

Draft Greater Geelong Planning Scheme
Amendment C450ggee
Creamery Road Precinct Structure Plan and
Development Contributions Plan

**Northern and Western Geelong Growth Areas Standing Advisory Committee
Referral 2 Report – Volume 1**

Planning and Environment Act 1987

1 July 2026

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

Northern and Western Geelong Growth Areas Standing Advisory Committee
Referral 2 Report – Volume 1 pursuant to section 25 of the PE Act

Draft Greater Geelong Planning Scheme Amendment C450ggee

Creamery Road Precinct Structure Plan and Development Contributions Plan

1 July 2026



Gabby McMillan, Chair



Kate Partenio, Member



Dianne King, Member

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Glossary and abbreviations

305 Bat	305 Bat Pty Ltd
Amendment	draft Greater Geelong Planning Scheme Amendment C450ggee
Basin #	WLRB-#, e.g. WLRB-06, WLRB-07 etc.
BPA	designated Bushfire Prone Area
Bridge 1	Batesford South PSP bridge, identified in the DCP as BR_01
Bridge Review	<i>Creamery Road PSP Review of NWGGA Bridges</i> (Stantec, July 2024)
CCB	Clever and Creative Boulevard
CCC	Clever and Creative Corridor
CFA	Country Fire Authority
Community facility #	CF-#, e.g. CF-01, CF-02 etc.
Community park #	CP-#, e.g. CP06, CP07 etc.
Council	City of Greater Geelong
Council Plan	Council's Final Future Urban Structure Plan
Creek buffer	Cowies Creek conservation buffer
DCP	Creamery Road Development Contributions Plan
DCP Guidelines	<i>Development Contributions Guidelines</i> (Department of Sustainability and Environment, March 2007)
DEECA	Department of Energy, Environment and Climate Action
DI#	Design Intent # in the DCP
DTP	Department of Transport and Planning
EAO	Environmental Audit Overlay
EP Act	<i>Environment Protection Act 2017</i> (Vic)
EPA	Environment Protection Authority Victoria
EPA Publication 1739.1	<i>Urban stormwater management guidelines</i> (EPA Victoria, June 2021)

EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPBC Plan	<i>NWGGA Environment Protection and Biodiversity Conservation Plan</i> (November 2025)
ESD	Environmentally sustainable design
Exhibited Amendment (including exhibited UGZ8, exhibited PSP, exhibited Future Urban Structure Plan etc.)	The exhibited versions of the draft Amendment documentation (Documents 1.01 – 1.23)
Final Amendment (including Final UGZ8, Final PSP, Final Future Urban Structure Plan etc.)	Council’s final preferred version of the draft Amendment documentation following receipt of parties’ drafting comments (Documents 141-142)
Framework Plan	<i>Northern and Western Geelong Growth Areas (NWGGA) Framework Plan</i> (August 2020)
Future Urban Structure Plan	Plan 1 in UGZ8, also referred to as the Future Place Based Plan in the PSP
GGF	Growling grass frog
GGFCMP	<i>WGGA Cowies Creek Conservation Area Growling Grass Frog Conservation Management Plan</i> (Biosis, July 2024)
GGF Design Standards	<i>Growling Grass Frog Habitat Design Standards</i> (Department of Environment, Land, Water and Planning, 2017)
Growth Area	Western Geelong Growth Area
GRZ	General Residential Zone
HTfV	Head, Transport for Victoria
Intersection #	IN-# in the DCP, e.g. IN-01, IN-02 etc.
Land Capability Assessment	<i>City of Greater Geelong Land Capability Assessment – Creamery Road PSP – Planning Practice Note 30 Update Addendum</i> (Meinhardt, June 2023)
LCC	Local Convenience Centre
Levy	Development Infrastructure Levy
Lovely Banks	Lovely Banks Development Group & Growland

Mathios concept design	Revised concept design for Wetland Basin 8 prepared by John Mathios
MD	Ministerial Direction
MNES	Matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
NAC	Neighbourhood Activity Centre
Native Vegetation Guidelines	<i>Guidelines for the removal, destruction or lopping of Native Vegetation</i> (Version 1.1, DEECA, 2025)
NCC	National Construction Code
NDA	Net Developable Area
NRZ	Neighbourhood Residential Zone
NVPP	Creamery Road Native Vegetation Precinct Plan
NWGGA	Northern and Western Geelong Growth Areas
NWGGASAC	Northern and Western Geelong Growth Areas Standing Advisory Committee
Open Space Report	<i>Creamery Road PSP Open Space Network</i> report (City of Greater Geelong, October 2025)
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Greater Geelong Planning Scheme
PPF	Planning Policy Framework
PPN	Planning Practice Note
Practitioner's Guide	<i>A Practitioner's Guide to Victorian Planning Schemes</i> , August 2025
Precinct	Creamery Road precinct
PRSA	Preliminary Risk Screen Assessment
PSI	Preliminary Site Investigation
PSP	Creamery Road Precinct Structure Plan

PSP Guidelines	<i>Precinct Structure Planning Guidelines: New Communities in Victoria (VPA, October 2021)</i>
Referral 1	The first referral to the Northern and Western Geelong Growth Areas Standing Advisory Committee, made on 4 January 2025, requesting specific preliminary advice on the Creamery Road PSP
Referral letter	Letter of referral to the Committee dated 1 March 2026
Referred Matters	List of specific matters referred to Committee in the Minister’s Referral letter dated 1 March 2026
Reserve 2	Active Open Space Reserve 2
RGZ	Residential Growth Zone
sqm	square metres
Stantec Report 2024	<i>Northern and Western Geelong Growth Area Bridges Concept Design and Opinion of Probable Costs Report (Stantec, 10 January 2024)</i>
Strategic assessment	Strategic assessment of development within the NWGGA conducted under Part 10 of the EPBC Act
T#	Target [number] in the PSP Guidelines, for example T11, T12
UGZ	Urban Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
Villawood	Batesford Developments Project Pty Ltd
Villawood Plan	Villawood’s proposed alternative Future Urban Structure Plan
VPA benchmarks	Victorian Planning Authority Benchmark Infrastructure Costings
VPP	Victoria Planning Provisions
Yih-Sheng	Yih-Sheng Investments Pty Ltd and Janet and Richard Michael
Yih-Sheng CMP	<i>Preliminary Documentation: Residential Development at 200 Ballan Road, Moorabool, Victoria (EPBC 2023/09498)</i>

Yih-Sheng land

(Ecology & Heritage Partners, March
2025)

200 Geelong-Ballan Road, Moorabool
(Property 1)

Overview

Amendment summary

The Amendment	Draft Greater Geelong Planning Scheme Amendment C450ggee
Common name	Creamery Road Precinct Structure Plan and Development Contributions Plan
Brief description	To facilitate development of the Creamery Road precinct in Geelong by implementing the Creamery Road Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan.
Subject land	Approximately 350 hectares of land in the north-eastern corner of the Western Geelong Growth Area
Planning Authority	City of Greater Geelong
Authorisation	8 December 2025, with conditions
Exhibition	18 December 2025 to 9 February 2026
Submissions	Number of Submissions: 28

Committee process

The Committee	Directions Hearing: Lisa Kendal (Chair), Dianne King and Kate Partenio Hearing: Gabby McMillan (Chair), Dianne King and Kate Partenio
Supported by	Gabrielle Trowse, Project Officer, Planning Panels Victoria
Directions Hearing	Planning Panels Victoria and online, 27 March 2026
Committee Hearing	Planning Panels Victoria and online, 27, 28, 29 and 30 April and 4, 5, 6, 8, 12 and 13 May 2026 Wurriki Nyal Civic Centre, Geelong and online, 7 and 11 May 2026
Site inspections	Accompanied, 23 April 2026
Parties to the Hearing	See Appendix C
Citation	Northern and Western Geelong Growth Areas Standing Advisory Committee [2026] PPV
Date of this report	1 July 2026

Executive summary

Greater Geelong City Council (Council) prepared draft Greater Geelong Planning Scheme Amendment C450ggee (Amendment) for land in the Creamery Road precinct (precinct), which is the first precinct to be planned in the broader Northern and Western Geelong Growth Areas.

The Amendment seeks to incorporate the following into the Greater Geelong Planning Scheme (Planning Scheme):

- Creamery Road Precinct Structure Plan (PSP)
- Creamery Road Development Contributions Plan (DCP)
- Creamery Road Native Vegetation Precinct Plan (NVPP).

Specifically, the Amendment proposes to:

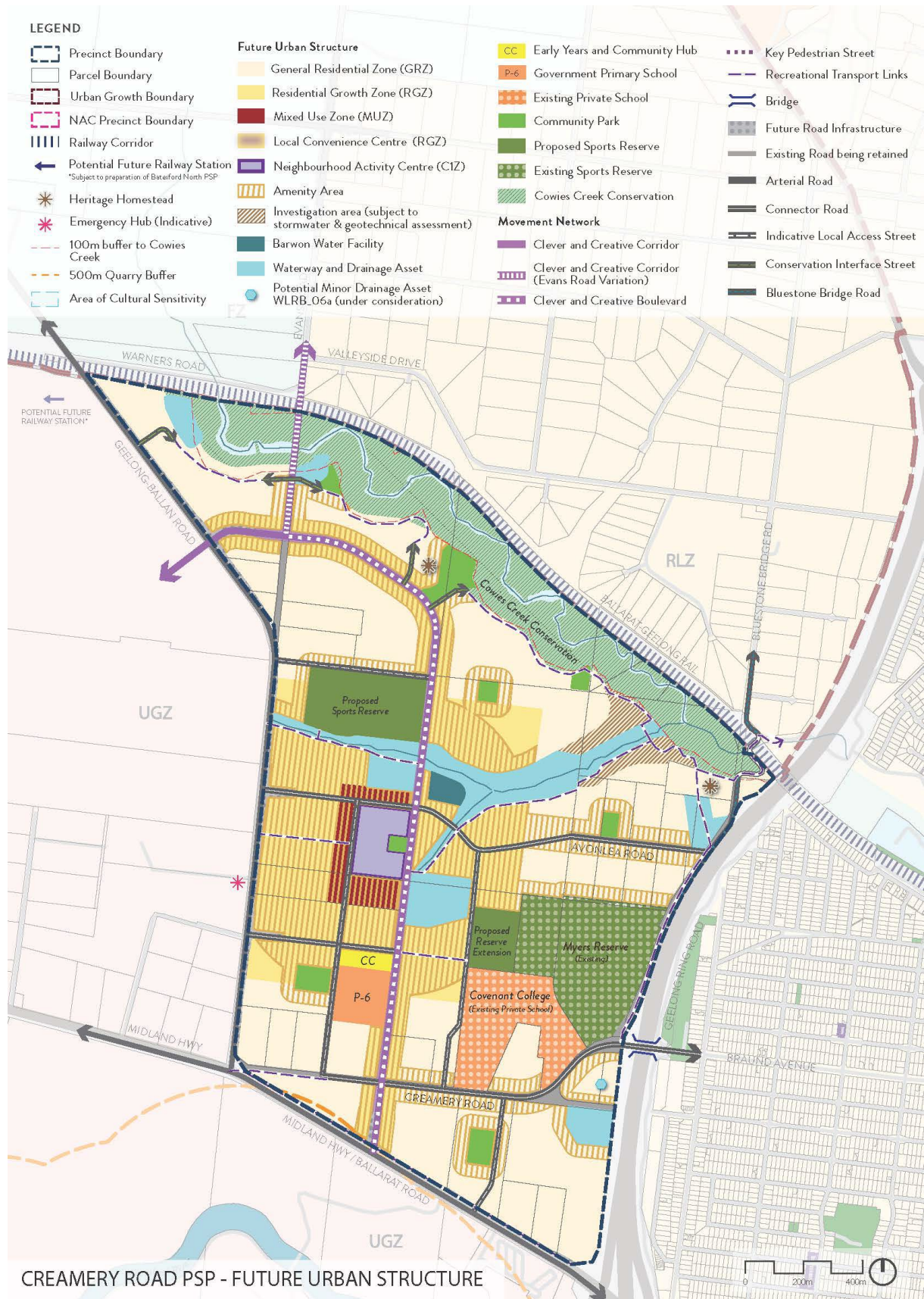
- apply Urban Growth Zone Schedule 8 (UGZ8)
- apply Development Contributions Plan Overlay Schedule 11 (DCPO11) and the Parking Overlay Schedule 2 (PO2) to all land within the precinct
- apply the Heritage Overlay to two properties
- apply the Environmental Audit Overlay (EAO) to potentially contaminated land
- ensure urban development in the precinct is undertaken in a manner consistent with the NWGGA Environment Protection and Biodiversity Conservation Plan (EPBC Plan) and supporting documents (prepared under the EPBC Act).

Creamery Road precinct

The precinct is bounded by Geelong Ring Road, Midland Highway, Geelong-Ballan Road and the Ballarat Geelong railway and has an area of approximately 350 hectares.

The Future Urban Structure Plan in UGZ8 shows the structure of planned land use and development within the Creamery Road precinct. There were several iterations of the Future Urban Structure Plan presented during the process, the Committee's recommendations are based on Council's Final Future Urban Structure Plan (Figure 1).

Figure 1 Council's Final Future Urban Structure Plan for the precinct



Committee's role and Referred Matters

The Committee has been appointed under Terms of Reference dated 28 October 2022.

This report relates to Referral 2 to the Committee. Referral 1, in January 2025, sought pre-exhibition advice about certain aspects of the Amendment, including whether the amount of developable land had been appropriately maximised. The Amendment was adjusted in light of the Referral 1 advice and placed on public exhibition from December 2025.

This second referral, by letter dated 1 March 2026 (Referral letter), asked the Committee to consider and provide advice on specific matters relating to the revised Amendment (Referred Matters). In considering the Referred Matters, the Committee has had regard to the Referral 1 report where appropriate and relevant.

This Executive Summary focusses on the Committee's advice on the key Referred Matters discussed at the Hearing. The Committee has considered all Referred Matters in the Report and its finding for all Referred Matters are summarised in Table 1.

The key Referred Matters include:

- location and size of the Neighbourhood Activity Centre (NAC) on the Future Urban Structure Plan
- location of Active Open Space Reserve 2 (Reserve 2) on the Future Urban Structure Plan
- apportionment of the Batesford South PSP bridge BR_01 (Bridge 1) in the DCP
- intersection and road design for DCP projects
- project costings (including Bridge 1) in the DCP
- extent of developable land on the Future Urban Structure Plan
- extent of the Cowies Creek conservation buffer on the Future Urban Structure Plan
- requirements and provisions in the UGZ8 and PSP relating to the strategic assessment process under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- design and configuration of drainage assets Basin 6 and Basin 7 on the Future Urban Structure Plan.

Neighbourhood Activity Centre

The Committee supports the location and size of the NAC as shown on Council's Final Future Urban Structure Plan. The NAC should be located on the corner of the east-west connector road and the Clever and Creative Boulevard (CCB) and have an area of 4 hectares. This location will meet the broader strategic objectives for the precinct and best serve the needs of future communities within the precinct.

As identified in the Northern & Western Geelong Growth Areas Framework Plan, the relationship between the NAC and the CCB is strategically important and should remain a key organising principle of the PSP.

The Committee acknowledges Villawood's submissions regarding visibility, exposure and commercial viability as beneficial to the early delivery of the NAC. However, the stated benefits of early delivery were broad and lacked a measurable comparison that would

enable the Committee to place greater emphasis on commercial viability over broader strategic considerations.

Active Open Space Reserve 2

The Committee supports the location of Reserve 2 as shown on Council's Final Future Urban Structure Plan.

This location provides the most equitable distribution of active open space to service the future community. It provides superior walkability and accessibility outcomes, delivers a more equitable distribution of active open space across the precinct, reduces reliance on future facilities outside the PSP area and appropriately balances housing delivery with community infrastructure provision.

Apportionment of Bridge 1

Exclusion of Bridge 1 from the DCP is beyond the scope of the Referred Matters. Bridge 1 has already been identified as a global item that is required to serve the Western Growth Area, and this precinct needs to contribute to the cost of that bridge. There is sufficient certainty that the bridge will be required.

The level of design information is generally sufficient for the purpose of informing the DCP, subject to the Committee's recommended further work on costings being completed.

The apportionment of Bridge 1 to the precinct should be 11.96 percent.

Road and intersection design

The Committee was asked for advice on appropriateness of the intersection and road designs in the DCP. The Committee finds:

- The arterial intersections may be under-designed and hence underfunded due to outdated traffic modelling and not meeting the requirements of the Head, Transport for Victoria.
- The traffic modelling should be updated and the arterial intersections and Intersection 7 re-analysed and re-costed before finalising the DCP.
- The review should include both a roundabout option and signalised option for Intersection 7, assessing the potential benefit for a roundabout to reduce costs and bus travel times.
- The design of Intersections 9 and 12 is appropriate and it is acceptable to fund the signal works for these intersections through the DCP.
- The design of Evans Road requires further work but this can be completed following the adoption of the Amendment.
- The scope of Bridge 1 design should be expanded to consider the inclusion of the northern approach road.

DCP project costings

Council has undertaken sufficient work in reviewing and reducing DCP projects costings (following Referral 1 process), except in relation to Bridge 1. Council was the only party who presented evidence in relation to road costings, and the Committee supports the costings presented by Mr Funke.

Further work is required to confirm the cost of Bridge 1. The cost of Bridge 1 needs to be reviewed, taking into account the inclusion of an appropriate length of the northern road approach (which is inextricably linked to the design of Bridge 1). In addition, the cost of Bridge 1 should be calculated on the basis of the P90 value (90 percent confidence levels for project budgets based on statistical risk analysis).

Extent of developable land

Generally, the Future Urban Structure Plan strikes the right balance between providing sufficient developable land and ensuring that appropriate infrastructure is available to support future communities living in the precinct. The Committee is satisfied that the extent of developable land has been appropriately maximised since the Referral 1 process.

Cowies Creek conservation buffer

The Cowies Creek conservation buffer is generally appropriate, subject to some minor adjustments on the Yih-Sheng land at 200 Geelong-Ballan Road (Property 1).

On the Yih-Sheng land, the Committee supports a narrower buffer to the south of Cowies Creek, generally aligning with the EPBC Act approval for that land. The Committee does not support a change to the buffer to the north of Cowies Creek. Based on the information currently available, it would be premature to designate the land in the north-eastern corner of the Yih-Sheng land as developable. However, the Committee recommends the Future Urban Structure Plans should identify this as an area for further investigation.

Relationship with the EPBC Act strategic assessment process

The Committee acknowledges that development in the precinct cannot progress until all relevant approvals are in place, including approval under the EPBC Act. There is a spatial aspect to the commitments made in the Draft EPBC Plan which may have an impact on the form of future permit applications – for example a change in the boundary of an offset area could impact on land in the precinct that is currently identified as developable.

On this basis the Committee thinks it is reasonable to include a requirement in UGZ8 for a proponent to explain how a permit application is consistent with any relevant EPBC Act approval. This could be a site-specific Part 9 approval or a future strategic Part 10 approval held by Council. Landowners seeking to rely on Council's Part 10 approval in the future would need to satisfy the Council that it can meet any obligations under that approval.

Drainage infrastructure

The Committee found that the size, configuration and location of Basin 6 and Basin 7 as shown on the Council's Final Future Urban Structure Plan is appropriate.

It is appropriate to accommodate a split basin arrangement at Basin 6, however no change is required on the Future Urban Structure Plan.

Basin 7 can be redesigned as a sediment basin to reduce the size and cost of the asset. This may result in a change to the Future Urban Structure Plan – but the nature of the

change will need to be confirmed once the design is settled, as such no change to the Future Urban Structure Plan at this time.

Recommendations

Based on the reasons set out in this Report, the Committee makes the following recommendations in relation to the Referred Matters:

Creamery Road Future Urban Structure Plan

- 1. Amend the Final Creamery Road Future Urban Structure Plan (Document 126) as follows:**
 - a) Show the northern and southern Local Convenience Centres in the locations on the Exhibited Future Urban Structure Plan, and at a size of 1,000 square metres each.**
 - b) Retain Community Parks 6 and 7 as one-hectare parks.**
 - c) Show a 'potential' left-in/left-out intersection on Midland Highway between Geelong Ballan Road and the Clever and Creative Boulevard, with an access street extending north to Creamery Road.**
 - d) Reduce the extent of the green hatched 'Cowies Creek Conservation' area to 50 metres (measured from the edge of bank) on the southern side of Cowies Creek on the land at 200 Geelong-Ballan Road, Moorabool.**
 - e) Designate the north-eastern corner of Properties 1, 2 and 3 (Yih-Sheng land) (north of Cowies Creek) as 'potential developable land subject to future investigation'.**
 - f) Delete the red line described as '100-metre buffer to Cowies Creek'.**

Creamery Road Precinct Structure Plan

- 2. Amend the Final Creamery Road Precinct Structure Plan (Document 141) as follows:**
 - a) Replace the Future Urban Structure Plan with the amended plan revised in accordance with Recommendation 1.**
 - b) Change the title of Table 4 to 'Dwelling Density Targets' and update references within Requirement 9 to reflect this change.**
 - c) Revise Guideline 14 to read as follows:**

Gating or other measures that restrict public access to streets, parks, pedestrian or cycling connections should be avoided.
 - d) Delete Design Intent 11, 17, 18 and 21 from Appendix 5.**
 - e) Delete the Design Principles (Table 24) from Appendix 5 and make any consequential changes arising from the deletion of Table 24.**
 - f) Update Design Intent 1 in Appendix 5 as follows:**

Provide a high-quality visual and physical connection through the NAC to public realm features, such as the town square and the Clever and Creative Boulevard.
 - g) Update Design Intent 5 in Appendix 5 as follows:**

Provide a diverse mix of retail, office and commercial uses at ground floor level.
 - h) Update Design Intent 10 in Appendix 5 as follows:**

Provide active frontages and avoid blank facades along the Key Pedestrian Street, Town Square and the CCB. Street based retail centre designs are preferred. Internalised mall designs should be avoided.

- i) Amend Table 6 to increase the retail and commercial floor space to reflect an overall Neighbourhood Activity Centre size of 4 hectares and Local Convenience Centres of 1,000 square metres each.**
- j) Delete Guideline 38 (bicycle charging facilities).**
- k) Update requirements 86, 88 and 89 in the Creamery Road Precinct Structure Plan to enable some discretion when assessing setback requirements and vegetation management standards.**
- l) Delete references that specify the need to comply with the strategic assessment under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999*.**
- m) Revise Requirement 66 to read as follows:**
 - All lots must be connected to:***
 - A safe and reliable potable water supply and sewerage services; and***
 - A reticulated recycled water system to provide for the supply of recycled water from a suitable scheme for toilet flushing, washing machine use and outdoor use including lawn and garden watering, unless otherwise agreed by the responsible authority and Barwon Water.***

Creamery Road Development Contributions Plan

- 3. Undertake the following additional work before the Creamery Road Development Contributions Plan is finalised:**
 - a) Update the traffic modelling to account for the increase in Net Developable Area and redistribution of traffic based on the amended Future Urban Structure Plan revised in accordance with Recommendation 1.**
 - b) Re-design and re-cost Intersections 1, 3, 4, 5, 6 and 7 (including the alternative of a roundabout for Intersection 7) in light of the updated traffic modelling.**
 - c) Expand the scope of Bridge 1 to include an appropriate length of the northern approach road (the length will be informed by the review of costings as recommended in Chapter 4.3).**
 - d) Review the cost of Bridge 1 taking into account:**
 - The cost of integrating an appropriate length of the northern road approach into the scope of the project.**
 - Adopting a P90 value (90 percent probability-based confidence level) as the basis for the costing.**
- 4. Amend the Final Creamery Road Development Contributions Plan (Document 128) as follows:**
 - a) Update the description of BR-01 in the DCP as follows:**

Delivery of Batesford South PSP bridge (arterial road - Lynnburn Road over Moorabool River) - interim bridge for arterial road extension of Lynnburn Road over Moorabool River (including an appropriate length [insert X metres as determined by the further work in Recommendation 3(d)] of the northern road approach).

- b) Update the project costings for Bridge 1 in accordance with the revised costings prepared under Recommendation 3(d).**
- c) Update any other project costings to account for any other consequential changes arising from the Committee's recommendations in this Report.**

Creamery Road Native Vegetation Precinct Plan

- 5. Undertake the following additional work before finalising the Creamery Road Native Vegetation Precinct Plan:**
 - a) Confirm the native vegetation condition scores which informed the plan are accurate.**
- 6. Amend the Creamery Road Native Vegetation Precinct Plan as follows:**
 - a) Include an expiry date.**
 - b) Delete any reference to the strategic assessment under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* and replace with a reference to "*any approval under the Environment Protection and Biodiversity Conservation Act 1999*".**
 - c) Any consequential changes required following the completion of further work identified in recommendation 5.**

Schedule 8 to the Urban Growth Zone

- 7. Amend the Final Schedule 8 to the Urban Growth Zone (Document 142) as follows:**
 - a) Replace the Future Urban Structure Plan at Plan 1 with the amended plan revised in accordance with Recommendation 1.**
 - b) Amend Clause 2.3 (Section 1 – Permit not required) to increase the combined leasable floor areas for shops within the Commercial 1 Zone to reflect an overall Neighbourhood Activity Centre size of 4 hectares.**
 - c) Amend Clause 3.0 (Application requirements) to delete the requirement to provide a Zero Carbon Operational Energy Plan and Circular Economy Plan.**
 - d) Amend Clause 3.0 (Application requirements) to delete the following:**

Despite the above, the responsible authority may determine that a Preliminary Risk Screen Assessment Statement is not required in relation to an application to use or subdivide land, construct a building, or construct or carry out works for or associated with a new sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, children's playground, and secondary school) where a suitably detailed Preliminary Site Investigation has been provided which, to the satisfaction of the responsible authority, adequately assesses land contamination risks and demonstrates the suitability of the land for the proposed sensitive use.
 - e) Amend Clause 4.0 (Conditions and requirements for permit) to:**

- **Delete reference to land at 10 Evans Road, Bell Post Hill (1\LP203190) and 85-105 Bluestone Bridge Road, Bell Post Hill (1\PS403299) from the environmental audit condition.**
- **Delete the following from the environmental audit condition:**
All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.
- f) **Amend Clause 3.0 (Application requirements) to delete the requirements relating to bushfire risk, and replace with the following provision:**
An application for subdivision of land adjoining bushfire hazard areas identified on Plan 23 in the Creamery Road PSP must include a perimeter road between the bushfire hazards area and future development, except where it has been demonstrated to the satisfaction of the responsible authority that site constraints make such roads impracticable and alternative bushfire protection measures are provided.
- g) **Insert the following at Clause 3.0 (Application requirements):**
A report demonstrating that the proposal is in accordance with any relevant approval or draft approval under the Environment Protection and Biodiversity Conservation Act 1999
Certificate of Acknowledgement of Consent
An application to subdivide land, construct a building, or construct or carry out works must be accompanied by a Certificate of Acknowledgement of Consent recording agreement with the City to rely on the Northern and Western Geelong Growth Areas EPBC Plan approval under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 except where there is an intention to rely on a proposed or existing approval under Part IX of that Act.
- h) **Insert a new decision guideline at Clause 6.0:**
Whether the application is generally in accordance with the draft EPBC Plan or any relevant approval under the Environment Protection and Biodiversity Conservation Act 1999.
- i) **Delete Condition – Commonwealth Biodiversity Developer Implementation Plan at Clause 4.0.**
- j) **Revise the specific provisions for the Cowies Creek Conservation Area at Clause 2.4 to read as follows:**
Any proposed subdivision within or directly adjacent to the Cowies Creek Conservation Area as shown in Plan 17 Biodiversity & Threatened Species of the Creamery Road PSP.

- k) Revise the specific provisions for the Cowies Creek Conservation Area at Clause 2.5 to read as follows:**

Any proposed development (including earthworks, paths, in-stream pools, ephemeral soaks, street furniture or other infrastructure works) within or directly adjacent to the Cowies Creek Conservation Area as shown in Plan 17 Biodiversity & Threatened Species of the Creamery Road PSP.

- l) Delete any other remaining references the specify the need to comply with Part 10 of the Environment Protection and Biodiversity Conservation Act 1999.**

- m) Amend Clause 2.5 (Recycled Water) to read as follows:**

A building must be connected to a reticulated recycled water supply system, or a rainwater tank of minimum 2kL or an alternative grey water recycling system scheme, for toilet flushing, washing machine use and outdoor use including lawn and garden watering, unless otherwise agreed by the responsible authority and Barwon Water.

Summary of findings and recommendations

Table 1 Summary of Committee findings and recommendations

Topic	Key issue	Summary of findings (based on Council's Final Amendment documents)	Chapter
PSP Future Place-based Plan	Extent of developable land	The extent of developable land shown on the Final Future Urban Structure Plan is appropriate.	Chapter 3.1 - Extent of developable land
	Location and size of the neighbourhood activity centre	The location of the NAC on the Final Future Urban Structure Plan is appropriate. The size of the NAC (4 hectares) on the Final Future Urban Structure Plan is appropriate.	Chapter 3.2 - Location and size of the neighbourhood activity centre
	Local convenience centres	The designation of the Local Convenience Centres (LCCs) on the Final Future Urban Structure Plan is not appropriate (as no LCCs are shown). - The LCCs should be retained on Future Urban Structure Plan, to reflect the location shown on the Exhibited Future Urban Structure Plan. - The size of the northern and southern LCCs should be decreased to 1,000 square metres each in response to the proportional increase in the size of the NAC (as discussed in Chapter 3.2).	Chapter 3.3 - Local convenience centres
	Location of the active open space reserve (SR-02)	The location of Reserve 2 in the Final Future Urban Structure Plan is appropriate.	Chapter 3.4 - Location of active open space reserve (SR-02)
	Quantum and distribution of public open space	The quantum and distribution of open space in the Final Future Urban Structure Plan is generally appropriate. Community Parks 6 and 7 should be retained as one hectare parks.	Chapter 3.5 - Quantum and distribution of public open space

Topic	Key issue	Summary of findings (based on Council's Final Amendment documents)	Chapter
	Size of the community hub (CF-01)	The provision of one hectare of land on the Final Future Urban Structure Plan for the delivery of Community Facility 1 is appropriate.	Chapter 3.6 - Size of the community hub (CF-01)
	Residential areas, including amenity area	The residential areas and amenity areas on Council's Final Future Urban Structure Plan are appropriate.	Chapter 3.7 - Residential areas, including amenity area
	Transport network	The north-south road to the west of Creamery Road should be an access street and remain connected to Midland Highway, with the intersection on Midland Highway marked as 'potential'. Additional access points into the Yih-Sheng land may be feasible but do not need to be shown on the Future Urban Structure Plan.	Chapter 3.8 - Transport network
	Drainage infrastructure, specifically the size, configuration and location of WLRB-06 and WLRB-07	The size, configuration and location of Basin 6 (WLRB-06) and Basin 7 (WRLB-07) on the Future Urban Structure Plan is appropriate.	Chapter 3.9 - Drainage infrastructure
	Extent of Cowies Creek conservation area and buffer	The extent of the Cowies Creek conservation buffer on the Final Future Urban Structure Plan is generally appropriate. The extent of the conservation buffer on part of the Yih-Sheng land [GT129.1] can be modified as follows: - to reduce the extent to the south of Cowies Creek. - to identify the north-eastern corner of the land as 'potential developable land subject to further investigation' through an annotation on the Future Urban Structure Plan.	Chapter 3.10 - Extent of Cowies Creek conservation area and buffer

Topic	Key issue	Summary of findings (based on Council's Final Amendment documents)	Chapter
DCP	Apportionment of BR-01 (Batesford South PSP bridge)	Exclusion of Bridge 1 from the DCP is beyond the scope of the Referred Matters. The apportionment of Bridge 1 to the precinct should be 11.96 per cent.	Chapter 4.1 - Apportionment of BR-01 (Batesford South PSP bridge)
	Intersection and road designs	The designs for arterial road intersections 1, 3, 4, 5, and 6 need to be reviewed with updated modelling to account for road network changes and a 40 per cent increase in NDA since the original model was prepared, and design modifications requested by HTfV. The design of Intersection 7 should be reviewed with updated modelling and the review should consider the benefits of both a non-DCP funded roundabout and a DCP funded signalised intersection. The road design for the Evans Road culvert is appropriate for costing purposes and can be further refined during the subdivision process. The scope of Bridge 1 design should be expanded to include an appropriate length of the northern road approach (which is appropriate will be informed by the costings discussion in Chapter 4.3).	Chapter 4.2 - Intersection and road designs
	Project costings	Subject to its recommendations the project costings in the Final DCP are generally appropriate. The Committee's recommendations will have consequences on the project costings, further refinement will be required before finalising the Amendment. Further work is required to confirm the cost of Bridge 1, including the integration of the cost of the northern road approach and P90 probability-based confidence level.	Chapter 4.3 - Project costings
	Development Infrastructure Levy rate	The Committee finds, subject to its recommendations, that the overall rate of the Levy is appropriate. Further refinement of the Levy is expected as a consequence of changes to different DCP projects recommended in this Report.	Chapter 4.4 - Development Infrastructure Levy rate

Topic	Key issue	Summary of findings (based on Council's Final Amendment documents)	Chapter
PSP/UGZ8 provisions	Applied residential zones and densities	Subject to its recommendation, the requirements, guidelines and provisions in the exhibited PSP and UGZ8 are appropriate in relation to affordable housing.	Chapter 5.1 – Applied residential zones and densities
	Affordable housing	The affordable housing provisions in the PSP and UGZ8 are appropriate.	Chapter 5.2 – Affordable housing
	Acoustic treatment/noise	The Final PSP and UGZ8 appropriately respond to acoustic treatment and noise issues.	Chapter 5.3 – Acoustic treatment/noise
	Activity centres	The requirements, guidelines and provisions in the PSP and UGZ8 are partly appropriate in relation to activity centres, changes are recommended.	Chapter 5.4 – Activity centres
	ESD, smart cities and zero carbon	The provisions, requirements and guidelines in UGZ8 and the PSP are appropriate in relation to smart cities. The provisions, requirements and guidelines in UGZ8 and the PSP are not appropriate in relation to zero carbon, changes are recommended. The provisions, requirements and guidelines in UGZ8 and the PSP in relation to ESD are partly appropriate, changes are recommended.	Chapter 5.5 – Environmentally sustainable design, smart cities and zero carbon
	Potentially contaminated land	The contaminated land provisions in UGZ8 are partly appropriate and changes are recommended.	Chapter 5.6 – Potentially contaminated land
	Quarry buffer	The UGZ8 appropriately responds to the buffer around the Batesford Quarry.	Chapter 5.7 – Quarry buffer
	Bushfire	Bushfire risk has been appropriately considered in the preparation of UGZ8 and the PSP. The drafting of the UGZ8 and the PSP should be updated in response to changes to bushfire planning provisions which occurred during the process (Amendment VC248).	Chapter 5.8 – Bushfire

Topic	Key issue	Summary of findings (based on Council's Final Amendment documents)	Chapter
	Biodiversity and EPBC Act strategic assessment	UGZ8 and PSP generally respond to biodiversity values in an appropriate matter. UGZ8 and the PSP do not appropriately respond to the EPBC Act strategic assessment process. It is premature to include detailed conditions and application requirements that closely tie the planning process with the EPBC Act strategic assessment, changes to the Final UGZ8 and PSP are recommended.	Chapter 5.9 - Biodiversity and EPBC Act strategic assessment
	Integrated water management	The Integrated Water Management requirements in the PSP and UGZ8 are partly appropriate, changes are recommended. In relation to the following specific requirements: - recycled water requirements need to be updated to remove duplication and allow greater discretion decision makers - the precinct scale stormwater quality requirements do not need to apply to interim assets - the reference to the EPA Publication 1739.1 is appropriate.	Chapter 5.10 - Integrated water management
	Whether updates are required to the NVPP	The NVPP is generally acceptable, minor changes are recommended.	Chapter 6 - Native Vegetation Precinct Plan

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the draft Greater Geelong Planning Scheme Amendment C450ggee (Amendment) is to incorporate the following into the Greater Geelong Planning Scheme (Planning Scheme):

- Creamery Road Precinct Structure Plan (PSP)
- Creamery Road Development Contributions Plan (DCP)
- Creamery Road Native Vegetation Precinct Plan (NVPP).

Specifically, the Amendment proposes to:

- apply Urban Growth Zone Schedule 8 (UGZ8) and other changes to support implementation of the PSP
- apply the Development Contributions Plan Overlay Schedule 11 (DCPO11) and the Parking Overlay Schedule 2 (PO2) to all land within the precinct
- apply the Heritage Overlay to two properties
- apply the Environmental Audit Overlay (EAO) to potentially contaminated land
- ensure urban development in the Creamery Road precinct (precinct) is undertaken in a manner consistent with the Northern and Western Geelong Growth Area (NWGGA) Environment Protection and Biodiversity Conservation Plan (EPBC Plan) and supporting documents prepared under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

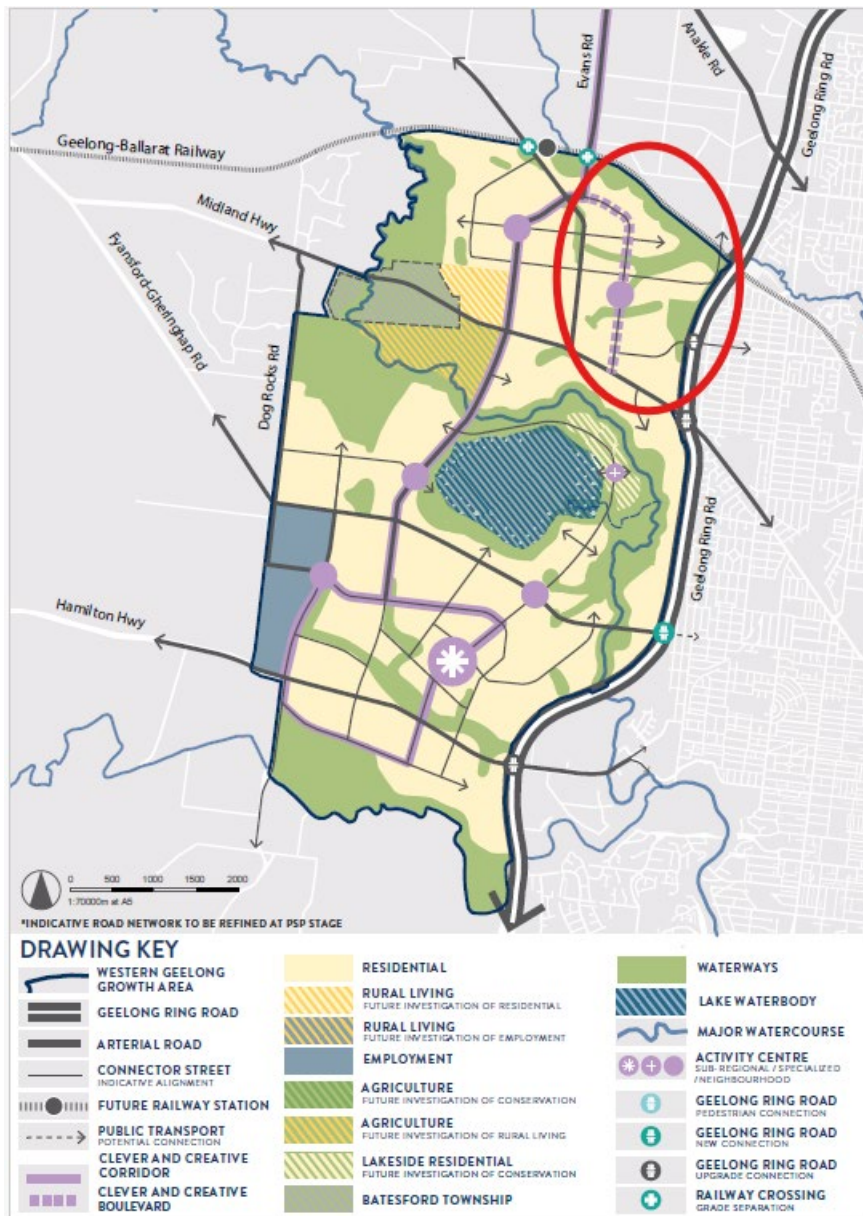
(ii) Western Geelong Growth Area

The precinct is in the north-eastern corner of the Western Geelong Growth Area (Growth Area) as shown in Figure 2.

Some key features of the precinct expressed in the Growth Area plan include:

- The CCB runs through the length of the precinct between Midland Highway to Evans Road. The CCB is open to all vehicles along its full length as recommended by the Committee in Referral 1. In the Referral 1 process, the CCB was described as part of the Clever and Creative Corridor (CCC).
- The designation of waterway and conservation areas, including the conservation area along the Cowies Creek.

Figure 2 Western Geelong Growth Area map



Source: Council's Day 0 documents (Committee notation added)

(iii) Creamery Road precinct

The precinct is bounded by Geelong Ring Road, Midland Highway, Geelong-Ballan Road and the Ballarat Geelong railway and has an area of approximately 350 hectares. Figure 2 shows the proposed future urban structure as shown in the PSP.

Figure 3 Exhibited Future Urban Structure Plan for the precinct



LEGEND

- Precinct Boundary - Parcel Boundary - Urban Growth Boundary - NAC Precinct Boundary - Railway Corridor - Potential Future Railway Station - Heritage Homestead - Emergency Hub (Indicative) 100m Buffer to Cowies Creek 500m Quarry Buffer - Area of Cultural Sensitivity	FUTURE URBAN STRUCTURE - General Residential Zone (GRZ) - Residential Growth Zone (RGZ) - Mixed Use Zone (MUZ) - Local Convenience Centre (RGZ) - Neighbourhood Activity Centre (C1Z) - Amenity Area - Barwon Water Facility - Waterway & Drainage Asset - Early Years & Community Hub (CC) - Government Primary School (P-6)	- Existing Private School - Community Park - Proposed Sports Reserve - Existing Sports Reserve - Cowies Creek Conservation - Investigation Area (Subject to Stormwater & Geotechnical Assessment)	- Clever & Creative Boulevard - Key Pedestrian Street - Recreational Transport Links - Bridge - Future Road Infrastructure - Existing Road being Retained - Arterial Road - Connector Road - Indicative Local Access Street - Conservation Interface Street - Bluestone Bridge Road
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Source: Council's Exhibited Amendment

1.2 Background

(i) Framework Plan

Council prepared the Northern & Western Geelong Growth Areas Framework Plan (Framework Plan) in response to increased housing demand in the Geelong region. It was designed to provide capacity for 112,000 new residents in the NWGGA. The Framework Plan was introduced into the Planning Scheme through Amendment C395ggee, at the same time the land was zoned Urban Growth Zone (UGZ).

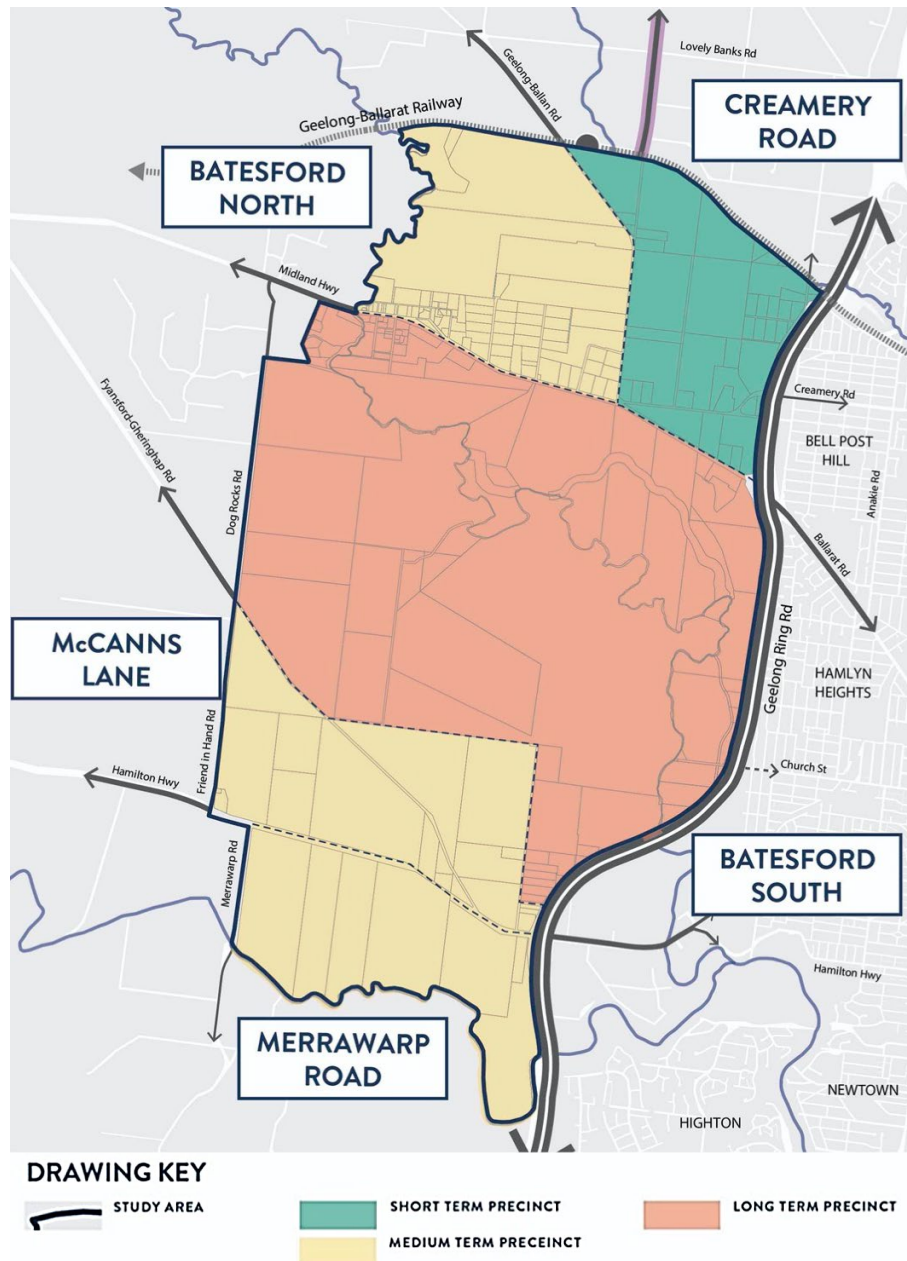
The Framework Plan is a high-level strategic plan that sets out a long-term vision for the NWGGA, including land use, transport, utilities, infrastructure and environmental outcomes, with a view to accommodating 112,000 residents.

The Framework Plan includes the following vision for the NWGGA:

The Northern and Western Geelong Growth Areas will exemplify Geelong's transformation as a clever and creative city by building diverse, localised and sustainable neighbourhoods that prioritise self-sufficiency whilst maximising connections to the Geelong community, economy and identity.

The Amendment documentation have been prepared generally in line with the Framework Plan as the key underlying strategic document, with some deviations. The Framework Plan identifies Creamery Road as the first precinct to be developed within the Growth Area as shown in Figure 4.

Figure 4 Sequencing plan for the Growth Area



Source: Northern & Western Geelong Growth Areas Framework Plan (August 2020)

(ii) PSP

The exhibited PSP identifies a net developable area (NDA) of 210.22 hectares (61%). It anticipates providing for 4,204 new dwellings and a population of 11,772 residents.

The PSP provides a detailed structure plan to support future development of the precinct. It will assist in ensuring the orderly and efficient development of the precinct by suitably balancing site constraints, risks, cultural and heritage values, infrastructure, servicing, native vegetation and the future needs of the community. The PSP will ensure that the development of the precinct meets the needs of the existing and future community.

There are several established uses within the precinct including Covenant College and Myers Reserve. The PSP reflects these existing uses and supports their ongoing operation as services for existing residents.

(iii) Commonwealth strategic assessment

The NWGGA contains areas with significant biodiversity values protected under State and Commonwealth law.

Council is seeking Commonwealth approval through a strategic assessment process under Part 10 of the EPBC Act (strategic assessment). This involves a strategic assessment of the impacts of urban development on matters of national environmental significance (MNES) within the NWGGA when urban development (the action) occurs in accordance with the EPBC Plan.

The strategic assessment process has not been completed. When Council has finalised the EPBC Plan, the Commonwealth will need to endorse the EPBC Plan and then decide if it will approve actions undertaken in accordance with the endorsed EPBC Plan.

The EPBC Plan outlines the biodiversity outcomes to be achieved within the NWGGA by reference to objectives, outcomes, commitments and measures. Council will be responsible for any approval issued under Part 10 of the EPBC Act.

The Commonwealth process is expected to be approved this year.

The Amendment facilitates the protection and enhancement of biodiversity and ensures that Victorian planning permissions do not undermine the objectives of the EPBC Plan in relation to the protection of MNES.

(iv) Referral 1

The Minister previously referred the Amendment to the Committee on 4 January 2025 (Referral 1) before the Amendment was exhibited. The Minister requested the Committee's early advice on whether the Amendment would provide a balanced development outcome with regard to the extent of developable land and development infrastructure levy.

Referral 1 had a narrower focus, the first referral letter stated the Minister was seeking:

... early advice of the committee [is sought] on whether the draft amendment will provide for a balanced development outcome, including consideration of its ability to provide for efficient land use, maximise development opportunities and provide for the timely delivery of development.

I ask the committee to focus on the following specific matters:

- The extent of developable land in the draft Creamery Road PSP, having regard to land required for active and passive open space, conservation reserves, schools and community facilities, transport infrastructure, and drainage assets (a net developable area of 57 is proposed).
- The development infrastructure levy, including the design, cost and apportionment of infrastructure items, (in particular, the 'Clever and Creative Corridor' and drainage assets), as proposed in the draft Creamery Road DCP (a development infrastructure levy of approximately \$1.6 million per net developable hectare is proposed).

The Committee invited stakeholders, including Council, affected landowners, developers, and government agencies and authorities, to participate in a roundtable consultation

process. The roundtable was held over five days in April 2025 and involved 15 parties, many of which called expert evidence. In accordance with the Committee’s remit, the roundtable discussions were confined to matters relating to the extent of developable land and Development Infrastructure Levy and did not involve a broader consideration of the PSP against the planning policy framework.

The Committee produced a report in two volumes dated 21 May and 20 June 2025 which recommended further work and changes to the Amendment before it was exhibited. Following submission of the Committee’s reports, Council undertook further work and exhibited the updated Amendment between 17 December 2025 and 9 February 2026. The specific recommendations from Referral 1 are identified in this Report where they provide context for the consideration of Referred Matters in this process.

While Referrals 1 and 2 to the NWGGASAC relate to the same precinct, they are separate referrals guided by separate referral letters. There is nothing in the Minister’s Referral letter to suggest that the Committee needs to focus on or prioritise the matters already addressed as part of Referral 1.

This Committee has been asked to consider a broader range of Referred Matters, and it has considered them all. Where relevant in this Report, the Committee has made reference to the recommendations of the Committee in Referral 1 for context.

1.3 Referred Matters

The Minister for Planning (Minister) referred the Amendment to the Northern and Western Geelong Growth Areas Standing Advisory Committee (Committee) for advice on specific Referred Matters (Referred Matters), as outlined in the letter dated 1 March 2026 (see Appendix A).

The Minister directed the Committee to only consider submissions and the Council’s response to the Referred Matters.

The Minister specifically excluded the inclusion and apportionment of State transport infrastructure items (IN-05, LA-02, LA-03) in the DCP. The Minister said that these had already been considered in Referral 1 and reinstated in the DCP following instructions to Council.

Table 2 includes the Referred Matters.

Table 2 Referred Matters

Topic	Key issue
PSP Future Place-based Plan	Whether the following matters in the exhibited Future Place-based Plan are appropriate: - Extent of developable land - Location and size of the neighbourhood activity centre - Local convenience centres - Location of the active open space reserve (SR-02) - Quantum and distribution of public open space - Size of the community hub (CF-01)

	- Residential areas, including amenity area - Transport network - Drainage infrastructure, specifically the size, configuration and location of WLRB-06 and WLRB-07 - Extent of Cowies Creek conservation area and buffer
DCP	Whether the following matters in the exhibited DCP are appropriate: - Project costings - Intersection and road designs - Apportionment of BR-01 (Batesford South PSP bridge) - Overall rate of the Development Infrastructure Levy
PSP/UGZ8 provisions	Whether the requirements, guidelines and provisions in the exhibited PSP and UGZ8 are appropriate in relation to: - Applied residential zones and densities - Affordable housing - Acoustic treatment/noise - Activity centres - ESD, smart cities, zero carbon - Potentially contaminated land - Quarry buffer - Bushfire - Biodiversity and EPBC Act strategic assessment - Integrated water management
NVPP	Whether updates are required to the NVPP.

Source: Referral letter

(i) State infrastructure items

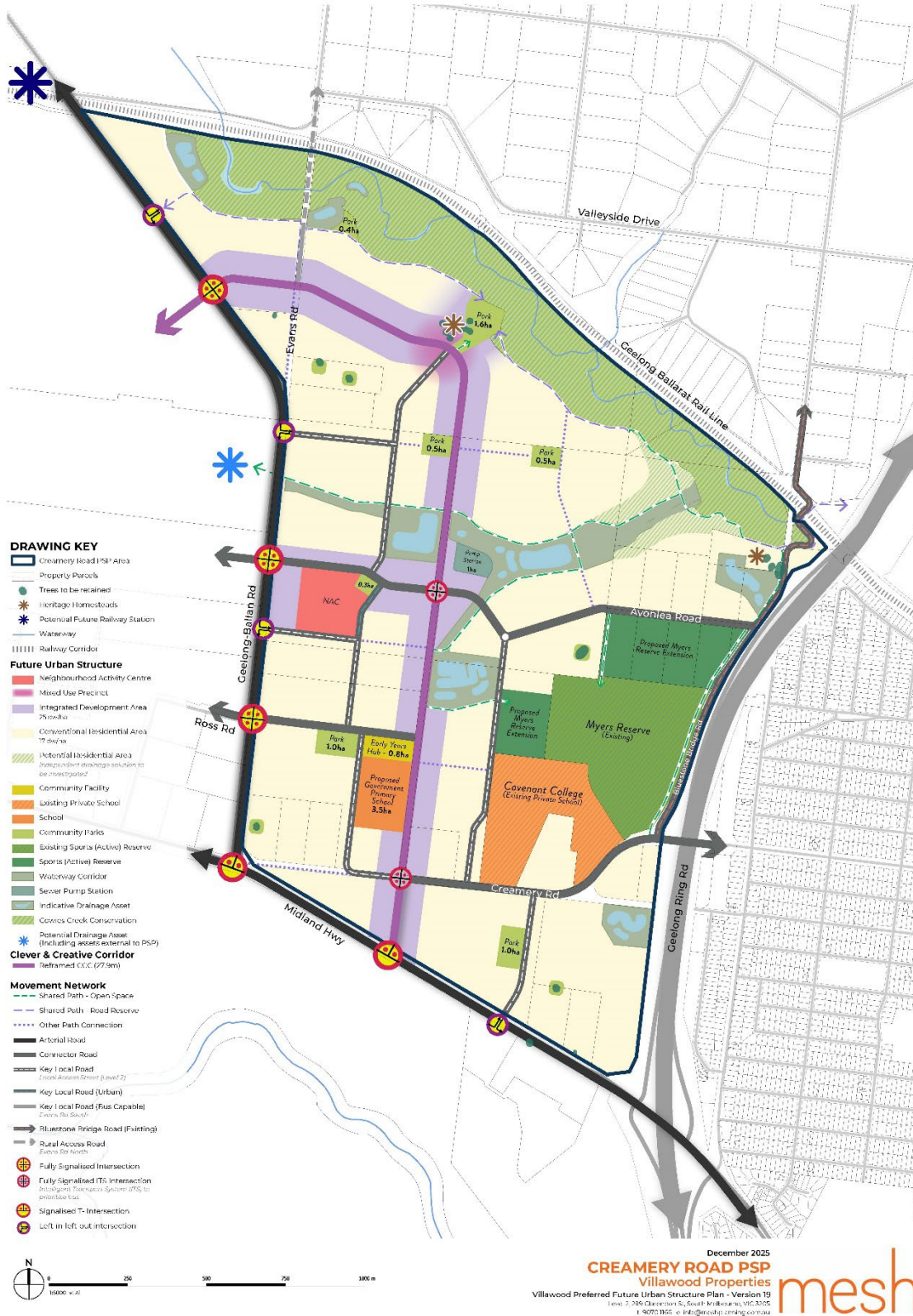
The Minister specifically did not seek advice on the inclusion and apportionment of State transport infrastructure items (IN-05, LA-02, LA-03) in the DCP. Given the project costing, intersection and road design in the DCP are Referred Matters – the Committee is satisfied that the costings and design of State transport infrastructure items (IN-05, LA-02, LA-03) are within its remit.

1.4 Future Urban Structure Plan options presented

Council presented its preferred Final Future Urban Structure Plan as shown in Figure 5. The Committee refers to this as the 'Council Plan' or the 'Final Future Urban Structure Plan' in this Report.

Villawood presented an alternative Future Urban Structure Plan as shown in Figure 6. The Committee refers to this as the 'Villawood Plan' in this Report.

Figure 6 Villawood alternative Future Urban Structure Plan (Villawood Plan)



Source: Attachment 1 to Villawood original submission during exhibition period

1.5 Versions of the Amendment

Several versions of the Amendment documents during the Committee's process. These documents are referenced in this Report as follows:

- Exhibited Amendment – draft Amendment exhibited (Documents 1.01, 1.02, 1.07)
- Day 0 – version of the PSP, UGZ8 and DCP circulated prior to the commencement of the Hearing (Documents 30, 31, 33)
- Day 1 – version of the PSP and UGZ8 circulated during the Hearing (Docs 73, 75)
- Final Day – version of PSP, UGZ8, Future Urban Structure Plan (or Place-Based Plan), annotated DCP and PSP circulated on 14 May 2026 (Documents 124, 126, 128, 130)
- Final response version – Council's response to drafting comments circulated after the Hearing on 27 May 2026 (Documents 141 and 142).

Any reference to the 'Final Amendment' in this Report includes (as shown in Volume 2 of the Committee's Report):

- Council's Final Creamery Road Precinct Structure Plan (Document 141)
- Council's Final Creamery Road Development Contributions Plan (Document 128)
- Council's Final Schedule 8 to the Urban Growth Zone (Document 142)
- Council's Final Future Urban Structure Plan (or Place-Based Plan) (Document 126) – noting this is the same version as that included in Documents 141 and 142, but in higher resolution.

1.6 The Committee's approach

The Committee has considered and reported on the Referred Matters only.

The Committee considered observations from site visits, and submissions, evidence and other material presented to it during the Hearing to the extent that they relate to Referred Matters. All submissions and materials which relate to the Referred Matters have been considered by the Committee regardless of whether they are specifically mentioned in the Report.

1.6.1 Report structure and recommendations

The Committee's Report is presented in two volumes:

- Volume 1 includes:
 - Description of the Amendment
 - Planning Context
 - Advice on all Referred Matters
- Volume 2 includes:
 - Appendices
 - Final Amendment documents (that are the starting point for the findings and recommendation on Referred Matters)

The Committee's findings and recommendations use the Final Amendment documentation as the starting point (see Chapter 1.6). The Committee has not marked up the Final Amendment documents in Volume 2.

1.6.2 Limitations

Review of the Amendment

The Committee was not asked to review the merits of the Amendment documentation or the drafting of the controls. The Committee has only made findings and recommendations on aspects of the Amendment relevant to the Referred Matters.

The Committee has not considered or made any findings or recommendations on the Amendment documentation more generally.

Drafting suggestions

The Committee received several specific suggestions regarding the drafting of the PSP and UGZ8 not relevant to the Referred Matters. The Committee has not considered, reported on or endorsed these matters.

2 Planning context

2.1 Planning Policy Framework

State and regional planning policy

Table 3 identifies relevant State and regional planning policy in the Planning Scheme.

Table 3 Relevant state and regional planning policy clauses

Clause	Sub-clause
Clause 11: Settlement	- Clause 11.02-1S Development capacity - Clause 11.02-2S Structure planning - Clause 11.03-2S Growth areas
Clause 12: Environmental and landscape values	- Clause 12.01-1S Protection of biodiversity - Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs - Clause 12.06-1S Urban forests
Clause 13: Environmental risks and amenity	- Clause 13.01-3S Urban heat - Clause 13.02-1S Bushfire planning - Clause 13.04-1S Contaminated and potentially contaminated land - Clause 13.04-2S Erosion and landslip - Clause 13.05-1S Noise management - Clause 13.07-1S Land use compatibility
Clause 15: Built environment and heritage	- Clause 15.01-1S Urban design - Clause 15.01-3S Subdivision design - Clause 15.01-4S Healthy neighbourhoods - Clause 15.01-5S Neighbourhood character - Clause 15.03-1S Heritage conservation - Clause 15.03-2S Aboriginal cultural heritage
Clause 16: Housing	- Clause 16.01-1S Housing supply - Clause 16.01-2S Housing affordability
Clause 17: Economic Development	- Clause 17.01-1S Diversified economy
Clause 18: Transport	- Clause 18.01-1S Land use and transport integration - Clause 18.01-2S Transport - Clause 18.01-2R Transport system - Clause 18.01-3S Sustainable and safe transport - Clause 18.02-1S Walking - Clause 18.02-2S Cycling

	- Clause 18.02-3S Public transport
	- Clause 18.02-4S Roads
Clause 19: Infrastructure	- Clause 19.02-2S Education facilities
	- Clause 19.02-3S Cultural facilities
	- Clause 19.03-1S Development and infrastructure contributions plans
	- Clause 19.03-3S Integrated water management

Local planning policy

Clause 11.02-2L (Northern and Western Geelong Growth Areas) guides development in the NWGGA and gives effect to the Framework Plan. It promotes 20-minute neighbourhoods, transport mode shift, activity centres and biodiversity protection. The layout, density, transport strategy and environmental measures in the PSP are guided by Clause 11.02-2L.

2.2 Planning policy documents and guidelines

The following policy documents are referred to in the Planning Scheme, along with the Framework Plan (see Chapter 1.2).

Plan for Victoria (2025)

Plan for Victoria (2025) is a state-wide policy document guiding development throughout Victoria. It encourages greater housing supply and density, sustainable development and streamlined planning processes.

Victoria's Housing Statement and housing targets

Victoria's Housing Statement (2023) establishes housing supply targets throughout the state. Greater Geelong has a target of 128,600 new dwellings, including 51,100 in greenfield areas. As exhibited, the Creamery Road PSP aims to deliver approximately 4,204 of the new greenfield area dwellings.

G21 Regional Growth Plan (2013)

The G21 Regional Growth Plan (2013) was prepared to predict where population growth will occur across the Geelong region and set directions for housing, infrastructure and economic development.

PSP Guidelines

The purpose of the *Precinct Structure Planning Guidelines: New Communities in Victoria* (VPA, October 2021) (PSP Guidelines) is to provide the framework for preparing Precinct Structure Plans that guarantee quality outcomes while also being flexible, responsive and supportive of innovation.

The Guidelines are based on planning for 20-minute neighbourhoods, a principle that advocates for living locally to ensure accessible, safe and attractive local communities.

2.3 Planning Practice Notes

Table 4 Relevant Planning Practice Notes

Planning Practice Note	Purpose
PPN01 – Applying a Heritage Overlay	Relevant to proposed application of the Heritage Overlay to two properties
PPN17 – Urban design frameworks	Provides guidance about the preparation and use of Urban Design Frameworks.
PPN30 – Potentially Contaminated Land	Relevant to proposed application of the EAO to potentially contaminated land
PPN46 – Strategic Assessment Guidelines	Preparation and evaluation of proposed planning scheme amendments
PPN47 – Urban Growth Zone	Purpose and provisions of the UGZ and the role of precinct structure plans
PPN58 – Structure planning for Activity Centres	Guidance about the activity centre structure planning process
PPN59 – The role of mandatory provisions in planning schemes	Guidance around appropriateness of applying mandatory provisions
PPN60 – Height and setback controls for activity centres	Guidance on application of height and setback controls in activity centres
PPN90 – Planning for Housing	Guidance on planning for housing growth to meet municipal housing targets
PPN91 – Using the residential zones	Guidance on implementing strategic planning for housing in the planning scheme and use of residential zones
PPN92 – Managing buffers for land use compatibility	Guidance on planning for land use compatibility and the Planning Policy Framework, and requirements in planning provisions relating to the management of buffers
PPN97 – Strategic planning for waterways	Guides on how to plan for waterway protection

2.4 Ministerial Directions

Relevant Ministerial Directions include:

- Ministerial Direction 1: Potentially contaminated land
- Ministerial Direction 11: Strategic assessment of amendments
- Ministerial Direction 12: Urban Growth Areas
- Ministerial Direction 15: The planning scheme amendment process
- Ministerial Direction 19: Amendments that may result in impacts on the environment, amenity and human health
- Ministerial Direction on the Preparation and Content of Development Contributions Plans
- Ministerial Reporting Requirements for Development Contributions Plans.

3 Future Urban Structure Plan

The Committee's referral letter sought advice on the 'exhibited Future Place-based Plan'. This same plan is referred to as the 'Future Urban Structure Plan' in more recent documentation presented at the Hearing. The Committee refers to this plan as the 'Future Urban Structure Plan' in this Report.

3.1 Extent of developable land

(i) The issue

The issue is whether the extent of developable land in the Future Urban Structure Plan is appropriate.

(ii) Background

Referral 1

In Referral 1, the Committee was asked to focus on:

The extent of developable land in the draft Creamery Road PSP, having regard to land required for active and passive open space, conservation reserves, schools and community facilities, transport infrastructure and drainage assets (a net developable area of 57 per cent is proposed).

In the Referral 1 report, the Committee identified there were significant opportunities to increase the NDA through refinements of the Future Urban Structure Plan relating to:

- transport infrastructure
- drainage infrastructure
- open space and community infrastructure.

The Committee made recommendations for further work to identify opportunities to increase the NDA.

Further work was undertaken by Council that resulted in refined land takes for drainage, transport, open space and community infrastructure. This resulted in a total addition of almost 15 hectares to the NDA when compared with Future Urban Structure Plan in Referral 1.

Extent of developable land

The Day 1 Future Urban Structure Plan proposes to deliver 210.22 hectares of developable land (61 per cent NDA). The NDA was not recalculated to reflect the changes adopted by Council in its Final Future Urban Structure Plan.

(iii) Submissions

Council submitted that further increases in NDA beyond what has been achieved between Referral 1 and the Final Future Urban Structure Plan will be difficult to achieve without compromising the delivery and quality of the relevant assets.

Villawood submitted:

- The extent of developable land is its primary concern.

- Four key matters will increase NDA, improve efficiency and reduce costs to the DCP:
 - relocation of Reserve 2 to the north of Myers Reserve
 - relocation of the NAC
 - appropriate scope of the Community Facility 1
 - improvements to intersection design.

Yih-Sheng submitted the land in the north-east corner of its site is capable of contributing additional NDA without generating an additional demand for infrastructure demand, hence improving the overall efficiency of the DCP.

(iv) Discussion

The work undertaken since Referral 1 represents a significant and positive outcome. Referral 1 identified substantial opportunities to increase the NDA through refinement of transport, drainage, open space and community infrastructure.

This represents a material improvement in the efficient use of land while maintaining the delivery of the key infrastructure, community facilities and environmental outcomes required to support the future community. The land allocated for infrastructure, open space and conservation purposes is reasonable, and a further reduction would be hard to achieve without compromising the broader policy aspirations for the precinct.

While submitters proposed some changes that may result in an increase to the NDA, the scale of these changes is relatively modest when considered against the substantial gains already achieved through the refinement process following Referral 1.

As discussed in other chapters of this Report, the following is a summary of the Committee's recommendations that are likely to increase the extent of developable land:

- a reduction in the buffer to the south side of Cowies Creek on the Yih-Sheng land, which will result in an undetermined increase in NDA (see Chapter 3.10)
- increasing the size of the Neighbourhood Activity Centre (NAC) to 4 hectares, which will decrease the NDA by 1.3 hectares (see Chapter 3.2)
- replacing Basin 7 with Sediment Basin, which will increase NDA by 0.915 hectares (see Chapter 3.9)
- changes to road infrastructure which may result in increased NDA by an undetermined amount (see Chapter 3.8).

The Committee considers the extent of developable land proposed in the Final Future Urban Structure Plan, subject to the recommendations of this Committee, is appropriate.

(v) Finding

The Committee finds that the extent of developable land in the Final Future Urban Structure Plan is appropriate.

3.2 Location and size of the neighbourhood activity centre

(i) The issues

The issues are whether:

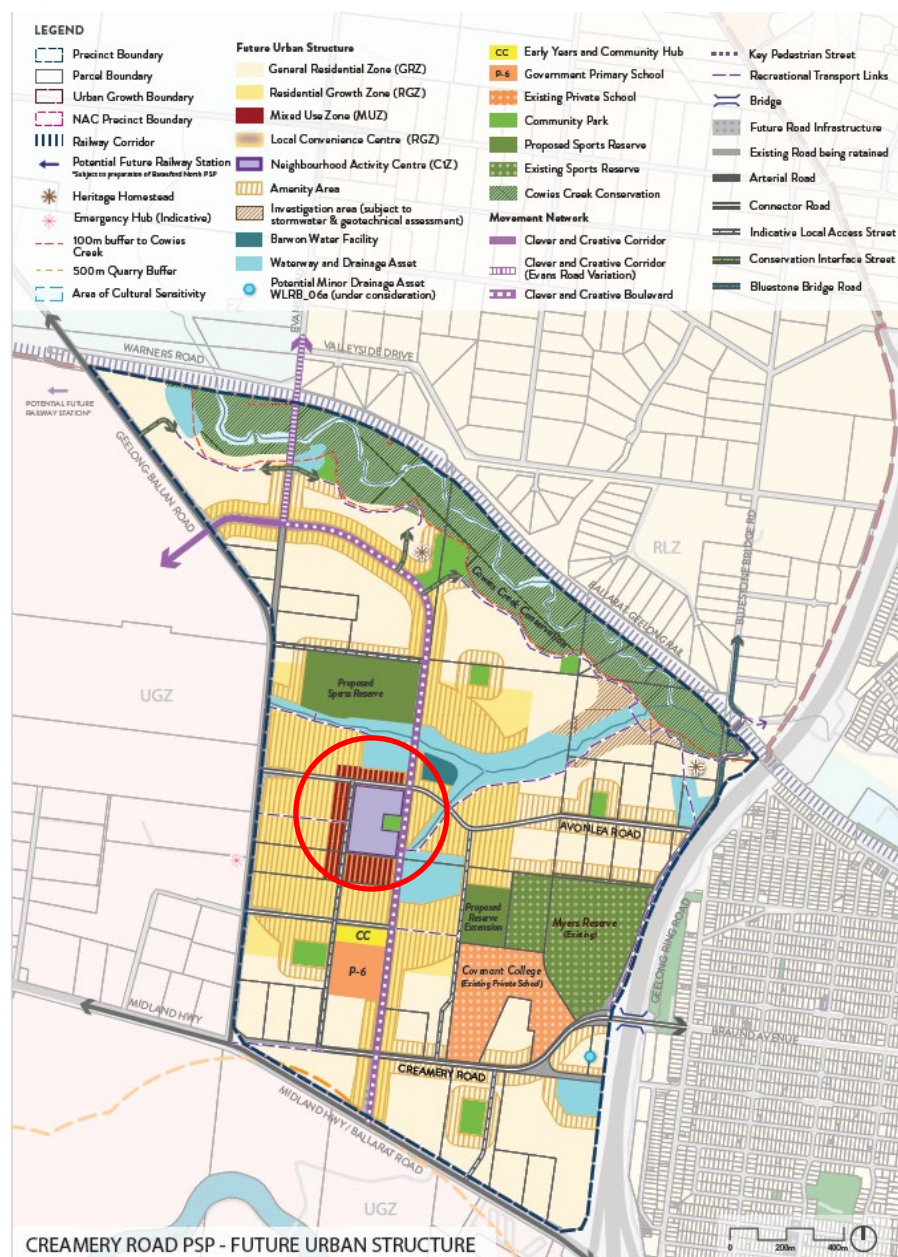
- the location of the NAC on the Future Urban Structure Plan is appropriate
- the size of the NAC Future Urban Structure Plan is appropriate.

(ii) Background

What is proposed?

Council's Final Future Urban Structure Plan (the Council Plan, Figure 7) shows the NAC on the corner of the east-west connector road and the CCB.

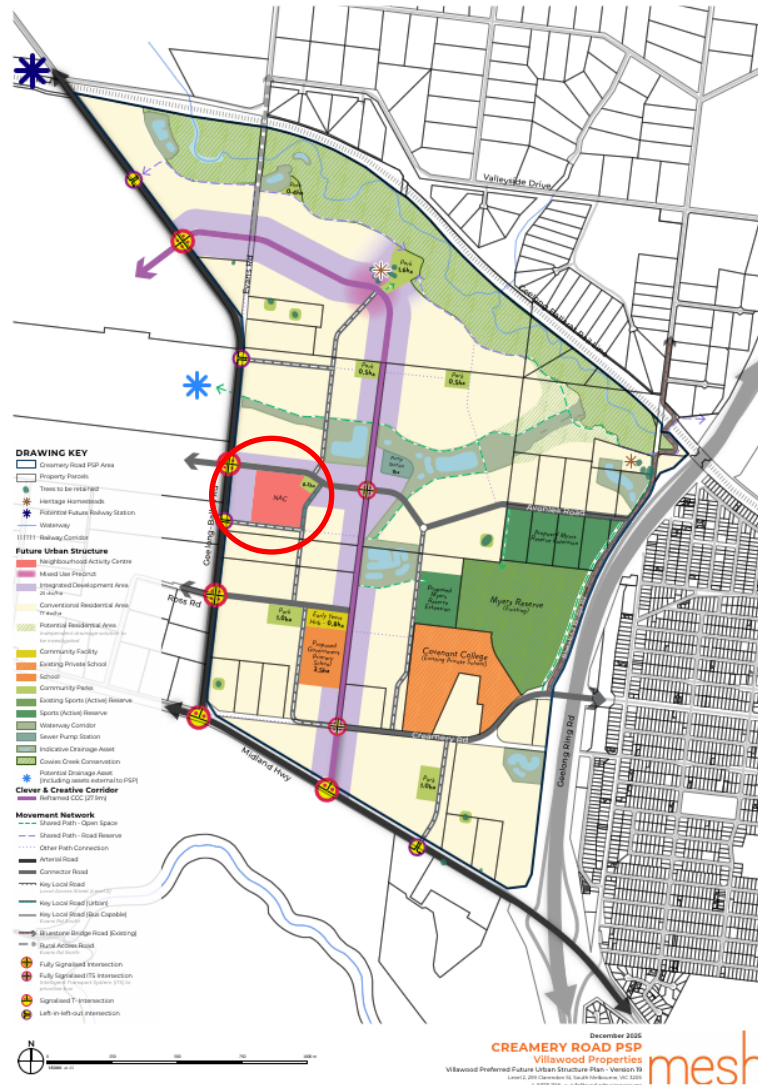
Figure 7 Preferred NAC location in the Council Plan



Source: Council Final Future Urban Structure Plan (Committee notation added)

Villawood’s proposed alternative Future Urban Structure Plan (the Villawood Plan, Figure 8) shows the NAC located 200 metres to the west, in between the CCB and Geelong-Ballan Road.

Figure 8 Villawood preferred NAC location



Source: Attachment 1 to Villawood original submission during exhibition period (Committee notation added)

Table 6 of the PSP (Neighbourhood Activity Centre) provides maximum floor areas for retail and commercial land use within the NAC and LCCs.

Table 5 shows the Final Amendment version proposed by Council, including Council’s comments.

Table 5 Final PSP Table 6: Neighbourhood Activity Centre

Land use	Retail floor space	Commercial floor space	Location and ancillary uses	Council comment
Neighbourhood Activity Centre (NAC)	5,625 [square metres] sqm	1,875 sqm	Located centrally within the NAC precinct, fronting the CCB and co-located with the mixed use amenity area. Provides for a full line supermarket and specialty retail shops. Other uses such as offices,	Changes informed evidence, as per Council’s Part B submission.

			shared spaces, and medical uses are encouraged to support a vibrant centre. Large format retail uses, service stations and drive-through establishments are discouraged.	
Local Convenience Centre (LCC) – North	1,310 sqm (including shop)	435 sqm	Located along the CCB, situated near the Coolangatta Homestead. Retail and commercial uses are encouraged on the ground floor level, with residential uses above. Full line supermarkets and large format retail uses are discouraged.	Total area to be reduced to 1,000 sqm total. Exact breakdown of retail vs commercial pending.
Local Convenience Centre (LCC) – South	1,310 sqm (including shop)	435 sqm	Located on the CCB at the intersection with Creamery Road. Retail and commercial uses are encouraged on the ground floor level, with residential uses above. Full line supermarkets and large format retail uses are discouraged.	Total area to be reduced to 1,000 sqm total. Exact breakdown of retail vs commercial pending.
Indicative numbers, to be confirmed prior to finalisation. Note: Commercial development outside the designated NAC and LCC areas shall be considered Out of Centre commercial development.				

Source: Council Final PSP (Document 141)

Planning Scheme provisions

Clause 11.02-2L includes the following relevant objectives:

To create sustainable neighbourhoods where residents can live locally and meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.

Clause 11.02-2L includes the following relevant strategies:

Prior to resolving to commence a precinct Structure Plan ensure that: ...

- The precinct's development will support the effective and early development of public transport infrastructure, town centre and employment precincts...

Develop the Clever and Creative Corridor as a tree-lined, boulevard style transit corridor that prioritises public transport, walking and cycling between activity centres and education, community and recreation facilities, and provides a focal point for the design of sustainable neighbourhoods that are interconnected and support housing diversity.

The Framework Plan

The Framework Plan provides an overarching description of the role of the CCC and states the following as it relates to activity centres:

The location of sub-regional and neighbourhood activity centres adjacent to the corridor and the development of medium density housing development within a walkable catchment of the corridor will help sustain the level of public transport needed to support strong public transport patronage in the corridor.

The Framework Plan identifies the CCC will provide a centralised focal point for community activity and mobility through Action N2.1.1:

... The design of each neighbourhood will place activity centres, health facilities and services, schools local parks and recreation facilities along the Clever and Creative Corridor.

Action N3.1.4 identifies that an Urban Design Framework (UDF) will be prepared for each NAC:

... The UDF will address ESD principles and sustainability, public realm and amenity, land use and activity, access and movement, built form and character, and the integration of the activity centre with the Clever and Creative Corridor.

The Committee places significant weight on the strategic role of the CCC/CCB identified within Clause 11.02-2L and the Framework Plan.

PSP Guidelines

Feature 16.1 (F16.1) states:

Activity centres should provide for a full range of employment opportunities to support a diverse, sustainable local economy.

New activity centres should be located, scaled and designed to:

- *prioritise pedestrian movement and access to public transportation*
- create a sense of place through high-quality, human-scale urban design, including maximised activation of uses at ground level
- be sustainable, adaptable and responsive to local conditions and forecast climate change conditions
- *designate land for an appropriate and viable amount of retail, civic and commercial floorspace and appropriately located public open space.*

Feature 16.3 (F16.3) states:

General principles

Mechanisms to support early activation of the activity centre should be explored and encouraged.

How to apply in a PSP

Any activity centre concept plan or guidance should provide flexibility to allow staging of development that would support early and continuous activation of the centre.

Place-based guidance should encourage the establishment of temporary spaces or interim uses that support residents to live locally.

Target 19 (T19) states:

Performance targets

80-90% of dwellings should be located within 800m of an activity centre.

Opportunity

Alternative distributions of activity centres may be considered where it can be demonstrated that the variation will make a positive contribution to a 20-minute neighbourhood (and not simply improve commercial outcomes).

For example, variations may seek to:

- create a distinctive character
- respond to the location of other existing or planned centres
- take an innovative approach to delivering infrastructure, and climate change adaptation responses » provide enhanced opportunities for vibrancy, diversity and intensity of land uses (including housing, community uses or not-for-profit uses).

(iii) Evidence and submissions

Council submitted:

- The location of the NAC on the Council Plan aligns with the strategic objectives of the PSP and the Framework Plan.
- The NAC should be centrally located to serve the future community.

- The location of the NAC shown on the Council Plan best supports walking, cycling and public transport accessibility to achieve a 20-minute neighbourhood structure.
- The NAC should maintain a strong relationship with the CCB.
- Greater weight should be given to internal accessibility and integration for future community; less weight should be given to undetermined early delivery benefits resulting from exposure to Geelong-Ballan Road.
- In response to submissions, it supports increasing the size of the NAC to 4 hectares subject to a commensurate reduction in the Local Convenience Centres (LCCs). The north-south connector road location is flexible in its ability to accommodate variations to the NAC size.

Villawood submitted:

- The NAC location shown on the Villawood Plan will:
 - improve commercial exposure and prominence
 - support earlier delivery and activation of the centre
 - improve viability
 - better integrate with key movement corridors
 - retain walkable access to the CCB.
- The NAC should be increased in size to approximately 4 hectares and there should be staged delivery of housing between Geelong-Ballan Road and the NAC.

The Committee heard evidence on these issues from:

- Mark Woodland of Urbis for Council
- Mark Sheppard of Urbis for Council
- Sophie Jordan of Contour Planning and Advisory for Villawood
- Paul Shipp of Urban Enterprise for Villawood
- Alastair Campbell of Hansen Partnership for Villawood.

Mr Woodland's evidence was:

- The location of the NAC on the CCB is consistent with State policy and the PSP Guidelines in prioritising a 20-minute neighbourhood.
- The location of the NAC in the Exhibited Amendment should be moved north to the corner or the east-west connector road and the CCB (as adopted in the Council Plan).
- The NAC alone does not achieve T19 of the PSP guidelines, which states that 80 to 90 per cent of dwellings should be located within 800 metres of an activity centre. However, in combination with the LCCs, T19 is met.
- The potential benefits of earlier delivery of retail services to households in the precinct do not outweigh the longer-term benefits of locating the NAC on the CCB.
- The overall land allocations for the town centre (inclusive of the Commercial 1 Zone and Mixed Use Zone) are sufficient to cater for the forecast retail and non-retail needs within the precinct.
- The NAC can be increased to 4 hectares subject to a proportional decrease in the LCCs.

Mr Sheppard's evidence was:

- The location of the NAC in the Exhibited Amendment should be repositioned north on the corner of the CCB and the east-west connector road (as adopted in Council's Final Future Urban Structure Plan).
- The location of the NAC on the Villawood Plan is not supported due to a reduced walkable catchment and reduced connectivity to the CCB.
- The size of the NAC is not an urban design matter.

Ms Jordan's evidence was:

- The location of the NAC on the Villawood Plan is supported on the basis that it maintains a strong functional relationship with the CCB and achieves an appropriate level of accessibility whilst improving its prospects for early delivery and long-term success through its proximity to Geelong-Ballan Road.
- Development of the Integrated Development Area between the NAC and Geelong-Ballan Road should not occur until the NAC is well-established.
- The Integrated Development Area as it extends along the east-west connector road between the CCB and Geelong-Ballan Road should have an applied MUZ to promote commercial activity in addition to higher density housing.
- The size of the NAC as shown on the Villawood Plan is informed by economic experts and not addressed in planning evidence.
- She accepted that the policy at Clause 11.02-2L applies to the CCB when framed as part of the CCC.

Mr Shipp's evidence was:

- The location of the NAC on the Villawood Plan would benefit from exposure to the east-west connector and Geelong-Ballan Road, and a supermarket would be more likely to be delivered earlier if the NAC is located as shown on the Villawood Plan rather than the Council Plan.
- The NAC should be approximately 4 hectares, which is greater than the amount of land in the Exhibited Amendment and more consistent with the location of the NAC on the Villawood Plan.

Mr Campbell's evidence was:

- Council's proposed relocation of the NAC to the east-west connector road is a positive change, however the NAC location shown on the Villawood Plan is the preferred outcome given that delivery timing is important to service new residents within the growth area.
- The NAC location on the Villawood Plan will benefit from improved vehicle access away from the CCB.
- The NAC location on the Villawood Plan continues to be within a walkable catchment to the CCB, and is within a relatively flat precinct.

(iv) Discussion

Location of the NAC

The Committee supports the NAC location on the Council Plan, which provides improved accessibility while maintaining the connection to the CCB and its central location within

the precinct. The NAC should function as the focal point of the precinct and should prioritise internal accessibility and integration with the movement network.

The policy at Clause 11.02-2L applies to the CCB when framed as part of the CCC. This means that the relationship between the NAC and the CCB is strategically important as identified in the Framework Plan and should remain a key organising principle of the PSP.

The Committee acknowledges Villawood's submissions regarding visibility, exposure and commercial viability as a benefit of early delivery of the NAC. The PSP Guidelines support early activation of the activity centre. The staged delivery of the Integrated Development Area between the NAC and Geelong-Ballan Road as shown on the Villawood Plan is one such example of how this visibility and exposure could be achieved.

The PSP Guidelines identify an opportunity for alternative distribution of activity centres:

...where it can be demonstrated that the variation will make a positive contribution to a 20-minute neighbourhood (and not simply improve commercial outcomes).

The NAC location as shown on the Villawood Plan reduces the NAC catchment within the precinct and distances the NAC from the CCB (the principal transport network). In contrast, the NAC location as shown on the Council Plan combined with the LCCs achieves an appropriate distribution of activity centres which meets the catchment target within the PSP Guidelines (T19).

The Committee discusses specific issues relating to the LCCs in Chapter 3.3.

Exposure to Geelong-Ballan Road may improve the commercial profile of the centre and potentially support earlier delivery. However, the Committee was not presented with evidence that the relocation of the NAC closer to Geelong-Ballan Road would result in superior long-term strategic outcomes. An overemphasis on the benefits of site 'exposure' external to the precinct could undermine the intended internal neighbourhood focus of the NAC. Furthermore, alternative measures such as signage could be used to identify the location of the NAC to passing traffic on Geelong-Ballan Road, creating an equivalent level of exposure.

As this will be the first activity centre anticipated to be delivered within the Western Growth Area, it is expected to benefit from a 'first mover' advantage, establishing itself as the primary local destination for convenience retail and community services before other planned centres are developed. In this regard, the NAC is likely to attract patronage from established surrounding communities, including Batesford North and Lovely Banks, which presently have limited access to nearby commercial and service-based facilities. The NAC's early delivery is therefore likely to benefit from a larger initial catchment than would ordinarily be expected for a NAC.

Size

Council, parties and experts agreed the size of the NAC in the Exhibited Future Urban Structure Plan should be increased. The Committee agrees on the basis that this will be the primary centre within the precinct. This should be accompanied by a proportional reduction in the floor space allocated to the LCCs, reducing the potential for dispersed retail activity and supporting the viability of the NAC.

The DCP will require changes to the land use budget allocated to the NAC (discussed in Chapter 4.3), and PSP Table 6 will need to be updated with revised retail and commercial floor area calculations based on the updated NDA of the NAC.

(v) Findings

The Committee finds:

- The location of the NAC on the Final Future Urban Structure Plan is appropriate.
- The size of the NAC (4 hectares) on the Final Future Urban Structure Plan is appropriate.

3.3 Local convenience centres

(i) The issues

The issues are whether:

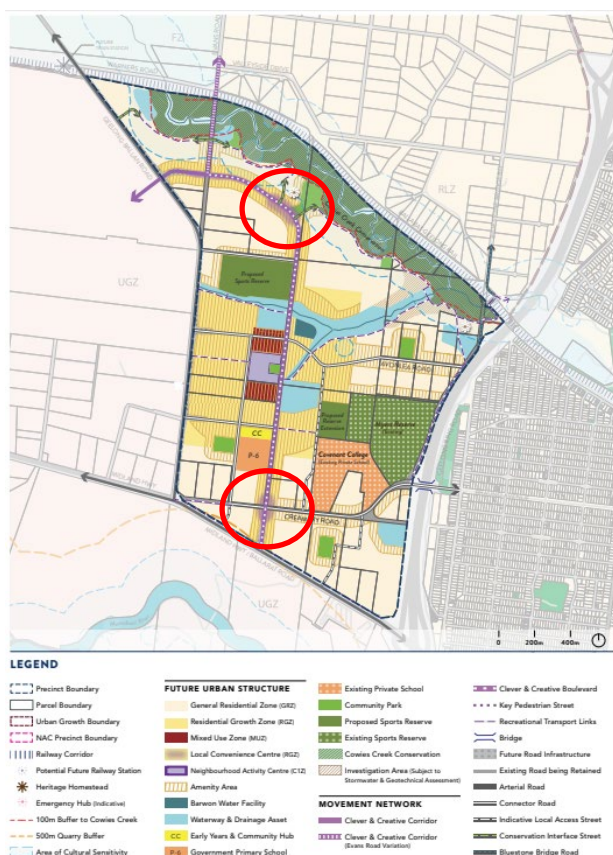
- the designation of the Local Convenience Centres (LCCs) on the Future Urban Structure Plan is appropriate
- the southern LCC should be removed from Future Urban Structure Plan
- the size of each of the LCC should be decreased.

(ii) Background

What is proposed?

The Exhibited Future Urban Structure Plan showed two LCCs.

Figure 9 LCCs in the Exhibited Future Urban Structure Plan



Source: Exhibited PSP (Committee notation added)

Council's Final Future Urban Structure Plan no longer showed the location of LCCs, however both the northern and southern LCCs were referenced elsewhere within the PSP (in activity centre requirement +R-A, G23 and Table 6).

The Villawood Plan shows the northern LCC only.

PSP Guidelines

Target 19 (T19) states:

80-90% of dwellings should be located within 800m of an activity centre.

The PSP Guidelines state that to achieve T19 in regional settings, adaptation may be required.

Adaptations should facilitate thriving local economies while also having regard to any potential impact on existing town centres.

Local convenience centres should be included in plans to meet the day-to-day needs of residents.

(iii) Evidence and submissions

Council submitted:

- The southern LCC should be included on the Future Urban Structure Plan.
- The LCCs should be reduced to a maximum of 1,000 square metres each, given the increase in the size of the NAC.

Villawood submitted:

- The southern LCC should be removed to ensure the success of the NAC.
- In seeking an increase in the size of the NAC, Villawood supported Council's proposal to proportionally decrease the size of each of the LCCs.

The Villawood Plan did not include a southern LCC.

The Committee heard evidence on these issues from:

- Mark Woodland of Urbis for Council
- Paul Shipp of Urban Enterprise for Villawood.

Mr Woodland's evidence was:

- He supported the two LCCs (as a means of providing walkable access to some local services for residents located outside the walking catchment of the NAC).
- The Amendment should prioritise the delivery of the majority of retail uses within the NAC itself.
- The size of the LCCs should be proportionately reduced to prioritise development in the NAC.

Mr Shipp's evidence was that the ultimate population of nearly 12,000 residents can support the two LCCs in addition to the NAC, provided they are limited in scale and do not accommodate retail anchors such as small supermarkets that would compete with the NAC.

(iv) Discussion

Retail floor space allocation in the precinct should be structured to reinforce the NAC as the primary commercial destination for the precinct. The northern and southern LCCs should be shown on the Future Urban Structure Plan (as per the exhibited Future Urban Structure Plan).

As discussed in Chapter 3.2, there should be a proportional reduction in the floor space allocated to the LCCs to account for an increase in the retail floor space available within the NAC. This approach will reduce the potential for dispersed retail activity and support the viability of the NAC without impacting the overall residential NDA within the precinct.

Retaining two LCCs is consistent with the 20-minute neighbourhood objectives. This arrangement will improve local access to convenience goods and services and reduce the need for residents to travel longer distances for everyday needs. At the same time, limiting the scale of the LCCs ensures that the commercial hierarchy within the precinct is maintained and that investment is directed towards the NAC as the primary activity centre.

The LCCs should have a maximum floor space allocation of 1,000 square metres each. There were no opposing views at the Hearing. This size will appropriately balance the respective roles of the NAC and LCCs and maintain convenient access to local services across the precinct while strengthening the viability of the NAC as the principal commercial centre.

(v) Findings and recommendations

The Committee finds:

- The designation of the Local Convenience Centres on the Final Future Urban Structure Plan is not appropriate (given no LCCs are shown).
- The LCCs should be retained on Future Urban Structure Plan, to reflect the location shown on the Exhibited Future Urban Structure Plan.
- The size of the northern and southern LCCs should be decreased to 1,000 square metres each in response to the proportional increase in the size of the NAC (as discussed in Chapter 3.2).

The Committee recommends:

Amend the Final Creamery Road Future Urban Structure Plan as follows:

- Show the northern and southern Local Convenience Centres in the locations on the Exhibited Future Urban Structure Plan, and at a size of 1,000 square metres each.**

3.4 Location of active open space reserve (SR-02)

(i) The issues

The issues are whether:

- the location of Active Open Space 2 (Reserve 2) is appropriate on the Future Urban Structure Plan
- Reserve 2 should be located to the north of Myers Reserve on Avonlea Road.

(ii) Background

What is proposed?

Council's preferred location for Reserve 2 on the Future Urban Structure Plan (Council Plan) did not change.

Figure 10 Council's proposed Reserve 2 location



Source: Excerpt of Council's Final Future Urban Structure Plan (Committee notation added)

The Villawood Plan proposes Reserve 2 as a northern extension to Myer's Reserve.

Figure 11 Villawood preferred Reserve 2 location



Source: Excerpt of Villawood submission, Attachment 1 (Committee notation added)

Myers Reserve Masterplan

Council has adopted a Masterplan for Myers Reserve. The Masterplan identifies the western extension to Myers Reserve (Reserve 1) but does not account for the location of Reserve 2 as shown on the Villawood Plan.

Figure 12 Myers Reserve Masterplan



Source: Myers Reserve Masterplan Report (July 2023)

Planning Scheme

Clause 19.02-6S includes the following relevant objective:

To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

The following strategies are relevant to the distributions of open space:

Ensure that open space networks:

- Are linked, including through the provision of walking and cycling trails.
- Are integrated with open space from abutting subdivisions.
- Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.
- Maintain public accessibility on public land immediately adjoining waterways and coasts...

Improve the quality and distribution of open space and ensure long-term protection...

Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.

The Framework Plan

The Framework Plan includes several actions relevant to the location of active open space, including:

- Action N2.5.10 - Integrated water management will maximise 'green-blue connections' to active open space that allows the operation of attractive, all-year facilities.
Integrated water management will identify methods to utilise water sensitive urban design (WSUD), stormwater treatment and recycled water to deliver open spaces that remain useable and attractive throughout the year. Local parks and sports reserves will be located along waterways and river corridors, where appropriate. Co-location of parks and reserves will seek to link and extend the recreational benefits to encumbered land.
- Action N2.5.12 - The delivery of sub-regional active open space will be delivered in a manner that maximises the broader community benefit.
Sub-regional facilities serve the needs of both existing and new communities and their provision will be subject to detailed location assessments that consider their broader accessibility, connectivity to complementary uses, co-location with smaller facilities and the use of existing assets.

PSP Guidelines

Target 11 (T11) is relevant to the quantity of active open space provided and includes the following opportunity:

Enhance and optimise the role, function and use of existing open space land (for example, existing sports reserves within the catchment) and encumbered land to be set aside for natural systems (for example, conservation, waterways) landscape values or utilities easements.

Target 12 (T12) is relevant to the location of active open space:

Open space and sports reserves should be located to meet the following distribution targets:

- A sports reserve or open space larger than 1 hectare within an 800m safe walkable distance of each dwelling
- A local park within a 400m safe walkable distance of each dwelling.

The following guideline is relevant to T12:

Innovative open space arrangements may be considered. For example, centralisation of open space into a large, connected network that increases the overall value of the open space to the community through innovative design and other measures.

Referral 1 recommendations

In Referral 1 the Committee recommended further work to determine the community needs based on updated NDA and an open space contribution of less than 10 per cent, including consideration of a northern extension to Myers Reserve. The Committee noted:

Open space outcomes still need to be acceptable having regard to the needs of the existing and new communities, consistent with the guidance in the PSP Guidelines.

Following the Committee's recommendations in Referral 1:

- Council prepared the *Creamery Road PSP Open Space Network report* (City of Greater Geelong, October 2025) (Open Space Report) and engaged SGS Economics and Planning to peer review the report. This report informed the size and location of all unencumbered open space assets proposed in the PSP.
- Villawood engaged ASR Research to undertake a needs analysis in September 2025, which determined that the provision of open space in the precinct is acceptable, and the Villawood preferred Reserve 2 has the physical capacity to fit the infrastructure demand generated by the precinct.

(iii) Evidence and submissions

Council submitted:

- Its proposed location for Reserve 2 contributes to achieving T12 in relation to the walkable catchment.
- The Exhibited Future Urban Structure Plan prioritises enhancement of Myers Reserve through the proposed western extension of active open space adjoining Covenant College, and seeks to achieve a broader distribution of active open space across the precinct with the proposed Reserve 2 location.
- The precinct should not be reliant on indicative locations of facilities or services external to the precinct to meet its needs.
- Dedicating 100 per cent of NDA to open space for Properties 24-28 is an inequitable outcome.
- The Amendment does not propose to apply a Public Acquisition Overlay, and delivery of the Villawood preferred location of Reserve 2 over fragmented land will not be easy.
- The efficiencies identified in Villawood's submissions are overstated. Council's proposed Reserve 2 can operate independently from the Myers Reserve sporting clubs, and the need for drop-offs and pick-ups of multiple children and age groups will be dependent on how games are scheduled.

Villawood submitted:

- The distribution of open space if Reserve 2 is located as shown on the Villawood Plan meets the PSP Guidelines T12, given the target relates to sports reserves and open space larger than one hectare.
- The PSP Guidelines recognise the benefits of co-location and consolidation in the opportunities alongside T12.
- The location of Reserve 2 as shown on the Villawood Plan will improve the accessibility, functionality and capacity of the existing Myers Reserve.

- Ben Bainbridge of Otium Planning for Villawood.

Ms Noesgaard's evidence was:

- The location of Reserve 2 as shown on the Council Plan provides the greatest level of accessibility and is able to meet a higher standard of open space than the Villawood proposal.
- The conceptual configuration of the Myers Reserve northern extension provides limited connection opportunities with the broader Myers Reserve. Avonlea Road is the only existing infrastructure that can be utilised in the expansion.
- Reliance on the Batesford North PSP open space to address accessibility shortfalls is not appropriate.
- The timeframe and costs of developing Reserve 2 as shown on the Villawood Plan would likely be impacted by opposition from multiple landowners.

Mr Sheppard's evidence was:

- The location of Reserve 2 as shown on the Council Plan supports equitable walkable access to higher-order open space, aligning with T12.
- The location of Reserve 2 as shown on the Villawood Plan results in poorer walkable access for the north-west residents of the precinct.

Mr Campbell's evidence was:

- A sports facility in the western portion of the precinct is less critical given the likelihood of a district sports reserve within the Batesford North PSP.
- The overlapping of catchments in Council's preferred Reserve 2 is inefficient and unnecessary.
- From a purely catchment perspective, Villawood's preferred Reserve 2 is a better design outcome.
- The Bell Post Sports & Recreation Club's alternative masterplan is superior to the Council Masterplan.
- The site attributes of the location of Reserve 2 as shown on the Villawood Plan, including two street frontages, proximity to the ring road, existing vegetation and abutting existing open space, make it a better location for active open space, despite the challenges of fragmented ownership.
- Both locations benefit from bus routes along the east-west connector road.

Mr Bainbridge's evidence was:

- The Reserve 2 active open space as shown on the Council Plan is appropriately located and responds to planning framework and design standards for a district sports reserve, but the location of Reserve 2 as shown on the Villawood Plan is superior in functionality.
- Reserve 2 as shown on the Villawood Plan is a sufficient size, is appropriately located and responds to best practice sports precinct planning considerations, planning frameworks and design standards for a district sports reserve.
- Clustered and multi-use sport and recreation facilities achieve higher utilisation, sustainability and viability.
- Villawood's proposal offers greater strategic, operational and economic benefits than the location of Reserve 2 as shown on the Council Plan.

Four landowner submitters who would be affected by a northern extension to Myers Reserve, did not support the location of Reserve 2 as shown on the Villawood Plan.

(iv) Discussion

Unlike many growth area communities where sporting infrastructure may not be delivered until years after residents arrive, the presence of Myers Reserve represents a significant community asset that will support the liveability and attractiveness of the precinct from the outset. Council has prepared a Masterplan for Myers Reserve which will upgrade the existing sporting facilities and support the ongoing viability of the home clubs.

Council has undertaken significant background work to test various locations and determine what would best meet the needs of the future Creamery Road community. After Referral 1 it assessed three options in the Open Space Report (including Council and Villawood's preferred options for Reserve 2).

The Committee accepts that the Council and Villawood Plans, when combined with the western extension to Myers Reserve, are both capable of meeting the facility demand requirements of the precinct.

The issue is therefore not whether active open space can physically be delivered at either location, but rather which option best implements the strategic objectives of the PSP, responds to the PSP Guidelines and provides the most equitable outcome for the future community.

Accessibility and catchment

T12 specifically seeks to ensure that sports reserves and open space are distributed so that residents are located within 800 metres of a sports reserve or open space larger than one hectare.

The Committee places significant weight on the accessibility and distribution objectives of the PSP Guidelines. The Guidelines seek to create 20-minute walkable neighbourhoods where residents have convenient access to open space and community infrastructure.

The western extension of Myers Reserve extends the 1-kilometre catchment radius to the western perimeter of the precinct at Geelong-Ballan Road. The location of Reserve 2 as shown on the Council Plan captures the majority of the north-west corner of the precinct outside of the Myers Reserve catchment. The location of Reserve 2 as shown on the Villawood Plan extends the Myers Reserve catchment to the north, but results in a larger residential area (37.6 hectares of the precinct) outside of the 1-kilometre walkable catchment.

The Committee is not persuaded by submissions that overlapping catchments demonstrate inefficiency in Council's proposal. As Council submitted, overlapping catchments may be indicative of a well-serviced community rather than a deficiency in planning. There is also a practical reality, when Council is planning around existing assets (that serve an existing community) that there may be some overlap. While a reduction in overlap would be desirable where equivalent accessibility outcomes can be maintained or improved, this is not possible here.

The benefits attributed to locating Reserve 2 as shown on the Villawood Plan are dependent, in part, on the future provision of active open space within the Batesford North PSP. However, the location, size and timing of any active open space reserve within Batesford North remain uncertain and will be determined through a future planning process. Furthermore, safe and easy walkable access between the Creamery Road and Batesford North precincts is constrained by Geelong-Ballan Road.

Both Council's and Villawood's proposed Reserve 2 locations achieve T12, which refers to an 800-metre catchment for sports reserves and open space of one hectare or greater. However, the Committee accepts the evidence of Ms Noesgaard and Mr Sheppard that the location of Reserve 2 as shown on the Council Plan provides a more equitable distribution of active open space across the precinct and achieves superior walkability outcomes. The location of Reserve 2 as shown on the Council Plan better implements the accessibility objectives of the PSP Guidelines by providing a more centralised and equitable distribution of active open space across the precinct.

Benefits of co-location

The Committee acknowledges that locating Reserve 2 as shown on the Villawood Plan may provide benefits through co-location with the existing sporting reserve and clubs including opportunities for shared club administration, volunteers, equipment and sporting programs as identified in the evidence of Mr Bainbridge and the submissions from the Bell Post Hill Sports & Recreation Club.

However, the Committee considers that the extent of these benefits has been overstated. Submissions opposing the location of Reserve 2 as shown on the Council Plan generally assume that the reserve would operate as a satellite facility dependent on existing Myers Reserve sporting clubs. In practice, Reserve 2 as shown on the Council Plan could operate independently while still benefiting from its proximity to Myers Reserve and the planned upgrades to existing sporting facilities.

The Committee accepts that some operational efficiencies may arise from proximity to existing sporting clubs. However, it is not persuaded that these efficiencies are sufficient to outweigh the accessibility and locational advantages of situating Reserve 2 as shown on the Council Plan.

Delivery of the Villawood preferred Sporting Reserve 2

The Committee accepts Ms Noesgaard's evidence that locating Reserve 2 as shown on the Villawood Plan presents additional delivery challenges due to fragmented ownership and land acquisition requirements.

This is reflected in the submissions by landowners of the affected properties opposing the location of Reserve 2 as shown on the Villawood Plan on the grounds that they have no intention to move.

Whilst not insurmountable, this issue is likely to add costs and delays to the delivery of Reserve 2 as shown on the Villawood Plan.

(v) Finding

The Committee finds that the location of Reserve 2 in the Final Future Urban Structure Plan is appropriate.

3.5 Quantum and distribution of public open space

(i) The issue

The issue is whether the quantum and distribution of open space on the Future Urban Structure Plan are appropriate.

(ii) Background

PSP Guidelines

Target 11 (T11) states:

The open space network should seek to meet the following minimum targets:

- Within residential areas (including activity centres):
 - 10 per cent of net developable area for local parks and sports field reserves
 - 3-5 per cent of net developable area set aside for local parks
 - 5-7 per cent of net developable area set aside for sports field reserves.
- Within dedicated employment and/ or economic activity areas, 2 per cent of the net developable area for local parks.

Feature 10.1 (F10.1) states:

The open space network should include local parks that:

- have a variety of sizes and proportions, generally ranging from 0.1 to 3 hectares
- are located to enable access by local residents without having to cross significant barriers such as arterial roads, railways or waterways
- provide a diversity of amenity experiences – both internal to the park and external interfaces that will provide an amenity context for development.

Target 12 (T12) states:

Open space and sports reserves should be located to meet the following distribution targets:

- A sports reserve or open space larger than 1 hectare within an 800m safe walkable distance of each dwelling
- A local park within a 400m safe walkable distance of each dwelling.

The PSP Guidelines state that in regional settings it may be appropriate to adjust these targets, and that adjustments should offer high quality public realm and open space.

Further:

The quantum and distribution of open space should consider the structure and capacity of existing open space, and opportunities for further investment and connections to existing spaces.

Referral 1

In Referral 1 the Committee considered whether a reduced open space contribution (of less than 10 per cent) was appropriate. The Committee found:

The Committee has no in principle concerns with an overall provision of credited open space in the Creamery Road precinct below the targets in the PSP Guidelines, given:

- the precinct is relatively small and with a relatively low proportion of NDA

- the relatively high proportion of encumbered open space in the precinct including the Cowies Creek Conservation Reserve
- access to Myers Reserve.

The relevant findings and recommendations of the Committee in regard to the quantum and distribution of public open space in Referral 1 are:

The Committee finds:

- Alternative open space options, including those presented by Villawood and Mr Panozzo, present an opportunity to increase NDA and/or decrease the DIL.
- A preferred alternative open space option should be supported by an updated needs analysis based on the revised NDA and updated population projections to be delivered through the revised FUS (including any reconfiguration of the open space provision).
- If the revised PSP includes open space contribution of less than 10 per cent this should be reflected in a Schedule to Clause 53.01 in the draft Amendment.

The Committee recommends the following further work before public notice of the draft Amendment is given:

Update section 5.3 of the HillPDA Report to reflect the revised Net Developable Area and revised population projections to be delivered through the revised Future Urban Structure. The updated needs analysis should further consider opportunities to:

- a) maximise Net Developable Area in the Creamery Road Precinct while still delivering acceptable open space outcomes having regard to the targets and other guidance in the Precinct Structure Planning Guidelines: New Communities in Victoria (VPA, October 2021)
- b) maximise capacity within Myers Reserve including any further extensions
- c) better utilise the encumbered open space in the precinct for passive recreation, shared trails and the like
- d) balance the provision of active open space across neighbouring precincts in the Western Geelong Growth Area.

Open Space Report

As discussed in Chapter 3.4, in response to the Committee's recommendations in Referral 1, Council prepared the Open Space Report which informed the size and location of all unencumbered open space assets proposed in the precinct.

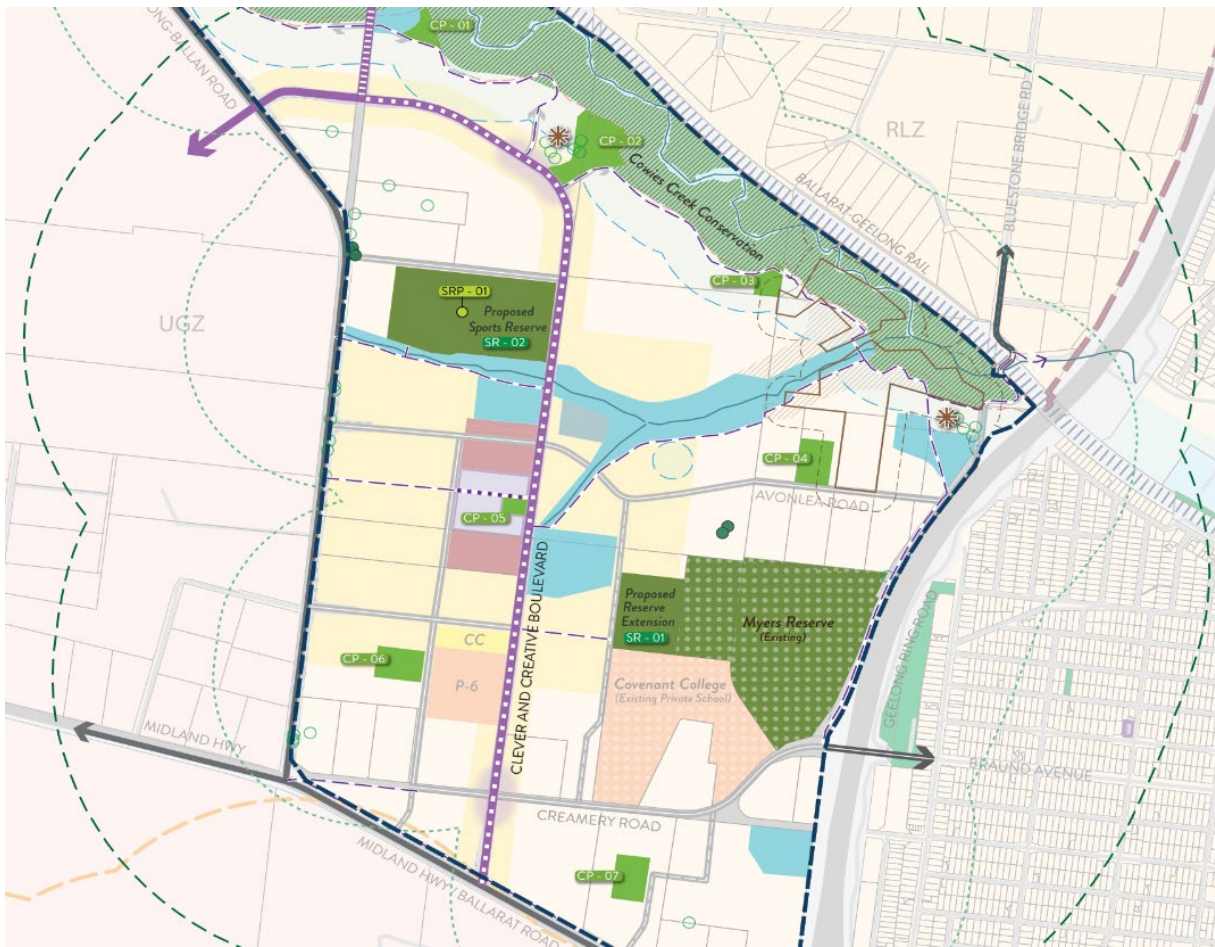
Council subsequently removed the requirement for a cash contribution to make up the shortfall in public open space below 10 per cent of NDA.

Council's Exhibited and Final Future Urban Structure Plans provide 2.99 per cent passive open space and 5.744 per cent active open space, for a total open space quantum of 8.644 per cent of NDA.

What is proposed?

For ease of reference, P14 Open Space Networks within the PSP identifies the numbers of each community park as demonstrated in Figure 14 below. These parks are reflected in the Future Urban Structure Plan.

Figure 14 Exhibited PSP P14 Open Space Systems



Source: Excerpt of Council's Exhibited PSP

Figure 15 Future Urban Structure Plan



Source: Excerpt of Council's Final Future Urban Structure Plan (Committee notation added)

The Exhibited Future Urban Structure Plan shows a community park north of Avonlea Road on Property 17, south of the waterway drainage reserve. Council's Final Future Urban Structure Plan shows the location of an additional 0.5-hectare community park north of the drainage corridor on Property 13.

The overall quantum of open space provision as a result of the revisions remains unchanged. CP04 has changed from the exhibited one hectare park to the two 0.5-hectare parks in Council's Final version. These parks have been renumbered CP04 and CP05, with the remaining parks being renumbered accordingly.

(iii) Evidence and submissions

Council submitted:

- There was not much disagreement between parties about how much open space should be provided.
- It accepted the overall provision rate of 8.64 per cent, having regard to the Committee's findings in Referral 1 and the competing imperatives of maximising NDA to achieve an efficient development outcome and a reasonable Development Infrastructure Levy.
- It did not support the expansion of Community Park 2 into the conservation area, as Mr Campbell proposed in his evidence.

- Community Park 7 (CP07, which Council's Final PSP rennumbers to CP08) should not be reduced below one hectare for functionality reasons. The park should meet the catchment guidelines of the PSP.

Villawood submitted the Villawood Plan (Figure 6) shows a redistribution of community parks as a result of the proposed relocation of the Reserve 2 to a northern extension of Myers Reserve, which meets the catchment targets in the PSP Guidelines.

305 Bat submitted:

- It supported Mr Sheppard's recommendation that there should be flexibility for Community Park 7 to become two 0.5-hectare parks.
- It did not seek to alter the area allocated to Community Park 8 (CP08, being one hectare) within Table 9, but it sought drafting changes to ensure the reference to the location of CP08 was consistent with the Final Future Urban Structure Plan by deleting the reference to the bend in the road.

HB Land supported Community Park 6 being one hectare.

The Committee heard evidence on these issues from:

- Mark Woodland of Urbis for Council
- Mark Sheppard of Urbis for Council
- Jo Noesgaard of SGS Economics and Planning for Council
- Sophie Jordan of Contour Planning and Advisory for Villawood
- Alastair Campbell of Hansen Partnership for Villawood
- Ben Bainbridge of Otium Planning for Villawood
- David Crowder of Ratio for Yih-Sheng.

In the planning joint experts report, Mr Crowder, Ms Jordan and Mr Woodland agreed on the following matters regarding open space:

- The amount of active and passive open space proposed in the Day 0 Future Urban Structure Plan is appropriate.
- The distribution of passive open space in the Day 0 Future Urban Structure Plan is appropriate. The local parks shown in the Day 0 Future Urban Structure Plan satisfy T11 by providing a local park within a 400-metre safe walkable distance of each dwelling.

Ms Jordan supported Villawood's option for alternative distribution of local parks to achieve T11, but recommended resolution of the passive open space network to ensure land in the north-western quadrant of the PSP has appropriate access to open space.

In the urban design and open space joint experts report, Mr Campbell, Ms Noesgaard and Mr Sheppard agreed that if Reserve 2 is relocated as proposed by Villawood, then Community Park 4 should be relocated to a central position in the north-west neighbourhood.

Mr Sheppard's evidence was:

- Community Park 3 should be moved to a more central position within the neighbourhood that it serves, similar to that shown in the Villawood Plan.
- From an urban design perspective, there should be flexibility for Community Park 6 and 7 to be split into two 0.5-hectare parks to improve accessibility given the size of the residential areas they service.

Ms Noesgaard's evidence was:

- Community Parks 6 and 7 should not be split into two 0.5-hectare parks.
- Parks of one hectare or greater provide flexibility to accommodate a range of recreational functions, informal play opportunities and community activities that smaller fragmented parks can not deliver.
- There should be a 1.35 per cent cash contribution to reach the 10 per cent of NDA provisions rate, to be used by Council to buy land for additional public open space (noting Council has not adopted this recommendation).

Mr Campbell's evidence was:

- The expansion of Community Park 2 in its current location is supported, acknowledging there are conservation factors that need to be considered.
- He agreed with Mr Sheppard that, from an urban design perspective, there should be flexibility for Community Parks 6 and 7 to be split into two 0.5-hectare parks.

Submitters and experts commented on the size of the Villawood proposed Reserve 2. As the Committee has concluded that the location of Reserve 2 as shown on the Council Plan is preferred (see Chapter 3.4) it has not discussed the size of the Villawood proposed Reserve 2.

(iv) Discussion

Quantum of open space

The Committee supports the provision of 8.64 per cent unencumbered open space as depicted in the Future Urban Structure Plan. Council's preferred amount of open space was largely supported by submitters and experts with the exception of Ms Noesgaard, who recommended an open space contribution to meet the shortfall. The Committee considers that the amount of open space appropriately responds to the Referral 1 Committee's recommendation to find a balance between the competing objectives of maximising NDA, maintaining a reasonable Development Infrastructure Levy and delivering a functional open space network. The shortfall below 10% is acceptable given the contribution encumbered open space makes to the total provision of open space throughout the precinct.

The proposed provision of 5.6 per cent active open space falls within the target range of 5–7 per cent in the PSP Guidelines. As discussed in Chapter 3.4, Reserve 2 can accommodate the district-level sporting facilities required to service the future community as it is greater than 8 hectares in area.

The Committee supports the provision of 2.9 per cent passive open space. This outcome was supported by all planning experts and reflects the specific circumstances of the precinct, including the availability of substantial encumbered open space associated with Cowies Creek, access to Myers Reserve and the relatively small size of the precinct.

Consistent with the Committee's findings in Referral 1, the Committee considers that the overall accessibility, functionality and recreational opportunities available to future residents justify a passive open space provision marginally below the PSP Guidelines target.

Size of community parks

The Committee supports resizing Community Park 4 to an area of 0.5 hectares and provision of an additional 0.5 hectare park as proposed by Mr Sheppard and demonstrated in Council's Final Future Urban Structure Plan. This is consistent with F10.1 in the PSP Guidelines, which recommends local park areas ranging from 0.3 to 3 hectares with a distribution target linked to parks of at least one hectare.

The Final Amendment maintains the overall quantum of passive open space while improving equity outcomes for affected landowners and access to local open space for future residents.

While Community Park 3 and Community Park 4 are below the one hectare recommended in PSP Guideline T12, residents in this area benefit from being within the catchments of Myers Reserve and Reserve 2. The Committee is satisfied that the amended configuration continues to meet the PSP Guidelines and contributes to a well-distributed and walkable network of local parks across the precinct.

The Committee does not support the proposal of 305 Bat that CP07 should be reduced to two 0.5-hectare parks. Unlike Community Parks 4 and 5, Community Park 7 sits within a larger landholding.

The Committee accepts that one hectare community parks provide greater flexibility to accommodate a broader range of recreational functions, informal play opportunities and community activities than smaller fragmented parks. Importantly, the existing distribution of parks satisfies the PSP Guidelines T12 of providing a local park within a 400 metre safe walking distance of dwellings and therefore no strategic justification has been demonstrated for reducing the size of Community Park 7 (CP08 in Council's Final Amendment).

Distribution

The Committee considers that Council's Final Future Urban Structure Plan delivers an appropriate, functional and accessible open space network that is consistent with the T12 distribution targets in the PSP Guidelines.

As discussed in Chapter 3.4, the Committee does not support Villawood's proposed location for Reserve 2 and therefore sees no benefit in changing the distribution of community parks.

The Committee considers that the distribution of open space responds to the findings of Referral 1 and appropriately balances open space outcomes with broader precinct planning objectives.

(v) Findings and recommendations

The Committee finds that the quantum and distribution of open space in the Final Future Urban Structure Plan is generally appropriate, subject to a final review to ensure it accurately depicts the open space percentages and areas.

The Committee recommends:

Amend the Final Future Urban Structure Plan as follows:

- a) Retain Community Parks 6 and 7 as one hectare parks.**

3.6 Size of the community hub (CF-01)

(i) The issue

The issue is whether the land size of the Community Facility 1 is appropriate on the Future Urban Structure Plan.

(ii) Background

Referral 1

The Referral 1 report included the following relevant recommendation:

Recommendation 9: 'Amend the Creamery Road Development Contributions Plan to (d) include more detail in relation to the catchments and the design of the Creamery Road and Batesford North Community Hubs.'

What is proposed?

As a result of Council's internal review following Referral 1, the precinct Community Facility 1 within the DCP was reduced in size from 1.3 hectares to one hectare. This is visually depicted in the Exhibited and Final Future Urban Structure Plans.

PSP Guidelines

The following features within the PSP Guidelines are relevant to the size of the Community Facility 1:

Feature F14.1 - Education and community facilities (i.e. primary, secondary and specialist schools, kindergartens, community centres, health facilities and sport reserves) should:

- be co-located within community hubs
- have good visual and physical links to a local centre
- be located on connector streets, linked by walking and cycling paths
- be located in proximity to high-quality public transport where possible
- be located away from potential hazards

Feature F15.1 - The amount of land allocated for education and community facilities, and their role and function, should be determined in consultation with service providers and should respond to the local context, the broader strategic context, and the forecast service needs of the new or changing community.

(iii) Evidence and submissions

Council submitted:

- Community Facility 1 is proposed to be a Level 2 facility to provide a consolidated Early Years Centre and Community Hub.
- In Referral 1, the Committee found that "there may be some opportunity to increase NDA and/or reduce the Levy" through reducing the land take and design scope of Community Facility 1, and that "further information is needed to allow these options to be properly explored through the next phase of consultation". In response, Council reduced the site's area from 1.3 hectares to

one hectare and prepared more detailed information regarding the catchment and design of the facility.

- Council did not support a further reduction of the community facility to 0.8 hectares. The further reduction would materially constrain outdoor play areas for early years services, separation and functionality of community uses, flexibility for shared and multipurpose spaces, and the ability to adapt the facility over time.
- The examples provided by submitters to justify a reduction were not consistent with the intended function, scale or service delivery model of the facility.
- The forecast population has increased to 11,760 people. The Lara West PSP, with a similar forecast population of approximately 11,000 people, provides two Level 2 community facilities with land areas above one hectare (1.2 and 1.25 hectares respectively).

HB Land submitted the size of Community Facility 1 should be reduced to 0.8 hectares, as delivered in Geelong, Cranbourne West and Point Cook, and consistent with the Villawood Plan.

Villawood submitted the land size of the Community Facility 1 is excessive and should be reduced. The Villawood Plan depicts the Community Facility with an area of 0.8 hectares.

The Committee heard evidence on the issue from Paul Shipp of Urban Enterprise for Villawood. Mr Shipp gave evidence that, based on the estimated population of 11,772, there is demand for one hectare of land for Community Facility 1.

(iv) Discussion

Land needs to be allocated to ensure Community Facility 1 can serve its intended purpose as an Early Years Centre and Community Hub. Council has reduced the size of land allocated for Community Facility 1 in response to further work undertaken in response to the 1 Committee's recommendations in Referral 1. There was no information before the Committee that a further reduction was needed or would be appropriate.

The Committee is not persuaded that the case studies submitted by HB Land are comparable to the proposed role of Community Facility 1. These case studies do not justify a reduction in the land area.

The Committee supports the provision of one hectare of land for the delivery of Community Facility 1. The land size is supported by the evidence of Mr Shipp and the VPA's Benchmark Infrastructure and Cost Guide (VPA benchmarks) for a Level 1 facility (plus an additional kindergarten) or a Level 2 facility.

(v) Finding

The Committee finds the provision of one hectare of land on the Final Future Urban Structure Plan for the delivery of Community Facility 1 is appropriate.

3.7 Residential areas, including amenity area

(i) The issue

The issue is whether the residential areas, including the amenity areas on Future Urban Structure Plan, are appropriate.

(ii) Background

The PSP Guidelines include the following relevant targets for residential densities:

- Target 1 (T1):
PSP should facilitate increased densities with an average of 30 dwellings or more per Net Developable Hectare (NDHA) within:
 - 400m walkable catchment of an activity centre or train station
 - 50m of open space, (both credited and encumbered open space), boulevards and major public transport routes, (including but not limited to the Principal Public Transport Network (PPTN) (or similar)).
- Target 2 (T2):
PSP should facilitate increased densities with an average of 20 dwellings or more per NDHA across the entire PSP area.

In Referral 1 the Committee made the following recommendations:

Recommendation 8b: Provide greater flexibility in relation to the provision of housing densities, including the locations where increased densities are encouraged by:

- rewording the Requirements in Chapter 3.1.2 (Housing diversity, density and choice) to:
 - allow delivery of densities below the minimums specified in Table 4 if the market for medium and higher density housing is not yet sufficiently mature
 - encourage higher densities in appropriate locations outside the Integrated Development Areas
 - amending Plan 8 (Housing) to indicate increased densities may be appropriate in locations outside the Integrated Development Area.

In response, Council undertook a review of residential areas using the VPA amenity model. Areas within 400 metres of the NAC or 50 metres of open space and public transport routes were identified as suitable for higher densities and designated as 'amenity areas' on all relevant plans, replacing the previous Integrated Development Area designation.

Requirements R8 and R9 and Tables T3 and T4 in the PSP were revised by Council to allow flexibility of housing density and diversity across the precinct.

(iii) Evidence and submissions

Council submitted:

- Differentiating types of residential areas in the Future Urban Structure Plan supports relevant applied zones and minimum densities. This approach is consistent with the aspirations of the Framework Plan.
- While the Future Urban Structure Plan nominates the location of amenity areas overlapping the GRZ, RGZ and MUZ, the wording in the PSP ensures flexibility is provided to support higher densities in areas of improved amenity (for example, Section 3.1.2 in the Final PSP clearly communicates intent for flexibility of density and housing diversity across the precinct).

Villawood submitted:

- The Villawood Plan provides an alternative distribution of amenity areas, referred to as Integrated Development Areas in their alternate Future Urban Structure Plan.
- The high-density areas should be applied along the CCB, the east-west connector road between the CCB and the Geelong-Ballan Road, and west of the NAC.
- The Amendment should facilitate the flexible distribution of higher densities across the PSP area, ensuring that proponents are not unduly restricted in how these densities are implemented.
- Council may adopt a rigid interpretation regarding the allocation of densities on the Future Urban Structure Plan, which may not adequately reflect the practicalities of growth area development.

HB Land submitted it supported deleting amenity areas and limiting the Residential Growth Zone to the walkable catchment of the CCB to better accommodate market preferences, while continuing to meet housing diversity targets.

The Committee heard evidence on these issues from Mark Sheppard of Urbis for Council. Mr Sheppard's evidence was:

- The precise distribution of higher density housing within each landholding should be flexible and determined at the next stage of design.
- The PSP Guidelines indicate that housing density targets are a discretionary outcome.

(iv) Discussion

Council's approach to the distribution of residential areas, including amenity areas, on the Future Urban Structure Plan appropriately responds to the strategic intent of the precinct. The approach reflects established planning principles which seek to direct higher residential densities and more intensive forms of development to locations with the greatest access to services, facilities and transport infrastructure.

The PSP Guidelines promote the creation of walkable neighbourhoods where residents can access daily needs within a reasonable walking distance of their homes. Consistent with this objective, Council's application of amenity areas is consistent with T1, supporting increased density around the NAC, community facilities, active and passive open space networks and the principal movement corridors.

There was broad agreement among experts that higher density housing should be prioritised in locations with the greatest level of amenity. While parties expressed differing views regarding the extent and configuration of the amenity areas or Integrated Development Areas, the Committee is satisfied that Council's Final Future Urban Structure Plan (when coupled with changes to wording reflected in the Final PSP) appropriately balances the competing objectives of accommodating population growth, supporting activity centre viability, protecting residential amenity and achieving a coherent urban form.

The Committee is not persuaded that a more dispersed approach to higher density development would achieve superior planning outcomes. Such an approach risks

diluting the population necessary to support the NAC and community facilities, and reducing opportunities for residents to benefit from walkable access to services and public transport.

(v) Finding

The Committee finds that the residential areas and amenity areas on Council's Final Future Urban Structure Plan are appropriate.

3.8 Transport network

(i) The issues

The issues are whether the Future Urban Structure Plan should show:

- a north-south access street to the west of the CCB that includes a left-in/left-out intersection on Midland Highway, between Intersection 5 and Intersection 6
- potential road access into the Yih-Sheng land off the CCC and Evans Road.

(ii) Background

Referral 1

In Referral 1, the Committee made the following recommendation:

- Redesign and repurpose the proposed Clever and Creative Corridor as an Urban Connector street, including associated intersections, and revise the Future Urban Structure, land take and costs accordingly.

What is proposed?

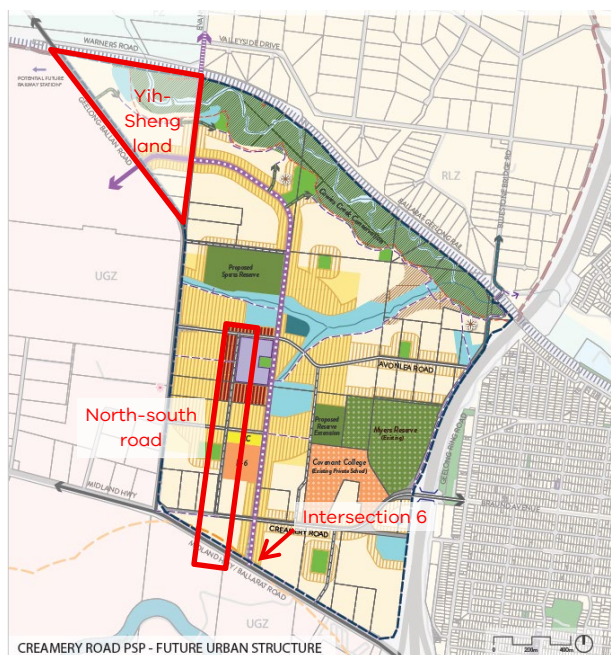
The CCB is open to all vehicles along its full length as recommended by the Committee in Referral 1.

Relevant to the transport network issues, the Exhibited Future Urban Structure Plan shows:

- two arrows indicating the location of the starting points of Conservation Interface Streets on the Yih-Sheng land off Geelong-Ballan Road and Evans Road respectively
- a north-south road located between Geelong-Ballan Road and the CCB that connects into Midland Highway, configured as a connector road to the north of Creamery Road and an access street to the south.

In its Final Future Urban Structure Plan, Council changed the north-south road to an access street to the north of Creamery Road and deleted the section to the south of Creamery Road (see Figure 16).

Figure 16 Final Future Urban Structure Plan – Transport network issues



Source: Final Future Urban Structure Plan (Committee notation added)

(iii) Evidence and submissions

The Committee heard evidence on the below issues from:

- Reece Humphries of Stantec, called by Council
- Jason Walsh of Traffix Group, called by Villawood
- Benjamin Mentha of Salt3, called by the McCann family
- Hilary Marshall of Ratio, called by 305 Bat
- John-Paul Maina of Impact, called by Yih-Sheng.

A traffic joint experts meeting was held prior to the Hearing and attended by all of the traffic experts.

North-south road

Villawood recommended the north-south connector road located between the CCB and Geelong-Ballan Road to be downgraded. 305 Bat supported that request and recommended removal of the access street section of this road between Creamery Road and Midland Highway and its left-in/left-out intersection on Midland Highway (between Intersection 5 and Intersection 6).

In the Final Future Urban Structure Plan Council:

- downgraded the connector road section to an access street
- removed the section of access street south of Creamery Road.

Mr Humphries gave evidence that:

- He supported both changes presented by Council, advising that the road's original designation as a connector road and connection to Midland Highway was due to traffic being diverted off the original CCC where it had been closed to general traffic outside the NAC.

- The modelling had not been updated to account for the removal of the intersection on Midland Highway or the increase of approximately 40 per cent to the population estimated for the precinct, and these changes would have an impact on Intersection 6 and other nearby intersections.

Both Mr Walsh and Ms Marshall supported Council's changes to the Future Urban Structure Plan. They gave evidence that:

- Access streets do not need to be shown on the structure plan, and traffic would primarily use the CCB to access Midland Highway rather than the access street.
- They continued to support the removal of the access street section between Creamery Road and Midland Highway.

Head, Transport for Victoria (HTfV) submitted:

- It did not support the removal of the access street between Midland Highway and Creamery Road and its intersection on Midland Highway as it would shift more traffic onto Intersection 6 compounding its concerns with the design of that intersection.
- The transport modelling should be updated to ensure Intersection 6 could accommodate the additional traffic before this access street was removed.

Access to the Yih-Sheng land

Yih-Sheng sought the inclusion of a notation on the Future Urban Structure Plan showing access roads into their land (Properties 1, 2 and 3) off the CCB between Geelong-Ballan Road and Evans Road both to the north and south, and off Evans Road north of Cowies Creek. The latter access would be required to serve potential residential land north of Cowies Creek (discussed in Chapter 3.10).

Council submitted:

- access to the northern section of Property 1 off Evans Road should be shown if that land can be developed.
- access off the CCB should not be shown as:
 - it was a matter that could be determined during the planning permit stage.
 - it would be preferable for access to the land south of the CCB to be achieved via the land to its east
 - there may be the potential for temporary access from the CCB should Properties 2 and 3 be developed first.

Mr Humphries advised these local road accesses do not need to be shown on the Future Urban Structure Plan and their locations could be resolved at the permit stage.

Mr Maina gave evidence that:

- The Future Urban Structure Plan currently only shows limited access to Property 1 and no access to Properties 2 and 3.
- Traffic into Property 1 would typically be arriving from the south and the prohibition of right turns off Geelong-Ballan Road into the site would result in traffic needing to access the site from Evans Road via the Conservations Interface Street. He considered that left-in/left-out access directly onto the CCB would have the advantage of reducing travel along the Conservation Interface Street and assisting in reducing queueing at Intersection 12 (the CCB/Evans

Street intersection), noting the SIDRA¹ analysis shows 320-metre queues on the west approach of that intersection which could potentially adversely affect the operation of Intersection 1.

- Properties 2 and 3 have a Geelong-Ballan Road address and without access to the CCB they would essentially be landlocked. He determined that it would be feasible to include access to this land south off the CCB, also restricted to left-in/left out.
- In relation to the portion of Property 1 north of Cowies Creek, he calculated that there was a 60-metre length along Evans Road within which adequate sight distance could be achieved for an access street into Property 1.

At the traffic joint experts meeting, Mr Walsh supported all of the proposed access points and Ms Marshall supported the Evans Road access. The other traffic experts did not comment.

HTfV agreed access could be achieved off Evans Road to the northern parcel of land, but did not comment on access points on the CCB.

(iv) Discussion

North-south connector road

Connector roads and access roads are not funded by the DCP. A structure plan will typically include connector roads and access roads where they are considered important links through a precinct. The decision to open the CCB up to general traffic alongside the NAC will result in a transfer of traffic on the parallel road to the west and hence reduce the importance of that route. The Committee accepts the evidence of the traffic experts that the traffic volumes on this route are now expected to be commensurate with the design volumes for an access street and the link should be downgraded accordingly.

The impact of the removal of the section south of Creamery Road and its intersection on the Midland Highway however raises greater concern due to the potential impact on the adjacent signalised intersections which are DCP items. Intersections along arterial roads are typically limited to protect the operational and safety priorities of the arterial road. Where an intersection is not shown in a PSP it can be more difficult to gain the road authority's approval to include it at a later stage. Given the current concerns with the transport modelling, as discussed in Chapter 4.2, the opportunity to include an intersection in this location should be preserved. This could be done by marking the intersection as a potential intersection on the Future Urban Structure Plan to give guidance that it could be acceptable if needed.

Access to the Yih-Sheng land

The purpose of the Future Urban Structure Plan is to show key roads and key intersections. It is not to show all access roads or intersections as this detail is best resolved at the subdivision stage, allowing flexibility in design.

The arrows on the Future Urban Structure Plan indicate the start of Conservation Interface Streets. There are no arrows indicating the start of other road types. We were

¹ Simulation and Integrated Drive Evaluation (SIDRA) traffic model

not told why these arrows have been included. Presumably the locations have considered constraints and are there to indicate where the Conservation Interface Streets are generally expected to commence from rather than provide a limit of what access streets can be provided in other locations, even along the same road.

Whilst there may be merit in allowing local street access off the CCB, the Committee is not convinced this needs to be included on the Future Urban Structure Plan and agrees with Council that this can be resolved at the permit stage.

The Committee is satisfied that vehicular access to the Yih-Sheng land could be established off Evans Road – if this land is ultimately developed for urban purposes. However, as discussed in Chapter 3.10 this land cannot be identified as residential land at this stage in the Future Urban Structure Plan (but can be identified for further investigation). Given that the land's potential for residential use has not been fully determined, it is not necessary to show an access point on the Future Urban Structure Plan at this time.

(v) Findings and recommendation

The Committee finds:

- The north-south road to the west of Creamery Road should be an access street and remain connected to Midland Highway, with the intersection on Midland Highway marked as 'potential'.
- Additional access points into the Yih-Sheng land may be feasible but do not need to be shown on the Future Urban Structure Plan.

The Committee recommends:

Amend the Final Creamery Road Future Urban Structure Plan as follows:

- a) Show a 'potential' left-in/left-out intersection on Midland Highway between Geelong-Ballan Road and the Clever and Creative Boulevard, with an access street extending north to Creamery Road.**

3.9 Drainage infrastructure

(i) The issues

The issues are whether:

- the sizes, configurations and locations of the following drainage infrastructure items on the Future Urban Structure Plan are appropriate:
 - Basin 6 (WLRB-06)
 - Basin 7 (WRLB-07).

(ii) Background

Referral 1

In Referral 1, the Committee recommended the following further work:

Revise the drainage strategy to optimise the number, location and design of drainage assets, and revise the Future Urban Structure, land take and costs accordingly.

What is proposed?

Council revised the drainage strategy in response to the Committee's recommendation in Referral 1. The configuration of Basins 6 and 7 were altered slightly in the Exhibited Future Urban Structure Plan, and the outfall for Basin 6 is shown along Bluestone Bridge Road rather than to the Geelong Ring Road pit near Creamery Road.

Land to the north and north-west of Basin 7 is partly drained to Basin 7. Lower-lying land also drains to the two proposed gross pollutant traps which form part of the precinct's drainage strategy and are included in the DCP.

In the Final Future Urban Structure Plan, Council:

- split Basin 6 into two basins, with a new small basin straddling Properties 41 and 42 north of Bingley Court and the main basin retained in Property 45
- changed the shape and shifted the location of Basin 7 slightly south of the exhibited location to Avonlea Road, containing it within two properties rather than three and avoiding the Avonlea Homestead (Property 19) and existing dwelling on Property 21.

Figure 17 Basins 6 and 7 on the Exhibited and Final Day Future Urban Structure Plans



Source: Cropped extracts of Council's Exhibited and Final Future Urban Structure Plans (Committee notation added)

(iii) Evidence and submissions

The Committee heard evidence from:

- Neil Craigie of Neil M Craigie Pty Ltd called by Villawood
- Nina Barich called by HB Land and the Nardi family
- Leigh Holmes of Spiire, called by 305 Bat
- Stephen Hundt of Loetis, called by Bisinella.

Hydrology, stormwater and drainage joint expert meeting

A hydrology, stormwater and drainage joint expert meeting was held prior to the Hearing and attended by all of the drainage experts.

During the joint expert meeting, Mr Craigie tabled an as-built plan showing a design of the Department of Transport and Planning (DTP) pit on Creamery Road that flows into a swale drain along the Geelong Ring Road. The joint expert meeting agreed on all matters discussed.

Basin 6

305 Bat submitted:

- Basin 6 should be located on its land, Property 45, as exhibited to enable timely provision of the asset
- the outfall should be into an existing Geelong Ring Road stormwater pit near Creamery Road rather than piped down Bluestone Bridge Road to Cowies Creek. If that was not possible there should be more flexibility in the location of the pipe along the Bluestone Bridge Road.

Further:

We note the material circulated by Villawood this morning to Council which proposes to use the existing outfall into DTP land. This option involves splitting WLRB06 into two and the avoidance of a circa 1km outfall. 305 Bat will work with Villawood and Council in the background to further consider this option as on face value it has merit.

Submitter 11 supported the location of Basin 6 on the 305 Bat land rather than on its land to the north of Bingley Court (Property 41), as it would take up most of Properties 41 and 42 if relocated there.

Council submitted:

- It did not support moving Basin 6 from Property 45 (305 Bat) south of Bingley Court onto Properties 41 and 42 north of Bingley Court.
- It supported a smaller asset (approximately 0.31 hectares) on Properties 41 and 42 while still allowing 305 Bat to achieve drainage independence, and in the Final Future Urban Structure Plan included a 'Potential Minor Drainage Asset WLRB_06a (under consideration)' on the boundary of Properties 41 and 42, splitting Basin 6 into two.
- It supported further investigations into an outfall to the Geelong Ring Road pit.
- There was no inconsistency in the drainage land take in the Amendment documentation. It advised that the 1.826 hectares is made up of 1.426 hectares of drainage 'DCP land' and 0.4 hectares of encumbered drainage land that falls within the 1 per cent Annual Exceedance Probability and is excluded from the DCP land.
- Splitting the asset into two should be manageable with the same land take.

HTfV supported the potential option to outfall to the Geelong Ring Road, and expressed a commitment to begin further investigations to confirm suitability.

Council advised the following (in a letter accompanying its Final Day versions of the UGZ and PSP):

In respect of the drafting response, Council observes that on 25 May 2026 the Department of Transport provided written confirmation that it accepted the proposal to split WLRB6 into WLRB6a and WLRB6b subject to conditions that:

- the approval of the detailed designs to the satisfaction of Head TfV;
- the works and ongoing maintenance being at no cost to Head TfV;

- no direct connections to be permitted into the drainage pipes connecting the outfalls from WLRB6 and WLRB6a into the Geelong Ring Road drainage system; and
- inclusion of appropriate subdivision drainage provisions in the Schedule to the UGZ that provides for the above.

As indicated at the hearing Council is proceeding on this basis for the former WLRB6 now and has commenced discussions with the landowners of Property 41 and Property 42 in order to finalise a position.

Council advised (in reply to party drafting comments) that a change to Table 25 in the PSP to allow flexibility in the pipe location under Bluestone Bridge Road was unnecessary given DTP's confirmation in writing that it supports the outfall to the Geelong Ring Road.

Villawood submitted:

As to WLRB_06, the proposal to redesign this asset to outfall to Geelong Ring Road is progressing. Noting that land take for the alternative option is estimated to be roughly equivalent to the option as exhibited, and cost savings are anticipated, Villawood seeks WLRB_06 be retained in its exhibited form as to location, land take and cost. Villawood notes that this position aligns with the submission of 305 Bat Pty Ltd made on 12 May 2026.

Mr Craigie gave evidence that Basin 6:

- was in an acceptable location, but moving it north onto Properties 41 and 42 could be the best outcome
- could be split, with 10 per cent shifted north of Bingley Court, noting there would be some increase in land requirement if the asset was split.

Mr Holmes gave evidence that:

- Basin 6 is appropriately sized at 1.826 hectares, noting that it could potentially be lowered during detailed design to reduce the overall footprint.
- He had considered whether there would be benefit in moving the asset to the north of Bingley Court onto Properties 41 and 42, as Council had suggested during the Referral 1 Committee process, but was happy for it to stay as proposed, noting that keeping it within on title would make delivery easier.
- Constructing the outfall along Bluestone Bridge Road would be difficult due to the narrow reservation width, crossings and trees, and a notation should be added to Table 25 in the PSP to allow the pipe to go under bicycle or pedestrian paths if necessary.

Drainage experts agreed:

- The size and location of Basin 6 should be reviewed and it should be feasible to drain Basin 6 to the Geelong Ring Road outfall, avoiding the more costly outfall along Bluestone Bridge Road.
- Shifting the basin onto Properties 41 and 42 to north of Bingley Court would allow the catchment to extend to those properties.

In response to questions from Council, Ms Barich said that the basin could be split or moved.

Basin 7

The Nardi family requested a redesign of Basin 7 from a wetland retarding basin to a sediment pond/retarding basin. It submitted this approach would require a smaller land take.

Council:

- raised concerns that the total nitrogen target may be exceeded with the use of a sediment basin
- changed Basin 7 to a sediment basin in response to evidence
- altered the size and location of Basin 7 in the Final PSP in response to submissions and evidence, shifting it further south off the Avonlea Homestead property and avoiding the residence and tennis court on Property 21.

Avonlea Homestead, Villawood and HB Land supported the change to a sediment basin. Avonlea Homestead submitted that the reduction in land take from the redesign would ensure that the basin does not encroach on its heritage barn and a large contributory tree. It had strong concerns about the impacts of Basin 7 where it is located in the Exhibited Future Urban Structure Plan.

Submitter 21 objected to Basin 7 being on Property 21, advising:

- Basin 7 in the Exhibited Future Urban Structure Plan would take approximately 80 per cent of its land, compared to the earlier plans in which it occupied only around 30 per cent of its land.
- No justification or direct consultation about the change has occurred and it is unreasonable and procedurally unfair.
- It would burden them as a small landowner while benefitting other landowners, limiting their ability to develop their property.

Ms Barich gave evidence that:

- The revision of the drainage strategy by Water Technology did not incorporate the recommendation arising from the drainage joint expert meeting during Referral 1 to consider using a sediment pond to optimise the drainage strategy.
- Modelling shows that Basin 7 could be reduced from 2.14 hectares to 1.27 hectares with the provision of a sediment basin, reducing the number of properties encumbered by the asset.

At the joint experts meeting, the experts supported Ms Barich's proposal to change Basin 7 to a sediment basin. Mr Craigie considered the benefits of changing to a sediment basin to be overwhelmingly positive, that best practice treatment overall could still be met, and that nitrogen removal would be acceptable.

Bisinella raised concerns with the drainage strategy for Properties 9, 10, 11 and 14, noting that it would not be fully serviced by the precinct's drainage system, including Basin 7 in either form, and submitted that gross pollutant traps and potentially some untreated water may form part of a bespoke drainage plan for the land.

Mr Hundt gave evidence that:

- The PSP includes two gross pollutant traps servicing land that cannot drain to Basin 7, including the Bisinella land, but he considered it would be difficult to drain all of the Bisinella land into the traps and Basin 7 and the Alluvium work includes some isolated catchments.
- A bespoke solution, including gross pollutant traps, would still require nitrogen and phosphate removal to be compensated by other parts of the system and this was considered in the drainage strategy.

The experts agreed at the drainage joint expert meeting that a bespoke drainage solution could be developed for the Bisinella land.

(iv) Discussion

Basin 6

The Committee notes the potential to split Basin 6 into a small and large basin with the same land take. Given that there is still some work to do on the design of this asset (or pair of assets) it would be inappropriate to change the size of Basin 6 on the Final Future Urban Structure Plan at this time.

HTfV's advice that Geelong Ring Road drain can accommodate the outfall from Basin 6 may provide an opportunity reduce costs and impacts along Bluestone Bridge Road. However, any cost savings may be required to offset the potential minor Basin 6a. The advice from DTP should be included in the Drainage Services Scheme documentation.

Basin 7

There is great merit in redesigning Basin 7 as a sediment basin. This would reduce land take and cost, resulting in an increase in NDA and reduction in the Levy, although further work would be required to quantify the land take required. The redesign of Basin 7 would also protect heritage elements on the Property 19 and reduce the number of lots encumbered by the asset.

Bisinella's concern regarding nitrogen capture is noted particularly as there are areas within the PSP, such as the Bisinella land, that would not be serviced by the precinct's drainage strategy and may rely on the strategy exceeding environmental targets to compensate areas not served by the drainage basins. The Committee accepts the consensus of the drainage experts that this can be achieved with the change of Basin 7 to a sediment basin.

(v) Findings

The Committee finds:

- The sizes, configurations and locations of the following drainage infrastructure items on the Final Future Urban Structure Plan are appropriate:
 - Basin 6 (WLRB-06)
 - Basin 7 (WRLB-07).

3.10 Extent of Cowies Creek conservation area and buffer

(i) The issues

The issues are whether:

- the extent of the Cowies Creek conservation buffer (creek buffer) is generally appropriate on the Future Urban Structure Plan
- the extent of the creek buffer on 200 Geelong-Ballan Road (Yih-Sheng land) is appropriate.

(ii) Background

The buffer along Cowies Creek has been designed to protect the waterway and its biodiversity, primarily the Growling Grass Frog (GGF). In the Exhibited Future Urban Structure Plan, the creek buffer is generally 100 metres wide (measured from the centreline of the creek) with some minor variation to accommodate physical constraints such as the railway corridor.

Strategic assessment process

The EPBC Act strategic assessment process (see Chapters 1.2(iii) and 5.9) requires Council to make commitments to the Commonwealth Government to ensure the long-term protection and conservation of the relevant MNES. One of the key commitments to protect GGF is the establishment of the conservation area. The *WGGA Cowies Creek Conservation Area Growling Grass Frog Conservation Management Plan* (GGFCMP) was prepared to give effect to that commitment. The GGFCMP states that:

The objective of the conservation area is to support the persistence of GGF within the WGGA and to maintain the metapopulation dynamics with the broader Cowies Creek metapopulation downstream. It aims to achieve this by:

- Protecting high quality instream habitat
- Improving the condition of lower quality instream habitat
- Protecting and enhancing terrestrial habitat in areas adjacent to the creek
- Regenerating areas of terrestrial habitat that are degraded from historical land uses
- Providing for the creation of off-stream habitat.

The extent of the conservation area is described in the GGFCMP (Committee emphasis):

The boundary of the conservation area as of June 2024 is proposed as a 100 metre buffer surrounding Cowies Creek. The boundary described measures 100 metres across the terrain from the centreline of Cowies Creek.

...

The conservation area boundary has been clearly defined as part of the Part 10 Strategic Assessment (shown in the EPBC Plan and Biodiversity Conservation Strategy). Following approval of the Part 10 Assessment, the boundary will be set. Precinct Structure Plans and subsequent development will then be required to follow the Part 10 approved documents and this CMP. **The boundaries of the conservation area outlined in this CMP are subject to change by the City or following approval by the Commonwealth Government under the EPBC Act.** Any further changes would be for the purpose of GGF habitat improvement.

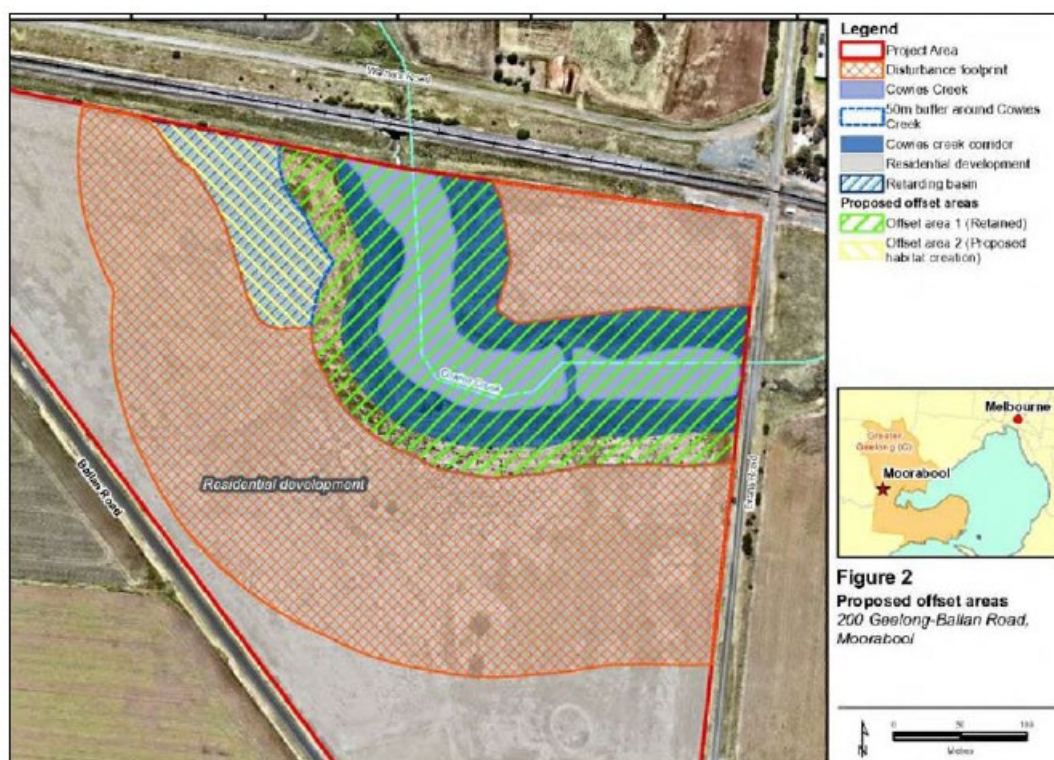
Biosis provided advice to the City relating to the conservation area boundary, in support of adopting a minimum 100 metre buffer area (Biosis Pty Ltd 2021). **The proposed 100 metre buffer is less than the 200 metre buffer zone recommended to avoid impacts as per the Significant impact guidelines for the vulnerable growling grass frog (DEWHA 2009). However, the proposed buffer is considered suitable to protect and conserve GGF habitat in the context of Cowies Creek** as discussed here, and will be further enhanced by providing off-stream wetland breeding habitat. Along its length through the WGGA the floodplain is generally less than 100 metres in width. To the south of the creek and particularly to the north, the gradients of surrounding slopes rise evenly and relatively steeply above those contour levels. If a reserve of 200 metres width from Cowies Creek was to be required as proposed by EHP, it would encompass land on the slopes that does not provide suitable primary habitat for GGF as it does not offer the humid microenvironments and terrestrial habitat resources required by the species. The topography and isolated nature of Cowies Creek is such that there is little or no existing capacity for GGF to disperse to habitats within other catchments. The most important purpose for maintenance of the population will be for frogs moving up- and downstream, and for gene-flow, along the length of Cowies Creek and to enhance existing breeding habitat potential. Providing terrestrial

habitat surrounding Cowies Creek and the proposed GGF wetlands for foraging, basking, overwintering, and movement is also critical for protecting the local population.

200 Geelong-Ballan Road (Yih-Sheng land)

A site-specific Part 9 EPBC Act approval was granted for the land at 200 Geelong-Ballan Road, Moorabool (Yih-Sheng land). The EPBC Act approval allows a 50-metre buffer along Cowies Creek (measured from the centreline of the creek, as shown in Figure 18), a distance that is inconsistent with the 100-metre buffer proposed more generally across the precinct. The EPBC Act approval includes other conditions.

Figure 18 Plan included in EPBC Act approval for Yih-Sheng land



Source: Yih-Sheng main submission

(iii) Evidence and submissions

Extent of the buffer

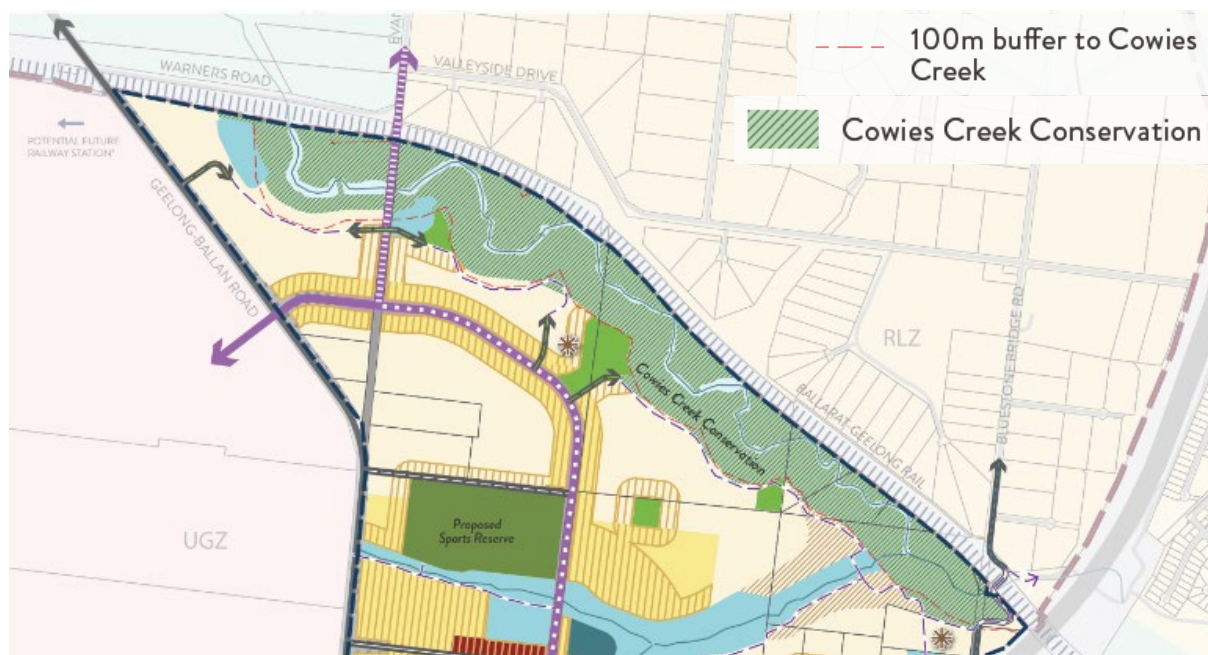
Council submitted:

- The creek buffer should be 100 metres in general.
- Clause 12.03-1S seeks a 50-metre buffer along waterways (measured from top of bank) and is a relevant consideration which will inform the extent of the creek buffer.
- On the Yih-Sheng land:
 - It is appropriate to reduce the creek buffer south of Cowies Creek to 50 metres (providing more NDA in this location). The 50 metres should be measured from the top of bank, consistent with Clause 12.03-1S.
 - It is not appropriate to reduce the creek buffer north of Cowies Creek given the combination of constraints affecting that land (which included

geotechnical matters which were presented with drafting comments from Yih-Sheng).

- The 100-metre buffer line (red line) on the Future Urban Structure Plan should be retained as it is indicative only.
- Basin 8 should not encroach on EPBC Act offset area 2 and should not be resized, as micro siting and sizing are matters for detailed design.
- Its final position on the creek buffer extent is reflected in the Final Future Urban Structure Plan shown in Figure 19.

Figure 19 Creek buffer extent as shown in Council's Final Future Urban Structure Plan



Source: Council's Final Future Urban Structure Plan (legend overlay added by Committee)

The Department of Energy, Environment and Climate Action (DEECA) was not a party to the Hearing, however in its written submission it supported a 100-metre buffer across the whole precinct (including 200 Geelong-Ballan Road). It submitted:

- A 100-metre buffer is consistent with the recommendations in the Commonwealth *Significant impact guidelines for the vulnerable growling grass frog* (*Litoria raniformis*) (DEWHA 2009).
- Clause 12.03-1S of the Planning Scheme directs responsible authorities to consider, where relevant, locating development a minimum of 50 metres from the banks of waterway systems.
- Cowies Creek is known to support an 'important population' of Growling Grass Frogs, as defined under the EPBC Act. DEECA considers that an additional 50-metre buffer beyond this accepted minimum for all waterways represents the minimum setback distance that should be achieved.
- It did not support community access to the Cowies Creek Conservation Area and recommended that Guideline 57 in the PSP, which would allow community access to the area as long as it is sensitively designed to protect conservation and landscape values, be removed.

Yih-Sheng submitted that the creek buffer should be reduced to 50 metres on the Yih-Sheng land, stating:

- Further effort should be made to increase NDA, in line with the Committee's recommendations in Referral 1.
- Opportunities to increase NDA should be explored through refinement of infrastructure, open space and environmental interfaces.
- The PSP should be sufficiently flexible to respond to updated technical work and regulatory approvals that demonstrate equivalent or better outcomes with a reduced land take.
- While DEECA had requested a 100-metre buffer across the precinct, it had acknowledged that the final extent of the buffer would be determined by the EPBC Act approval process.
- It has gone through an extensive process to secure an EPBC Act approval for the land.
- The buffer on the Yih-Sheng land matches the plan appended to the EPBC Act approval extracted at Figure 16.

Yih-Sheng relied on the evidence of Mr Organ who stated:

- The 50-metre buffer established through the EPBC Act approval for 200 Geelong-Ballan Road is appropriate and sufficient to enable continued dispersal of GGF along the Cowies Creek corridor.
- GGF movement depends on nearby bodies of water, none of which occur within the typical dispersal range in or around the site.
- Targeted surveys in 2019-2020 did not detect any GGF, but two individuals were recorded in a 2024 targeted survey.
- The site is dominated by low-quality terrestrial habitat, indicating that the site does not contain a local reproductive population of GGF and may instead be used opportunistically for dispersal between other suitable breeding locations upstream and downstream.
- The 50-metre buffer and the conservation management plan prepared by Ecology & Heritage Partners in March 2025 (*Preliminary Documentation: Residential Development at 200 Ballan Road, Moorabool, Victoria (EPBC 2023/09498)*) (Yih-Sheng CMP) adheres to relevant legislation and policy requirements, including the *Growing Grass Frog Habitat Design Standards* (Department of Environment, Land, Water and Planning, 2017) (GGF Design Standards).
- Extending the buffer to degraded land would not materially improve habitat function, connectivity or breeding potential and is therefore not ecologically justified.
- The EPBC approval includes ongoing monitoring and reporting, including an adaptive management process.
- He is confident the Yih-Sheng CMP provides a sufficient level of detail to form the basis for a 50-metre buffer.

Mr Organ said that he was not instructed to consider State biodiversity matters. However, he said that he had a level of confidence that no other information would come to light that would conflict with his evidence. He said that applying a blanket 100-metre buffer would undermine the conservation area, as it did not account for the site-specific circumstances.

Bisinella submitted that the extent of the creek buffer was appropriate, however the drafting of controls needed to be adjusted to ensure it was consistent with the EPBC Plan (and likely future approvals).

Dual purpose stormwater and offset asset

Yih-Sheng submitted that Basin 8, which is located on the edge of the creek buffer, should be used for stormwater treatment and as an offset site (which would have consequential implications at the edge of the creek buffer and developable land as discussed in Chapter 3.1). It said that development feasibility would be improved by creating a dual purpose asset, thereby reducing the amount of land required for drainage assets. Yih-Sheng relied on the evidence Mr Mathios, who prepared a revised concept design for Basin 8 (Mathios concept design) which comprised a sediment pond and larger macrophyte area. Mr Mathios gave evidence that:

- the revised design would require less land take
- the revised design was located outside the conservation area
- the revised design performed appropriately from a drainage and offset area perspective
- he acknowledged the dual purpose arrangement was unusual and unlike the types of GGF offset assets he had designed in the past
- the revised design could be cleaned to accommodate the GGF (which would be confined to the smaller sediment pond within the asset).

Yih-Sheng also relied on the evidence of Mr Organ in support of the dual purpose asset. Mr Organ had reviewed the Mathios concept design and gave evidence that:

- It was appropriate for the asset to be used for the dual purpose of an offset and a retarding basin.
- The design could meet the EPBC approval conditions, noting that even conditions (and associated guidance) that appears prescriptive could still be responded to through an adaptive management process.

Council did not support the dual purpose asset, stating:

- It was unlikely to support the delivery and vesting of a dual purpose stormwater and offset asset.
- The Mathios concept design was unusual and unlike GGF offset assets designed in other growth areas. Mr Mathios did not have experience in the design of an asset that served a stormwater and ecological function.
- The dual purpose design is inconsistent with the GGF Design Standards referenced in the conditions of the Part 9 EPBC Act approval. The Council highlighted that the standards:
 - state that they do not provide design specifications for stormwater wetlands
 - depict GGF wetlands as separate features from stormwater wetlands in a conservation area
 - note that treated stormwater could be used as a water source, but include cautionary comments about the potential for treated water to contain high levels of nutrients and contaminants

- contemplate the GGF wetlands may receive treated stormwater (from a separate asset), but do not contemplate that the GGF wetland itself should function as a treatment asset.
- The Offset Management Plan prepared as part of the EPBC Act approval² process does not suggest that a dual purpose asset would support breeding habitat. Instead, that document indicated that a stormwater facility would treat water, before it was discharged in the GGF habitat corridor.
- Compliance with the Part 9 EPBC Act approval is outside the scope of the Committee, however some aspects do have spatial implications for the PSP. In particular, Council indicated that it was not willing to assume responsibility for a dual purpose asset with complex ecological offset conditions (which include ongoing monitoring obligations to 2050).

(iv) Discussion

Extent of creek buffer

The extent of the creek buffer on the Future Urban Structure Plan is generally acceptable. The buffer has been informed by the strategic assessment process under the EPBC Act, the GGFCMP, the views of DEECA, and Clause 12.03-1S (Waterway protection).

The creek buffer has been designed to account for the physical context of Cowies Creek and the conservation objectives for the GGF. The 100-metre buffer appropriately balances biodiversity protection and housing delivery objectives.

Refinement of the creek buffer

The primary purpose of the creek buffer is to protect biodiversity values and water quality. There may be circumstances where other works or adjustments are required within the buffer, such as drainage infrastructure, however, any permitted works should not be at the expense of the primary purpose of the buffer.

At this stage in the process, it would be premature to reflect future 'minor refinements' to the creek buffer on the Future Urban Structure Plan. For most of the precinct there is too much uncertainty about the relevant EPBC Act approvals and site-specific constraints that could affect the final buffer extent.

Rather than trying to anticipate or resolve minor refinements to the creek buffer, the controls should allow some flexibility. In considering whether a refinement to the creek buffer is appropriate, it would be necessary to ensure the primary objective of the creek buffer is achieved; that is, protecting GGF and the waterway.

Refinements at the Yih-Sheng land

The Yih-Sheng land is unique in that there is more certainty about the Part 9 EPBC approval and the amount of land needed for conservation purposes on that site.

The Committee is satisfied that there is sufficient basis to reduce the buffer to the south of Cowies Creek on the Yih-Sheng land. It can be reduced to 50-metre buffer (measured

² Included at Appendix B of Preliminary Documentation: Residential Development at 200 Ballan Road, Moorabool, Victoria (EPBC 2023/09498)

from the top of bank), reflecting a combination of the Part 9 EPBC approval and policy at Clause 12.03-1S. This refinement should be reflected in the Future Urban Structure Plan.

The Committee is not satisfied that the creek buffer to the north of Cowies Creek can be amended at this time. While Yih-Sheng presented evidence to demonstrate that development on that land may be feasible, the land in the north-east corner is significantly constrained and it would be premature to allocate this land as NDA. Yih-Sheng presented information (as part of the post-Hearing drafting process) to suggest there may also be geotechnical challenges on the land to the north of Cowies Creek, though this was not raised at the Hearing.

The Committee accepts that several experts have suggested it is feasible to develop the Yih-Sheng land, however a fully integrated assessment is needed and there is still too much uncertainty to justify changes to the Future Urban Structure Plan. Instead, the Committee considers this land should be identified as an area for future investigation. This will provide some direction without setting an unrealistic expectation that the land can be developed for residential purposes.

No change should be made to the creek buffer at the interface with Basin 8. It is not appropriate for the asset to serve as drainage asset and offset area as proposed in the Mathios concept design. While Mr Organ gave evidence that it was technically possible for the Mathios concept design to meet the conditions of the EPBC approval, the Committee considers it would be difficult for the GGF Habitat Design Standards to be met. The Proponent took Mr Organ through a number of conditions that seemed difficult to achieve (or would require the Commonwealth Minister to exercise discretion in discharging the requirements with a dual purpose asset). In either case, the signoff of conditions is a matter for the Commonwealth, and it is premature to speculate on what the Commonwealth may agree to. No adjustment to the Amendment is required to reflect the Mathios concept design at this stage.

Drafting

Council's Final Future Urban Structure Plan includes a green hatched area labelled as 'Cowies Creek Conservation', and a red line labelled as a 100-metre buffer to Cowies Creek. Council submitted that, even in locations where the buffer could be reduced to 50 metres, the 100-metre red line should remain as it was indicative only. The Committee disagrees and considers that the red line can be deleted, as the green hatched area designates the Cowies Creek conservation area.

The Committee has made recommendations in Chapter 5.9 in relation to some of the specific drafting changes to UGZ8 for the Cowies Creek Conservation Area (this is separate to the implications for the Future Urban Structure Plan).

(v) Findings and recommendations

The Committee finds:

- The extent of the Cowies Creek conservation buffer on the Final Future Urban Structure Plan is generally appropriate.
- The extent of the conservation buffer on the Yih-Sheng land can be modified as follows:

- to reduce the extent to the south of Cowies Creek.
- to identify the north-eastern corner of the land as 'potential developable land subject to further investigation' through an annotation on the Future Urban Structure Plan.

The Committee recommends:

Amend the Final Creamery Road Future Urban Structure Plan as follows:

- a) Reduce the extent of the green hatched 'Cowies Creek Conservation' area to 50 metres (measured from the edge of bank) on the southern side of Cowies Creek on the land at 200 Geelong-Ballan Road, Moorabool**
- b) Designate the north-eastern corner of Properties 1, 2 and 3 (Yih-Sheng land) (north of Cowies Creek) as 'potential developable land subject to future investigation'.**
- c) Delete the red line described as the '100-metre buffer to Cowies Creek'.**
- d) Delete the red line on the Future Urban Structure Plan described as '100-metre buffer to Cowies Creek'.**

4 DCP

4.1 Apportionment of BR-01 (Batesford South PSP bridge)

(i) The issues

The issues are whether:

- it is in scope for the Committee to consider excluding Bridge 1 from the DCP (that is, zero per cent apportionment)
- if the Bridge 1 costs are included, how much should be apportioned to the DCP.

(ii) Background

Bridge 1 is proposed to provide an interim (single carriageway) crossing over the Moorabool River and is located in the Batesford South precinct. The Batesford South precinct is identified as longer-term precinct in the Framework Plan (see Figure 4), compared with the Creamery Road precinct which is the first precinct planned within the NWGGA.

In Amendment C395, Bridge 1 was identified as a 'global item' that needs to be apportioned across the precincts in the NWGGA.

The Referral 1 Committee found the justification for apportionment of the bridge was not clear, noting:

It is not clear why the Select Link analysis excludes external usage in determining apportionment across the NWGGA, other than stating:

The results include a proportion of external traffic that is not assigned to a specific PSP, ranging between 24% and 43% of usage. Whilst the DCP Guidelines do provide guidance on external usage and how it should be included in a DCP, this approach has recently been a cause for concern for the DTP on recent PSPs in regional Victoria.

The exhibited DCP includes the provision of a value of Bridge 1 at \$27,066,269.00 and apportioned 7.8 per cent of that cost to the Creamery Road precinct.

(iii) Evidence and submissions

Several submitters recommended that Bridge 1 be excluded from the DCP (or expressed this as zero per cent apportionment). These submissions were made on the basis that there was too much uncertainty in relation to the design, cost and delivery of Bridge 1.

Villawood, Mr Shipp and other submitters said that, as the precinct would be developed before the bridge, it would be inequitable to levy Creamery Road developers for infrastructure that may not be completed until the Batesford South precinct was developed, with some suggesting this could take 20–30 years. These submitters did not place any weight on the Framework Plan that identifies Bridge 1 as a global item that needs to be apportioned between precincts.

Council submitted that the Day 0 apportionment of 11.96 per cent of the cost of Bridge 1 to the precinct is based on the select link analysis data in the *Creamery Road PSP Review of NWGGA Bridges* (Stantec, July 2024) (Bridge Review), which considered traffic across

the bridge generated by the precincts in the Western Growth Area. Council submitted the select link analysis was superior to an apportionment based on NDA given that it focuses on trip generation rather than simple net developable area, which it said was merely a proxy for population. It explained:

employment areas generate traffic differently to shops, which generate differently to housing. Distance is also a factor. All of these matters produce an apportionment which Council prefers to rely upon, and which is consistent with the DCP Guidelines' direction that: *Infrastructure costs must be apportioned on the basis of projected 'share of usage'.*

Adbri supported the 11.96 percent apportionment, noting that:

- P50 costs instead of P90 costs³ have been adopted (despite what the ICP Guidelines *[sic]*);
- Costs associated with the bridge structure itself, not its road approaches, have been adopted (despite the recommendations of Stantec); and
- Land acquisition associated with the ultimate project requirements have not been included.

Villawood's primary submission was that zero per cent of Bridge 1 should be apportioned to the precinct as it was uncertain whether the bridge would be developed within the timeframe of the DCP. It based this on:

- the bridge location differing from the Framework Plan
- Mr Prossor proposing an alternative alignment for the bridge
- the McCann family and Adbri seeking to add the northern approach road to the scope of the project
- ongoing operations of the Batesford Quarry.

Villawood submitted that if Bridge 1 needed to be included in the DCP the apportionment should account for external use beyond the Western Growth Area, citing the requirement in the *Development Contributions Guidelines* (Department of Sustainability and Environment, March 2007) (DCP Guidelines) to apportion costs on the basis of 'share of usage', and that other funding sources should pay for the percentage of use from outside the bridge's main catchment area.

Council disagreed that there was a lack of certainty, saying that it had a costed design for the bridge and was not considering the alternative alignment. Adbri contended that planning for the Batesford South precinct and some pockets of its land could be developed while quarry operations were still underway.

Mr Shipp gave evidence that, if the bridge was to be included in the DCP, it should be treated as a 'global' item and funded by all the precincts in the Western Growth Area. He also considered that the apportionment should be based on NDA rather than traffic use.

Mr Humphries gave evidence that:

- The 7.8 percent apportionment in the exhibited DCP was based on select link analysis undertaken for the original three-bridge scenario in March 2023, considering all traffic use.
- The 11.96 percent apportionment in the Day 0 DCP is based on the select link analysis in the later Bridge Review, which considered the apportionment of

³ P50 and P90 values represent confidence levels for project budgets based on statistical risk analysis

traffic using the bridge only from the five precincts within the Western Growth Area.

- The DCP Guidelines allow for traffic usage as a basis for apportionment and Stantec had tried to determine apportionment based on NDA, but this was not possible as different uses generate traffic at different rates.

Mr Walsh and Ms Marshall gave evidence that the apportionment should be reduced to the exhibited rate with the inclusion of external use beyond the Western Growth Area, noting that in Referral 1 the Committee recommended including external apportionment. Mr Humphries and Mr Mentha disagreed. Mr Mentha noted that the external usage would ultimately be accounted for with the construction of the second carriageway by the State.

(iv) Discussion

Inclusion of Bridge 1 in the DCP

The Referred Matter is whether the apportionment of Bridge 1 in the DCP is appropriate, not whether the bridge should be included in the DCP. The Committee does not consider the Referred Matter allows it to consider complete exclusion of Bridge 1 from the DCP.

It is unknown when planning for the Batesford South PSP will occur, as it is unknown when the NAC will be delivered for the Creamery Road PSP. These are matters that will be determined by landowners and market conditions, outside of the control of planners. It is possible that Bridge 1 may be delivered in 30 years, but it is also possible that parts of Batesford South will be developed earlier (before remediation of the quarry).

The Committee does not agree with the suggestion that is a strict test in relation to temporal nexus for DCP projects. The PE Act include refund provisions that act as a fail-safe to ensure that funds are returned if infrastructure is not delivered within the timeframe (or planning horizon) anticipated in the Planning Scheme. In this case, the Framework Plan clearly identifies that planning for the NWGGA is a long-term prospect and that the Bridge 1 is a global item that will be needed to service the future community. If any planning horizon is nominated, it should be linked to the NWGGA and not just the Creamery Road precinct.

Planning horizons and timelines are not an exact science. Market conditions, feasibility and many other factors influence the speed at which a precinct may be developed. While the planning system plays a role in providing capacity, it does not directly deliver precincts. It may be for this reason that the DCP Guidelines do not require a DCP to nominate a timeline.

It would be inequitable to apportion zero per cent of Bridge 1 in this DCP on the basis of temporal nexus, as this would disproportionately increase the cost of Bridge 1 apportioned to later precincts.

Apportionment

The apportionment for Bridge 1 in the exhibited DCP was based on select link analysis in March 2023 that included traffic from the precincts in the Western Growth Area, the Northern Growth Area, and external traffic outside the NWGGA. The Day 0 DCP apportionment of 11.96 per cent to the precinct for the interim bridge only considers

traffic within the Western Growth Area. This is appropriate for an interim (single carriageway) bridge, noting the Western Growth Area traffic is expected to account for well over 50 percent of the ultimate traffic usage and the interim bridge will require duplication by the time approximately 75 percent of the NWGGA is developed.

It is appropriate to use the traffic modelling rather than the NDA to predict usage of transport project.

(v) Findings

The Committee finds:

- Exclusion of Bridge 1 from the DCP is beyond the scope of the Referred Matters.
- The apportionment of Bridge 1 to the precinct should be 11.96 per cent.

4.2 Intersection and road designs

(i) The issues

The issues are whether:

- the following signalised intersection designs are appropriate:
 - Arterial road Intersections 1, 3, 4, 5 and 6 on Midland Highway and Geelong-Ballan Road - interim signalised intersections including roadworks
 - Connector road Intersection 7 (CCB and Creamery Road)
- the road design for the Evans Road culvert is appropriate
- the scope of Bridge 1 design should include the bridge structure only, or if earthworks associated with the road approaches to the bridge should also be included.

(ii) Background

Referral 1

In Referral 1, the Committee recommended:

- Redesign and repurpose the proposed Clever and Creative Corridor as an Urban Connector street, including associated intersections, and revise the Future Urban Structure, land take and costs accordingly.
- Review the road design parameters and design for Evans Road in the Creamery Road Precinct, and revise the Future Urban Structure, land take and costs accordingly.

In making the recommendation to redesign and repurpose the CCC (now the CCB) as an Urban Connector Road, the Committee in Referral 1 found that further work should be undertaken to redesign and cost the new connector road and its intersections, including a cost benefit analysis of intersection designs. The different intersection designs discussed as being potentially suitable along the CCB in Referral 1 were signalised intersections and roundabouts.

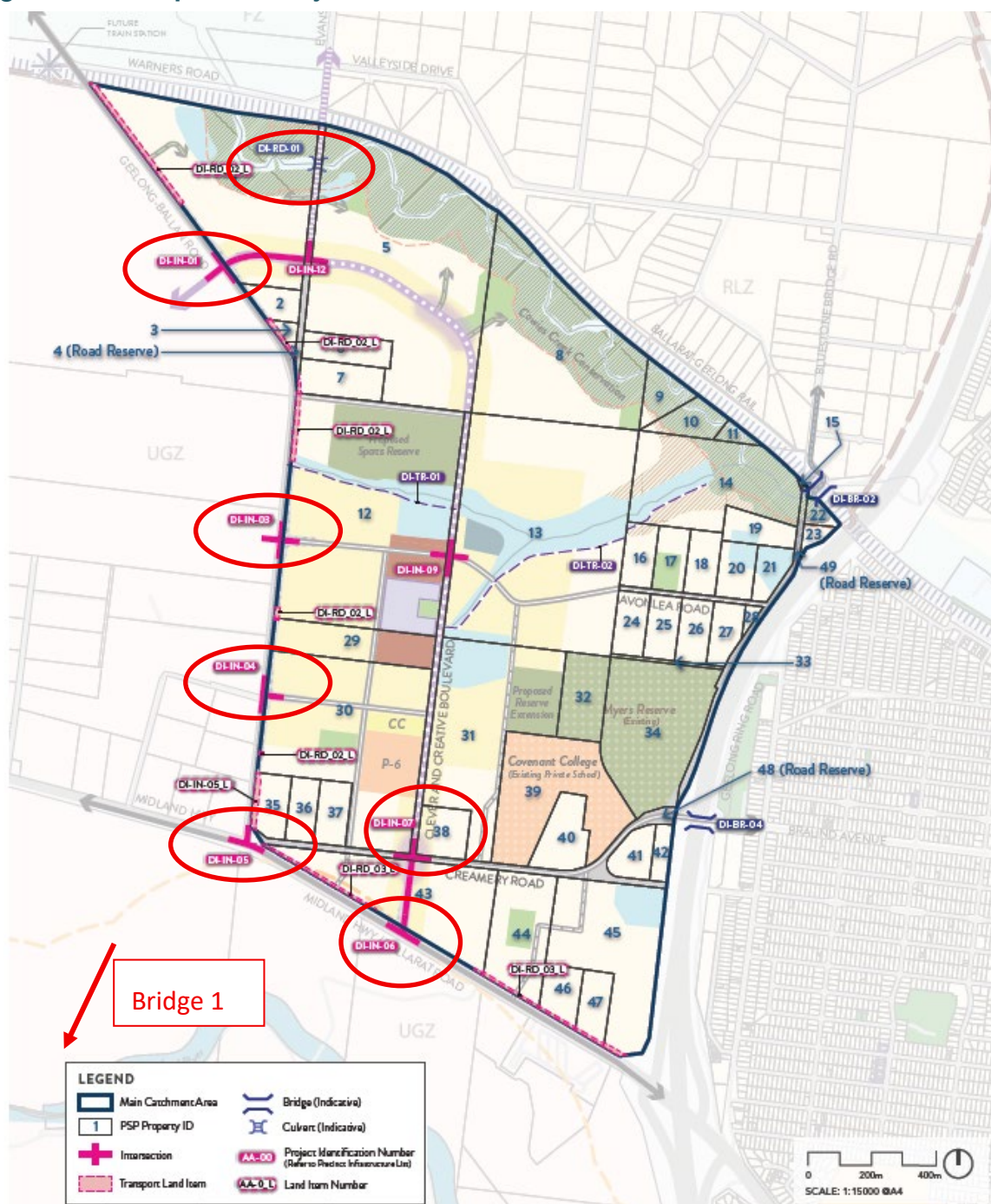
The recommendation for Evans Road relates to the level of the culvert and resultant grade line of Evans Road. Parties submitted the acceptable maximum grade of Evans Road should be 9 per cent to reduce the height and cost of the culvert. In Referral 1, the Committee noted that the grade line is a matter for road design and safety experts rather than a matter to be determined at the PSP stage.

DCP

The DCP includes funding for a number of transport projects including:

- Traffic signals and road widening works (interim works) at:
 - Intersections 1, 3 and 4 on Geelong-Ballan Road
 - Intersection 5 (Geelong-Ballan Road/Midland Highway)
 - Intersection 6 (Midland Highway/CCB)
- Traffic signals at primary intersections along the CCB
 - Intersection 7 (at Creamery Road)
 - Intersection 9 (adjacent to the NAC)
 - Intersection 12 (Evans Road).
- A culvert and associated roadworks on Evans Road.
- A bridge over the Moorabool River in the Batesford South precinct (BR-01).

Figure 20 Transport DCP Projects



Source: Excerpt of Exhibited DCP Plan 3Transport DCP Projects and Land (Committee notation added)

The road works on the arterial roads are interim works (pre-duplication) and include turning lanes and bus jump lanes. The DCP does not fund the road works at the primary intersections along the CCB, only the installation of traffic signals.

All intersection designs are based on analysis by One Mile Grid in August 2025 (Document 3.44) prepared on behalf of Villawood. One Mile Grid adopted the original Stantec modelling but increased traffic at the internal signalised intersections along the CCB to account for the CCB being opened to all traffic following Referral 1 noting in Referral 1 the CCB was to be restricted to buses only in front of the NAC.

The Evans Road culvert was redesigned by Creo in July 2025 on behalf of Villawood with a maximum 9 per cent grade to the south of the culvert.

The design of Bridge 1 is documented in the *Northern and Western Geelong Growth Area Bridges Concept Design and Opinion of Probable Costs Report*, Stantec 10 January 2024 (Document 79). The bridge design is broken into three components: the bridge structure, the northern approach road and the southern approach road.

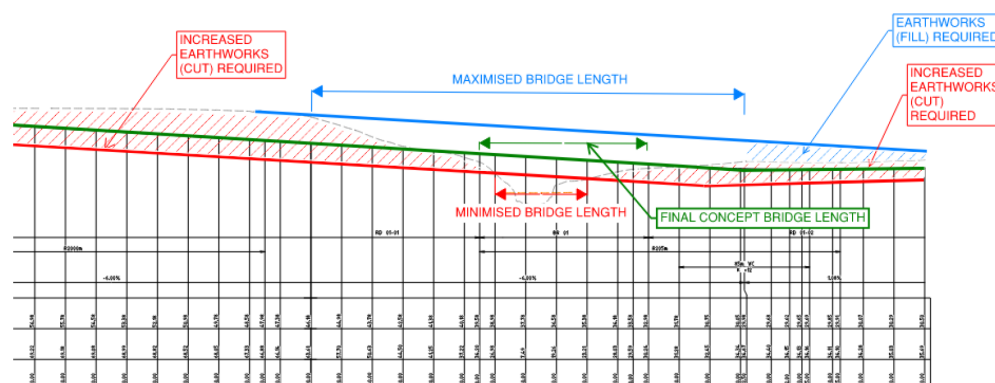
The report states:

A nominal 500m road length on the approach to each bridge was included as the length has been able to assist with informing the alignment of the corridor. The overall alignment of the road corridor has been determined using a range of factors set out in the MCA??? which includes cost of construction so that it strikes a balance between:

- the length of bridge and
- road construction works.

This approach, as outlined in Section 6.8, has resulted in one of the approaches, the northern approach to bridge BR-01, requiring a significant amount (when compared to all other approaches) of cut / earthworks below the existing surface to tie the road into the proposed bridge location, as shown through the green line in Figure 9-1 (alternative options that minimize the earthworks or bridge are also shown in Figure 9-1, as the blue and red dashed lines, respectively).

Figure 9-1: Indicative minimising of BR 01 length of bridge



Analysis of the cost of the road length on the approaches to bridges BR-01, BR-02 and BR-03, except for the northern approach to bridge BR-01 (i.e. RD 01-01), range between \$20,000 and \$41,000 per meter (P50) and between \$22,000 and 48,000 per meter (P90). The volume of earthworks for each of these road length approaches is in the order of 1,000 cubic meters of cut per meter.

Cost of the northern road section on approach to bridge BR-01 is estimated at \$149,000 per meter (P50) and \$178,000 per meter (P90). This is significantly higher than all of the other road approaches, which is due to the level of cut (earthworks) required to match into the proposed bridge design. The volume of earthworks for the BR-01 road length equates to in the order of 10,952 cubic meters of cut per meter.

With reference to the Figure 9-1 above, the level of cut for the northern approach to bridge BR-01 (which was adjusted to 516m through the design process) accounts for the majority of the required earth works prior to where the road adopts a level of cut closer to the average 1,000 cubic meters of cut per meter.

Based on this assessment, it is recommended that the northern road section to bridge BR-01 should be included as part of the external DCP items, or at least the amount over and above the typical mid-block road cost, as the level of cut is required to provide the optimum length of bridge along this road corridor. The remaining road sections could be included as local DCP items. This will also allow flexibility for the PSP to determine more detail on their

connection to the broader network (i.e. intersections) during the development phase of the PSP.

Bridge 1 was costed in the report at \$38,489,300 and the northern approach at \$76,805,700.

(iii) Evidence and submissions

Signalised Intersections

HTfV submitted that:

- The design and analysis of the arterial road does not adequately address the safety and operational concerns identified by HTfV, including bus priority.
- A number of upgrade requirements for each arterial intersection have been identified.
- The bus jump lanes at the various signalised intersections may not be of sufficient length to be effective, noting that “bus priority measures, including intersection priority, are critical to safeguarding long-term public transport reliability, attractiveness and network resilience”.
- For HTfV to be satisfied that it can discharge its statutory duty the traffic model and intersection analysis require updating, to reflect:
 - the 40 per cent increase in population projections since the modelling was done in 2023
 - the current proposal to remove an access street intersecting with Midland Highway from the Future Urban Structure Plan (see Chapter 3.8) which would result in the redistribution of approximately 4,000 vehicles per day to Intersections 5 and 6.

Council responded that:

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.

Both Council and Villawood advised the Committee that if the intersections ultimately cost more based on their final designs than was estimated in the DCP it was a risk that fell with the developers not government.

Villawood noted that for the intersections internally along the CCB the DCP only includes funding for the signals not the road works. Accordingly:

- the construction of the road at these intersections, and hence the bus jump lanes, would be developer funded
- any extension to these lanes on the CCB would not impact the DCP
- the length of these lanes could be determined through the traffic report required by the UGZ at subdivision stage.

305 Bat submitted that Intersection 7 (the CCB and Creamery Road intersection) should be controlled by a developer funded roundabout rather than traffic signals as this would

provide a safer and cheaper intersection that has less delay and queueing than signals, making all movements including buses more efficient.

Council and HTfV opposed the change of the Intersection 7 design to a roundabout because:

- the Framework Plan calls for priority to be given to public transport over other vehicles
- bus jump lanes provide a visual indication to the public that buses are being prioritised
- Covenant College and Myers Reserve are located on Creamery Road and traffic signals provide a higher level of safety for pedestrians and cyclists.

Villawood advised it was comfortable with the DCP including the cost of signals at Intersection 7.

The traffic experts at their joint expert meeting agreed the arterial intersections designs were suitable for the purpose of DCP costing, noting that some refinements would occur during the detailed design phase.

Mr Humphries gave evidence that:

- The previous transport modelling in 2023 was based on a population of 8,400 residents and this has increased to 11,700 residents, a 40 per cent increase. The 2023 model was coded that vehicles were deterred from using the CCB through lower speeds, traffic lights as well as the closure of the CCB outside the NAC to general traffic.
- The work by One Mile Grid in 2025 on the intersection designs reassigned some traffic to the CCB from the adjacent collector road impacting internal intersections, with no change in traffic volumes at the arterial intersections.
- Intersections 6 and 7 should be re-analysed to account for the proposed removal of the access street to the west of the CCB.
- Controlling Intersection 7 by signals with bus jump lanes rather than a roundabout is more consistent with policy objectives.

Ms Marshall gave evidence that:

- Intersection 6 has been over-designed and the complexity makes it less efficient but the cost in the DCP is reasonable and the design can be refined over time.
- Intersection 7 should be controlled by a roundabout rather than traffic signals:
 - Sidra analysis for Intersection 7 demonstrates that a roundabout control would have significantly less delay than traffic signals.
 - A roundabout is the standard type of control provided at connector/connector cross-roads.
 - Pedestrians and cyclist crossings could be incorporated into the design of the roundabout addressing their safety needs
 - Bus jump lanes would not be required because the efficiency of the roundabout provides a greater level of service to all vehicles than signals, with reduced queueing and delays negating the need for bus priority.
 - Signals will delay buses even with the provision of bus priority as they need to stop at red lights.

Mr Walsh and Mr Maina gave evidence that Intersection 7 could be suitably controlled by a roundabout or by traffic signals.

Evans Road design grade

Council submitted that the Evans Road culvert design has been updated by Creo since the Referral 1 recommendation to review its design.

HTfV submitted that Evans Road is a priority bus and cycle route and the current design grade line, with up to a 9 per cent grade, provides insufficient stopping distance for buses and is not suitable for cyclists. It advised:

All elements of the PSP need to be designed to achieve minimum desirable design standards. This will ensure the uptake of active and public transport for commuting is not stifled through the provision of an unattractive, inefficient and uncomfortable network.

HTfV preferred a 6 per cent maximum grade and advised that an alternative design for the culvert would result in less cut and fill along the road.

Villawood noted that the terrain is challenging and some flexibility is needed in the design parameters.

Mr Humphries gave evidence that:

- this was a detailed design matter that can be addressed during the detailed design stage
- consideration could be given to alternative path locations rather than changing the grade.

Mr Walsh gave evidence that:

- the redesign sought to minimise earthworks and is acceptable
- *Disability Discrimination Act 1992* compliance could be met by diverting the shared path through adjacent subdivisions rather than reducing the grade.

Bridge 1 Design

McCann submitted that the scope of the Bridge 1 project should be expanded to include the approach roads to the bridge, 500 metres on each side, as per the design intent in the Stantec Report 2024.

McCann provided an alternative design for Bridge 1 which shifts the location of the bridge further east (McCann alternate design). It submitted this was a lower cost design alternative.

Mr Prossor gave evidence that:

- The bridge design relied on significant earthworks on the approach roads to minimise the span of the bridge and hence its cost.
- He estimated that the earthworks for the northern approach road would cost approximately \$35 million.
- The McCann alternate design would provide significant efficiencies reducing the costs.

Council submitted that:

- It elected not to include the approach roads as they are neither normally nor should extraordinarily be included in the bridge project.

- Not all projects that may have some merit must be included in a DCP and their inclusion would increase the cost of the project for the Creamery Road DCP.
- It was beyond the scope of the Minister's referral for the Committee to consider the approach roads.

Adbri advised it does not:

- support the suggested re-alignment of the bridge approach on its land (northern approach) as it had not had the opportunity to fully consider it
- request the approach roads be included in the DCP.

Other parties agreed with Council that the approach roads should not be included in the DCP.

Villawood noted the:

- McCann alternate design has no status and has not been fully tested
- approach roads are interim arterial roads that form a normal DCP cost that is expected to be 100 per cent funded from within the precinct.

(iv) Discussion

Signalised Intersections

The revised PSP has a 40 per cent increase in population above what was assumed in the 2023 transport model. This is substantial, and without updated modelling it is not possible to know if the intersection designs and signalling requirements are appropriate. The proposal to remove a minor intersection on Midland Highway from the Exhibited PSP will also have an impact on the traffic distribution that needs to be considered.

The Committee is mindful of its Referral letter requiring it to consider DCP project costings and intersection and road designs. The Committee shares HTfV's design concerns and consider these may result in the arterial intersections being bigger and more expensive and this should be assessed and resolved before the DCP is finalised.

HTfV's concerns on the length of bus jump lanes at internal intersections along the CCB will not impact the cost of the DCP as those projects do not include road works. The Committee does not see a need to re-analyse Intersections 9 and 12 along the CCB as the DCP is not funding the road works at these intersections.

The extent that design changes may result in the arterial road intersection projects DCP items being underfunded is not known. The Committee raised this with the parties on the last day and was assured that the risk of underfunding these intersections was acceptable to the parties and that the risk lies with the developers not Council or the State.

However, the Committee does not think that it is appropriate to knowingly start with a known potential for underfunding items. If an intersection is underfunded it may result in unnecessary delay in providing critical infrastructure or may unfairly burden a developer who triggers the work. It may also impact the Batesford North precinct which will be expected to contribute to 50 per cent of the cost of Intersections 1, 3, 4 and 5 along Geelong-Ballan Road.

In relation to Intersection 7, there is significant merit in the proposal by 305 Bat to provide for a roundabout rather than traffic signals, particularly in relation to travel time savings for all vehicles including buses. The roundabout would also be developer funded and potentially less costly than the traffic signals helping to reduce the Levy and importantly overall infrastructure costs. The Committee was not however provided with a design for the roundabout to compare the costs or to assess whether it could be accommodated in the same road reserve.

The Committee is not convinced in the alternative that the intersection be signalised just so that visible bus jump lanes can be provided. The Committee was not directed to any study that shows that the simple provision of bus jump lanes will influence the uptake of public transport. Bus jump lanes can be useful to help buses pass traffic queued at an intersection. With a roundabout limited queueing would eventuate resulting in no need for a jump lane. Bus jump lanes are also not the only way bus priority can be provided. Simply not indenting bus bays is another form of bus priority on two lane roads that could be implemented along the entire route and other treatments such as seating and shelters at bus stops can make the use of buses more attractive.

Notwithstanding this, the traffic modelling underpinning this intersection and the arterial intersections requires updating to account for the changes discussed above. Intersection 7 is also close to Intersection 6 and their interaction needs to be considered in the ensuing intersection analysis.

Evans Road design grade

The Committee is satisfied the Evans Road culvert design and associated costing is appropriate for the DCP costing purposes.

Evans Road will have steep grades either side of the culvert due to the steep terrain. The question is how steep is acceptable. The 9 per cent design grade in the Creo design will result in some cyclists needing to dismount or choose an alternative route. The design of pedestrian paths and the bus stopping distance will also need careful consideration. These are matters that can be considered during the detailed design phase. Should an acceptable outcome not be achievable the culvert may need to be raised and as HTfV advised this may have some advantage in reducing the cut and fill and hence cost saving for Evans Road.

None of the parties advocated for a higher DCP amount for this project which is to be fully funded by the precinct and it will not be impacted by the traffic modelling.

Bridge 1 Design

The Committee is satisfied that the design of the bridge has been prepared to a sufficient detail for this stage in the process.

The Committee acknowledges the body of work that McCann has commissioned and presented to show how infrastructures cost relating to Bridge 1 could be reduced with an alternative road alignment. The potential cost savings are significant and should be further explored during the development of the Batesford South PSP. However, that work is yet to be done and the Committee has made recommendations in relation to this in Chapter 4.1.

Council and Villawood submitted the scope of the Bridge 1 project was not a referral matter. However, the Stantec bridge report concluded that the northern approach road was integral to the design of the bridge and should be included with the bridge project due to the overall design shifting the cost burden onto the northern approach road. That is to say a longer (and more costly) bridge design could reduce the cost and length of the approach road. Accordingly, we do not consider it to be beyond the scope of the referral to consider the northern approach road or in the alternative viewpoint whether in the absence of including the northern approach road that the bridge should be designed with a longer length to more fairly represent the cost of the bridge. This is not the case for the southern approach road as that was not recommended by Stantec for inclusion.

The Committee notes Council's argument that not every project that has some merit must be included in a DCP and hard decisions must be made. However, this is not a case where the project is not expected to be delivered in the absence of funding. Rather it is a matter of equity where a project has been determined as a vital global DCP item.

We note that only the McCann family agitated for the approach roads to be include in the cost and we find that there is a strong case that part of the northern approach is integral to the design of the bridge. The project costings for Bridge 1 (including the road approaches) are discussed in Chapter 4.1.

(v) Findings and recommendations

The Committee finds:

- The designs for arterial road intersections 1, 3, 4, 5, and 6 need to be reviewed with updated modelling to account for road network changes and a 40 per cent increase in NDA since the original model was prepared, and design modifications requested by HTfV.
- The design of Intersection 7 should be reviewed with updated modelling and the review should consider the benefits of both a non-DCP funded roundabout and a DCP funded signalised intersection.
- The road design for the Evans Road culvert is appropriate for costing purposes and can be further refined during the subdivision process.
- The scope of Bridge 1 design should be expanded to consider the inclusion of an appropriate length of the northern road approach (what is appropriate requires further work in relation to costings as discussed in Chapter 4.3)

The Committee recommends:

Undertake the following additional work before the Creamery Road Development Contributions Plan is finalised:

- a) Update the traffic modelling to account for the increase in Net Developable Area and redistribution of traffic based on the amended Future Urban Structure Plan revised in accordance with Recommendation 1.**
- b) Redesign and re-cost Intersections 1, 3, 4, 5, 6 and 7 (including the alternative of a roundabout for Intersection 7) in light of the updated traffic modelling.**

- c) Expand the scope of Bridge 1 to include an appropriate length of the northern approach road (the length will be informed by the review of costings as recommended in Chapter 4.3).**

4.3 Project costings

(i) The issue

The issue is whether the project costings in the DCP are appropriate.

(ii) Evidence and submissions

General

Council relied on the evidence of Mr Funke, who provided detailed advice on the project costings for intersections.

Council submitted the Committee should give significant weight to Mr Funke's independent expert evidence as he provided the only tested evidence on costings.

Villawood did not call evidence on project costings. Instead, Villawood provided various memorandums prepared by Creo during the Hearing, including a filed memorandum on 6 May 2026. In slightly unusual circumstances (agreed to by the Committee and parties), Creo representatives met with the Council's costings expert Mr Funke to discuss costings and provided a response to Mr Funke's evidence.

Council instructed Mr Funke to review the following infrastructure items:

- Intersections 1, 3, 4, 5 and 6 - focusing on the following items (which Council considers are the main items on which it and Villawood differ):
 - Site Preparation
 - Primary Arterial Pavement
 - Secondary Arterial Pavement
 - Kerb and Channel
 - Cycle Path
 - SUP/ Footpath
 - Drainage – pits
 - Drainage – Sub-soil drainage
 - Topsoil Seeding
 - Street Lighting – Intersections
 - Line marking
 - Pavement removal
- Bridge 1.

To determine rates and costings Mr Funke's methodology was based on:

- the concept design, noting that the information was high level, but the concept design information was sufficient
- reviewing the:
 - Slattery Benchmark Rates for projects of similar scope
 - VPA Benchmark rates (as appropriate)
 - Rawlinsons Australian Construction Handbook (2025).

- where rates could be obtained from the sources above, testing the rate build up (make up) to ensure:
 - rates are like for like and incorporate all the associated sub-activities
 - the depths and thickness of materials is consistent
- then, where there three rates were comparable, calculating the average on the basis this would be the most accurate costing of the DCP transport projects for the final concept design
- alternatively, where three rates could not be identified, applying the Slattery Benchmark rate to ensure appropriate rate make up.

Mr Funke stated that his approach ensures the benchmark rates are robust, transparent, and suitable for informing strategic cost planning and decision-making at the concept and preliminary design stages, while maintaining alignment with industry benchmarks and empirical delivery data.

Mr Funke did not provide any comment on the cost of Bridge 1, on the basis that he understood the design would be confirmed at a later point in time.

Mr Funke met with and responded to memorandums prepared by Creo on behalf of Villawood. In response he stated:

- He did not agree with the rates presented by Creo (except for minor adjustments to assumptions)
- The comparisons included in the Creo memorandum provided on 7 May 2026 (which were examples that were not discussed at the meeting) were not helpful. The full detail of the contract and other specifications must be considered to get an accurate understanding of the rates, not just the tender.
- The rates do not reflect the classification of the contractor performing the works.

Villawood submitted:

- While the inclusion and apportionment of State transport infrastructure items is not specifically before the Committee, Villawood's position is that inclusion of these State infrastructure projects within the DCP reinforces the need to streamline affordability within the Levy by reasonably maximising NDA and keeping infrastructure costs as low as practicable.
- It relied on the costing information prepared by Creo in October 2025 (referred to in the memo prepared by Creo). Creo's costings rely on recent, market-tested greenfield subdivision infrastructure pricing and local contractor tenders, representing comparable conditions.
- In relation to the cost of drainage items, intersections, topsoil seeding and primary and secondary arterial pavements, Villawood accepts a default to VPA benchmarks.

Mr Shipp gave evidence for Villawood on the DCP, including commentary on project costings. He noted the practice of cost estimation is outside his expertise, however he does have experience ensuring that cost estimates are clear, appropriate and broadly consistent with the usual practice for DCPs. He stated:

Overall, in my view the DCP does not contain, and is not supported by, sufficient costing detail to enable an assessment of the suitability of the costs of DCP items in order to respond to the Referral. It is also my view that detailed cost estimates should be appended to the DCP for reference during implementation.

Mr Shipp made observations in relation specific infrastructure costs in the exhibited DCP including:

- Intersection costs – there is no clear line of sight between the cost estimate and what appears in the DCP and the contingency allowance should be reviewed and reduced to 15 per cent where possible.
- Active transport – he could not find a source for the active transport costs
- Drainage – there are different costing and these should be reviewed and included in the DCP for reference and a 30 per cent contingency in the Alluvium work was higher than normal.

Community Facility 1

Council submitted:

- The Creamery Road Early Years and Community Facility 1 proposes a Level 2 facility to provide a consolidated Early Years Centre and Community Hub.
- It agrees to reduce the overall floor area to 1,730 square metres, proportionately reducing the total cost estimate for the Community Facility 1 (see Table 6 and Table 7).

Table 6 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 1 200	Lvl 2 500	400
Other	-	15	30	-
Total indoor space	2,200	1,515	1,830	1,730

Source: Council closing submissions (Document 120)

Table 7 Comparison of Community Facility Costings

	DCP Nov 2025	P. Shipp evidence	DCP day 12 version
Floorspace (sqm)	2,200	1,830	1,720
External area (sqm)	7,800	8,170	8,280
Total Site Area (sqm)	10,000	10,000	10,000
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
Total Cost Estimate of Works (excl. GST)	\$20,984,722.22	\$14,231,910.00	\$17,831,298.80

Source: Council closing submissions (Document 120)

Villawood submitted the VPA benchmarks should be relied on in the absence of rigorous justification for any departures from those estimates.

Mr Shipp gave evidence:

- If Community Facility 1 is planned to include 2,200 square metres of floorspace, this exceeds the needs of the precinct. If the additional space is due to the facility being designed to service a broader catchment, then external apportionment should be added to the DCP to reflect this.
- If the additional space is due to the facility being designed to accommodate 6 kindergarten rooms, then this should be reduced to 4 rooms to align with demand generated by the PSP area only, and costings adjusted accordingly.

Bridge 1

The Day 0 DCP assumed Bridge 1 would cost \$27,066,269 based on the following project description (that is not included road approaches):

DELIVERY of Batesford South PSP bridge (arterial road - Lynnburn Road over Moorabool River) - interim bridge for arterial road extension of Lynnburn Road over Moorabool River (BR-01)

In Chapter 4.2, the Committee has found that the design of the northern road approach to Bridge 1 is integral to the design. As such some of the cost of the road should be incorporated into the DCP costings. However, the exact cost and appropriate length of the northern road approach is harder to ascertain.

Various cost estimates were provided for the road approach to Bridge 1, including an alternate alignment for Bridge 1 presented by McCann (McCann alternate design).

McCann submitted that the cost of the northern road approach (and cost implication for the bridge) would depend on the location of Bridge 1. It noted that Stantec had estimated that the northern road approach would cost \$62.8 million (assuming Bridge 1 proceeded in the location proposed by Council). However, it submitted that the cost of a northern and southern road approach could be reduced to if the McCann alternate design was adopted. Ultimately it recommended that the DCP should:

- Define the scope of Bridge 1 in the DCP to include 500 metres of road approach
- Allocate an additional \$21.2 million to the cost of two road approaches (in addition to the cost allocated for Bridge 1).

Initially, Mr Shipp was not aware of the costings report for the bridge, being the *Northern and Western Geelong Growth Area Bridges Concept Design and Opinion of Probable Costs Report* (Stantec, 10 January 2024) (Stantec Report 2024). Following the tabling of that report by McCann, Mr Shipp provided written advice that:

...the approach roads are candidates for inclusion in the DCP

The extent to which the approach roads would directly service the Batesford South precinct (and therefore be fairly funded by that precinct alone) is not clear...

Council and Villawood did not provide a specific costing for the northern road approach, as they did not support the inclusion of this infrastructure in the DCP.

(iii) Discussion

The Committee accepts and gives significant weight to the evidence of Mr Funke. He adopted a clear methodology and clearly documented his view on costings (which he was willing to adjust in the face of updated information about the design detail of different projects).

The Committee places limited weight on the Creo memorandums presented by Villawood. While Creo are experienced, their assessment of rates was not tested through the Hearing and the memorandums did not provide the same level of explanation of the methodology as was presented by Mr Funke.

It is expected that consequential changes to the costings will occur if the Committee's recommendations are adopted. The DCP costings will need to be revisited as part of finalising the Amendment.

The Committee's recommendations that are likely to impact project costings in the DCP are:

- Basin 6 (and its outfall) may be redesigned (see Chapter 3.9)
- Basin 7 – design needs to be costed – this is likely to be lower (so will adjust in DCP) (see Chapter 3.9)
- the design of Intersections 1, 3, 4, 5, 6 and 7 need to be reassessed, designed and costed (see Chapter 4.2)
- the size of Community Facility 1 should be one hectare as shown on the Future Urban Structure Plan (see Chapter 3.6) and that 4 hectares of land should be allocated for the NAC (see Chapter 3.2)
- the scope of Bridge 1 (discussed below).

Bridge 1

The bridge span and road approach need to be considered in conjunction with each other because changing one component materially changes the cost of the other. As outlined in Chapter 4.2 it is reasonable to amend the description of Bridge 1 in the DCP to include reference to the northern road approach:

DELIVERY of Batesford South PSP bridge (arterial road - Lynnburn Road over Moorabool River) - interim bridge for arterial road extension of Lynnburn Road over Moorabool River (with the inclusion of a portion of the northern road approach) (BR-01)

However, it was difficult to identify an exact cost of this DCP item based on the information presented at the Hearing. The road approach costings presented could not be compared as they were based on different assumptions (for example, different road alignments and number of road approaches). For example, the Committee cannot simply adopt the \$21.1 million recommended by McCann as this relates to a different alignment that is not before the Committee and assumes that two road approaches. There is insufficient detail to justify that additional cost at this time.

Furthermore, the Stantec Report 2024 (Note 2 in Table 6.2) says the Bridge 1 design is based on concept sketches and does not include a 3-dimensional model. While Council adopted a P50 value (probability-based confidence level). Adopting a P50 value is not appropriate for a concept design; a P90 value should be adopted (that is a 90 per cent probability that the final cost will not be exceeded).

The Committee recommends that further work be completed to assess the cost of Bridge 1 (including an analysis of the cost implications of including part of the northern road approach in the total cost and adoption of P90 value when calculating costs). Following that work, the total cost of Bridge 1 in the DCP needs to be updated.

(iv) Findings and recommendations

The Committee finds:

- Subject to its recommendations the project costings in the Final DCP are generally appropriate.
- The Committee's recommendations will have consequences on the project costings, further refinement will be required before finalising the Amendment.
- Further work is required to confirm the cost of Bridge 1, including the integration of the cost of an appropriate length of the northern road approach and P90 value (probability-based confidence level).

The Committee recommends:

Undertake the following additional work before the Creamery Road Development Contributions Plan is finalised:

a) Review the cost of Bridge 1 taking into account:

- **The cost of integrating an appropriate length of the northern road approach into the scope of the project.**
- **Adopting a P90 value (90 percent probability-based confidence level) as the basis for the costing.**

Amend the Final Creamery Road Development Contributions Plan as follows:

b) Update the description of BR-01 in the DCP as follows:

Delivery of Batesford South PSP bridge (arterial road - Lynnburn Road over Moorabool River) - interim bridge for arterial road extension of Lynnburn Road over Moorabool River (including an appropriate length [insert X metres as determined by the further work in Recommendation 3(d)] of the northern road approach).

c) Update the project costings for Bridge 1 in accordance with the revised costings prepared under Recommendation 3(d).

4.4 Development Infrastructure Levy rate

(i) The issues

The issue is whether the overall rate of the Development Infrastructure Levy in the DCP is appropriate.

(ii) Background

The Development Infrastructure Levy rate is derived from the DCP project costs and apportionment of these to the precinct. The DCP project costings are discussed in Chapter 4.3.

Referral 1 process

A key focus of the Referral 1 process was the overall rate of the Levy, as outlined in the referral letter:

... early advice of the committee [is sought] on whether the draft amendment will provide for a balanced development outcome, including consideration of its ability to provide for efficient land use, maximise development opportunities and provide for the timely delivery of development.

I ask the committee to focus on the following specific matters:

- The extent of developable land in the draft Creamery Road PSP, having regard to land required for active and passive open space, conservation reserves, schools and community facilities, transport infrastructure, and drainage assets (a net developable area of 57 per cent is proposed).
- The development infrastructure levy, including the design, cost and apportionment of infrastructure items, (in particular, the 'Clever and Creative Corridor' and drainage assets), as proposed in the draft Creamery Road DCP (a development infrastructure levy of approximately \$1.6 million per net developable hectare is proposed).

Proposed Levy

Council provided a summary of its final position on the Levy as part of the drafting process, including a comparison of the preferred Levy with earlier iterations (see Table 8). Assuming 210.22 hectares of NDA in the precinct, the proposed Development Infrastructure Levy is \$788,494.16 per hectare.

Table 8 Council summary of costs with supported changes

Charge Area	Public Consultation Draft (NOV 2025)		Day 12 Version (MAY 2026)	
	Total cost of contribution	Contribution per NDA	Total cost of contribution	Contribution per NDA
Charge Area 1	\$173,106,480.74	\$823,453.91	\$165,757,241.73	\$788,494.16

Projects	Public Consultation Draft (Nov 2025)			Day 12 Version (May 2026)		
	Total cost of projects	Total cost of contribution	Contribution per NDA	Total cost of projects	Total cost of contribution	Contribution per NDA
Transport	\$98,022,679.09	\$47,643,820.39	\$226,637.90	\$92,780,626.56	\$45,490,859.79	\$216,396.44
Open Space	\$46,317,335.31	\$44,268,635.31	\$210,361.27	\$46,317,335.31	\$44,268,635.31	\$210,582.42
Community	\$22,537,233.42	\$22,537,233.42	\$107,095.26	\$19,383,810.22	\$19,383,810.22	\$92,207.26
Drainage	\$56,321,751.62	\$56,321,751.62	\$267,636.78	\$54,278,896.41	\$54,278,896.41	\$258,200.44
Planning	\$2,335,040.00	\$2,335,040.00	\$11,095.94	\$2,335,040.00	\$2,335,040.00	\$11,107.60
Land	\$49,010,000.00	\$47,971,502.30	\$227,957.02	\$49,010,000.00	\$47,971,502.30	\$228,196.66
Construction	\$176,524,039.44	\$125,134,978.44	\$595,257.25	\$166,085,708.50	\$117,785,739.43	\$560,297.50
Total	\$225,534,039.44	\$173,106,480.74	\$823,453.91	\$215,095,708.50	\$165,757,241.73	\$788,494.16

Source: Council's Final summary of changes to the DCP (Document 129)

(iii) Evidence and submissions

Council submitted:

- Referral 1 process was narrow in scope and focussed on increasing NDA and reducing the Levy.
- the Exhibited DCP has since been significantly reduced
- there is only a relatively small difference between Council and Villawood in relation to the Levy
- no party has advanced any evidence that suggests that development in the land is unviable
- Mr Shipp's analysis reviewing the overall Levy did not use comparable examples and should not be relied on.

Villawood submitted:

- The overall rate of the Levy was identified as a critical issue in the Referral 1 report.
- The Levy is still too high and using costings prepared by Creo (May 2026) it estimated the overall rate should be \$760,408.41 per hectare.
- The cost of State infrastructure included in the DCP heightens the need to put a sharp focus on efficiency.
- The right balance must be struck between delivery of appropriate infrastructure and the necessity to apply a feasible Levy.

Mr Shipp gave evidence that:

- The Levy is materially lower than the rate considered in Referral 1, however the overall rate of the Levy is materially higher than comparable DCP and Infrastructure Contributions Plan levies (with the Marshall Road DCP being an outlier)
- The question before the Committee could be interpreted in three ways:
 - Whether the rate is derived from accurate calculations and a sound methodology
 - If the rate is consistent with other DCP
 - Ensuring the overall rate does not present a risk to feasibility and timely development.

(iv) Discussion

In deciding whether the Levy is appropriate the Committee thinks the most relevant considerations are whether inputs are derived from appropriate calculations and sound methodology. Overall, the Committee is satisfied the Levy is underpinned by appropriate inputs in terms of project costings (subject to recommendations in Chapter 4.3) and a sound methodology.

Council was the only party to call evidence on costings (a key underpinning for the rate).

While submitters raised concerns about development feasibility and the impact of the overall Levy, there was no evidence presented by any party to indicate that development would not be feasible based on the exhibited Levy rate.

Since exhibition the Council has continued to review the rate and has exercised discretion in excluding several items which could have been funded by the DCP.

The difference between the rate proposed by Council's Final Day DCP and Villawood is \$28,085.75. This is a relatively small difference and the Committee prefers the rates presented by Council as it was underpinned by the expert evidence of Mr Funke (discussed in more detail in Chapter 4.4).

It is expected that further refinement of the rate will need to occur in response to the Committee's recommendations for other Referred Matters.

While the overall rate of the Levy is an important consideration, this is not to the exclusion of other policy considerations in the PPF. Economic considerations associated with delivery of the precinct in the short term, do not negate the need to consider the infrastructure needs to support medium to long-term economic, social and environmental benefits for future communities.

It is important to ensure that infrastructure to support future communities is appropriately funded, the Committee is satisfied that the Levy proposed by Council strikes an appropriate balance.

(v) Findings

The Committee finds, subject to its recommendations, that the overall rate of the Levy is appropriate.

Further refinement of the Levy is expected as a consequence of changes to different DCP projects recommended in this Report.

5 PSP/UGZ8 provisions

5.1 Applied residential zones and densities

(i) The issue

The issue is whether the requirements, guidelines and provisions in the Exhibited PSP and UGZ8 are appropriate in relation to applied residential zones and densities.

(ii) Background

The Final PSP includes Table 4 which is titled 'Dwelling Density Minimums' and includes dwelling density targets for the PSP.

Figure 21 Final PSP Table 4 - Dwelling Density Minimums

LAND USE AS PER PLAN 8 HOUSING	APPLIED ZONE	MINIMUM DENSITY (DWELLINGS/HA)
Neighbourhood Activity Centre (NAC)	Commercial 1 Zone	23
Amenity Area	Mixed Use Zone, Residential Growth Zone and General Residential Zone (Schedule 1)	23
Conventional Residential Area (CRA)* *All residential land outside the amenity area, regardless of underlying applied zone.	Residential Growth Zone and General Residential Zone (Schedule 1)	17

In the Final PSP Council adopted the following drafting for Guideline 13:

Specialised housing forms, such as retirement villages, residential aged care facilities and residential villages should where practicable:

- Provide a range of residential built form types;
- Integrate in to the wider urban structure;
- Incorporate active interfaces and ensure visual permeability;
- Minimise inactive interfaces, such as solid fencing/gates and walls, and blank facades;
- Be accessible by public transport; and
- Prioritise pedestrian permeability into and through the site and support the permeability of the street network.

Guideline G14 states that gated communities should be avoided.

(iii) Evidence and submissions

Villawood submitted:

- the description in Table 4 should be amended to 'Dwelling Density Guidelines' rather than 'Dwelling Density Minimums'
- G14 should be deleted as it conflicts with G13, introducing flexibility in density distribution and applied zones, and delete reference to avoiding gated communities.

Council submitted:

- it did not support the proposal to amend the description in Table 4 to 'Dwelling Density Guidelines' because 'Guideline' is not an accurate reflection of the intent of this provision or the table it references
- Council supported the drafting of Guidelines G13 recommended by 305 Bat, as shown in Council's Final Day PSP.

Mr Sheppard gave evidence that the locations shown in Plan P8 for the minimum dwelling densities specified in Table 4 are clearly expressed as an encouragement rather than a mandatory requirement, provided that the average density sought in any landholding is achieved.

In the urban design joint expert meeting Mr Campbell and Mr Sheppard agreed the location of higher density housing should be expressed as an encouragement rather than a requirement.

(iv) Discussion

The Committee considers issue regarding the title of Table 4 is primarily a drafting matter and does not alter the substantive operation of the provision. Regardless of whether the table is described as 'Dwelling Density Minimums' or 'Dwelling Density Guidelines', the relevant requirement within the PSP expressly identifies the figures contained in the table as dwelling density targets to be achieved across the precinct.

The PSP Guidelines encourage PSPs to establish clear housing outcomes and density expectations that support efficient use of land, walkable neighbourhoods, activity centres and public transport. The purpose of density provisions within a PSP is not to create inflexible development controls, but rather to provide a strategic framework that guides the achievement of broader housing and urban development objectives across the precinct.

The title 'Dwelling Density Minimums' may overstate the function of the provision, given the table does not operate as a mandatory planning control and must be read in conjunction with the broader strategic intent of the PSP.

The Committee observes that R9 already references the achievement of minimum density targets and therefore provides sufficient clarity regarding the intended application of the provision. For these reasons, the Committee considers that the most appropriate title is 'Dwelling Density Targets'.

This terminology is consistent with the strategic planning function of the PSP, accurately describes the purpose of the table, and avoids the implication that the figures are either merely aspirational guidelines or mandatory minimum controls.

The Committee agrees with the submissions of 305 Bat that the drafting of G13 may conflict with the practicable urban design requirements for aged care facilities, including the necessity for gating for safety purposes. The Committee supports the drafting as adopted in Council's Final PSP.

The proposed deletion of Guideline G14 by Villawood is not supported. The guideline reflects sound urban design principles by promoting connected, permeable and inclusive neighbourhoods that contribute to an active public realm, consistent with the broader

objectives of the PSP Guidelines. The Committee accepts that the drafting may have unintended implications on development such as aged care which may require some form of enclosure. It is recommended the guideline be redrafted to reflect the intended outcome of avoiding gating of public thoroughfares. The Committee recommends redrafting G14 as follows:

Gating or other measures that restrict public access to streets, parks, pedestrian or cycling connections should be avoided.

(v) Finding and recommendations

The Committee finds, subject to its recommendation, the requirements, guidelines and provisions in the exhibited PSP and UGZ8 are appropriate in relation to affordable housing.

The Committee recommends:

Amend the Final Creamery Road Precinct Structure Plan as follows:

- a) Change the title of Table 4 to 'Dwelling Density Targets' and update references within Requirement 9 to reflect this change.**
- b) Change the title of Table 4 to 'Dwelling Density Targets' and update references within Requirement 9 to reflect this change.**
- c) Revise Guideline 14 to read as follows:**
Gating or other measures that restrict public access to streets, parks, pedestrian or cycling connections should be avoided.

5.2 Affordable housing

(i) The issue

The issue is whether the requirements, guidelines and provisions in the exhibited PSP and UGZ8 are appropriate in relation to affordable housing.

(ii) Background

PSP Guidelines

The PSP Guidelines include:

- Feature F3.1: Affordable housing should be located in areas that have convenient access to commercial and community facilities, services and public transport.
- Feature F3.2: The PSP should support existing planning mechanisms to facilitate delivery of affordable housing (for example, Section 173 Agreements).
- Feature F3.3: The PSP should identify land that has been or will be designated for social housing by the State Government.
- Target T4: Set a minimum target for provision of affordable housing in accordance with affordable housing policy, evidence, and guidance.

In Referral 1, the Committee made the following recommendations:

- 8c. Amend the Creamery Road PSP, including FUS [Future Urban Structure] to ensure social and affordable housing provisions are discretionary.
- 10. Amend the draft Urban Growth Zone Schedule 8 to ensure the social and affordable housing provisions are discretionary.

Clause 16.01-2S (Housing affordability) of the Planning Scheme includes the following relevant objective:

To deliver more affordable housing closer to jobs, transport and services.

Council's Final UGZ8 includes the following:

- application requirement:

An application for buildings and works for residential or mixed-use purposes or to subdivide land into ten or more residential lots, must include a written statement outlining whether the proposal can contribute to the voluntary delivery of affordable housing in the precinct, and if affordable housing is to be provided, the proposed delivery mechanisms. It should respond to the relevant guidelines in Section 3.1.2 (Housing Diversity, Density and Choice) of the Creamery Road PSP.

- decision guideline:

Whether any application which includes the voluntary provision of affordable housing is in accordance with the incorporated Creamery Road Precinct Structure Plan and considers, as appropriate, the Ministerial Notice under 3AA(2) of the Planning and Environment Act 1987, as amended from time to time.

The Final PSP contains the following affordable housing objective:

Facilitate 4.5% affordable housing across the precinct, including social housing, in residential areas through voluntary provisions, in accordance with affordable housing policy, evidence, and guidance.

The following guidelines are applicable:

+G-A Applications for subdivision or development of land for residential, or commercial or mixed-use purposes with a residential component, are encouraged to contribute towards the precinct's 4.5% affordable housing target. A variety of implementation mechanisms that can deliver an increase in the affordable housing stock in the municipality are encouraged.

+G-B Where an affordable housing contribution is being provided, applications should include an Affordable Housing Delivery Strategy which addresses:

- The contribution to be provided, including the amount and form of the contribution i.e. affordable/social, lots/ dwellings, etc.;
- How the contribution will be achieved and secured, including the identification of intended agencies, the owner/s of land and the responsible authority entering into an agreement pursuant to section 173 of the Planning and Environment Act 1987, timeframes, built form, and a response to each of the matters specified by the Minister by notice published in the Government Gazette in accordance with section 3AA(2) of the Planning and Environment Act 1987;
- Staging requirements to ensure that social housing and affordable housing are provided in a timely manner as development occurs; and,
- Affordable housing principles to ensure contribution provides a range of lot sizes or housing types, promotes an integrated and equitable distribution of housing options across the precinct, and, where relevant, delivers dwellings that are functionally and visually distinct from one another.

+G-C Affordable housing, including social housing, where provided should be located across the precinct, including in high amenity areas close to services, public transport and community facilities, and provide for a range of housing typologies.

(iii) Evidence and submissions

Council submitted:

- Following Referral 1 it had made the following changes:
 - Deleted R12, G11 and G12 from the PSP and introduced three new guidelines: +G-a; +G-b; and +G-c
 - Redrafted the application requirements in UGZ8.

- The Final PSP and UGZ8 address many of the submissions seeking flexibility (that is a non-mandatory requirement).
- The Final PSP and UGZ8 are generally consistent with the most up-to-date VPA Guidelines for affordable housing drafting.

Villawood submitted it supported Council's municipal-wide 4.5 per cent target for affordable housing subject to ensuring UGZ8 reflects the PSP Guidelines +G-A, +G-B and +G-C, and the removal of reference to delivery mechanisms.

Villawood, Yih-Sheng and Bisinella recommended the following changes to the PSP Final Day version affordable housing objective (changes highlighted):

HOUSING	• Facilitate 4.5% affordable housing <u>across the precinct</u>, including social housing <u>and lower cost housing</u>, in all residential areas through voluntary provisions <u>and a variety of delivery mechanisms</u>, in accordance with affordable housing policy, evidence, and guidance. • Facilitate housing diversity to cater to the needs of a diverse population. • Deliver environmentally sustainable and climate resilient housing that supports zero carbon outcomes.
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305 Bat recommended the following changes to the Final Day PSP affordable housing objective (305 Bat changes in orange and green):

• <u>Seek to facilitate a voluntary contribution towards</u> 4.5% affordable housing <u>across the precinct</u> including social housing, in all residential areas through voluntary provisions, in accordance with affordable housing policy, evidence, and guidance. • Facilitate housing diversity to cater to the needs of a diverse population. • Deliver environmentally sustainable and climate resilient housing that supports zero carbon outcomes. • Support greater densities of housing within walking distance of key destinations, amenities, and infrastructure. Deliver a range of lot sizes and housing typologies that integrate with, and respond to, surrounding land uses and context.
--

305 Bat recommended the following changes to the Final Day UGZ8 Clause 3.0 Application Requirements (305 Bat changes in orange and green):

Affordable Housing An application for buildings and works for residential or mixed-use purposes or to subdivide land into three or <u>three or more</u> residential lots, must include a written statement outlining if whether the proposal can seek to <u>contribute to</u> the voluntary delivery of affordable housing in the precinct, and if affordable housing is to be provided, the proposed delivery mechanisms. It should respond to the relevant guidelines in Section 3.1.2 (Housing Diversity, Density and Choice) of the Creamery Road PSP.
--

Lovely Banks Development Group & Growland submitted that any future mandatory affordable housing contributions should be applied consistently across all future PSP's in the Growth Area.

(iv) Discussion

The Committee is satisfied that the background work undertaken by Council to inform the affordable housing provisions within the Final PSP and UGZ8 is appropriate and responds to the recommendations of the Committee in Referral 1.

The revised affordable housing guidelines are consistent with the PSP Guidelines. In particular, they:

- promote affordable housing located in high amenity areas through PSP Guideline +G-C
- support Voluntary delivery mechanisms through PSP Guideline +G-A and +G-B
- provide a measurable target of 4.5 per cent in response to PSP Guideline T4 through the proposed housing objective.

Council's Final UGZ8 and PSP strike an appropriate balance between providing clear guidance and maintaining flexibility as sought by Referral 1. The provisions are framed as objectives, guidelines and application requirements rather than mandatory obligations, and they don't require a fixed delivery mechanism. The Committee therefore does not consider further drafting changes are necessary.

The issue raised by Lovely Banks Development Group & Growland concerning the application of affordable housing provisions in future PSPs is outside the scope of the current referral.

(v) Finding

The Committee finds the affordable housing provisions in the PSP and UGZ8 are appropriate.

5.3 Acoustic treatment/noise

(i) The issue

The issue is whether the PSP and UGZ8 appropriately respond to existing noise sources.

(ii) Background

An acoustic assessment was prepared by Marshall Day Acoustics in November 2022. It identified that the precinct is impacted by noise emanating from the arterial roads to the west, south and east and the railway line to the north.

Plan 7 Character and Plan 8 Housing of the PSP include red dashed lines along the precinct boundaries labelled as '*Acoustic Treatment (Subject to Investigation)*'. The PSP also includes requirements and guidelines to be addressed where appropriate.

UGZ8 requires an application to use or subdivide land, construct a building, or construct or carry out works for various sensitive uses be accompanied by an Acoustic Assessment report and any recommendations of the report be implemented. This application requirement is (like all other application requirements) can be reduced or waived:

If, in the opinion of the responsible authority, an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

(iii) Evidence and submissions

The Environment Protection Authority Victoria (EPA) did not appear at the Hearing, but in its written submission advised that it was assessing the acoustic report and associated planning controls and expected to respond by 10 April 2026.

In its Part A submission Council advised that the EPA had requested changes to the acoustic measures in UGZ8 and these had been addressed in its Day 0 version.

HB Land raised acoustic issues in its initial submission but in its main submission advised that it was now satisfied with the acoustic provisions in the Day 0 UGZ8.

305 Bat submitted that UGZ8 and the PSP should not detail specific acoustic treatments and should be clear on requirements relating separately to subdivision and building permits. It requested that UGZ8 include an allowance for the acoustic assessment report to be implemented by way of a restriction on the plan of subdivision and to be registered on the title.

Council made changes to the acoustic requirements in both the Day 0 and Final Amendment in response to submissions. No party sought further changes.

(iv) Discussion

Based on the material before the Committee, it is satisfied that acoustic treatment and noise have been appropriately addressed in the Final UGZ8 and PSP. The Committee did not receive any further material from the EPA opposing the revisions made to the exhibited version of the controls.

The Committee does not think that UGZ8 needs to explain that alternative application requirements could be applied in different circumstances. There is already discretion in UGZ8 for Council to waive or reduce the requirement for an acoustic report (or its content or implementation), allowing some tailoring of the requirement if required.

(v) Finding

The Committee finds the Final PSP and UGZ8 appropriately respond to acoustic treatment and noise issues.

5.4 Activity centres

(i) The issue

The issue is whether the requirements, guidelines and provisions in the PSP and UGZ8 are appropriate in relation to activity centres.

(ii) Background

Final PSP/UGZ8

The Final UGZ8 includes the following specific provisions for the NAC:

A permit application can be lodged to facilitate assessment against a draft Urban Design Framework (UDF) but must not be granted to use or subdivide land, or to construct a building or construct and carry out works within the land identified as the NAC precinct in the incorporated Creamery Road Precinct Structure Plan until an UDF Urban Design Framework (UDF) has been prepared for the precinct to the satisfaction of the responsible authority. Unless the Responsible Authority agrees otherwise, the UDF must:

- address all land in the NAC Precinct
- be generally in accordance with the Creamery Road PSP

- address and respond to Section 3.1.4 (Activity Centres & Employment) and Appendix 5 (Activity Centres) of the Creamery Road PSP.

The UDF may be amended to the satisfaction of the responsible authority.

A permit may be granted to use or subdivide land, or to construct a building or construct and carry out works land within the NAC Precinct prior to approval of an UDF if, in the opinion of the responsible authority, the granting of the permit will not prejudice the achievement of the design intent and design principles for the Activity Centre set out in Appendix 5 of the Creamery Road PSP.

The Final PSP:

- deletes Plan 11 from the PSP
- includes Guideline 19:
'G19: Childcare, education, medical or similar facilities not shown on Plan 9 Community Facilities & Education' should be located within the NAC Precinct or front the CCC/CCB, unless otherwise agreed by the responsible authority.
- adopts some drafting changes to the Key Design Intent within Appendix 5
- retains the Design Principles in Appendix 5.

PSP Guidelines

Feature 16 of the PSP Guidelines relates to Thriving Local Economies. Feature 16.2 provides direction for the allocation and arrangement of land uses within new activity centres. The guidelines include the following 'How to apply in a PSP' relevant to Feature 16.2:

An activity centre framework plan or other directions, should provide an appropriate level of detail on the structure of the activity centre and identify key design objectives in accordance with the PSP vision. Activity centre layout should consider the Urban Design Guidelines for Victoria.

Feature 9.2 of the PSP Guidelines seeks to:

Co-locate complementary commercial, retail, education, medical and other employment uses within or adjacent to activity centres.

Planning Scheme

Clause 15.01-1L-01 applies to all buildings and works applications in activity centres and includes the following:

Objective

- To ensure the design and layout of new or expanding centres minimise amenity impacts on surrounding uses and contribute positively to the streetscape and surrounding area.

Strategies

- Ensure blank walls and loading bays are not adjacent to sensitive land uses and key vehicle and pedestrian accessways to a centre.
- Ensure illuminated signage does not impact on sensitive land uses.
- Ensure new development provides visually interesting and active street frontages where buildings abut the street or a public space.
- Encourage car parking areas to be located to the side or rear of a centre.
- Ensure car parking areas do not visually dominate the front setback area of a centre by providing landscaping including canopy trees.
- Ensure there are safe and convenient pedestrian connections from car parking areas and the surrounding footpath network to the entrance(s) of a centre.

Clause 15.01-2S includes objectives and strategies for building design.

Planning Practice Note 17 – Urban Design Frameworks

PPN17 states:

An Urban Design Framework should provide flexibility by identifying key principles rather than finite solutions. It is not a fixed view of the future nor is it a land-use report. It includes a design vision for how a place might develop and should include sufficient detail at key locations so that the vision can be tested for economic and functional viability. An Urban Design Framework should include sufficient information to allow continuous review of detailed actions within the strategic frame, and to enable councils to assess development proposals.

(iii) Evidence and submissions

Council submitted:

- Preparation of a UDF prior to a permit being granted for the NAC will ensure appropriate outcomes, including transitions to surrounding residential, recreational, and transport uses
- the drafting in the Final UGZ8 drafting allows for submission of the UDF concurrent with a permit application to provide for greater flexibility.

Villawood submitted that drafting of UGZ8 should be amended to:

- relocate the requirement for a UDF from Clause 2.6 (Specific Provision) to Clause 3.0 (Application requirements)
- confirm the UDF is not a document that must be approved, rather it must be provided with a permit application to the satisfaction of the responsible authority.

Villawood, Bisinella and Yih-Sheng recommended the following:

- delete Plan 11 from the PSP
- change to Requirement 21 for the UDF be a permit application requirement
- delete Guideline (G19) seeking to restrict location of private child care, medical facilities and other similar facilities to being located within the NAC or on the CCC/CCB
- redraft Requirement 22 to consolidate what is required in the UDF
- make significant changes to Appendix 5, Table 23 – NAC Precinct Key Design Intent
- delete Table 24 – Design Principles in an effort to consolidate what is required to be addressed in the UDF.

Mr Woodland's evidence was:

- Plan 11 could be deleted given the inclusion of the comprehensive design principles within Appendix 5
- he supported inclusion of a requirement for an UDF for the NAC in the PSP and UGZ8.
- he supported the inclusion of a Design Intent and Design Principles within the PSP to guide the future development of the NAC UDF
- the design matters contained within Tables 23 and 24 provide a comprehensive basis on which to assess a future UDF.

Mr Woodland's recommended a review of the Key Design Intent and Principles to streamline and simplify where possible.

Mr Woodland recommended a review of the Key Design Intent and Principles to streamline and simplify where possible.

Ms Jordan's evidence was:

- Appendix 5 is overly prescriptive
- the Key Design Intents are the most valuable element for an UDF whilst the Design Principles are more relevant to consideration of permit applications.

(iv) Discussion

UDF Specific Provision or Application Requirement

The purpose of a UDF is to provide direction for development outcomes, through principles and guidelines, whilst providing flexibility rather than finite solutions, as identified in PPN17. There is inconsistency across the existing UGZ schedules as to when and UDF is required as an Application Requirement or a Specific Provision.

Whilst there is variation, the appropriate mechanism should reflect the strategic importance and complexity of the precinct.

In the case of the Creamery Road NAC, the Committee considers that the UDF should remain as a Specific Provision within UGZ8. The Activity Centre is a significant mixed use precinct that is expected to be developed over multiple stages. Retaining the UDF as a Specific Provision ensures that an approved framework is in place before development proceeds and provides a consistent basis for assessing individual permit applications as they come forward. This promotes coordinated development outcomes across the precinct and reduces the risk of fragmented or piecemeal development that may prejudice the long-term vision for the Activity Centre.

Importantly, a UDF required through the Specific Provisions forms part of the statutory planning framework and therefore carries substantially greater weight in the assessment of planning applications than a document prepared solely to satisfy an application requirement. This gives the responsible authority greater certainty that the strategic urban design outcomes intended for the precinct will be achieved while still allowing flexibility in the detailed design response.

For these reasons, the Committee supports retaining the UDF as a Specific Provision in the Final UGZ8. This approach appropriately elevates the UDF to a substantive planning control, ensuring it performs its intended strategic role in coordinating the orderly and integrated development of the NAC over time.

Plan 11

The Committee supports Council's Final PSP which deletes Plan 11. While activity centre framework plans can be a useful tool for communicating a preferred urban structure, the Committee is satisfied that the combination of the mandatory UDF requirement and Key Design Intent (Table 23) within Appendix 5 provides a sufficiently robust framework to ensure appropriate activity centre provision.

Plan 11 can be removed without compromising the ability to achieve a high-quality activity centre outcome. The deletion of Plan 11 will provide greater flexibility for the UDF

process, while maintaining appropriate strategic direction through the PSP, UGZ8 requirements and the broader policy framework applying to activity centres.

PSP Guideline 19

Guideline 19 of the PSP Guidelines appropriately encourages preferred locations for community land uses such as childcare, education and medical, whilst allowing alternatives where it can be justified.

The guideline has a similar purpose to the condition for medical centre as a Section 1 Use within the General Residential Zone, to adjoin a road in a Transport Zone 2 or 3. However this requirement does not apply to childcare or education land use.

Feature 9.2 (F9.2) of the PSP Guidelines seeks to:

Co-locate complementary commercial, retail, education, medical and other employment uses within or adjacent to activity centres.

The proposed Guideline 19 achieves this feature in part, with uses located on the CCC/CCB also benefiting from improved accessibility using alternative transport modes.

Design Intents

The Committee supports the Villawood, Bisinella and Yih-Sheng drafting to delete Design Intent DI11, DI17, DI18 and DI21. The content of these Design Intents are replicated elsewhere in the Planning Scheme or PSP.

The Committee supports the Villawood, Bisinella and Yih-Sheng drafting of Design intent DI1 and DI5, to limit repetition with general Urban Design provisions within the Planning Scheme.

The Committee considered DI10 to be overly prescriptive for an Urban Design Framework and duplicates elements of Clause 15.01. Deletion of the Design Intent as a whole is not supported as activation is an important element of the NAC interfaces as sought by the PSP Design Guidelines F16.1. The Committee recommends redrafting of DI10:

‘Provide active frontages and avoid blank facades along the Key Pedestrian Street, Town Square and the CCB. Street based retail centre designs are preferred. Internalised mall designs should be avoided.’

The Committee supports Council’s Final PSP drafting of the remainder of the Design Intents (DI1, DI3, DI6-DI9, DI12-DI16, DI19, DI20, DI22 and DI23).

Design Principles

The Villawood, Bisinella and Yih-Sheng seeks deletion of the Design Principles (Table 24) within Appendix 5 of the PSP.

The Committee accepts the evidence of Ms Jordan that the Appendix 5 Design Principles are largely directed towards matters that are more appropriately considered at the planning permit stage.

The Committee notes that many of the Appendix 5 provisions relate to detailed urban design, building siting, frontage treatments, activation, car parking design, landscaping and architectural outcomes. These matters are broadly addressed in the Design Intents (Table 23) in Appendix 5, and through the existing provisions of the Greater Geelong Planning Scheme, including the planning policy and the requirements of the Commercial

1 Zone and MUZ. To that extent, the Design Principles seek to regulate matters that are already addressed elsewhere in the planning scheme and risk creating duplication and uncertainty in their application.

Retaining the Design Principles may unnecessarily constrain future design responses and require permit applicants to address an additional layer of guidance that is not essential to achieving the strategic objectives of the precinct.

The strategic intent of the NAC is already established through the Future Urban Structure (FUS) Plan, the activity centre provisions within the PSP, the applied zoning framework, the PSP requirements and guidelines and the Design Intent at Appendix 5.

The Committee is satisfied that these provisions provide sufficient direction regarding the role, function and integration of the NAC without the need for a further layer of detailed design principles.

For these reasons, the Committee finds that the Appendix 5 Design Principles add limited strategic value to the PSP, overly complicate the requirements and duplicate matters addressed elsewhere in the planning scheme. There are references to these Design Principles in other parts of the PSP, as such consequential updates will be required.

Size of the NAC and LCCs

As discussed in Chapters 3.2 and 3.3, the Committee:

- supports Council's Final Day FUS Plan which shows a NAC with an area of 4 hectares
- supports reduction in size of the southern and northern LCCs to 1,000 square metres each.

Associated changes are required to the PSP, UGZ8 and DCP as recommended below.

(v) Finding and recommendations

The Committee finds that the requirements, guidelines and provisions in the PSP and UGZ8 are partly appropriate in relation to activity centres, and changes are recommended.

The Committee recommends:

Amend the Final Creamery Road Precinct Structure Plan as follows:

- Delete Design Intent 11, 17, 18 and 21 from Appendix 5.**
- Delete the Design Principles (Table 24) from Appendix 5 and make any consequential changes arising from the deletion of Table 24.**
- Update Design Intent 1 in Appendix 5 as follows:**
Provide a high-quality visual and physical connection through the NAC to public realm features, such as the town square and the Clever and Creative Boulevard.
- Update Design Intent 5 in Appendix 5 as follows:**
Provide a diverse mix of retail, office and commercial uses at ground floor level.
- Update Design Intent 10 in Appendix 5 as follows:**

Provide active frontages and avoid blank facades along the Key Pedestrian Street, Town Square and the CCB. Street based retail centre designs are preferred. Internalised mall designs should be avoided.

- f) Amend Table 6 to increase the retail and commercial floor space to reflect an overall Neighbourhood Activity Centre size of 4 hectares and Local Convenience Centres of 1,000 square metres each.**

Amend the Final Schedule 8 to the Urban Growth Zone as follows:

- a) Amend Clause 2.3 (Section 1 – Permit not required) to increase the combined leasable floor areas for shops within the Commercial 1 Zone to reflect an overall Neighbourhood Activity Centre size of 4 hectares.**

5.5 Environmentally sustainable design, smart cities and zero carbon

(i) The issues

The issues are whether the PSP and UGZ8 are appropriate in relation to

- Environmentally Sustainable Design (ESD) (including sustainable transport)
- smart cities
- zero carbon.

(ii) Background

Planning Scheme

Clause 11.02-2L of the Planning Scheme includes the following strategy:

Ensure urban development delivers carbon neutral neighbourhoods.

What is proposed?

Sustainable energy and zero carbon

The Final UGZ8 includes the following ESD and zero carbon application requirements:

Sustainable Development

An application to subdivide land into ten or more lots, or for buildings and works, must provide the following information, where relevant, to the satisfaction of the responsible authority:

- Residential ESD Design Guidelines in accordance with Section 3.1.2 (Housing Diversity, Density & Choice) of the Creamery Road PSP.
- A Zero Carbon Operational Energy Plan in accordance with Section 3.3.1 (Sustainable Energy & Zero Carbon) of the Creamery Road PSP.
- A Circular Economy Plan which demonstrates how the proposal responds to Section 3.7 (Circular Economy) of the Creamery Road PSP.
- A response to any other relevant sustainable development provision of the Creamery Road PSP.

Section 3.1.2 (Housing Diversity, Density & Choice) specifies what should be included in the Residential ESD Design Guidelines:

Urban heat mitigating roof design and shading structures that have a solar reflectance index (SRI) of:

- For roofing with less than 15 degree pitch, a three year SRI of minimum 64.
 - For roofing with a pitch of greater than 15 degrees, a three year SRI of minimum 34.
- Residential lots to provide a dedicated electrical circuit terminating in a garage or carport that is capable of supporting a minimum 7kW (32A) Electric Vehicle Charging Point (EVCP).
- Solar photovoltaic (PV) system with the following minimum capacity:
- single dwelling: 3kW up to two bedrooms, with additional capacity provided for each additional bedroom, or
 - apartment building: either 25W per square metre of site coverage, or 1kW per dwelling.
- Note: neighbourhood scale renewable energy generation will be considered as an alternative to individual solar PV systems in any Residential ESD Design Guidelines
- Or a suitable alternative to the satisfaction of the responsible authority.

The introduction to Chapter 3.3.1 of the PSP states:

Communities in the precinct will be planned and designed to achieve a zero operational carbon footprint

Applicants will be required to demonstrate how lot design, building design and renewable energy sources, combined with fully electric (no gas network) subdivisions, can contribute towards achieving zero operational carbon neighbourhoods.

Zero Carbon initiatives are voluntary at the planning permit stage

The PSP includes requirements and guidelines in relation to plans for utilities, energy and technology. These range from what should be included in a functional layout plan for a subdivision, through to a requirement not to connect to gas.

Smart cities

The Final UGZ8 includes a requirement to show smart city infrastructure (where relevant) on the functional layout plan for subdivisions at Clause 4.0 (Condition – Functional layout plan).

The introduction to Chapter 3.3.2 of the PSP (Smart cities) states:

The PSP seeks to encourage the provision of base infrastructure required for smart technologies is provided at subdivision, to enable the cost-effective installation of smart technologies in the future.

Innovative approaches to sustainable transport that support climate resilience and reduce greenhouse gas emissions will be encouraged.

The PSP then includes Requirements R53 and R54 which state that smart infrastructure must be in accordance with Plan 16 and integrate with the public realm.

Figure 22 Extract from Plan 16 (Smart cities and digital connectivity)



Source: Exhibited PSP

Sustainable transport

The Final UGZ8 includes a requirement to show bicycle parking (where relevant) on the functional layout plan for subdivisions at Clause 4.0 (Condition – Functional layout plan).

Infrastructure to support sustainable transport is identified in the PSP as follows:

- Table 24 in the PSP includes a design principle for activity centres and commercial development to include bicycle parking facilities and supporting infrastructure.
- Requirement 36 in Chapter 3.2.1.2 (Cycling) requires bicycle parking to be provided in accordance with Table 8 Bicycle Parking Minimums.
- Guideline 38 requires the provision for passive infrastructure for the charging of electric bicycles within the NAC, along the CCB near bus stops, bicycle parking and other key destination along connector roads.
- Requirement 51 in Chapter 3.3.1 (Sustainable energy & zero carbon) requires subdivision plans to show bike parking infrastructure (for example bicycle racks).

The Amendment includes a Parking Overlay – Schedule 2 to Clause 45.09 – that includes an objective to encourage alternative forms of parking and removes the requirement to provide any car parking for all uses.

The Creamery Road PSP Parking Strategy (Stantec, December 2022) advises that the bicycle parking rates have been determined with consideration of a 25 per cent mode split to cycling, consistent with contemporary rates in the City of Melbourne Arden precinct and in Australian Capital Territory, and the removal of minimum car parking requirements for the precinct.

ESD Guidelines and templates

Council tabled an ESD Planning Report (Council, March 2026) during the Hearing which includes an explanation of how climate change has been considered and includes 'ESD Guidelines and Templates' at the end of the report. The ESD templates were not exhibited with the Amendment and are not referred to in the PSP or UGZ8.

(iii) Evidence and submissions

Council submitted:

- The ESD requirements in the Amendment are appropriate and can be implemented.
- ESD design guidelines are an appropriate mechanism to implement ESD measures at the lot scale.
- It is appropriate to advocate for planning controls that go beyond the National Construction Code. It referred to the Panel report for Amendment C376 to the Melbourne Planning Scheme that considered various ESD initiatives which said:

The NCC [National Construction Code] standards are applied at the National level, and the ability for the City of Melbourne to deliver outcomes at a local level is very different from those which might exist elsewhere, for example, at a regional level.

...

It is appropriate that the Planning Scheme is able to build upon and improve standards set by the NCC and there is nothing that prevents a planning authority from requiring buildings to achieve performance standards that exceed the NCC requirements.
- This Amendment can be distinguished from the Marshall Precinct Structure Plan (where the Panel did not support ESD initiatives), as more specific work has been completed for this precinct.
- The requirement for a zero carbon operational energy plan in the PSP calls for a basic plan which serves as a trigger for the applicant to consider how they will contribute to zero carbon outcomes. It is not intended to be an onerous report or a process that requires significant resourcing or legal drafting.
- The provisions ask only for a response, which can be populated in house by the applicant using the guidelines and templates prepared by Council.
- Council has no intent to monitor or lock developers in with agreements in relation to zero carbon matters. The only outcome Council pursues through this plan is a demonstration the applicant has considered zero carbon approaches in their development.

Council did not agree with the deletion of the Sustainable Development application requirements in UGZ8, nor the changes to the PSP suggested by parties.

Ms Keddie gave evidence for Council in relation to ESD and zero carbon aspects of the Amendment (not in relation to smart cities). She explained:

- What is expected or 'standard practice' with respect to ESD and zero carbon will evolve as climate change considerations are given greater weight in Victoria's planning system.
- There is consistent research that has found precinct planning represents a 'critical' scale at which the outcomes sought by Victoria's planning framework in relation to climate change mitigation or adaptation can be most effectively delivered.
- The measures proposed by the amendment are both important elements to capture through the planning process in the absence of other regulation and that the proposed approach and mechanisms represent a 'best fit' in delivering preferred outcomes, having regard to the broader regulatory context.

Ms Keddie gave evidence that she supported the content in the Exhibited PSP relating to:

- planning for energy infrastructure aligned with net carbon outcomes
- delivery of canopy vegetation
- inclusion of lot scale response designed to improve resilience to urban heat in the absence of comparable building regulation and to deliver onsite renewable energy generation
- inclusion of requirements around the provision of electric vehicle infrastructure and future capacity
- transparency and consideration of opportunities to reduce embodied energy.

Villawood submitted:

- it is committed to best practice ESD outcomes
- it has concerns with the way the overarching objectives have been translated into Application Requirements
- it is concerned that the ESD requirements within UGZ8 and the PSP will undermine flexibility, innovation and established delivery pathways
- the NCC requires all new dwellings to achieve a minimum Nationwide House Energy Rating Scheme (NatHERS) rating of 7 Stars and a whole-of-home rating not less than 60 out of 100. Council proposes a framework which will exceed those requirements
- the approach taken by Ms Keddie focused on the strategic underpinning for the provisions and did not shed much light on the practical, 'on ground' implications of UGZ8 requirements or the PSP provisions
- the requirement for a Sustainable Energy Plan and Zero Carbon Plan are onerous, noting that decisions about operational energy pathways are not aligned with the subdivision permit process
- the Circular Economy (documenting consideration of embodied carbon in roads, pavements and underground services) is conceptually sound, and there is a clear connection between these elements and subdivision delivery, however, it is unclear how these plans may be interpreted at later stages, and whether they could inadvertently become quasi-standards applied through functional layout plans or engineering approvals.
- it does not oppose, in principle, the application of a restriction on a Plan of Subdivision relating to Residential Design Guidelines. Care must be taken to

ensure any restriction is appropriately framed and does not unduly impose prescriptive obligations on title, in perpetuity which may become outdated.

- it accepts there will be a restriction on title on the basis that there is flexibility in what the Residential Guidelines can include (in that they are not limited to the three items listed in the Guideline), and that the restriction on title will refer to an external Design Guidelines document that can be amended “*from time to time*”.

In relation to smart cities, Villawood submitted:

- The PSP was not clear on who is responsible for delivering smart city infrastructure (called up in the functional layout plan)
- It should not be assumed that these would be provided at the cost of the developer.

In relation to implementation, Villawood submitted:

- Its primary concern is to ensure that the mandatory requirement to provide Sustainable Energy, Zero Carbon Operational Energy and Circular Economy Plans as information at the permit application stage does not translate into a permit condition and endorsement at officer level.
- Although there is no formal requirement in UGZ8 for these Plans to form part of the permit by condition, that is a discretion which Council will have.
- Previous Panels have commented on ESD requirements and in the Panel report for the Marshall Precinct Structure Plan (Amendment C278ggee, Panel Report 7 February 2025) the Panel stated:

Fundamentally it is not appropriate to introduce mandatory, prescriptive requirements in ... an evolving policy and regulatory environment, when the implications have not been assessed.
- It is fundamentally important that the Sustainable Energy, Zero Carbon Operational Energy and Circular Economy Plans inform decision-making rather than prescribing outcomes. These plans should not introduce additional layers of discretion, subjectivity or delay within otherwise established subdivision processes.

Villawood recommended:

- drafting changes to UGZ8 including:
 - deleting the requirement to provide Sustainable Energy, Zero Carbon Operational Energy and Circular Economy Plans with a subdivision application (for ten or more lots)
 - replacing the requirement for those plans with a more general requirement to respond to the sustainable development provisions in the PSP.
- drafting changes to the PSP to provide that:
 - changes to the vision at section 2.1 clarify that many zero carbon initiatives will need to be provided outside of the planning system
 - a subdivision application should only be accompanied by a Zero Carbon Operational Energy ‘where relevant’.

Bisinella and Yih-Sheng supported the drafting changes proposed by Villawood.

Lovely Banks submitted:

- It did not support ‘non-standard’ ambitions such as those relating to ESD measures and smart city infrastructure – mainly on the basis that the

cumulative costs associated with these measures delays housing delivery and increases costs

- details in relation to the logistics and costs associated with the practical implementation of the ESD initiatives are lacking
- there should be ongoing uncertainty for the development industry in relation to how the ESD initiatives will be applied, at what cost, and most importantly who will bear these costs
- some of the ESD measures have been changed from mandatory requirements to guidelines, however there is a risk that they will be applied as de facto requirements.

Sustainable transport

Council submitted:

- The bicycle parking rates in Table 8 were informed by the Parking Strategy prepared by Stantec.
- Requirement R36 allows discretion to vary the rates.
- Guideline G36 should include locations *“within the NAC and along the CCB/CCC”*. Further refinement could be provided to make it clear this requirements was not intended to apply across the entire precinct.

Both Villawood and 305 Bat called for the deletion of R36 on the basis of consensus of the traffic experts.

305 Bat recommended deleting G38 because:

The guideline is unlikely to be implemented in practice and is not typically addressed at the PSP/subdivision stage. As identified in Ms Marshall's evidence, such infrastructure is more appropriately provided as part of private development or major transport nodes. It should be deleted in its entirety.

Traffic experts agreed the bicycle parking rates are excessive and both the Table 8 and Guideline 36 should be removed, noting Mr Humphries abstained from commenting on bicycle provisions as he had not considered the matter.

Mr Walsh advised that the bicycle parking rates in Clause 52.34 are expected to be increased sometime this year which may be a suitable alternative.

Traffic experts supported this with the exception of Mr Humphries.

(iv) Discussion

While Ministerial Direction 22 does not technically apply to this Amendment, the PE Act now has objectives relating to climate change.

Many submitters suggested that the climate related responses in the Amendment are 'novel' or 'non-standard'. What is defined as standard practice evolves over time. Recent reforms have signalled that climate is of greater importance, and therefore it is not surprising that this PSP includes requirements relating to ESD, smart cities and zero carbon.

Policy has moved on since the Marshall Road Precinct Structure Plan was considered in February 2025, so the requirements in that precinct are not the benchmark for what is acceptable under the current policy settings.

ESD and the mechanics

The Residential ESD Design Guidelines are clearly intended to inform the design of future housing. Ms Keddle explained that they will effectively fill the ‘gap’ between the building system and current planning policy and legislation in relation to ESD for dwellings. The Committee notes that the gap between the NCC and the planning system is also exacerbated in PSPs area given Clause 55 (and the sustainability measures contained within it) will not apply to lots in the UGZ in the future. This creates a greater gap that needs to be filled somehow given the current State policy settings and new objectives in the PE Act.

The Committee agrees that there is sufficient policy support for planning controls that go beyond the NCC. However, the mechanics of how that can be given effect through a PSP process is challenging.

UGZ8 relies on application requirements (being Residential ESD Design Guidelines) at the subdivision stage to prescribe ESD measures needed at the lot scale, later in the process. These measures relate to roof design, electric vehicle charging conduit and solar panels. This is different to the approach adopted in Amendment C376 to the Melbourne Planning Scheme, which applied a Design and Development Overlay which could direct ESD measures at the lot scale.

The ESD measures called up in the PSP are not onerous requirements in themselves, however it is matter of timing. Locking in measures that could easily be superseded by changes to the NCC by the time the subdivisions are built out is not ideal. It does not allow standards to ‘move with the times’ – which is especially important with the evolving nature of climate policy. It is theoretically possible that the NCC could outpace the requirements at Section 3.1.2 of the PSP overtime.

If the intention was to ‘fill the gap’ between the NCC and planning policy, a neater option may have been to refer to an external standard or rating system (for example Green Star) which is more flexible and evolves as practice changes. However, given this is not proposed – the Committee accepts the Residential ESD Design Guidelines as a mechanism that can be registered on title. It is a mechanism that can work, however the Committee encourages Council going forward to consider an alternative statutory mechanism that is more closely tied to the decision at the lot scale and can evolve alongside climate policy.

Smart cities

It is appropriate to specify a requirement for smart city infrastructure in UGZ8 and the PSP. Decisions about this type of infrastructure are best planned for at the precinct scale, and the Committee supports the provisions proposed by Council in the Final Day UGZ8 and PSP.

The Committee does not agree with submitters that changes are needed to specify that developers do not need to invest in this form of infrastructure. As stated above, as climate policy evolves smart city infrastructure will be important to support the transition to a lower emission future. This infrastructure is justified in the same way that drainage or road infrastructure is, and as such developers are expected to contribute.

Zero carbon

A zero carbon application requirement with no practical effect or bearing on the permit application should not be included in UGZ8. According to Council, the requirement for a Zero Carbon Operational Energy Plan and Circular Economy Plan are intended to make applicants think about these issues when preparing an application. This, however, is not the role of the planning system.

The Practitioner's Guide to Victoria's Planning Schemes states that a new provision:

- Must be within the scope of the objectives and power of the Act
- Must be necessary and proportional to the intended planning outcome.

A non-binding application requirement does not meet either of these tests. Firstly, it is not an objective of the PE Act to encourage permit applicants to think about things. Secondly, it cannot be said that an application requirement (which costs money to prepare) but has no practical effect is proportional to a planning outcome. Thirdly, the Committee does not accept the Council's suggestion that because these types of application requirements exist in other parts of the Planning Scheme it is appropriate.

The zero carbon application requirements should be deleted. The Committee supports UGZ8 drafting presented by Villawood, Bisinella and Yih-Sheng in this regard.

Sustainable Transport

The provision of bicycle parking rates in excess of the requirements of Clause 52.34 is appropriate given:

- the proposed removal of minimum parking requirements, by way of the proposed car Parking Overlay (draft Clause 45.09-2 - Parking Overlay)
- the objective in Clause 11.02-2L to promote a mode shift from private vehicles to active transport.

The Committee was not provided with any alternative rates to consider, and accepts that the R36 in the Final PSP provides some discretion to vary the rates based on a demand assessment.

However, the Committee has some concern with the application of the rates for single dwellings. Clause 52.34 only requires bicycle parking in residential buildings of four or more storeys. It would be appropriate to have a limiting descriptor to exclude single dwellings (whether they be attached, semi-detached or detached). Single dwellings that might otherwise not require a planning permit typically have more flexibility in the way bicycles can be accommodated than multi-dwelling properties.

In respect to provision of public electric bicycle charging facilities the Committee considers that most bicycles will be charged at home and there is not currently a universal charging standard for electric bikes, requiring cyclists to carry their own charger if they wish to recharge on-route. Notwithstanding that this may be addressed in the future, the Committee cannot envisage a time when such extensive provision of public bicycle charging facilities would be required as envisaged by the amended G38. Council will have the ability to include bicycle parking within public facilities such as at the community centre and sports pavilions where electricity will ordinarily be available and a guideline is not necessary to achieve this.

(v) Findings and recommendations

The Committee finds:

- The provisions, requirements and guidelines in UGZ8 and the PSP in relation to ESD (including sustainable transport) are partly appropriate; changes are recommended.
- The provisions, requirements and guidelines in UGZ8 and the PSP are appropriate in relation to smart cities.
- The provisions, requirements and guidelines in UGZ8 and the PSP are not appropriate in relation to zero carbon, changes are recommended.

The Committee recommends:

Amend the Final Schedule 8 to the Urban Growth Zone as follows:

- a) Amend Clause 3.0 (Application requirements) to delete the requirement to provide a Zero Carbon Operational Energy Plan and Circular Economy Plan.**

Amend the Final Creamery Road Precinct Structure Plan as follows:

- a) Delete Guideline 38 (bicycle charging facilities).**

5.6 Potentially contaminated land

(i) The issue

The issue is whether the contaminated land provisions in UGZ8 are appropriate.

(ii) Background

Ministerial Direction 1 and Planning Practice Note 30

The purpose of Ministerial Direction 1 is to ensure that potentially contaminated land is suitable for a use.

Table 2 of Planning Practice Note 30 (PPN30) states that most agricultural land is not likely to be contaminated, except where specific contaminating activities have occurred over time including:

- commercial use of pesticides (including herbicides, fungicides etc)
- biosolids application to land
- farm waste disposal.

Table 3 of PPN30 indicates that a Preliminary Site Investigation (PSI) should only be used where a non-sensitive use is proposed on land with a high potential for contamination. In circumstances where a non-sensitive use is proposed on land with a medium potential for contamination, PPN30 states that the planning authority should document its consideration of the potential for contamination to impact the proposal (presumably at the planning scheme amendment stage).

Land Capability Assessment

The *City of Greater Geelong Land Capability Assessment – Creamery Road PSP – Planning Practice Note 30 Update Addendum* (Meinhardt, June 2023) (Land Capability Assessment) was prepared to inform the Amendment. It concluded:

- the majority of the land in the precinct has been used for agricultural purposes
- two sites at 10 Evans Road, Bell Post Hill (1\LP203190) and 85-105 Bluestone Bridge Road, Bell Post Hill (1\PS403299) have a medium potential for contamination and would require further assessment
- all other properties were not classified as having a medium or high potential for contamination and therefore further investigation was not required prior to preparation of any planning scheme amendment.

Amendment

The Final Amendment addressed potentially contaminated land in the following way:

- Clause 3.0 in UGZ8 states that:
 - land proposed to be developed or used for a sensitive use must be accompanied by a Preliminary Risk Screen Assessment (PRSA) or environmental audit statement at the permit application stage (unless otherwise agreed by Council)
 - the requirement for a PRSA for new sensitive uses may be waived by Council in circumstances where a PSI has been prepared that suitably assesses land contamination risks and demonstrates the suitability of the land for the proposed sensitive use
 - a PSI must be prepared for any application for a non-sensitive use.
- The EAO has been applied to two sites (10 Evans Road, Bell Post Hill and 85-105 Bluestone Bridge Road, Bell Post Hill) which have been assessed as having a medium potential for contamination. The EAO states that an environmental audit must be prepared under the *Environment Protection Act 2017* (EP Act) before a permit can be issued for a sensitive use.
- Where an environmental audit is required (following a PRSA or as a requirement of the EAO), Clause 4.0 of UGZ8 requires a permit to include the following condition:

Condition – Environmental Audit

Any permit for the use and development of land for a sensitive use (residential use, child care centre, pre-school centre, primary school, children's playground/local park, caretaker's house or residential hotel) at 10 Evans Road, Bell Post Hill (1\LP203190) and 85-105 Bluestone Bridge Road, Bell Post Hill (1\PS403299), or where a Preliminary Risk Screen Assessment requires an environmental audit, must contain the following condition:

Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the permit holder must provide:

- An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
- An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.

All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible

authority. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

(iii) Submissions

Council submitted that UGZ8 is consistent with Ministerial Direction 1 and PPN30 for the following reasons:

- UGZ8 does not allow sensitive uses to proceed without the provision of evidence at the permit stage.
- Ministerial Direction 1 and PPN30 do not explicitly mandate that the PRSA be completed at the PSP preparation stage, but rather recognise that land use certainty may not exist at the PSP preparation stage and the PRSA may need to be deferred to the planning permit stage.
- A PRSA is only triggered where new sensitive uses are proposed, providing a proportionate and risk-based approach to decision-making.

Council submitted that UGZ8 does not duplicate the corresponding requirement under the EP Act because:

- The application requirements in Clause 3.0 of UGZ8 regarding potentially contaminated land (PRSA, PSA and Environmental Audit Statement) do not impose parallel obligations, but rather provide a sequencing requirement.
- The investigations required by Clause 3.0 do not exceed EP Act requirements – the requirement acts as a gateway to ensure that the EP Act processes and conclusions are met through the planning permit process.
- Some overlap is needed so Council can ensure that applicants have undertaken the required assessment in relation to the EP Act and that the proposed uses are duly considered during the permit assessment.
- The wording proposed is standard – other PSPs that have similar requirements include, but are not limited to, East of Aberline, Bannockburn South East and Melton East.
- The addition of an exclusion in the case where a PRSA has already been undertaken in relation to a proposed land use could be considered, or properties which can complete a PSI or PRSA prior to the gazettal could be removed from the area to which these provisions apply.

The EPA was not party to the Hearing, but in its written submission it was generally supportive of the Amendment, including:

- The application of the EAO to properties with a medium potential for contamination to be commensurate with the risks, if Council determines audit requirements can appropriately be deferred.
- 'Condition – Environmental Audit' in UGZ8, which is consistent with the recommendations outlined in PPN30.

The EPA's submission queried:

- The classification of agricultural land as having medium potential for contamination (with reference to Table 2 in PPN30), suggesting the agricultural land was generally lower risk.

- The use of the PSI as an assessment pathway (with reference to Table 3 in PPN30), suggesting that Council should document its consideration of contamination rather than using a PSI.

Villawood submitted:

- A PSI was an appropriate assessment pathway for a new sensitive use in most of the precinct.
- A PSI was a proportionate approach given the Land Capability Assessment had concluded that most of the land in the precinct had a low risk of contamination.

Bisinella and Yih-Sheng supported Villawood's submissions.

In response to submissions, Council's Final UGZ8 includes the following optional application requirements at Clause 3.0:

Despite the above, the responsible authority may determine that a Preliminary Risk Screen Assessment Statement is not required in relation to an application to use or subdivide land, construct a building, or construct or carry out works for or associated with a new sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, children's playground, and secondary school) where a suitably detailed Preliminary Site Investigation has been provided which, to the satisfaction of the responsible authority, adequately assesses land contamination risks and demonstrates the suitability of the land for the proposed sensitive use.

(iv) Discussion

Assessment pathways

Any assessment of potentially contaminated land needs to be proportionate to the risk. The Land Capability Assessment concluded most land in the precinct has neither a medium nor high potential risk of contamination (and therefore did not meet the definition of potentially contaminated land in PPN30). However, the Land Capability Assessment acknowledged that it had some limitations, including the high level nature of searches which informed the assessment.

Sensitive uses

While the risk of contamination is likely to be low in most of the precinct the Amendment would allow sensitive uses across most of the precinct. The approach in the exhibited UGZ8 which requires a PRSA when a new sensitive use is proposed effectively treats land in the precinct as having a medium potential for contamination. This approach is appropriate given the scale of change proposed and the fact that the application requirement is discretionary. It is not necessary to indicate that a PSI could be used as an alternative to a PRSA given the requirement for a PRSA is already discretionary.

Non-sensitive uses

EPA seemed to indicate that Council should document its consideration of the potential for contamination where non-sensitive uses were proposed at the PSP preparation stage (rather than requiring a PSI for non-sensitive uses). At the PSP preparation stage, the exact location of non-sensitive uses within the precinct is unknown. Accordingly, it is difficult for the Council to document its consideration now and the Committee considers a PSI offers an appropriate assessment pathway for non-sensitive uses.

Timing of assessment

It is appropriate for the PRSA and PSI assessments to be deferred. The exact location and nature of sensitive uses within the precinct is unknown. While Ministerial Direction 1 and PPN30 prefer a PRSA to be completed before the land is rezoned, the Land Capability Assessment is sufficient to assess potentially contaminated land at this stage of the process.

Medium risk sites

The two sites that have been identified as having medium potential for contamination have been captured by applying an EAO. UGZ8 does not need to address these sites specifically.

Drafting

A Practitioner's Guide to Victorian Planning Schemes, August 2025 (Practitioner's Guide) includes rules for new provisions, relevantly:

Rule 3 – A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

Rule 4 – Application of a provision must be necessary and proportional to the intended planning outcome.

In addition, PPN30 states that:

Where an EAO applies to the site, it is not necessary to duplicate the requirement to obtain an environmental audit statement in a planning permit condition. However, where a planning permit is triggered, a responsible authority should consider including a planning permit condition to compel compliance with applicable environmental audit recommendations.

The EPA supported the environmental audit condition on the basis that it is consistent with PPN30 which states that:

Requiring an environmental audit as a condition of a permit may be acceptable if the responsible authority is satisfied that the land can be made suitable for its proposed use or development – i.e. that contamination will not preclude the proposal.

...

Where an audit is made a condition of permit, guidance and a model condition to ensure that audit recommendations to make the land safe are provided for is included on page 13.

The environmental audit condition at Clause 4.0 of UGZ8 duplicates requirements in the EAO (for the two medium risk sites) and obligations under the EP Act. The Committee does not support duplication of the requirements, noting:

- it is not necessary for the condition to identify 10 Evans Road and 85-105 Bluestone Bridge Road in Bell Post Hill Road given the EAO will be applied to those sites
- a landowner who completes an environmental audit under the EP Act is required to comply with any conditions under the EP Act. It is not necessary for the obligations to also be captured in the planning system – any proposal subject to a permit application will need to meet all relevant legislative requirements (including obligations under the EP Act). The EPA (or suitably qualified environmental consultants) have the technical expertise to assess compliance with environmental audits. Either way, the onus is on the landowner to ensure that any development proposal on the site is consistent with any environmental audit statement.

- whether a standard practice is supported by the EPA is not sufficient reason to duplicate requirements that already exist.

However, the Committee accepts that to ensuring consistency with an environmental audit (if required for a particular parcel of land) is a legitimate planning consideration. Where an audit is required (but not yet completed) and a planning permit for a new sensitive use is granted, the following condition is appropriate:

Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the permit holder must provide:

- An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
- An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.

(v) Finding and recommendations

The Committee finds that the contaminated land provisions in UGZ8 are partly appropriate and changes are recommended.

The Committee recommends:

Amend the Final Schedule 8 to the Urban Growth Zone as follows:

a) Amend Clause 3.0 (Application requirements) to delete the following:

Despite the above, the responsible authority may determine that a Preliminary Risk Screen Assessment Statement is not required in relation to an application to use or subdivide land, construct a building, or construct or carry out works for or associated with a new sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, children's playground, and secondary school) where a suitably detailed Preliminary Site Investigation has been provided which, to the satisfaction of the responsible authority, adequately assesses land contamination risks and demonstrates the suitability of the land for the proposed sensitive use

b) Amend Clause 4.0 (Conditions and requirements for permit) to:

- Delete reference to land at 10 Evans Road, Bell Post Hill (1\LP203190) and 85-105 Bluestone Bridge Road, Bell Post Hill (1\PS403299) from the environmental audit condition.
- Delete the following from the environmental audit condition:

All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

5.7 Quarry buffer

(i) The issue

The issue is whether UGZ8 appropriately respond to the buffer around the Batesford Quarry.

(ii) Background

A 500-metre buffer is nominated around the existing Batesford Quarry, which is located outside of the precinct boundary. The buffer is indicated on the FUS Plan in UGZ8 and affects 0.5 hectares of land.

While the quarry is still operating, Clause 2.3 of UGZ8 prohibits accommodation, education centres, minor sports and recreation facilities, medical centres and hospitals within the buffer. In the future it is expected quarry operations will cease and the area will be redeveloped as part of the Batesford South precinct.

(iii) Evidence and submissions

The EPA requested the following changes to UGZ8:

- updating the list of prohibited uses to align with the sensitive land use definition in EPA publication 1949 – Separation Distance Guidelines
- deleting reference to the EPA as an authority who needs to sign off on changes to the quarry buffer.

Council submitted:

- it had consulted with the EPA in accordance with Ministerial Direction 19
- drafting changes had been made in response to the EPA's comments and it understood the EPA's submission was resolved.

(iv) Discussion

The Committee is satisfied that the EPA's submission has been resolved. The drafting changes recommended by the EPA are reflected in the Final UGZ8.

(v) Finding

The Committee finds UGZ8 appropriately responds to the buffer around the Batesford Quarry.

5.8 Bushfire

(i) The issues

The issues are whether:

- UGZ8 and the PSP appropriately respond to bushfire risk
- the drafting of UGZ8 and PSP is suitable to address any bushfire risk.

(ii) Background

The precinct is within the designated Bushfire Prone Area (BPA), but it is not affected by the Bushfire Management Overlay.

Amendment

Clause 3.0 of the exhibited UGZ8 includes the following application requirement:

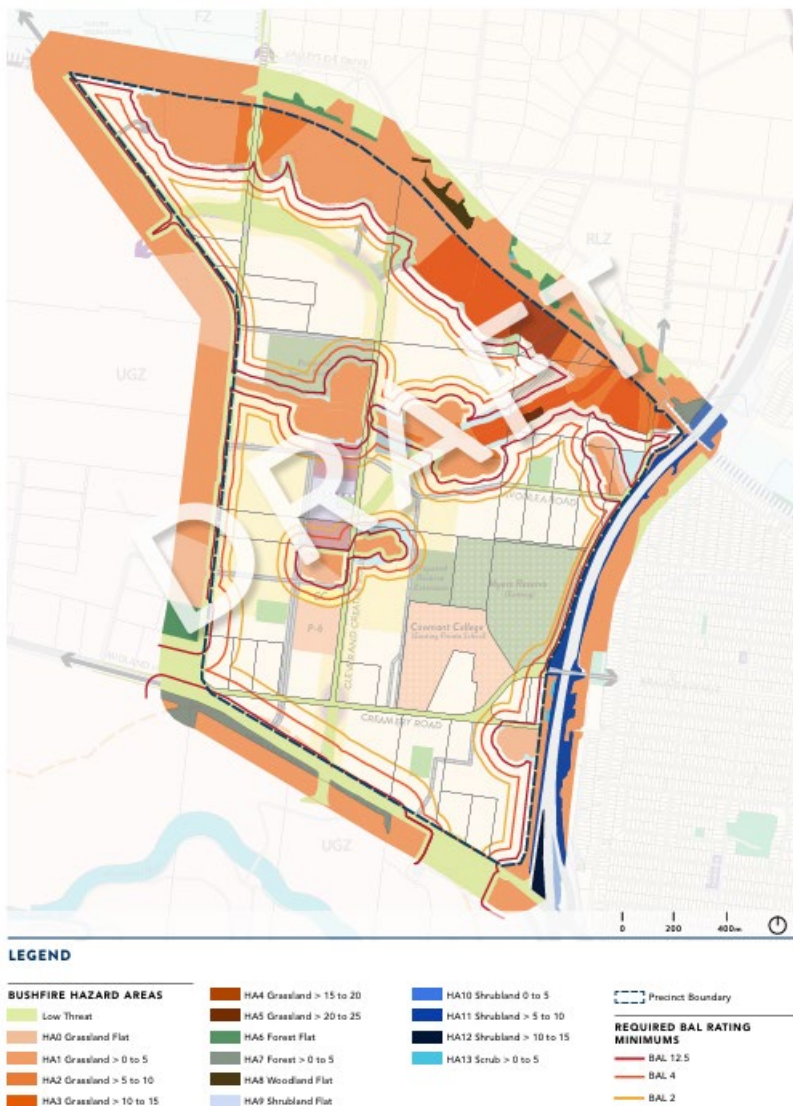
An application for subdivision of land adjoining bushfire hazard areas identified on Plan 23 Bushfire Resilience of the Creamery Road PSP, or for subdivision of land for more than 10 lots, must be accompanied by a Bushfire Management Plan. The Bushfire Management Plan must address the identified bushfire risk during, and where necessary after, construction, and be approved by the responsible authority. The plan must specify:

- The location of bushfire hazard areas;
- Retained and proposed canopy trees;
- Details of bushfire protection measures required for individual lots or buildings, including separation distances in accordance with AS3959-2018 (or as amended) to achieve a BAL-12.5 construction standard;
- The staging of development and the likely bushfire risks at each stage, including details showing the staging of development and management of temporary;
- bushfire risk to ensure radiant heat exposure does not exceed 12.5kW/m² during the construction of development;
- Details of vegetation management during subdivision and of super lots after subdivision to be undertaken to reduce the risk of fire;
- Provision of perimeter roads between bushfire hazard areas and future development;
- Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to completion of this PSP; and
- How the proposal complies with the relevant PSP requirements.

Plan 23 in the Exhibited PSP identifies different bushfire hazard areas within the precinct as shown in Figure 23.

Figure 23 Bushfire hazard areas

P23. BUSHFIRE RESILIENCE



Source: Exhibited PSP

The Exhibited PSP includes requirements relating to bushfire including:

- Requirement 86 – requires vegetation within the Cowies Creek buffer to be managed to a mainly grassland classification under AS3959-2018 (with reference Clause 52.02-5 [sic])
- Requirement 88 – development must be setback based on the bushfire hazard designation
- Requirement 89 – vegetation within the setback must be managed in a low threat state (vegetation management prescriptions included)
- Requirement 90 – a perimeter road must be provided where development or a subdivision adjoins a bushfire hazard area.

Changes to bushfire controls introduced in VC248

Amendment VC248 was introduced on 5 May 2026, during the Hearing process. The Amendment introduced changes to State policy at Clause 13.02-1S (Bushfire) and Clause 53.02 (Bushfire planning).

Clause 53.02 now explicitly states that it applies to (Committee emphasis):

An application under any provision of this planning scheme to construct a building or construct or carry out works associated with the use of land for accommodation, education centre, hospital, indoor recreation facility, major sports and recreation facility or place of assembly in a **bushfire prone area** that is not in a Bushfire Management Overlay.

Clause 53.02-6 now includes specific decision guidelines for applications in the designated BPA. In relation to applications a responsible authority must consider as appropriate:

Whether bushfire protection measures can be implemented without unacceptable biodiversity impacts.

If vegetation is proposed, whether it will cause or contribute to the bushfire hazard or increase the risk to life, property, or community infrastructure.

Whether each lot can achieve the setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 for the corresponding distance specified in Column C of that Table.

Whether a staged subdivision manages interim bushfire hazard during the construction or staging.

The setback distances in Column C of Table 1 in Clause 53.02-5 correspond to the Bushfire Attack Level (BAL) under AS3959 (BAL-29) construction standard.

(iii) Evidence and submissions

The Country Fire Authority (CFA) did not appear at the Hearing, but it made a written submission on the Exhibited Amendment (before VC248 was introduced). CFA was generally supportive of the Amendment, but requested the following drafting changes:

- a requirement for a Bushfire Management Plan for sites that adjoin bushfire hazards shown on Plan 23 Bushfire Resilience of the PSP
- a requirement for a perimeter road between bushfire hazard areas and future development
- details of staging of development and management of temporary bushfire risk to ensure radiant heat exposure does not exceed 12 kilowatts of radiant heat exposure per square metre during the construction of development.

Council submitted:

- the Exhibited UGZ8 and PSP responded to technical assessments it had commissioned and the recommendations of the CFA
- after reviewing Amendment VC248 (and the changes to Clause 53.02) some changes were needed to the drafting of bushfire provisions in the Amendment to avoid redundancies and duplications introduced with the new VC amendment.

Council proposed the following in its Final UGZ8 and PSP:

- Clause 3.0 of UGZ8 to read as follows:

An application for subdivision of land must be accompanied by a Bushfire Management Plan which responds to Section 3.6.2 Bushfire Resilience and Clause 53.02 (Bushfire Planning) of the Greater Geelong Planning Scheme.

- Delete Requirement 98 from the PSP on the basis that the vegetation management prescriptions are now contained in Table 4 at Clause 53.02.

Villawood submitted:

- after VC248 Clause 53.02 and Clause 13.02-1S establish a comprehensive regime for the management of bushfire hazards in a BPA
- it is unnecessary for UGZ8 to replicate these provisions by requiring a bushfire management plan for 'bushfire hazard areas' or to include particular content as an application requirement
- the appropriate provision to control the content of a bushfire management plan is Clause 53.02
- it is not appropriate to repeat requirements in Clause 53.02 in UGZ8 with, as this could become inconsistent with Clause 53.02 if that provision is amended again in future.

Villawood, Bisinella and Yih-Sheng proposed the following alternate drafting of the bushfire application requirement at Clause 3.0 of UGZ8:

An application for subdivision of land must respond to the Bushfire Planning provisions of clause 53.02 of the planning scheme as relevant.

Villawood, Bisinella and Yih-Sheng also proposed consequential changes to canopy cover application requirements to reflect the interaction between the bushfire protection measures at Clause 53.02 as follows (proposed changes underlined):

A Canopy Cover Plan that demonstrates that a proposal generally meets the localised minimum canopy coverage stipulated in Table 12 Canopy Coverage Requirement by Land Use of the Creamery Road PSP...

...except where demonstrated to the satisfaction of the responsible authority that site constraints make such roads impracticable and alternative bushfire protection measures are provided.

(iv) Discussion

Council commissioned technical work to inform the bushfire provisions in the Exhibited Amendment. This work preceded VC248 and changes to State policy and Clause 53.02, however the technical work provided a sufficient basis to conclude that bushfire risks could be acceptably mitigated.

Operational implications of VC248

Amendment VC248 has modified aspects Clause 13.02-1S and amended Clause 53.02 to indicate that it will apply to an application made under any provision (including the UGZ) in a BPA.

It is not to the role of this Committee to provide detailed comments on VC248, however the operational impact of the proposed changes is relevant. This is because many submissions suggested Clause 53.02 will be sufficient to trigger consideration of bushfire mitigation measures at the subdivision stage (replacing the more detailed content in the PSP). It does not trigger a permit as such, rather Clause 53.02 says that the 'general requirements and performance standards' in the clause will apply to any application in the BPA. Accordingly, Clause 53.02 will apply to future subdivision proposals in the precinct.

At the subdivision stage further work will be required to refine the bushfire mitigation measures needed for a particular subdivision or development proposal. It will be necessary to reconcile the inclusion of bushfire protection measures (such as vegetation management) with biodiversity objectives (especially in the creek buffer). This reconciliation process may result in a refinement of the NDA in some locations, especially where there are offset sites proposed that could change the bushfire hazard designation in some pockets. However, it is not considered that the refinements will not be significant and it is not necessary to resolve them at the PSP stage of the process.

Drafting

The Committee agrees with Villawood that it is not appropriate to duplicate the provisions at Clause 53.02 in UGZ8. Particularly given the changes introduced in VC248 appear to anticipate that for subdivision applications a BAL-29 construction response in the BPA may be appropriate (rather than a BAL-12.5 construction response anticipated in Clause 13.02-1S).

The Committee supports the drafting changes proposed by Villawood, Bisinella and Yih-Sheng to UGZ8. It is not necessary to require a Bushfire Management Plan specifically (as suggested by Council) as there are many ways that an applicant could demonstrate that their proposal was consistent with Clause 53.02.

(v) Findings and recommendations

The Committee finds:

- Bushfire risk has been appropriately considered in the preparation of UGZ8 and the PSP.
- The drafting of the UGZ8 and the PSP should be updated in response to changes to bushfire planning provisions which occurred during the process (Amendment VC248). The exercise of discretion should be informed by the decision guidelines in Clause 53.02.

The Committee recommends:

Amend the Final Schedule 8 to the Urban Growth Zone as follows:

- a) Amend Clause 3.0 (Application requirements) to delete the requirements relating to bushfire risk, and replace with the following provision:**

An application for subdivision of land adjoining bushfire hazard areas identified on Plan 23 in the Creamery Road PSP must include a perimeter road between the bushfire hazards area and future development, except where it has been demonstrated to the satisfaction of the responsible authority that site constraints make such roads impracticable and alternative bushfire protection measures are provided.

Amend the Final Creamery Road Precinct Structure Plan as follows:

- b) Update requirements 86, 88 and 89 in the Creamery Road Precinct Structure Plan to enable some discretion when assessing setback requirements and vegetation management standards**

5.9 Biodiversity and EPBC Act strategic assessment

(i) The issues

The issues are whether:

- UGZ8 and the PSP appropriately respond to biodiversity values
- UGZ8 and the PSP appropriately respond to the EPBC Act strategic assessment process
- there is a proper basis to include conditions and application requirements in UGZ8 that relate to the EPBC Act strategic assessment.

(ii) Background

EPBC Act strategic assessment

As described in Chapter 1, Council is undertaking a Strategic assessment to assess impacts on MNES.

The process requires Council to make commitments to the Commonwealth Government to ensure the long-term protection and conservation of the relevant MNES. These commitments are given effect largely through the EPBC Plan and the accompanying *Northern and Western Geelong Growth Areas Draft Commitments and Measures* (City of Greater Geelong, November 2025) (Draft EPBC Commitments and Measures) and the *Northern and Western Geelong Growth Areas Draft Strategic Assessment Funding Program* (City of Greater Geelong, November 2025) (Draft Strategic Assessment Funding Program)

EPBC Plan

The draft EPBC Plan states that:

The Plan has been prepared to meet the requirements of the EPBC Act. Following endorsement and associated approvals under the EPBC Act, the Plan enables the development that is described in Chapter 4 to proceed without the need for further assessment and approval for impacts on protected matters under the EPBC Act. The Plan does not address Victorian planning, biodiversity or other regulatory requirements. Separate approvals are needed in accordance with State regulatory requirements before the development under the Plan can proceed.

The City of Greater Geelong will be the approval holder for the Plan. As approval holder, the City has primary responsibility for implementing the Plan and ensuring the Plan's outcomes are achieved and its commitments are delivered. The City is also responsible for ensuring third-parties who undertake an approved action under the endorsed Plan take these actions in accordance with the requirements of the Plan.

The draft EPBC Plan also explains how it will be given effect through the planning system (section 2.3.6). In particular, for PSPs and NVPPs the EPBC Plan states that:

PSPs will be prepared for each of the precincts within the Growth Areas PSPs will identify the strategic conservation areas (see Chapter 5) as to be protected for conservation in the urban structure maps for the precinct PSPs will include requirements and guidelines for the development of the precinct to give effect to commitments in the Plan, where appropriate NVPPs will be prepared for each precinct containing native vegetation in conjunction with the preparation of PSPs NVPPs for precincts containing native vegetation will identify the vegetation in the strategic conservation areas (see Chapter 5) as to be retained and the remaining native vegetation as to be removed, and will specify the offsets needed to meet State biodiversity policy.

The draft EPBC Plan outlines the biodiversity outcomes to be achieved within the NWGGA by reference to objectives, outcomes, commitments and measures. It states that:

The Plan's outcomes and commitments are set out in the Plan and will not be changed once the Plan is endorsed under Part 10 of the EPBC Act. The measures to implement the commitments are set out in the Commitments and Measures document and are not set out in this Plan (see Section 1.3).

While the commitments in this Plan will not be changed once the Plan is endorsed, the measures may be updated from time to time over the life of the Plan through an adaptive management process in accordance with the Plan's MERI??? framework (see Section 7.5).

Draft Strategic Assessment Funding Program

The Draft Strategic Assessment Funding Program has been prepared to inform a separate environmental levy to fund conservation commitments made in the EPBC Plan. While the calculation of the levy is outside the scope of this Committee's remit, it is relevant as it is relied upon to deliver many of the conservation commitments in the precinct (and it is also explicitly referenced at Clause 4.0 of UGZ8). Figure 24 shows the estimated levy for the precinct.

Figure 24 Extract from Draft Strategic Assessment Funding program

Table 5: Estimated Western Growth Area Levy by precinct
(levy subject to change as PSPs approved & costs updated)

Precinct	Residential NDA	Employment NDA	Share (%)	Share of total cost (2025)	Levy per HA of NDA
Creamery Rd	236	-	47	\$9,823,443	\$41,635
Batesford Nth	266	-	53	\$11,077,499	\$41,635
Total	502		100	\$20,900,942	\$41,635

Source: Draft Strategic Assessment Funding program (City of Greater Geelong, November 2025)

200 Geelong-Ballan Road (Yih-Sheng land)

A site-specific EPBC Act approval was granted for the land at 200 Geelong-Ballan Road, Moorabool (Yih-Sheng land) (this is discussed in more detail in Chapter 3.10 as it relates to the Creek Buffer Referred Matter). This land is likely to be excised from the EPBC Act strategic assessment process given an approval has already been granted.

What is proposed?

The Amendment proposes to amend local policy at Clause 11.02-2L (Northern and Western Geelong Growth Areas) to include updated reference to the strategic assessment process as follows:

To deliver improved environmental and development outcomes through strategic consideration and assessment of the impacts of development and protection of matters of national environmental significance under the Environment Protection and Biodiversity Conservation Act 1999.

Ensure development is consistent with the Northern and Western Geelong Growth Areas EPBC Plan and supporting documents.

It also proposes to list the following documents as relevant policy documents at Clause 11.02-2L and in the schedule to Clause 72.08:

- Northern and Western Geelong Growth Areas Draft Biodiversity Conservation Strategy (City of Greater Geelong, November 2025) (Draft Conservation Strategy)
- Draft Commitments and Measures
- EPBC Plan
- Draft Strategic Assessment Funding Program
- Northern and Western Geelong Growth Areas Draft Strategic Assessment Report (Biosis and Open Lines, November 2025) (Draft Strategic Assessment Report)

Clause 3.0 of the Final UGZ8 states that:

Certificate of Acknowledgement of Consent

An application to subdivide land, construct a building, or construct or carry out works must be accompanied by a Certificate of Acknowledgement of Consent recording agreement with the City to rely on the Northern and Western Geelong Growth Areas EPBC Plan approval under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 except where there is an existing approval under Part IX of that Act.

An assessment considering whether the proposal is in accordance with any relevant approval or draft approval under the Environment Protection and Biodiversity Conservation Act 1999

Clause 4.0 of the Final UGZ8 states that a permit must include the following condition (unless that condition is waived or varied by the responsible authority):

Condition – Commonwealth Biodiversity Developer Implementation Plan

A permit to subdivide land, construct a building, or construct or carry out works on land within the biodiversity levy area as shown in the Northern and Western Geelong Growth Areas Strategic Assessment Funding Program, must include the following condition:

Prior to the certification of a plan of subdivision or the commencement of buildings or works (whichever comes first), a Commonwealth Biodiversity Developer Implementation Plan approved by the City under the Northern and Western Geelong Growth Areas EPBC Plan must be submitted to, the responsible authority.

The Final PSP includes the following objectives:

- Prioritise the retention and enhancement of the Cowies Creek Conservation Area in accordance with relevant legislation, regulation and management plans.
- Protect and enhance biodiversity values within the Cowies Creek Conservation Area and increase community understanding and involvement in biodiversity conservation.

The PSP and UGZ makes several references to documents that form part of the strategic assessment process, including:

- Requirement 63 in the Final PSP states:

Community parks, drainage corridors, waterway corridors, utilities easements and other public open spaces, including encumbered open spaces must be designed to:

 - Protect and enhance biodiversity values and protect the conservation area from unplanned entry;
 - Provide flexible recreational opportunities;
 - Provide habitat enhancement for rare and threatened species as documented in the EHP existing conditions report, WWGA Cowies Creek Conservation Area, Growing Grass Frog Conservation Management Plan, and NWGGA

Biodiversity Conservation Strategy or superseding document or standard as updated, [or any other any approval under the EPBC Act 1999](#); and

- Respond to and acknowledge Aboriginal cultural values as appropriate; all to the satisfaction of the responsible authority.
- Clause 2.5 of the Final UGZ8 states:

Cowies Creek Conservation Area

Any proposed development (including earthworks, paths, in-stream pools, ephemeral soaks, street furniture or other infrastructure works) within or directly adjacent to the Cowies Creek Conservation Area as shown in Plan 17 Biodiversity & Threatened Species of the Creamery Road PSP must be generally in accordance with Plan 18 Cowies Creek Landscape Masterplan of the Creamery Road PSP and address the WGGA Cowies Creek Conservation Area Growing Grass Frog Conservation Management Plan (Biosis, 2024) as amended from time to time.

Native vegetation is a form of biodiversity and also provides habitat for fauna so it is relevant. The NVPP is discussed in more detail in Chapter 6.

(iii) Evidence and submissions

Biodiversity

There were limited submissions relating to biodiversity. Most submissions related to the alignment of the PSP and UGZ8 with the EPBC Act approval processes. The Committee has focussed on this.

DEECA did not appear at the Hearing, but provided a written submission indicating it was generally supportive of the Amendment subject to minor drafting changes relating to Cowies Creek conservation area and the NVPP (discussed in Chapters 3.10 and 6 respectively).

Strategic assessment

Council submitted there is a legal basis to impose conditions and application requirements in UGZ8 and the PSP relating to the strategic assessment. It stated:

- Section 6(1)(b) of the PE Act says that a planning scheme may make any provision that relates to the conservation of any land.
- Section 6(2) of the PE Act says what a planning scheme may do, including requiring specified information to be provided with an application for a permit
- There is a broad spectrum of matters which the planning scheme may do to further the objectives of planning in Victoria. On this basis that the Amendment will impose conditions and application requirements on development proponents consistent with the approval anticipated to be granted under Part 10 of the EPBC Act.
- It has sought to ensure consistency with the *"soon to be adopted EPBC Act Plan"*. The requirements do not seek to impose legal obligations under the EPBC Act that would not otherwise apply — that is to say, the obligations under the EPBC Act stand on their own.
- The Part 10 EPBC approval (once granted) will require Council to ensure that the use and development of the land within the approval area is developed in a manner consistent with that approval (and any conditions), unless that

development proceeds under a separate individual approval under the EPBC Act (such as 200 Geelong-Ballan Road).

- Where a developer seeks to rely on the Part 10 EPBC approval, it must demonstrate the proposal is consistent with the EPBC Plan.
- The EPBC Act does not consider locally significant environmental matters, land use planning, impacts on or from adjacent land uses or development, or intensification of those processes.
- The PSP and NVPP under the PE Act are the appropriate mechanisms through which to manage the impact of competing and abutting land uses, for example the need for conservation of the environment versus competing or nearby residential development.
- Both the State and Commonwealth regimes have a role to play. The Amendment seeks to appropriately align these two regimes to further the objectives of planning and environmental protection in Victoria.

Council submitted that it was appropriate to couple the State and Commonwealth process. It relied on the evidence of Mr Woodland who said:

State policy creates a clear expectation that planning should identify areas of high biodiversity value, strategically plan for their protection and avoid development impacts on such areas.

There are a number of ways that this could be achieved in planning for urban development in greenfield settings, and in the case of Creamery Road precinct, it is proposed to achieve these policy objectives in part via the creation of a corridor-wide Strategic Assessment, Biodiversity Conservation Strategy, EPBC Plan and funding strategy.

These instruments serve a dual purpose of satisfying both the relevant State biodiversity policies contained within the Greater Geelong Planning Scheme as well as satisfying Commonwealth requirements to protect Matters of National Environmental Significance under the EPBC Act (via a Part 10 approval).

In relation to timing of the strategic assessment process, Council explained that:

- It has progressed the Amendment and strategic assessment concurrently. The strategic assessment was advertised for public comment from 6 November to 8 December 2025 and, per its website, the Department of Climate Change, Energy, the Environment and Water expects the strategic assessment to be in place soon (on 6 November 2025 this was expected in 'early 2026').
- It anticipates adopting the finalised strategic assessment and associated funding and conservation strategies in late July 2026, with a view to then submit them to the Commonwealth in August. Council expects the Part 10 EPBC Act approval to be granted in late 2026.
- It anticipates the strategic assessment and the Amendment will be approved and gazetted temporally close to one another.
- If the Amendment is gazetted before the Part 10 approval is granted, developers would either need to:
 - Wait until the Part 10 EPBC approval was granted before they could proceed
 - Make a separate referral for the project, which would need to be assessment and considered by the Commonwealth.
- If the Part 10 EPBC approval is granted ahead of the gazettal of the Amendment (as is intended), development may proceed in accordance with the Part 10 EPBC

approval and ancillary requirements imposed under the approved planning scheme.

Villawood submitted:

- It was concerned about the inter-relationship between the Amendment, strategic assessment and subsequent Part 10 EPBC Act approval.
- It is inappropriate to duplicate assessments and requirements imposed under the EPBC Act by imposing permit conditions under the PE Act.
- It is also inappropriate to make progress of the PSP dependent upon the timing of Council's prospective Part 10 EPBC approval.
- The strategic assessment process should be decoupled from the Amendment to avoid delay to the Amendment, and delay to planning permit approvals once the Amendment has been gazetted, and to avoid duplication of the EPBC Act approval framework within the Planning Scheme.
- This can be done whilst avoiding conflict between any assessment or approval under the EPBC Act (whether under Part 9 or Part 10), and any permit application.
- Consistency of permit approvals under UGZ8 with the EPBC Act approval can be addressed by simply requiring a statement to be lodged with a permit application and inserting a decision guideline which has regard to any relevant draft or approved EPBC Act permission.
- A developer (or any person) has obligations under the EPBC Act regardless of whether there is reference to EPBC Act approvals or requirements in a planning permit. Imposing a permit condition to duplicate this obligation creates an unnecessary layer of regulation.

Bisinella submitted the Amendment should not undermine the objectives of the EPBC Plan in relation to the protection of MNES. However, the drafting of the PSP and UGZ8 is not consistent with the draft EPBC Plan and does not recognise other pathways available under the EPBC Act. It recommended changes to the drafting of UGZ8 and the PSP to address the EPBC Act process, stating:

- Any reference to documents that form part of the EPBC Act strategic assessment process, should be replaced with a more general reference to the Strategic Assessment.
- All reference to the Strategic Assessment should be followed by the words "*or other approval under the EPBC Act*".
- The composition of the Strategic Assessment should be defined in the glossary to the PSP.
- Requirements relating to the design and location of infrastructure to be consistent with the Part 10 or any other EPBC Act approval.

Yih-Sheng submitted its existing Part 9 EPBC Act approval would take precedence over any Part 10 EPBC Act approval, relying on the evidence of Mr Organ to support its position.

Villawood, Bisinella and Yih-Sheng suggested the following drafting changes to the UGZ:

- Amending Clause 3.0 as follows:

Certificate of Acknowledgement of Consent

An application to subdivide land, construct a building, or construct or carry out works must be accompanied by a Certificate of Acknowledgement of Consent recording agreement with the City to rely on the Northern and Western Geelong Growth Areas EPBC Plan approval under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 except where there is an intention to rely on a proposed or existing approval under Part IX of that Act.

An assessment considering whether the proposal is in accordance with any relevant approval or draft approval under the Environment Protection and Biodiversity Conservation Act 1999.

- Deleting Condition – Commonwealth Biodiversity Developer Implementation Plan at Clause 4.0.
- Inserting a new decision guideline at Clause 6.0:
whether the application is generally in accordance with the draft EPBC Act Plan or any relevant approval under the EPBC Act.

(iv) Discussion

State Biodiversity

There is clear direction in State planning policy to protect biodiversity. Biodiversity values are often protected through the reservation and conservation of land which creates suitable habitats for protected species. This approach has been adopted in the precinct, largely through:

- The creation of the Cowies Creek Conservation Area which has been designed to provide suitable habitat for the GGF which is listed under State and Commonwealth legislation (discussed in more detail at Chapter 3.10 and below).
- The NVPP which identifies native vegetation that needs to be protected, and other native vegetation that can be removed. The NVPP provides a basis for offsetting native vegetation (discussed in more detail at Chapter 6).

The Committee is satisfied that State and locally significant biodiversity values have been protected through the implementation of the Cowies Creek Conservation Area and the NVPP.

EPBC Act strategic assessment

The strategic assessment considers the impact of the policy changes proposed by Council (that is the Amendment) on MNES and identifies measures to mitigate the impacts at a precinct wide scale.

It is not the purpose of the strategic assessment to consider State biodiversity matters, however there is some overlap as some of the protected species are listed under both State and Commonwealth legislation.

Some key things to note about the strategic assessment process which has informed the Committee's assessment:

- The process requires Council to make commitments to the Commonwealth Government to ensure the long-term protection and conservation of the relevant MNES within the precinct.
- Council is proposing to give effect to the commitments through the EPBC Plan (which is in draft form). The EPBC Plan outlines the biodiversity outcomes to be

achieved within the NWGGA by reference to objectives, outcomes, commitments and measures.

- Council will be responsible for the delivery of the commitments over the life of the EPBC Plan in its capacity as the approval holder.
- Council is also responsible for ensuring third-parties who undertake an action under the endorsed EPBC Plan take these actions in accordance with the requirements of the plan.
- The EPBC Act strategic assessment process is incomplete. This means all documentation, including the EPBC Plan and any funding arrangements for offsets are still in draft form.
- While the Council has provided indicative timelines for when a Part 10 EPBC approval could be granted, this process is outside the hands of Council and the State government.

The Committee does not support the way the Amendment references the strategic assessment process for two main reasons:

- The strategic assessment process is incomplete and therefore uncertain.
- It is not appropriate to duplicate obligations that exist under other legislation.

Incomplete process It is premature to closely tie development outcomes in the precinct with commitments in the EPBC Plan that has not yet been approved. There are several key steps in the strategic assessment process that are incomplete, including the endorsement of the EPBC Plan and the approval of actions under the endorsed plan. While the process is well underway, there is too much uncertainty to couple the State and Commonwealth processes. There is uncertainty about when (and if) a Part 10 EPBC approval will be granted and if a future Part 10 approval will impose new obligations or commitments not included in the draft documentation. In the case of the latter, this may have implications on the NDA in the precinct.

The Committee acknowledges that development in the precinct cannot progress until all the relevant approvals are in place, including EPBC Act approvals. There is a spatial aspect to the commitments made in the EPBC Plan which may have an impact on the form of a permit application, for example a change in the boundary of an offset area could impact on NDA in the precinct. On this basis the Committee thinks it is reasonable to require a proponent to explain how an application is consistent with any relevant EPBC Act approval. This could be a site-specific approval or a future Part 10 EPBC approval held by Council. Landowners seeking to rely on Council's Part 10 EPBC approval in the future would need to satisfy Council that it can meet any obligations under that approval.

However, this does not mean that the Planning Scheme needs to explicitly require an application under UGZ8 to address individual aspects of a future EPBC Act approval (e.g. detailed conservation management plans etc).

Duplication

The Practitioners Guide includes rules for new provisions, relevantly:

Rule 3 – A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions

Rule 4 - application of a provision must be necessary and proportional to the intended planning outcome.

As outlined above, there is a spatial relationship between the commitments in the Draft EPBC Plan and consequences for the layout of development and critical mitigation measures, such as the Cowies Creek Conservation Area. As such is it appropriate to reference the EPBC Act approval, without duplicating the specific requirements. This is a proportionate approach and will allow for changes to occur to the EPBC Plan (which may be necessary in the future if needed following monitoring, review and any adaptive management measures).

Drafting of provisions relating to Cowies Creek conservation area

Clauses 2.4 and 2.5 of Council's Final UGZ8 states that subdivisions or works within or directly adjacent to the Cowies Creek Conservation Area as shown on Plan 17 in the PSP 'must be generally in accordance' with Plan 18 (Landscape masterplan) in the PSP and 'address' any approval under the EPBC Act and the GGF CMP prepared by Biosis in 2024 (and as amended from time to time).

This requires works to be 'generally in accordance' with one plan and 'address' others matters. This is likely to create confusion – especially if there are any inconsistencies between Plan 18 and any EPBC Act approval. The drafting in Clause 2.4 and 2.5 should be simplified to reference the landscape masterplan in the PSP.

The Committee is recommending that any permit application needs to include an assessment against relevant EPBC Act approval – this will mean that any permit application will need to be consistent with an EPBC Act approval, so this does not need to be repeated in the specific provisions.

(v) Findings and recommendations

The Committee finds:

- UGZ8 and the PSP generally respond to biodiversity values in an appropriate matter.
- UGZ8 and the PSP do not appropriately respond to the EPBC Act strategic assessment process.
- It is premature to include detailed conditions and application requirements that closely tie the planning process with the EPBC Act strategic assessment, changes to the Final UGZ8 and PSP are recommended.

The Committee recommends:

Amend the Final Schedule 8 to the Urban Growth Zone as follows:

a) Insert the following at Clause 3.0 (Application requirements):

A report demonstrating that the proposal is in accordance with any relevant approval or draft approval under the Environment Protection and Biodiversity Conservation Act 1999

Certificate of Acknowledgement of Consent

An application to subdivide land, construct a building, or construct or carry out works must be accompanied by a Certificate of Acknowledgement of Consent recording agreement with the City to

rely on the Northern and Western Geelong Growth Areas EPBC Plan approval under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 except where there is an intention to rely on a proposed or existing approval under Part IX of that Act.

- b) Insert a new decision guideline at Clause 6.0:**

Whether the application is generally in accordance with the draft EPBC Plan or any relevant approval under the Environment Protection and Biodiversity Conservation Act 1999.

- c) Delete Condition – Commonwealth Biodiversity Developer Implementation Plan at Clause 4.0.**

- d) Revise the specific provisions for the Cowies Creek Conservation Area at Clause 2.4 to read as follows:**

Any proposed subdivision within or directly adjacent to the Cowies Creek Conservation Area as shown in Plan 17 Biodiversity & Threatened Species of the Creamery Road PSP.

- e) Revise the specific provisions for the Cowies Creek Conservation Area at Clause 2.5 to read as follows:**

Any proposed development (including earthworks, paths, in-stream pools, ephemeral soaks, street furniture or other infrastructure works) within or directly adjacent to the Cowies Creek Conservation Area as shown in Plan 17 Biodiversity & Threatened Species of the Creamery Road PSP.

- f) Delete any other remaining references the specify the need to comply with the Part 10 of the Environment Protection and Biodiversity Conservation Act 1999.**

Amend the Final Creamery Road Precinct Structure Plan as follows:

- a) Delete references that specify the need to comply with the strategic assessment under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999.**

5.10 Integrated water management

(i) The issues

The issues are whether:

- the requirements in the PSP and UGZ8 are generally appropriate in relation to Integrated Water Management
- the following specific requirements are appropriate:
 - recycled water
 - interim assets
 - references to EPA publications.

(ii) Background

The Final UGZ includes the following specific provision for Buildings and Works:

Provision of reticulated recycled water to all newly created lots and buildings must be connected to a reticulated recycled water supply system for toilet flushing and garden watering. Where a reticulated recycled water supply system is not available to the building, a building must be connected to a rain water tank with a minimum capacity of 2500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the responsible authority.

The Final PSP includes the following specific requirements relating to integrated water management:

Requirement 66 (R66)

All lots must be connected to:

- A safe and reliable potable water supply and sewerage services; and
- A reticulated recycled water system to provide for the supply of recycled water from a suitable scheme for toilet flushing, washing machine use and outdoor use including lawn and garden watering.

Where a reticulated recycled water supply system is not available, a lot must be connected to a rainwater tank of minimum 2kL for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the responsible authority and Barwon Water.

Requirement 67 (R67)

- Stormwater conveyance and treatment assets must be located generally in accordance with Plan 19 Integrated Water Management and designed generally in accordance with the Infrastructure Design Manual (IDM) and the Creamery Road Development Services Scheme (DSS), or subsequent drainage management plan, so as to comply with Clause 53.18 of the Planning Scheme, to the satisfaction of the responsible authority.
- Where development staging does not provide for the delivery of ultimate infrastructure for stormwater conveyance and treatment, development proposals must demonstrate how any interim solution can adequately manage and treat stormwater and construction sediment prior to discharge from the development, how the interim solution responds in so far as reasonably practicable to EPA document 1739.1 (Urban Stormwater Management), and how the interim solution will not prejudice the delivery of the ultimate DSS asset, to the satisfaction of the responsible authority.

Requirement 100 (R100)

- The asset must be delivered through an agreement made under Section 173 of the Planning and Environment Act 1987, or another suitable measure as agreed to by Council, and the proposal must comply with the best practice requirements of the ultimate infrastructure.

Requirement 75 (R75)

An application to develop and/or subdivide land within any areas identified as 'untreated for drainage' as shown on Plan 19 Integrated Water Management, must be accompanied with a drainage catchment and water quality treatment assessment as part of the stormwater strategy proposal.

Planning Scheme provisions

Clause 53.18 (Stormwater management in urban areas) has the following purpose:

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

(iii) Evidence and submissions

Requirement 66 - Reticulated recycled water

Council did not support the deletion of R66. In its Day 0 PSP Council expanded the use of the reticulated recycled water to include washing machines and watering of lawns at the request of Barwon Water. In a subsequent revision it deleted reference to volumetric control on the advice of the drainage experts that this was not required.

Bisinella submitted:

- R66 should be deleted as it duplicates requirements in UGZ8.
- The provision in the UGZ (section 2.5) should be made clearer that rainwater tanks are required in locations where Barwon Water determines not to supply reticulated recycled water, noting it may not be practicable to provided reticulated recycled water to all lots.

R67, R69, R75, Table 11 and R100 storm water quality and interim assets

Bisinella raised concerns:

- with how a bespoke drainage solution for their land would be assessed under R67 and R70
- that the reference to Clause 53.18 of the Planning Scheme may bring in more considerations than storm water quality
- that precinct scale stormwater quality performance levels are a key principle in the Development Services Scheme (DSS) but this has become less evident in later documentation added to the DSS, noting the plethora of documents defining the drainage strategy
- that reference to the EPA's *Urban stormwater management guidelines* (EPA Victoria, June 2021) (EPA Publication 1739.1) would bring in assessment of both volumetric control and water quality targets in the EPA document, which may differ from the DSS.

Bisinella sought specific reference to isolated catchments in R75 and Table 11 and allowance for stormwater assets to be located on encumbered open space. In relation to interim assets, it sought:

- inclusion of references to 'temporary' assets, as well as 'interim' assets
- removal of reference to EPA Publication 1739.1.

Stephen Hundt of Loetis gave evidence for Bisinella. As discussed in Chapter 3.9, Mr Hundt advised the Bisinella land would require a bespoke drainage solution including gross pollutant traps and with nitrogen and phosphate removal compensated by other parts of the system and this is what is envisaged in the DSS.

Council did not agree to these changes noting:

- reference to 'precinct scale' targets was redundant in the context of a PSP
- interim asset includes temporary assets
- the EPA's *Urban stormwater management guidelines* (EPA Victoria, June 2021) (EPA Publication 1739.1) would need to be reviewed in any event given it forms part of the knowledge base that needs to be considered the EP Act duty of care responsibilities
- it would not agree to stormwater assets on any open space area.

Several parties called for the removal or limitation of the requirement for Section 174 Agreements when interim assets were employed. Drainage experts agreed that Section 173 Agreements for interim assets were not necessary as developers would be incentivised to remove a temporary asset to release land for sale after a permanent asset was provided. Council included discretion on the use of Section 173 Agreements in the Final UGZ8.

(iv) Discussion

Requirement 66 – Reticulated recycled water

As a general rule duplication of requirements should be avoided to avoid confusion. In this instance for example Council expanded the use of recycled water in the PSP but did not make the similar change in UGZ8, nor did it include the expanded uses in the requirement for water tanks. Simply deleting R66 would also remove its requirement for the provision of a safe and reliable potable water supply and sewerage services as this is not included in UGZ8.

Both provisions require lots to be connected to reticulated recycled water without any allowance for discretion (As it is not envisaged this is practicable).

The Committee considers that there would be benefit in having the requirements split across the PSP and UGZ8 - with the PSP focussing on the subdivision requirement to connect the lots to networked supply systems and UGZ8 focussing on connections provided when development occurs on the lots. This will make it clearer for building surveyors in the event no planning permit is needed for building works.

R67, R69, R75, Table 11 and R100 storm water quality and interim assets

The Committee agrees with Council that interim assets would include temporary assets and there is no reason to refer to temporary assets as the controls would be the same.

As discussed in Chapter 3.9 consideration must be given to the impacts on stormwater quality targets on land that falls outside the precinct drainage system. Including reference to precinct scale stormwater quality performance levels is appropriate to ensure that this purpose is met by all parties. Given the substantial amount of material in the DSS it is reasonable to qualify the reference to Clause 53.18 and this is consistent with the relevant wording in R75.

EPA Publication 1739.1 sets out guidelines, rather than requirements, and forms part of the best practice knowledge base that should be considered under the EP Act general duty, whether listed in the PSP or not. Council's wording in the Final PSP capturing this document is not unreasonable.

There is no compelling reason to specifically reference local isolated catchment in R75 and Table 11.

(v) Findings and recommendations

The Committee finds:

- the Integrated Water Management requirements in the PSP and UGZ8 are partly appropriate, changes are recommended

- in relation to the following specific requirements:
 - recycled water requirements need to be updated to remove duplication and allow greater discretion decision makers
 - the precinct scale stormwater quality requirements do not need to apply to interim assets
 - the reference to the EPA Publication 1739.1 is appropriate.

The Committee recommends:

Amend the Final Creamery Road Precinct Structure Plan to:

a) Revise Requirement 66 to read as follows:

All lots must be connected to:

- ***A safe and reliable potable water supply and sewerage services; and***
- ***A reticulated recycled water system to provide for the supply of recycled water from a suitable scheme for toilet flushing, washing machine use and outdoor use including lawn and garden watering, unless otherwise agreed by the responsible authority and Barwon Water.***

Amend the Final Schedule 8 to the Urban Growth Zone as follows:

a) Amend Clause 2.5 (Recycled Water) to read as follows:

A building must be connected to a reticulated recycled water supply system, or a rainwater tank of minimum 2kL or an alternative grey water recycling system scheme, for toilet flushing, washing machine use and outdoor use including lawn and garden watering, unless otherwise agreed by the responsible authority and Barwon Water.

6 Native Vegetation Precinct Plan

(i) The issue

The issue is whether updates are required to the NVPP.

(ii) Background

The Amendment proposes to introduce the NVPP into the Planning Scheme at Clause 52.16 (Native Vegetation Precinct Plan). The NVPP addresses biodiversity values across the precinct and shows areas of native vegetation removal and retention.

Section 3.2 of the NVPP sets out what native vegetation must be retained and what can be removed, subject to the requirements in the NVPP.

(iii) Submissions

Council submitted:

- the NVPP was prepared alongside the PSP
- the NVPP summarises the biodiversity values in the precinct and seeks to retain native vegetation within the creek buffer (or Conservation Area)
- outside of the creek buffer, the NVPP identifies native vegetation that will be lost through development and will therefore needs to be offset
- relevant recommendations of the NVPP are incorporated into the provisions and plans of the PSP.

DEECA submitted:

- The majority of native vegetation proposed for retention occurs within the Cowies Creek riparian corridor.
- The NVPP should be updated to demonstrate, based on hydrological investigations, that this vegetation will not be directly or indirectly impacted by altered hydrological conditions within the creek system.
- Section 3.2 of the NVPP should be amended as follows:

Unless an exemption under Clause 52.16 applies, a permit under that clause is required to remove, destroy or lop any native vegetation not accounted for in the NVPP. This includes native vegetation that may have been missed during surveys undertaken for the NVPP, as well as native vegetation that establishes within the precinct following gazettal of the NVPP

- The NVPP should be amended to incorporate the following requirements from section 10.1 of the *Guidelines for the removal, destruction or lopping of Native Vegetation* (Version 1.1, DEECA, 2025) (Native Vegetation Guidelines):
 - Requirement 2 – Topographic and land information relating to the native vegetation to be removed, showing ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 per cent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate. This may be represented in a map or plan.
 - Requirement 3 - Recent, dated photographs of the native vegetation to be removed.
 - Requirement 5 - An avoid and minimise statement. The statement describes any efforts to avoid the removal of and minimise the impacts on the

biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value.

- Requirement 9 - An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- The condition scores in the NVPP do not appear to align with the scores included in the Existing Ecological Conditions report (Ecology and Heritage Partners, 2021). The scores should be checked and if they are incorrect a new NVPP would be required.
- An expiry date should be included in the NVPP (recommending the wording in the Greater Avalon Employment Precinct).
- The NVPP excludes one patch of Plains Grassland (PG1) identified within Property 14 in the Existing Ecological Conditions report (Ecology and Heritage Partners, 2021).
- At least two native vegetation patches extend across multiple properties (Patches CR10 and CR4). As offset obligations in the NVPP are presented on a per-property basis, it is unclear how these cross-boundary patches will be managed. As only General Habitat Units are triggered by removals across the precinct, it is suggested that these patches (and any others of a similar nature) could be split along property boundaries. For Patch CR4, this would require identifying the Creamery Road reserve as a new 'property'.
- Minor corrections should be made to figures, references and labelling.

Villawood submitted:

- The Exhibited NVPP assumes that the Part 10 EPBC approval has already been granted.
- There is no requirement for the NVPP to do more than have regard to any approval under Part 10 of the EPBC Act (if such an approval exists). To achieve this, it recommended the following changes at page 3 and 4 of the NVPP respectively:

Ensure that areas retained for the protection of native vegetation are managed to conserve ecological values in accordance with the any Northern and Western Geelong Growth Areas (NWGGA) Strategic Assessment approval made under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), the NWGGA Biodiversity Conservation Strategy (BCS), and the Creamery Road Precinct Structure Plan (PSP).

Ensure that areas set aside to protect native vegetation are managed to conserve biodiversity and other values in accordance with any the NWGGA Strategic Assessment approval made under Part 10 of the EPBC Act, the NWGGA BCS, and the Creamery Road PSP.

- The NVPP should state that any native vegetation that appears after the NVPP is introduced is assumed to be permitted for removal.

(iv) Discussion

Relationship to the Part 10 EPBC Act approval

The NVPP should not be drafted on the assumption that the Part 10 EPBC Act approval has been granted. As recommended by several submitters, the drafting should be amended to reference “*any EPBC Act approval*”. This will also cover off the Yih-Sheng

land where a Part 9 EPBC Act approval has been granted. This is also consistent with other recommendations on how the Part 10 approval should be referenced throughout the Amendment (see Chapter 5.9).

It is not expected that consequential changes would arise, given the EPBC Plan explicitly states that it does not deal with State matters such as native vegetation.

Treatment of new native vegetation

There were opposing views on how new native vegetation (discovered after the implementation of the NVPP should be treated). DEECA said that the NVPP should be drafted such that a permit would be required to remove any 'newly discovered' native vegetation (unless an exemption applied). Villawood submitted the NVPP should be drafted so that 'newly discovered' native vegetation was assumed to be permitted for removal.

Clause 52.17-1 states that a permit is not required to remove native vegetation if a native vegetation precinct plan corresponding to the land is incorporated into the Planning Scheme and listed in the schedule to Clause 52.16.

Clause 52.16-3 states that a permit is not required to remove native vegetation if:

- the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met
- It meets the exemptions at Clause 52.16-8.

Section 3.2 of the NVPP sets out what vegetation can be removed without a permit, subject to the requirements in the NVPP. In relation to 'new native vegetation' it states:

For native vegetation that appears following approval of this NVPP, and all other native vegetation in the NVPP area that is not identified as 'to be retained', advice should be sought from the relevant responsible authority as to whether a permit is required for its removal, destruction or lopping.

The NVPP specifies where existing native vegetation is located and what can be removed at a point in time. A permit is not required to remove vegetation identified for 'removal' in the NVPP. The Committee appreciates Villawood is seeking complete certainty in terms of what native vegetation can be removed, however this is not how native vegetation precinct plans operate. Removal must occur within the scope of the NVPP. In most cases 'new' native vegetation is likely to be regrowth and is likely to be captured within the exemptions at Clause 52.16-8. Even if there is uncertainty, the Committee is satisfied that the existing wording in Section 3.2 of the NVPP is sufficiently clear and consistent with the operation of Clause 52.16 and 52.17.

Response to DEECA recommendations

DEECA recommended several adjustments to the NVPP, some were minor drafting changes and others were more substantive. The Committee does not think it is necessary for the NVPP to address the minor drafting recommendations. In relation to the more substantive recommendations the Committee suggests the following:

- Expiry date – agree that an expiry date should be included on the NVPP
- Hydrological investigations – the NVPP only allows nominated vegetation to be removed or destroyed, to that end any drainage scheme needs to be designed

to achieve that outcome. If vegetation is directly or indirectly impacted by altered hydrological conditions within the creek system – this would need to be assessed as a permit application made under Clause 52.17 (as this loss would not be within the scope of permitted removal under the NVPP). No change or update to the NVPP is warranted.

- Condition score – the condition score should be checked, however if there is a difference between the *Existing Ecological Conditions: Northern and Western Geelong Growth Areas* (EHP, July 2021) and 2024 – this is not an automatic trigger for a new NVPP – it is possible that some areas have degraded in the 3 year period. The condition scores should be checked to confirm the accuracy.
- Patches across properties and offset obligations – the Committee does not think this needs to be addressed, it is a level of detail that could be resolved at the permit stage (for example apportioning the offset obligations if the patch of vegetation is within different ownership).

(v) Finding and recommendations

The Committee finds the NVPP is generally acceptable subject to recommended minor updates.

The Committee recommends:

Undertake the following additional work before finalising the Creamery Road Native Vegetation Precinct Plan:

- a) confirm the native vegetation condition scores which informed the plan are accurate.**

Amend the Creamery Road Native Vegetation Precinct Plan as follows:

- a) Include an expiry date**
- b) Delete any reference to the strategic assessment under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 and replace with a reference to “any approval under the Environment Protection and Biodiversity Conservation Act 1999”.**
- c) Any consequential changes required following the completion of further work identified in recommendation 5.**