges down if land identified as NDA cannot in fact be developed. To do so would leave a DCP shortfall.

#### *Dual Purpose Facility*

140. Council has indicated that it presently considers it is unlikely to accept a dual purpose facility — that is, a facility that combines an EPBC Act offset with a drainage asset. As stated at paragraph 233 of Council's Part B Submission, "*Council's preliminary view is that it is unlikely to support delivery of and vesting of a dual purpose stormwater and offset asset such as that described by Mr Organ*".<sup>63</sup> Council cannot fetter its future discretion, but it wishes to be completely transparent that in its role as drainage authority, it holds no interest in the management of a dual purpose asset.

#### *The Mathios Concept Design and the Conservation Area*

141. To the extent that the submission indicates a degree of spatial conformity between the consultation draft WLRB-08 and the Mathios proposal (both being partially within the Cowies Creek Corridor), that is correct and is consistent with the Council analysis of the GIS file that it checked following the Mathios evidence. As indicated by Bisinella Developments, the EPBC Plan contemplates that drainage assets can be within the Cowies Creek Conservation Area. This is reflected in the formations of SBRB9 and WLRB-08.

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<sup>62</sup> TD111. Yih-Sheng Investments Pty Ltd and Janet & Richard Michael - Main submission, para [140(b)].

<sup>63</sup> CoGG - Part B Submission (7 May 2026), para [233].

142. However, at the time WLRB-08 was included within the conservation area, it was not an active offset area under management with a dual purpose. It was part of the Cowies Creek corridor. It is now an active offset area and a drainage reserve. Council wants to be completely transparent that it does not intend to mesh these two roles.
143. To that end, and in respect of the drainage design, Council makes two observations.
144. The commentary at Paragraph 37 and Paragraph 103 to the effect that Mr Mathios has either catered for the GGF or gave relevant consideration to the GGF are at a minimum overstated. First, Mr Mathios' report barely interacts with the purported ecological function of what has been designed. There is no discussion anywhere in the report of:
- 144.1. Growling Grass Frog habitat requirements or design standards;
  - 144.2. How the asset might function as a GGF offset or breeding habitat;
  - 144.3. Predatory fish management, water temperature, chytrid considerations, or any other ecological design parameter;
  - 144.4. The GGF Conservation Management Plan or how the drainage design interacts with it; or
  - 144.5. Any dual-purpose design features that would accommodate ecological offset functions.
145. The only reference to the EPBC Approval in the report is at paragraph 16, where Mr Mathios states he has "*based my opinions on the assumption that the buffer for the Cowies Creek is reduced to 50 m to align with the EPBC Approval*".<sup>64</sup> That is used solely to establish the spatial boundary for his concept design. Mr Mathios' conclusions at paragraphs 47–51 are entirely about drainage: that the footprint "*can be refined to reduce its footprint while maintaining hydraulic and treatment performance*" and that "*additional Net Developable Area can be achieved without adverse drainage impacts*".<sup>65</sup>
146. Second, the Committee has no material before it about how the dual purpose will be achieved and the evidence of Mr Organ is that the specifics of this arrangement are to be worked out with the DCCEEW department. As Mr Organ acknowledged, the EPBC Approval conditions are detailed and prescriptive, and matters such as predatory fish and water quality are all measured through the approval.
147. Assuming that the Commonwealth department is satisfied and the combined asset is approved under the EPBC Act, Council is nonetheless unlikely to accept this asset for vesting. Council does not wish to assume maintenance obligations that combine a complex ecological offset — with Commonwealth reporting, monitoring and audit obligations extending to 31 December 2050 — with a conventional stormwater treatment function performed by the drainage authority.
148. Also for transparency, Council observes the extents identified in the submission of how far a 50 metre setback would extend into the northern area of land. If this total area is designated as NDA, then the total area will be charged irrespective of whether setbacks to Cowies Creek eliminate development land or land is not developable for any other reason (note the discussion around stability between Mr Passarella and the Committee).
149. It remains Council's view that the safe approach is to assume the drainage asset and the offset are separate and then to increase NDA if another solution is acceptable. Council considers the refinement in area of the asset, if any, is a matter for the implementation stage.

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<sup>64</sup> Expert witness statement of Mr John Mathios, para [16].

<sup>65</sup> Expert witness statement of Mr John Mathios, paras [47]–[48].

## Bisinella Developments

### *General Alignment*

150. Much of the substance of the Bisinella submission is to be addressed in the drafting. However, there are some matters of principle upon which it is important that Council confirm its general alignment with the submission. In reality, Council considers there is little space between it and the Bisinella submission.

### *Paragraph 19 — Further Retarding Basin*

151. At paragraph 19, Bisinella states that it "*cannot entertain any suggestion that it (unlike any other landowner in the PSP area who is paying DCP levies for drainage) must provide a further retarding and or water quality treatment facility on its land that would occupy the limited NDA*".<sup>66</sup>
152. Council makes two observations.
153. First, Council has indicated that it is understood that the Bisinella land will link into some assets (e.g. SB07) and utilise GPTs for other parts of its land, consistent with the Alluvium Addendum 2024 approach.
154. Second, the difficulty with the statement at paragraph 19 is that it amounts to a proposition that any other treatment required — such as a retarding basin, a matter specifically countenanced in the oral submissions — can only be accommodated within the Cowies Creek Conservation Area. This is inconsistent with the later submissions, with which Council agrees, that while drainage assets can be located within the Cowies Creek Conservation Area, it is subject to meeting certain hurdles. Section 4.3.4 of the draft EPBC Plan provides that activities under the 'supporting infrastructure and services' class of actions — which includes land used "*to collect, treat, or dispose of storm or flood water, sewage, or sullage*"<sup>67</sup> — may occur within the Cowies Creek Conservation Area, subject to the requirement that "*Development does not prevent the achievement of any environmental objectives, outcomes, commitments or management actions established for the areas, including any relevant Conservation Management Plans for the area*" and that "*Development does not directly impact habitat for MNES*".<sup>68</sup>
155. Council cannot say whether or not there will be some impact on NDA without a design if Bisinella Developments elects to adopt this path. This proposition is not inconsistent with the permissive drafting amendments sought by Bisinella Developments, and agreed in principle, in relation to this issue.

### *Paragraph 21 — EPA Document 1739.1*

156. Concerning paragraph 21, there is obviously a disagreement about the use of EPA Document 1739.1. Council is not making it a strict compliance document — it is simply a consideration in the application process. The Day 1 drafting requires a response to the document, not compliance with it.

### *Paragraph 24.1 — Definition of the Drainage Strategy*

157. In respect of the issues identified at paragraph 24.1 about a definition of the drainage strategy, Council has already confirmed that it intends to adopt the solution generally described under the second bullet at page 24 of the submission — that is, a definition encompassing a compilation of documents that is easily identifiable as the DSS.

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<sup>66</sup> TD112. Bisinella Developments - Main submission, para [19].

<sup>67</sup> TD2.04. NWGGA EPBC Plan (November 2025), p 28, Table 4-5.

<sup>68</sup> TD2.04. NWGGA EPBC Plan (November 2025), p 28.

#### Paragraph 26 — Drainage Assets in the Cowies Creek Conservation Area

158. Concerning paragraph 26, and as stated above, the concept that drainage assets could, subject to performance, be located within the Cowies Creek Conservation Area is accepted. It is, as said, consistent with the EPBC Plan. Council refers to the draft EPBC Plan in this respect, which expressly provides for the 'supporting infrastructure and services' class of actions within the Cowies Creek Conservation Area subject to the principles and standards identified in section 4.3.4.

#### Paragraph 30 — Investigation Area Label

159. Under paragraph 30, the first bullet point suggests that the identification of the land as 'Investigation Area (subject to stormwater and geotechnical assessment)' is inaccurate. Unlike other areas of the PSP, the area is subject, at least in part, to an investigation that will determine what proportion of stormwater goes to treatment assets, what proportion goes to GPTs, and what proportion, if any, goes to additional treatment assets that Bisinella elects to provide it waiting for SB07 is not determined to be acceptable. Council will have a think about the label but respectfully suggests that the submission represents an overly precautionary approach.
160. Council agrees that there should be reference to a defined Strategic Assessment.

#### *Independence from SB07 (WLRB07)*

161. In respect of Bisinella Developments' desire to be able to proceed independently of SB07, that is noted. The Council position in relation to providing greater flexibility through the drafting of R100 and related provisions will facilitate this, it is expected.

#### *Paragraph 110 — GIS Layer*

162. Council has indicated that the matter raised at paragraph 110 of the submission concerning the recreational transport link line is noted and the relevant GIS layer will be updated.

#### *Paragraphs 126 and 127 — Requirements 71, 72 and 76*

163. At paragraphs 126 and 127, the submission raises concerns about Requirements 72 and 73 (Day 1 version) in relation to passive watering of street trees in areas of moderate and high landslip. There is already an adequate degree of flexibility in those provisions through the words 'where practicable'.
164. Council will consider whether commensurate greater flexibility is required under R76.

#### *DCP Project Sheet DI-DR-12*

165. Council observes that the DCP project sheet for DI-DR-12 should be updated to reflect the appropriate source document, noting the concern raised at paragraphs 129 to 131 of the submission.

#### *Section 46Q of the Act — Timing Provision for DCPs*

166. The last issue to address within the Bisinella submission concerns the oral submission, unsupported by written submissions, made in respect of section 46Q of the Act. The submission is to the effect that the reference in section 46Q(4)(b), through the use of the definite article 'the', provides that a DCP must contain a timing provision. That is, that the reference to '*within the period required by the approved development contributions plan*' means a DCP must have a timing clause.
167. The oral submissions were not fulsome and the Committee was not taken to all relevant sections within Part 3B of the Act.

168. Specifically, section 46K is the provision which specifies what must be within a development contributions plan. Section 46K is the location where the legislature could have, but did not, include a requirement for timing.
169. Secondly, section 46M specifies what may be provided for within the Ministerial Direction. Importantly, this section does contemplate that timing is a matter that can be specified in the Ministerial Direction — section 46M(2)(g) provides that the Ministerial Direction may "*specify requirements for the staging and timing of the provision of works, services and facilities funded by a development contributions plan.*"
170. Notwithstanding that the Ministerial Direction could have included a timing requirement, it does not.
171. The Committee should disregard the oral submissions on plan inclusions made on behalf of Bisinella Developments.
172. Council recognise the commitment and good work undertaken by the sporting clubs. They represent an important part of the Geelong community.

### **Submission of the Bell Post Hill Sports Clubs**

#### *General*

173. The Bell Post Hill Sports Clubs' submission requires limited response from Council.

#### *Paragraph 32 — Satellite Reserve*

174. Council does not consider the arguments advanced at paragraph 32 concerning the creation of a 'satellite reserve' to be compelling. The management of sporting facilities across multiple reserves is a common feature of municipal open space provision across growth areas and established Geelong.

#### *Paragraph 34 — Competition from a New Club*

175. At paragraph 34, the submission raises a concern that "*a new club located so close to Myers Reserve would be in direct competition for scarce volunteer hours and funding*".<sup>69</sup> This concern is not relevant to the planning task and does not speak to the 11,774 new residents that will call Creamery Road home. In this context, Colac in the 2021 census had a population of around 12,700 persons and Castlemaine in 2021 census had a population of 7,500 persons. These are substantial numbers that themselves support multiple sporting clubs.
176. The suggestion that a community of this size cannot sustain an additional sporting club is not evidenced.

#### *Paragraph 39 — Social Effects*

177. At paragraph 39, the submission states that "*there will be very real, long-term social effects that will flow from the recommendations this Committee makes*".<sup>70</sup> There is no demonstrated social impact assessment or evidence supporting this submission. The assertion is made at a level of generality that does not assist the Committee.

#### *Timing*

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<sup>69</sup> TD114. Bell Post Hill Sports & Recreation Club - Main submission, para [34].

<sup>70</sup> TD114. Bell Post Hill Sports & Recreation Club - Main submission, para [39].

178. The Clubs' position on timing is unrealistic and not something that can be remedied by the Committee. The delivery triggers for active open space are appropriately set having regard to DCP funding and demand levels. Timing will be demonstrably worse if the northern extension of Myers Reserve is pursued, given the involvement of multiple landholders and the complexities of coordination that would entail.

## **CONCLUSION**

179. Council thanks the Committee for its careful consideration of the matters before it and its attention to the detailed submissions and evidence presented throughout the hearing.
180. Council also acknowledges and thanks all parties for their participation in this process and for the constructive manner in which submissions have been advanced.

13 May 2026

**HARWOOD ANDREWS**  
on behalf of  
**THE CITY OF GREATER GEELONG**

## ATTACHMENT 1 – CONSOLIDATED LIST OF REQUESTED RECOMMENDATIONS

| #   | Topic                                     | Outcome / Recommendation  |
|-----|---|---|
| 1.  | Structural matters                        | That the Committee Recommend adoption of the SR02 and NAC locations advanced by the Council. This is included in the closing version of the Place Based Plan.   |
| 2.  | Community Facility Land                   | The Committee recommend adopting a 1 hectare site for the community facility, in accordance with the evidence of Mr Shipp   |
| 3.  | Community Facility Costs                  | That the Committee recommend adopting the costs in the Council Part C submission based on the Hill PDA report.  |
| 4.  | CCC vs CCB                                | The PSP should nominate the facility as the CCB (not CCC), and the PSP should explicitly describe that the CCB is part of the CCC   |
| 5.  | Concrete paths (costings)                 | Mr Funke's assumption regarding asphalted paths should be rectified by recalculating costs on the footing of concrete paths   |
| 6.  | WLRB7 to SB07 conversion                  | The Committee should recommend that the WLRB7 wetland be converted to a sediment basin (SB07)   |
| 7.  | Drainage footprint (SB07 area)            | The Committee should recommend a more conservative footprint than Ms Barich's 1.29 ha — approximately 1.6 ha — to allow for ancillary assets (access tracks, battering, turn-around areas) for SB07   |
| 8.  | Conclave matters                          | That the Committee endorse the Council response to conclave matters.  |
| 9.  | BR-01 apportionment                       | The Committee should recommend adoption of the 11.96% apportionment as reflected in the Day 0 DCP, derived from the Stantec select link analysis for BR01   |
| 10. | BR-01 retention in DCP                    | The removal of the bridge from the DCP is not supported   |
| 11. | EPA Document 1739.1 wording               | Council will consider the language proposed by 305 Bat: "development proposals are to manage stormwater in response to EPA document 1739.1... in so far as reasonably practicable"  |
| 12. | Outfall to Geelong Ring Road              | The Committee should recommend adoption of outfall for WLRB06 to the Geelong Ring Road if it reduces the cost of the DCP and is acceptable to DTP on the basis that if a split asset is provided for, Council will communicate changes to Properties 41 and 42. |
| 13. | GIS layer — recreational transport link   | The relevant GIS layer will be updated as noted at paragraph 110 of the Bisinella submission [  |
| 14. | DCP Project Sheet DI-DR-12                | The DCP project sheet should be updated to reflect the appropriate source document  |
| 15. | Definition of Drainage Strategy           | The Committee should recommend adoption of a definition encompassing a compilation of documents that is easily identifiable as the DSS  |
| 16. |   |   |
| 17. | Reference to defined Strategic Assessment | Council agrees there should be reference to a defined Strategic Assessment  |