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Victorian Planning Authority

Via email: ██████████

CC: ██████████

Dear ██████████

**RE: BALLARAT NORTH PRECINCT STRUCTURE PLAN (BNPSP) – PUBLIC EXHIBITION
SUBMISSION ON DEVELOPMENT CONTRIBUTION PLAN (DCP)**

Beveridge Williams appreciates the opportunity to provide feedback on the exhibited Development Contributions Plan (DCP) for the Ballarat North Precinct Structure Plan (BNPSP). Our review has been undertaken in the capacity of representing the development industry, with a particular focus on ensuring the DCP appropriately reflects the *principles of nexus, equity and transparency* as required under the Planning and Environment Act 1987 and the Ministerial Direction on the Preparation and Content of Development Contributions Plans (2016).

Overview

The purpose of the DCP is to equitably distribute costs for infrastructure that has a clear nexus to the broader PSP area, including shared assets such as main drainage systems and connector roads. As outlined in Section 3.5 of the exhibited DCP, the plan is to fund “the construction of all necessary drainage infrastructure” where such works are necessary to service multiple development parcels or provide benefit across the precinct.

Land affected by 1-in-100 year flood events or required for flood mitigation purposes is classified as encumbered and, accordingly, excluded from developable yield calculations. It follows that DCP funding should not be used to subsidise private land gain or the enhancement of encumbered land where such works do not demonstrably benefit other contributors to the DCP.

1. Project WR-04 – Wetland and Retarding Basin

Project WR-04, located at 64 Sims Road, is appropriately identified as a DCP asset. However, the associated outlet pipeline, approximately 350 m in length through private property to the south, is omitted from the DCP cost schedule.

For consistency, the DCP should include an allowance for the outlet consistent with other wetland assets (e.g. WR-02), which apply a rate of \$513 per linear metre for outlet pipes. The omission results in inequity between contributors and an underestimation of the total basin cost.

2. Project DR-01 – Constructed Waterway

The DR-01 Constructed Waterway is currently costed at \$6.84 million, including \$754,845 for a “Q100 pipe along Horne Road” and a further \$2 million for extensive earthworks and reconstruction. The project description and justification, however, are inconsistent with both the SMEC Drainage Strategy and the intent of the DCP framework.

Key concerns are summarised below:

(a) Lack of Nexus and Equity

The proposed realignment of the existing drainage line occurs wholly within private land and directly benefits the owner by creating additional developable area otherwise constrained by floodplain. The SMEC Drainage Strategy clearly states:

“It is expected that the cost of the filling would not be included in the DCP costs but would be borne by the developer benefiting from the additional developable land that would otherwise be floodplain storage.”

The Planning and Environment Act 1987, Section 46J(1), requires that DCP levies be used only for works with a direct nexus to the development paying the contribution. Given DR-01 primarily benefits a single landowner, its inclusion conflicts with the principle of proportionality and fairness that underpins DCP formulation.

(b) Misattribution of Infrastructure

Item 2.2.1 in the DCP (Q100 pipe – 1650 mm, 1027 m at \$735/m) is attributed to “Horne Road”, which does not exist in the Mount Rowan area. The pipe location and purpose are unclear. Based on the drainage strategy, this item more logically corresponds with the WR-04 outfall, which should instead be costed consistent with other wetland outfalls (at \$513/m), not as part of DR-01.

(c) Duplication and Inconsistency with DCP Principles

The DCP notes under Table 9.3.1 specifically exclude:

- (2) Land filling; and
- (4) Burrumbeet Creek rehabilitation works.

Despite this, the DR-01 schedule includes substantial allowances for *earthworks, waterway diversion, and pool/riffle construction* – all of which contradict the stated exclusions.

Furthermore, the inclusion of a \$1.2 million “Culvert Realignment (Olliers Road)” under Item 3.2 is inconsistent, as no comparable culvert allowances are made elsewhere in the PSP (e.g. for similar structures identified in Table 7-10 of the drainage strategy).

(d) Encumbered Land Considerations

The land at 15 and 88 Olliers Road is designated under UGZ Schedule 3, Clause 2.4 as *encumbered by the Burrumbeet Creek Housing Area* and is affected by the Flood Overlay. Any drainage realignment within this area should therefore be considered a localised land development cost, not a shared DCP item. Alternatively, other land within the PSPS encumbered by flooding should be afforded Burrumbeet Creek rehabilitation and earthworks projects to improve yield.

DR-01 should not be a DCP project as it does not have nexus and equity with the PSP and is inconsistent with the Principles of the DCP.

3. Project RD-03-1c, RD-03-2c and BR-01 – Cummins Road Upgrade

Section 3.3 of the DCP states that “based on the assessed transport volumes and capacity required as part of the strategic Transport Modelling Assessment, costs have been apportioned to the Ballarat North DCP and will be shared with external areas,” with shared contributions limited to two major projects at 50% apportionment:

- Upgrades to Cummins Road (RD-03-1c and RD-03-2c), and
- Bridge crossing over Burrumbeet Creek at Cummins Road (BR-01).

However, the August 2025 Traffic Report prepared by Jacobs confirms that approximately 98% of all traffic using Cummins Road originates from within the BNPS (Core + Expanded Area). This indicates an overwhelming internal demand, demonstrating that Cummins Road primarily services the PSP area.

Given this, the applied 50% external apportionment lacks justification and results in inequitable cost sharing among internal PSP landowners. Furthermore, Cummins Road functions as a Collector Street, comparable in function, scale and hierarchy to Sims Road and Olliers Road. The selective inclusion of Cummins Road as a DCP-funded item is inconsistent with the general DCP approach that collector roads are excluded from contribution plans, except where they provide significant cross-precinct or regional benefit.

If the logic applied to RD-03-1c and RD-03-2c is maintained, then parity would require inclusion of the western section of Sims Road in the DCP, as it provides direct access from the PSP to the Gillies Road Major Activity Centre (MAC) and would also accommodate traffic from outside its immediate catchment. This inconsistency highlights the need for a uniform application of the DCP inclusion principles for collector streets.

Cost implications:

- Item RD-03-1c: \$1,472,883.89 (50%)
- Item RD-03-2c: \$1,150,690.54 (50%)

These represent substantial contributions (\$2,623,574.43) towards infrastructure that, by function and usage, should not be DCP projects costing \$9,584.88/NDHa.

Disparity is highlighted by the key concerns below:

(a) Sims Road

Sims Road (Midland Highway to Gillies Road) is currently apportioned 100% to the developers, yet this section of road remains unmade and is expected to service significant through-traffic to the Gillies Road MAC via a collector boulevard. The boulevard arrangement requires, one-way traffic resulting in significant infrastructure to be delivered by a single developer – north or south side of the reserve. If other comparable collector streets are to allocated shared funding consideration, Sims Road should likewise be eligible for a consistent level of external apportionment included in the DCP on the same basis as Cummins Road.

(b) Midland Highway

The Midland Highway is identified as a State-managed arterial road. The DCP and Jacobs Traffic Assessment note that approximately 50% of future traffic volumes on the Midland Highway are attributable to the PSP, yet the DCP allocates 100% of upgrade costs to the PSP. This directly contradicts the principles of equitable cost sharing and the Ministerial Direction on the Preparation and Content of Development Contributions Plans, which stipulates that DCP contributions should only recover costs for infrastructure reasonably required as a result of the development.

The Jacobs Traffic Report does not provide sufficient justification that the Midland Highway is at or approaching capacity. As an arterial road, design capacity is determined not solely by vehicle volume, but also by operational characteristics such as speed environment, lane width, and shoulder width. The report's assessment is limited to a basic description of pavement sealing, speed limit, and lane configuration without a full performance analysis against arterial design criteria.

Furthermore, the report presents contradictory findings. It states that "in peaks, a single lane in the base (no development) case would be approaching capacity, and without duplication, the Midland Highway would be over capacity in both Core and Core + Expanded cases." However, Figures 5-4 to 5-9 show that in the 2051 AM and PM Base (no development) scenario, volume-to-capacity ratios remain below 0.4, indicating free-flow conditions. Even under the "Core Only + Expanded" development scenario, the modelled v/c ratios range between 0.6 and 0.9, representing only moderate congestion, and only "nearing capacity" in the northbound direction.

Accordingly, it is not agreed that duplication or major upgrade works to the Midland Highway are causally or solely attributable to PSP-generated traffic. Where an upgrade to a State-managed road arises from existing or regional demand, funding responsibility should rest with the Department of Transport and Planning (DTP) as the relevant road authority. The full attribution of Midland Highway upgrade costs to the PSP is therefore unjustified and not supported.

4. Public Acquisition Overlays

The application of Public Acquisition Overlays (PAOs) to all drainage reserves is essential to give full effect to the draft drainage strategy and to ensure infrastructure delivery occurs in a coordinated manner across multiple land ownerships. Without a PAO mechanism, interim or temporary drainage measures may be required on upstream development land to enable staged development.

Such temporary works result in:

- Inefficient expenditure on non-permanent infrastructure.

- Duplication of construction costs when ultimate drainage assets are later delivered.
- Increased housing costs, as developers are forced to pass on the cost of redundant infrastructure to purchasers.
- Reduced number of viable lots brought to market.
- Higher house construction costs on later remediated land due to geotechnical requirements.
- A legacy of geotechnical and maintenance issues inconsistent with sustainable urban design outcomes.

These inefficiencies directly conflict with the VPA's objectives to support affordable and timely housing delivery across regional growth areas. By ensuring all drainage reserves are secured via PAOs and delivered in accordance with the ultimate strategy, these inefficiencies and structural risks can be mitigated.

Temporary drainage works and reconstruction of redundant infrastructure also increase carbon emissions through double-handling of materials, extended construction activities, and inefficiencies in design and delivery. This outcome is contrary to the Ballarat Net Zero Emissions Plan, which seeks to encourage net-zero development practices through integrated land use and infrastructure planning.

Applying PAOs at the outset:

- Minimises construction duplication and material wastage.
- Reduces emissions associated with unnecessary rework.
- Promotes sustainable and enduring infrastructure delivery.

Accordingly, the PAO mechanism directly supports the achievement of Council's Net Zero objectives and ensures that drainage infrastructure contributes to, rather than detracts from, long-term environmental performance.

The application of PAOs provides statutory certainty that the land required for drainage will be protected and delivered in line with the adopted strategy. It also ensures equity across landowners, particularly in precincts where drainage outcomes rely on downstream land being available to receive flows. Without a PAO, there remains a significant risk that if downstream development is delayed or does not proceed, critical drainage infrastructure cannot be delivered, resulting in:

- Delays to upstream development.
- Costly interim mitigation works that undermine the integrity of the ultimate drainage network.

A PAO therefore future-proofs the drainage strategy, guaranteeing that drainage assets can be delivered regardless of market sequencing or landowner willingness.

The application of PAOs to all drainage reserves provides the statutory certainty and coordination necessary to deliver the adopted drainage strategy efficiently and equitably. It reduces duplication, construction emissions, and housing costs; prevents piecemeal or temporary works that compromise urban outcomes; and ensures drainage infrastructure is delivered in a sustainable, future-proofed manner consistent with the objectives of the Ballarat Net Zero Emissions Plan, the VPA's affordable housing principles, and Clause 19.03-2S of the Planning Policy Framework.

Recommendation

The exhibited DCP requires refinement to ensure that outcomes coincide with background reports, and cost apportionment aligns with the statutory principles of nexus, equity, and accountability. Retaining DR-01 and maintaining the current road project apportionments risks placing disproportionate financial burden on developers for works that do not provide shared precinct benefit.

Accordingly, Beveridge Williams respectfully requests that the VPA amend the Ballarat North DCP to:

1. Assign/Reassign pipe outlet cost to WR-04.
2. Remove Project DR-01 from the DCP.
3. Review and correct road project apportionments for RD-03-1c, RD-03-2c BR-01, Sims Road, and Midland Highway to reflect actual usage and responsibility.
4. Apply PAO on all drainage Wetland/Retarding Basins; and

5. Ensure the final DCP adheres to the Ministerial Direction on DCPs and VPA Precinct Structure Planning Guidelines (2021), reinforcing transparency and fairness across all contributing landowners.

Yours faithfully,

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BEVERIDGE WILLIAMS