Planning Panels Victoria

Draft Greater Geelong Planning Scheme Amendment C477ggee

Referral 17 – Greater Avalon Employment Precinct

VPA Projects Standing Advisory Committee Report

Planning and Environment Act 1987

24 June 2026

VICTORIA State Government

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

Planning and Environment Act 1987

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24 June 2026

Sally Conway, Chair

Penelope Smith, Deputy Chair

John Hartigan, Member

Planning Panels Victoria

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Glossary and abbreviations

AAIAR	Avalon Airport Impact Assessment Report
ANLG	Avalon North Landowners Group (Avalon 2020, Avalon City and Avalon Lodge)
Avalon Airport	Avalon Airport Australia Pty Ltd
CAMP	Conservation Area Management Plan
CCMA	Corangamite Catchment Management Authority
CEMP	Construction and Environmental Management Plan
Committee	Victorian Planning Authority Standing Advisory Committee
Council	City of Greater Geelong Council
DAMP	Drainage Asset Management Plan
DDO53	Design and Development Overlay Schedule 53
DEECA	Department of Energy, Environment and Climate Action
DPO50	Development Plan Overlay Schedule 50
DSMS	Drainage and Stormwater Management Strategy
DTP	Department of Transport and Planning – New Communities
EE Act	*Environmental Effects Act 1978*
EPBC Act	*Environment Protection and Biodiversity Act 1999*

ESO4	Environmental Significance Overlay Schedule 4
FFG Act	*Flora and Fauna Guarantee Act 1988*
Frater	55 Beach Road Pty Ltd (Frater Group)
GAEP	Greater Avalon Employment Precinct
IN1Z	Industrial 1 Zone
IWMP	Integrated Water Management Plan
LAC	Limits of Acceptable Change
LVIA	*Landscape and Visual Impact Assessment, Frank Hanson 2024*
MAB	MAB Property Developments Pty Ltd
MPS	Municipal Planning Strategy
NASF	National Airports Safeguarding Framework
NVPP	*Greater Avalon Employment West Native Vegetation Precinct Plan*
OSLCP	Open Space and Landscape Concept Plan
PE Act	*Planning and Environment Act 1987*
PFAS	Per- and polyfluoroalkyl substances
Planning Scheme	Greater Geelong Planning Scheme
PPF	Planning Policy Framework
PPN23	Planning Practice Note 23: Applying the Incorporated Plan and Development Plan
PPN42	Planning Practice Note 42: Applying the Rural Zones
Practitioner's Guide	*Practitioner's Guide to Victoria's Planning Schemes*
Ramsar wetlands	Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site
RCZ16	Rural Conservation Zone Schedule 16
RLZ	Rural Living Zone
Table 1 Key Issues	Referred list of issues set out in Table 1 of the referral letter
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

Overview

Amendment summary	
The Amendment	Draft Greater Geelong Planning Scheme Amendment C477ggee
Common name	Referral 17 – Greater Avalon Employment Precinct
Brief description	Facilitate the master planning of land within the Greater Avalon Employment Precinct primarily for industrial use
Subject land	Greater Avalon Employment Precinct
The Proponent	DTP – New Communities (formerly Victorian Planning Authority)
Planning Authority	DTP – New Communities (formerly Victorian Planning Authority)
Council	Greater Geelong City Council
Public Consultation	13 November– 11 December 2025
Submissions	Number of Submissions: 59 (including 2 late submissions and 1 submission that was withdrawn)

Panel process	
The Panel	Sally Conway (Chair), Penelope Smith (Deputy Chair), John Hartigan
Supported by	Georgia Jennings (Project Officer), Georgia Thomas (Project Officer), Gabrielle Trouse (Project Officer) and Lauren Sharpe (Principal Project Officer)
Directions Hearing	18 March 2026 at Planning Panels Victoria and online
Committee Hearing	29, 30 April 2026, 4, 5, 6, 7, 11, 12, 13, 14, 15, 18, 19 May 2026 at Cliftons, Level 1, 440 Collins Street and online
Site inspections	Unaccompanied, 23 April 2026
Parties to the Hearing	See Appendix D
Citation	VPA Projects SAC Referral 17 – Greater Avalon Employment Precinct
Date of this report	24 June 2026

Executive summary

Draft Greater Geelong Planning Scheme Amendment C477ggee (draft Amendment) seeks to facilitate the master planning and staged rezoning of land within the Greater Avalon Employment Precinct (GAEP). The draft Amendment applies to land in the GAEP West and the GAEP North precincts. The intervening Avalon Airport land is Commonwealth land and is subject to its own master planning process.

The GAEP is located on the traditional lands of the Wadawurrung people.

The GAEP is identified in *Plan for Victoria* and the *Avalon Corridor Strategy*, 2022 as a future industrial and employment precinct. Victoria's Economic Growth Statement identifies it as one of three regional greenfield locations for industrial and employment land. On completion, the GAEP is estimated to support around 17,963 jobs, excluding employment generated by the operation of Avalon Airport itself.

The GAEP adjoins the Princes Freeway, providing direct freight and commuter links to some of Victoria's fastest growing residential corridors in Geelong and Wyndham. It is proximate to the Port of Geelong, the Point Wilson Commonwealth defence asset, and the towns of Lara and Little River. Existing rail services run north of the precinct, and the proposed Avalon Airport Rail link is intended to deliver further intermodal integration.

Most importantly however, and the primary basis for the GAEP, is the presence of the Avalon Airport. Avalon Airport is recognised in state policy as a Principal Transport Gateway and a strategic Commonwealth aviation, freight and logistics asset. Development envisaged for the GAEP is shaped by this relationship more than any other factor, and it is the adjacency of the airport that underpins the GAEP's strategic significance. However, the proximity of the GAEP to the airport also brings with it a responsibility to protect the airport's current and future operations.

The GAEP's natural and environmental setting is equally significant and is a key reason behind the complexity of planning for the precinct. The GAEP West retains remnants of the former Cheetham Saltworks (including salt pans and associated wetland features), coastal saltmarsh, and native grasslands. It adjoins the Ramsar-listed Port Phillip Bay (Western Shoreline) and Bellarine Peninsula wetlands and the Avalon Coastal Reserve to the south, which provide internationally significant habitat for migratory shorebirds. The area supports habitat for multiple threatened species. Melbourne Water's Western Treatment Plant lies immediately to the east and south-east of the GAEP North. These environmental assets impart a requirement for the careful management of drainage, stormwater and biodiversity impacts arising from development of the precinct.

The GAEP West also adjoins established rural residential properties along Avalon Road. The transition from low-density rural living to large-scale industrial development at this interface raises important amenity considerations, including visual impact, traffic and land use compatibility.

The need to simultaneously leverage the GAEP's strategic proximity to the airport to deliver a nationally significant employment precinct, while protecting the airport operations, important environmental assets and the amenity of adjoining residential

areas makes planning for the GAEP a particularly complex undertaking and forms the basis of the key issues referred to the Committee.

The proposal

The draft Amendment rezones the majority of land in the GAEP West to the Industrial 1 Zone (IN1Z) and applies a Development Plan Overlay (DPO50) and Design and Development Overlay (DDO53) to facilitate its planning and development as an employment precinct. It proposes to apply the Rural Conservation Zone (RCZ16) to the areas of highest environmental significance. The Amendment also introduces a Native Vegetation Precinct Plan (NVPP) to manage native vegetation, removal exemptions and offset requirements. The Minister for Planning is proposed to be the responsible authority for the approval of a development plan under the DPO50.

The draft Amendment does not rezone the GAEP North. Instead, it introduces local policy at Clause 11.03-6L-06 to guide and stage future rezoning through a separate amendment.

The Hearing process

The Department of Transport and Planning (New Communities) (DTP), formerly the Victorian Planning Authority, has prepared the draft Amendment in consultation with the City of Greater Geelong (Council), various government agencies and stakeholders, and nearby landowners. Following public consultation, 59 submissions were received (including late submissions).

On 16 February 2026, the DTP referred a series of key issues arising from those submissions to the Victorian Planning Authority Projects Standing Advisory Committee (the Committee) and sought its advice on key issues relating to:

- flooding, drainage and integrated water management for the GAEP West
- biodiversity matters in the GAEP West
- strategies under Clause 11.03-6L-06 for the future rezoning of the GAEP North
- the drafting of the planning scheme ordinance for the GAEP West.

During the Hearing, DTP produced several iterations of the Amendment in response to submissions and expert evidence. This iterative process, supported by joint expert statements on drainage, ecology and biodiversity, traffic and planning matters, narrowed the scope of many issues and resolved some issues.

The Committee commends DTP, the parties, agencies and experts involved for the constructive and proactive way they engaged throughout the Hearing, which focused the Committee's attention to the most contested issues. The Committee commends Council for the rigour with which it tested these matters, and individual submitters who brought valuable information and context to the Committee's considerations. The Committee also appreciates the willingness of DTP and other parties to provide drafting comments at the close of Hearing, which informed the Final Day version of the ordinance. The Committee's recommended versions of this ordinance, included at Appendix F to this report, are based on that Final Day version.

Overarching conclusions for each of the referred key issues are set out below.

Flooding and drainage

For the GAEP West, the Committee is satisfied the Final Day DPO50 provides sufficient certainty about the management of drainage and flooding to allow rezoning of land to the Industrial 1 Zone to proceed. This confidence rests on a robust framework requiring evaluation of stormwater run-off and flood flows, supported by compelling expert evidence on the suitability of the proposed controls and mitigation options to protect the environmental values of the Ramsar wetlands and the Avalon Coastal Reserve.

There is further work to be done before development can proceed and this is appropriately guided by the DPO50 provisions. Given the intersection of drainage, hydrological, environmental and airport issues that extend across and beyond the GAEP West, and which carry precinct wide spatial implications, it is essential that the key water management strategies required by the DPO50, being the Drainage and Stormwater Management Strategy (DSMS), the Integrated Water Management Plan (IWMP) and the Avalon Airport Impact Assessment Report (AAIAR), are prepared on a precinct-wide basis.

The Committee also supports:

- locating drainage assets outside the RCZ16 unless an ecological or biodiversity benefit can be demonstrated
- referencing a requirement to mitigate wildlife strike risk to airport operations in the DSMS and Open Space and Landscape Concept Plan (OSLCP)
- inclusion of a requirement to assess surface water contaminants as part of the DSMS.

Biodiversity

The Committee is satisfied the proposed extent of the RCZ16 is appropriate and consistent with Planning Practice Note 42. It captures the highest value, contiguous areas of native vegetation in the GAEP West, including areas with the best prospects for retention and ongoing management, while appropriately excluding highly modified grassland dominated by high threat weeds. The NVPP appropriately identifies vegetation for retention and removal and includes a suitable offset framework, which the Department of Energy, Environment and Climate Action, as the relevant regulator, is satisfied will appropriately manage potential biodiversity impacts. On this basis, the Committee is satisfied rezoning of land in the GAEP West can proceed.

However, development should only proceed once an updated, precinct-wide biodiversity assessment, informed by in-season survey of all significant species, has been completed as part of the development plan. This work is necessary to establish a robust ecological baseline and to inform preparation of the Conservation Area Management Plan (CAMP) and OSLCP. It is considered this further work can occur post rezoning as it will not change the extent of the RCZ16, which already captures all areas of highest ecological value.

The conservation values in the RCZ16 are currently written as objectives and should be amended to clearly describe ecological values to be conserved.

The Committee also supports:

- removing the requirement for a separate Environment Protection and Biodiversity Conservation Report from the DPO50

- applying the CAMP requirement only to land in the RCZ16 as conservation areas are contained within this zone
- addressing implementation of the CAMP by the inclusion of a condition in Clause 3.0 of the DPO50
- the proposed deletion of the Environmental Significance Overlay Schedule 4 (ESO4), on the basis that areas of high value will continue to be protected through the RCZ16.

Strategies under Clause 11.03-6L-06

Clause 11.03-6L-06 clearly sets out the necessary steps, which comprise drainage and transport matters, for the future rezoning of the GAEP North.

It is appropriate to includes this rezoning strategy in local policy to signal higher order matters of state significance that must be addressed prior to rezoning.

The Committee concludes further drafting changes are required including:

- to remove the word 'future' before rezoning as the strategy requires the necessary steps to have been demonstrated prior to rezoning
- consolidating and amending the transport bullet points to more clearly express the state transport matters that need to be addressed prior to rezoning land in the GAEP North
- amended wording which focuses on the state transport assets, primarily the Beach Road / Princes Freeway interchange and associated infrastructure including Beach Road, required to protect the transport needs for the operations of the Avalon Airport.

Drafting of planning scheme ordinance

<u>Permits before approval of a development plan</u>

The Committee considers the scope of permits able to be granted prior to approval of a development plan should be confined. This is to protect the integrity of the development plan process and to avoid foreclosing options before key precinct-wide strategies, including the DSMS, IWMP and AAIAR are resolved.

The Committee does not support permitting 'super lots', roads, physical infrastructure, utilities or filling works prior to the approval of a development plan, noting their potential to alter hydrological and ecological conditions and the potential to prejudice precinct wide spatial decisions. It supports retaining the qualifier 'minor' before 'buildings and works' in Clause 2.0 of the DPO50.

The type and nature of permits that can be granted prior to the approval of a development plan would also benefit from minor editing to remove duplication.

<u>Development plan requirements</u>

The Committee considers the Final Day version of the Clause 4.0 development plan requirements are broadly appropriate. Generally, the DPO50 should avoid drafting that adds no operative effect.

The ability to consider the views and draw on the expertise of relevant authorities and stakeholders will be important when assessing a development plan, particularly given the

technical complexities of the GAEP West. It is appropriate to require decisions around assets eventually requiring ownership or management by Council to be to its satisfaction.

DDO53 and DPO50

The Committee considers the DDO53 performs an important role in directing site-specific urban design, built form and subdivision outcomes, and in safeguarding Avalon Airport operations pending finalisation of its masterplan and associated Planning Scheme controls. It does not support folding all of the DDO53 requirements into the 'design guidelines' of the DPO50.

However, several landscaping and subdivision requirements in the DDO53 duplicate outcomes already addressed through the precinct-wide requirements of the DPO50 and are more appropriately located within the latter instrument.

The Committee does not support including formal notice requirements to Avalon Airport under section 52(1)(c) of the *Planning and Environment Act 1987* within the DDO53. It supports the approach proposed by the DTP to consider the views of Avalon Airport through the decision guidelines at Clause 6.0 of the DDO53 where relevant.

Avalon Road interface

The Committee is satisfied the DPO50 and the DDO53 adequately manage visual and land use amenity impacts to RLZ properties along Avalon Road. The inclusion of an indicative 25-metre linear reserve and landscaping at this interface, along with detailed building design and siting requirements, will address visual amenity impacts.

The operation of the IN1Z and Clause 53.10 decision guidelines at the permit stage will effectively address land use amenity impacts arising from specific proposals.

However, the Committee considers the potential traffic impacts of development on Avalon Road, which are projected to increase from 200 to 17,500 vehicle movements per day by 2056, have not been adequately addressed in the draft Amendment and recommends this occur through the Integrated Transport Management Plan required under Clause 4.0 of the DPO50.

Recommendations

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

1. **Draft Greater Geelong Planning Scheme Amendment C477ggee be prepared and approved as exhibited subject to the changes recommended in this Report**
2. **Amend the Final Day Clause 11.03-6L-06 as shown in Appendix F:1**
3. **Amend the Rural Conservation Zone Schedule 16 to clearly describe conservation values in the Greater Avalon Employment Precinct.**
4. **Amend the Final Day Design and Development Plan Overlay Schedule 53 as shown in Appendix F:3**
5. **Amend the Final Day Development Plan Overlay Schedule 50 as shown in Appendix F:2.**

1 The Committee

1.1 Terms of Reference and referral letter

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

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

The Terms of Reference explain the Victorian Planning Authority (now the Department of Transport and Planning – New Communities) will provide a referral letter to the Committee Chair:

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

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

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

On 18 February 2026, the Department of Transport and Planning – New Communities (DTP) issued a letter of referral to the Committee in relation to the Greater Avalon Employment Precinct, and draft Greater Geelong Planning Scheme Amendment C477ggee. This is Referral 17 to the Committee. A copy of the referral letter is attached to the Report as Appendix B.

The DTP sought the Committee's advice and recommendations in relation to a referred list of issues set out in Table 1 of the referral letter (Table 1 Key Issues). It advised the Table 1 Key Issues had been identified through unresolved submissions and were grouped according to the following themes:

- Flooding, drainage and integrated water management
- Biodiversity
- Strategies under Clause 11.03-6L-06
- Drafting of planning scheme ordinance.

(i) Response to Terms of Reference

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

Table 1 Response to Terms of Reference outcomes

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

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

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

Table 2 Response to Committee referral letter matters

Theme	Report Chapter/s
Flooding, drainage and integrated water management	Chapter 4
Biodiversity	Chapter 5
Strategies under Clause 11.03-6L-06	Chapter 6
Drafting of planning scheme ordinance	Chapter 7

1.2 Submissions and issues

(i) Consultation and key issues

DTP undertook targeted public consultation on the draft Amendment during November and December 2025. A total of 59 submissions were received, including two late submissions received after the issue of DTP's Part A submission. One submission was withdrawn during the Hearing.

All submissions were referred to the Committee. However, the Committee was requested to confine its advice to matters raised in submissions relevant to the Table 1 Key Issues. A list of referred submissions is attached to the Report as Appendix C.

DTP explained in the referral letter that any engagement by the DTP on issues not before the Committee was in furtherance of its efforts to resolve unreferred issues and was not intended to alter the limited scope of issues referred to the Committee for advice.

The Table 1 Key Issues referred to the Committee include whether:

Flooding, drainage and integrated water management

- the planning controls proposed in the draft Amendment provide enough certainty about the management of drainage and flooding to allow Industrial 1 Zone rezoning and development to proceed

Biodiversity

- the proposed extent of conservation areas and native vegetation identified for protection, including the proposed application and extent of the Rural Conservation Zone, is suitable
- the planning controls proposed in the draft Amendment appropriately manage potential biodiversity impacts to allow Industrial 1 Zone rezoning and development to proceed

Strategies under Clause 11.03-6L-06

- the strategies at proposed Clause 11.03-6L-06 clearly outline the necessary steps for the future rezoning of Greater Avalon Employment Precinct North via a separate amendment

Drafting of planning scheme ordinance

- the type and nature of permits that can be granted prior to the approval of a development plan under the DPO50 is appropriate
- the requirements for a development plan at clause 4.0 of DPO50 are appropriate as it relates to the:
  - site master plan
  - environment protection and biodiversity conservation report
  - Avalon Airport impact assessment report
  - integrated water management plan
  - drainage and stormwater management strategy
  - drainage and conservation area asset management plan
  - staging plan
  - landscape concept plan
  - conservation management plan
  - environmentally sustainable development assessment
- the urban design, subdivision and design outcomes sought for GAEP West are appropriately contained within a schedule to a Design and Development Overlay (as proposed in the DDO53) or in the DPO50
- the controls included in the proposed DPO50 and DDO53 provide for acceptable interface outcomes and manage potential adverse amenity impacts to the Rural Living Zone properties along Avalon Road, west of the precinct.

1.3 Evidence

Experts called to give evidence during the Hearing are listed in Table 3.

Table 3 Expert evidence

Expert	Firm	Area of expertise	Party
Ben Hughes	Water Technology	Drainage	DTP
Scott Dunn	Engeny	Drainage	Council
Michael Mag	Stormy Water Solutions	Drainage	Avalon Ind 1 Pty Ltd (Avalon Ind 1)
Chris Beardshaw	Afflux	Drainage	MAB Property Developments (MAB)

Expert	Firm	Area of expertise	Party
Isaac Clarey[1]	Loetis	Drainage	Sarah McNaught, 235 Avalon Road, Avalon
Lance Lloyd	Lloyd Environmental	Aquatic ecology	DTP
Stephen Rowley	SGS Economics & Planning	Town planning	DTP
David Barnes	Hansen	Town planning	Avalon Ind 1
John Glossop	Glossop Town Planning	Town planning	MAB
Justin Pegg	WSP	Ecology and biodiversity	DTP
Jenna Forbes	SMEC	Ecology and biodiversity	Council
Dan Weller	SMEC	Ecology and biodiversity	Council
Aaron Harvey	Biosis	Ecology and biodiversity	MAB
Ian Smales	Biosis	Ecology and biodiversity	MAB
Reece Humphries	Stantec	Traffic	DTP
Henry Turnbull	Traffix	Traffic	Avalon Airport Australia (Avalon Airport)
Hilary Marshall	Ratio	Traffic	Avalon Ind 1
David Beaton	Quantum Traffic	Traffic	Avalon 2020, Avalon City and Avalon Lodge – Avalon North Landowners Group (ANLG)

1.4 Procedural issues

No significant procedural issues were raised during the Hearing process although:

- clarification was sought from the DTP on the scope of the referral with more detail provided on each referred matter[2]
- Jurien Bay Lobster Co Pty and the Grassy Plains Network (Victorian National Parks Association) advised during the Hearing of their intent to rely on written submissions and not to make oral submissions.

In addition, representatives of Sarah McNaught advised there was no longer an intention to call Mr Isaac Clarey to give drainage evidence in chief or for him to participate in the round table for hydrology and drainage experts. The Committee invited parties to ask questions of cross examination of Mr Clarey through a written process, though none were received. The Committee had no questions for Mr Clarey and his evidence was accepted as a written statement.

[1] Mr Clarey provided written evidence but was not ultimately called to present at the Hearing
[2] Document 9

1.5 The Committee's approach

The Committee's Report is confined to the Table 1 Key Issues and deals with these issues under the following headings:

- Flooding, drainage and integrated water management
- Biodiversity
- Strategies under Clause 11.03-6L-06
- Amendment drafting.

The Committee:

- considered all submissions in the context of the referred issues, observations from site visits, and evidence, submissions and other material presented to it during the Hearing
- reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report
- has based its recommendations on the updated Final Day version of the Amendment documents.

1.6 Limitations

During the Hearing, several changes were made to provisions in the draft Amendment in response to submissions on matters outside the scope of the referred issues. DTP outlined the reasons for these changes in its submissions. Several parties made submissions on these issues through the course of the Hearing. Matters beyond the remit of the Committee have not been reviewed or considered by the Committee. The inclusion of these changes in the Committee preferred version of the draft Amendment should not be read as the Committee's support, or otherwise, for them.

2 The proposal

2.1 Great Avalon Employment Precinct

The purpose of the GAEP is to function as a significant industrial and employment precinct accommodating industrial, commercial and airport related land uses. It is estimated that the GAEP will support 17,963 jobs excluding the operations of Avalon Airport which it adjoins.

The GAEP (refer Figure 1):

- is located on the traditional lands of the Wadawurrung
- lies south of the Princes Freeway, approximately 16 kilometres from central Geelong and close to the towns of Lara and Little River
- is centred around Avalon Airport
- contains a North and West precinct.

The GAEP boundary is identified in *Plan for Victoria* and the *Avalon Corridor Strategy* (2022).

The GAEP West is bound by the Princes Freeway to the north, Avalon Airport to the east, the Avalon Coastal Reserve to the south and Avalon Road to the west.

The GAEP North forms a triangular shape, with the Princes Freeway to the north-west, Beach Road to the south and Western Road to the east.

The Avalon Airport land is not part of this Amendment and is subject to its own master planning process and the Victorian government is not the planning authority for this land. It is understood that a review of the *Avalon Airport Masterplan* (2015) is currently underway.

Two interchanges with the Princes Freeway provide access to the GAEP at Avalon Road and Beach Road. Point Wilson Road interchange to the north-east also provides access via Point Wilson Road and Beach Road.

The GAEP is close to some of Victoria's fastest growing residential corridors in Geelong and Wyndham and proximate to key transport and freight facilities including Avalon Airport, the Port of Geelong, Point Wilson (a key Commonwealth defence asset), State passenger and freight rail services and the Princes Freeway.

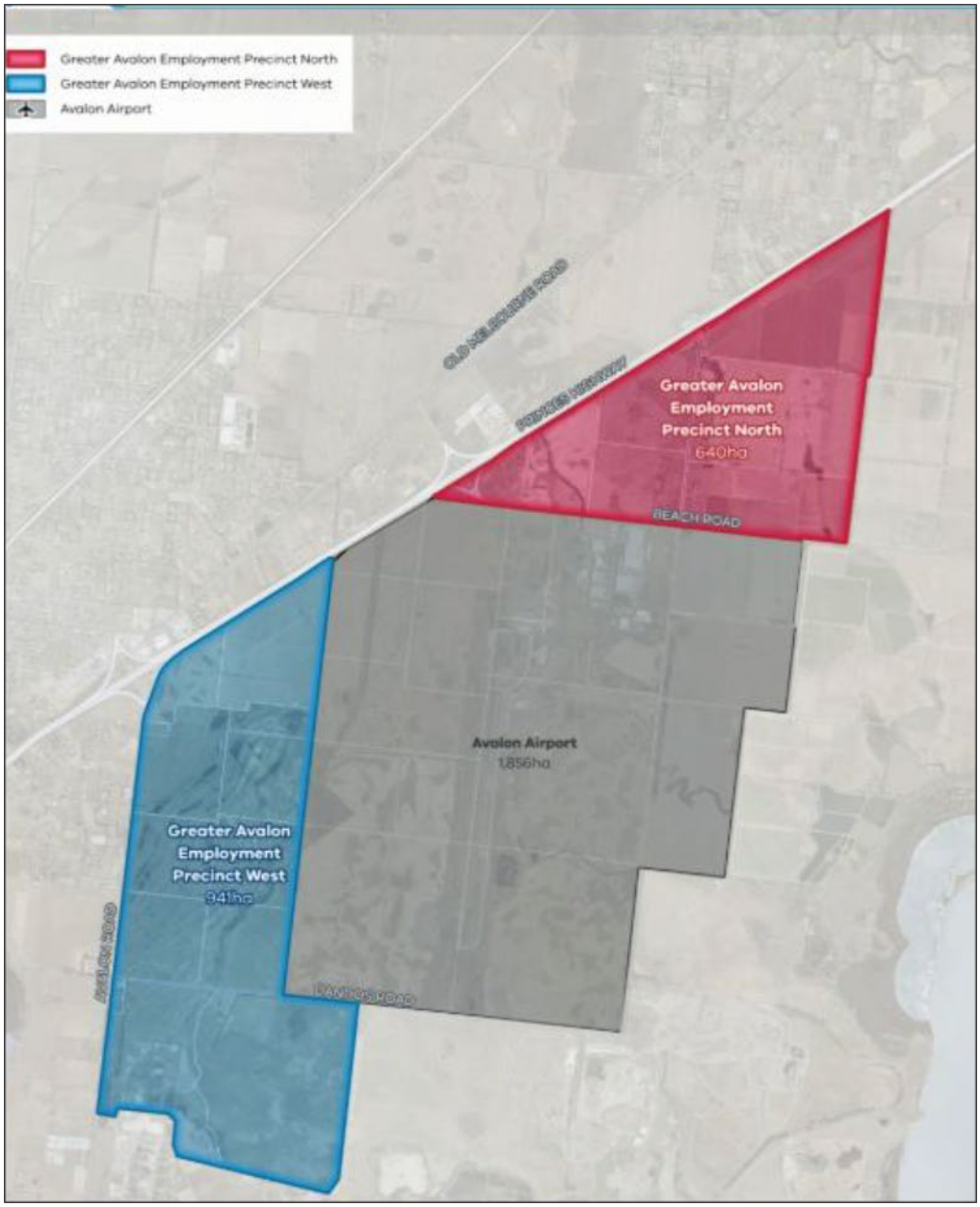
The following matters of State interest have been identified for the GAEP:[3]

- safeguarding of Avalon Airport and ensuring future development is compatible with the airport's operations. This includes functions associated with Point Wilson to the south that require access to the Avalon Airport as a strategic Commonwealth asset
- the capacity and safety of State transport infrastructure and the need for any upgrades

[3] Document 14: Proponent's Part A submission

- protection of environmental and biodiversity values, including native grassland and habitat for threatened species such as the Victorian Grassland Earless Dragon
- protection of Ramsar wetlands, coastal saltmarsh, and the Western Treatment Plant from stormwater runoff from proposed development areas.

Figure 1 Greater Avalon Employment Precinct



Source: Document 14, Proponent Part A Submission

2.2 Existing land use and surrounds

The GAEP is mostly used for agricultural grazing and cropping and includes parts of the former Cheetham Saltworks. It also includes the Geelong Motorsports Complex, a freeway service centre and two rural residential lots.

It comprises 14 landholdings (excluding the airport land owned by the Commonwealth Government and leased by Avalon Airport Australia Corporation Pty Ltd), with properties ranging from 2.64 hectares to 783 hectares.

The land is generally flat and a significant portion of the GAEP West accommodated the former Cheetham Saltworks which has resulted in major modification to the landscape by the formation of salt ponds. Seawater was previously pumped into the ponds to create salt, however since the operations ceased several decades ago salinity is declining in some areas.

The land is within the Hovells Creek (Lara) and Little River water catchments, which ultimately drain into Port Philip Bay. The GAEP West is within the responsibility of the Corangamite Catchment Management Authority (CCMA) and the GAEP North is mostly within the responsibility of Melbourne Water, with a small area in the west within the CCMA catchment.

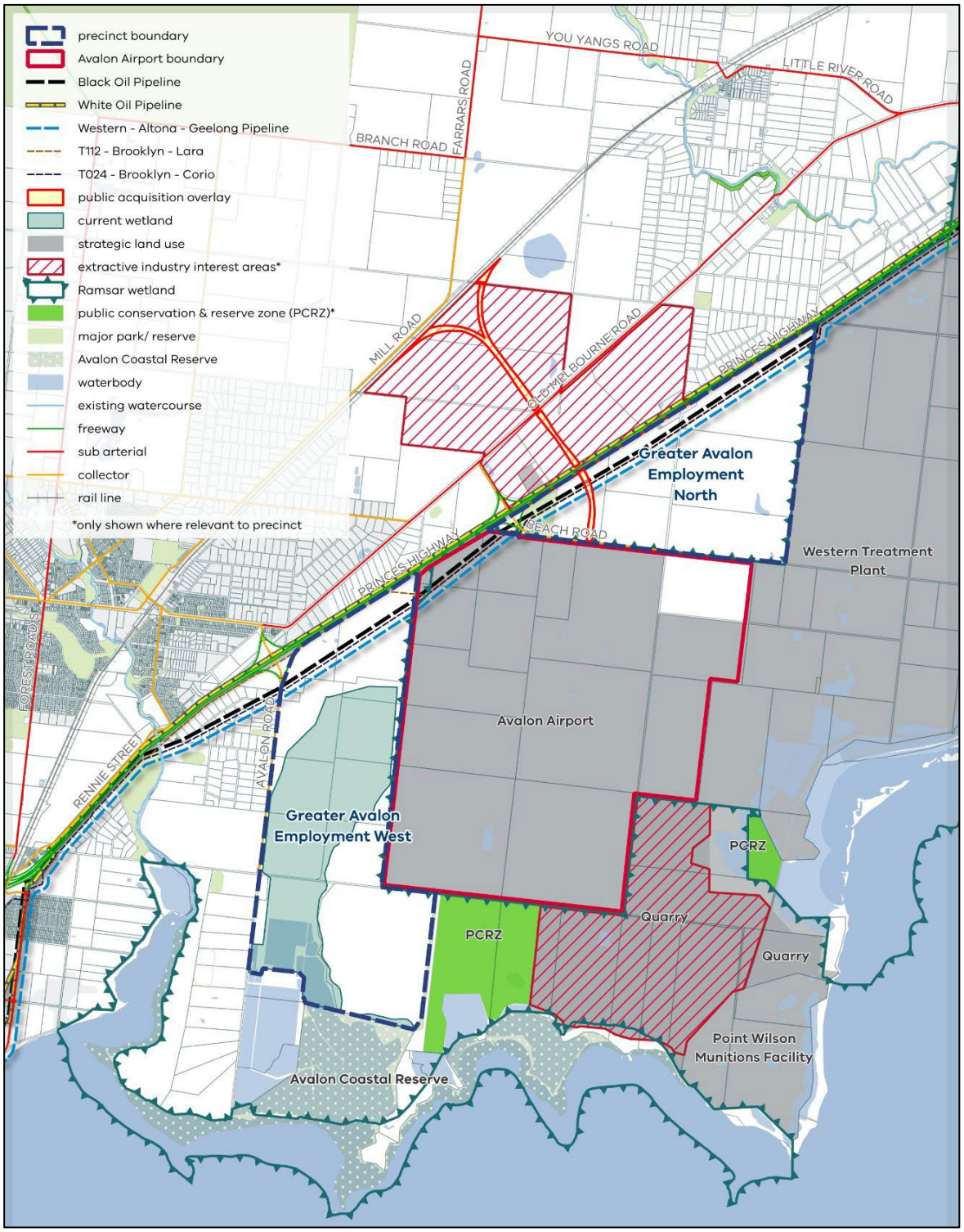
Several sites within the GAEP are recorded in the Victorian Aboriginal Heritage Register and it is understood that stony rises within the GAEP West are areas of high cultural sensitivity.

Surrounding land use is shown in Figure 2 and includes:

- rural living and farming uses to the west of GAEP West
- the Avalon Coastal Reserve and Port Phillip Bay to the south of GAEP West
- the Avalon Airport land between the GAEP West and GAEP North
- farmland, rural living uses that form part of Lara and light industrial uses next to the Avalon Road interchange north of the Princes Freeway
- Melbourne Water's Western Treatment Plant to the east and south-east of the GAEP North.

The Western Treatment Plant, the Avalon Airport land and some of the coastal areas to the south are part of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site (Ramsar wetlands). These areas provide internationally significant habitat for migratory birds.

Figure 2 Land use context



Note: While an application to remove part of Mapped Wetland 54715 in GAEP West was approved by DEECA on the basis that it does not meet the mapped wetland criteria, it is still currently included in the State government online mapping (awaiting future updates to reflect the approved removal). As such it is shown in the above figure as 'current wetland'.

Source: Document 14, Proponent Part A Submission

2.3 Draft Greater Geelong Planning Scheme Amendment C477ggee

The draft Amendment proposes changes to the Greater Geelong Planning Scheme (Planning Scheme) to facilitate the master planning process of the GAEP.

The draft Amendment applies to land in the GAEP West and GAEP North precincts (refer to Figure 1).

The draft Amendment proposes to:

- introduce new local policy at Clause 11.03-6L-06 'Greater Avalon Employment Precinct', which sets out the future vision for the whole precinct, staging criteria for rezoning of the GAEP North and a GAEP Framework Plan
- rezone land in the GAEP West from Farming Zone and Special Use Zone Schedule 1 to IN1Z (815 hectares) and RCZ16 (126 hectares)
- apply the DDO50 to land within the GAEP West
- apply the DDO53 to land within the GAEP West
- remove the ESO4 from land in the GAEP West
- include native vegetation removal exemptions and offset requirements for areas within the GAEP West in the Schedule to Clause 52.16
- require referral of some permit applications to specific service authorities for land shown in Plan 1 to the DPO50 through the Schedule to Clause 66.04
- list the Minister for Planning as the responsible authority for the approval and any amendment of a development plan under DPO50 in the Schedule to Clause 72.01
- update the list of maps in the Schedule to Clause 72.03
- incorporate the *Greater Avalon Employment West Native Vegetation Precinct Plan,* WSP, November 2025 in the Schedule to Clause 72.04.

2.4 Versions of the draft Amendment

Throughout the Committee process, several versions of the draft Amendment were presented to the Committee by the DTP responding to submissions and evidence, including the:

- Public consultation version – referred on 18 February 2026 (Documents 3a to 3p)
- Day 1 version – submitted on 10 April 2026 (Documents 13a to 13o), with a Day 1 version of the NVPP (clean and tracked changes versions) submitted on 14 April 2026 (Documents 15a and 15b)
- Day 1 version 2 of the DPO50, DDO53 and Clause 11.03-6L-06 – submitted on 27 April 2026 (Documents 50a to 50c)
- Part B version of the DPO50, DDO53 and Clause 11.03-6L-06 – submitted on 11 May 2026 (Documents 90-92)
- Part C version of the DPO50, DDO53 and Clause 11.03-6L-06 - submitted on 18 May 2026 (Documents 116a to 116c).

Parties were given the opportunity to provide written comments on the Part C version following the close of the Hearing. Eight parties elected to do so:

- Viva Energy

- Sarah McNaught
- MAB
- Avalon Airport
- 55 Beach Road Pty Ltd
- Council
- Avalon Ind 1.

The DTP subsequently submitted a Final Day version of the DPO50, DDO53 and Clause 11.03-6L-06 on 26 May 2026 (Documents 132a to 132c) as permitted by Direction 42 of the Committee.

The Committee's recommended versions of the DPO50, DDO53 and Clause 11.03-6L-06 in Appendix F are based on the DTP's Final Day version.

3 Planning context

3.1 Planning context

This Chapter identifies high level planning context relevant to the draft Amendment.

Table 4 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 2.03-1 Settlement - Clause 02.03-2 Environmental and landscape values - Clause 02.03-3 Environmental risks and amenity - Clause 02.03-7 Economic Development - Clause 02.03-8 Transport
Planning Policy Framework	- Clause 11 - Settlement - Clause 12 – Environmental and landscape values - Clause 13 – Environmental risks and amenity - Clause 14 – Natural resource management - Clause 15 – Built environment and heritage - Clause 17 – Economic development - Clause 18 – Transport - Clause 19 - Infrastructure
Planning scheme provisions	- Industrial 1 Zone - Rural Conservation Zone - Development Plan Overlay - Design and Development Overlay - Environmental Significance Overlay
Planning scheme amendments	- Greater Geelong Planning Scheme Amendment C450ggee – Creamery Road Precinct Structure Plan - Greater Geelong Planning Scheme Amendment C453ggee – Lara Business Park
Ministerial directions	- Ministerial Direction 1 (Potentially contaminated land) - Ministerial Direction 11 (Strategic assessment of amendments) - Ministerial Direction 13 (Managing coastal hazards and the coastal impacts of climate change) - Ministerial Direction 19 (Amendments that may result in impacts on the environment, amenity and human health) - Ministerial Direction 22 (Climate change consideration)
Planning practice notes	- Planning Practice Note 23: Applying the Incorporated Plan and Development Plan, September 2022

	Relevant references
	- Planning Practice Note 23: Applying the Incorporated Plan and Development Plan (PPN23) - Planning Practice Note 30: Potentially Contaminated Land, July 2021 - Planning Practice Note 42 Applying the Rural Zones, June 2024 (PPN42) - Planning Practice Note 46: Strategic Assessment Guidelines, September 2022

3.2 Policies and strategies

(i) Plan for Victoria

The GAEP is identified as a key strategic employment area in *Plan for Victoria* on the 'Geelong in Future' map, recognising its importance to the long-term growth of the Geelong region.

(ii) Avalon Corridor Strategy

The *Avalon Corridor Strategy* sets out the future vision for growth and land use planning between Melbourne and Geelong. It identifies the GAEP on the Framework Plan (although the GAEP West area is smaller than now proposed). It refers to commercial and industrial development within and surrounding the Avalon Airport, while recognising the need to protect areas of environmental value along the coastline and in the Ramsar wetlands.

4 Flooding, drainage and integrated water management

4.1 Background

The draft Amendment proposes to address drainage and flooding matters through conditions and requirements in the DPO50. Clause 4.0 of the DPO50 includes requirements for:

- an Integrated Water Management Plan (IWMP)
- a Drainage and Stormwater Management Strategy (DSMS)
- a Drainage Asset Management Plan (DAMP).

The DPO50 also contains associated permit conditions to give effect to the requirements of an approved development plan.

The draft Amendment Explanatory Report explains:

> The precinct is located on low-lying, reclaimed land previously used for salt production, which poses a high risk of inundation, particularly under projected sea level rise scenarios. Flood modelling indicates that parts of the GAEP area are subject to both overland and coastal inundation risks during a 1% Annual Exceedance Probability (AEP) event. The amendment responds to this by incorporating flood management provisions in DPO50. Development must be appropriately sited and elevated to ensure flood resilience, and stormwater management strategies must support water-sensitive urban design. Additionally, future development plans must demonstrate how impacts on surrounding areas including the adjoining Ramsar wetlands will be avoided or mitigated.

It also states that:

- an integrated stormwater management system will convey stormwater runoff through the precinct in natural and constructed waterways, control the rate of flow and treat the quality of runoff to meet best practice standards
- the DPO50 will require future development to consider stormwater drainage to reduce the amount of runoff from urban development and improve the quality of stormwater runoff entering waterways.

Background reports relevant to drainage, stormwater management and water quality issues informing the draft Amendment include:

- *Greater Avalon Employment Precinct West Development Plan Overlay – Position Paper* (HARC, 3 November 2025) (HARC report)[4]
- *Greater Avalon Employment Precinct – Existing Conditions Situation Analysis* (Alluvium, January 2025) (Alluvium report)[5]
- *Existing Conditions Flood Modelling Report Technical Memorandum*, Alluvium, 31 May 2024[6]
- *Land Capability Assessment*, Jacobs, April 2025[7]

[4] Document 4f
[5] Document 8f
[6] Document 4g
[7] Document 4j

An expert meeting to consider drainage and flooding issues was held prior to the Hearing with a report issued following outlining agreed and not agreed positions of the experts. The meeting was held in two parts as follows:

- Component 1 – Ecohydrology – attended by both the ecology, and hydrology and drainage experts
- Component 2 – Hydrology, stormwater and drainage – attended by the hydrology and drainage experts.

The experts considered the Day 1 version of the draft Amendment.

4.2 Planning controls and management of drainage and flooding

(i) The issue

The issue is whether the planning controls proposed in the draft Amendment provide enough certainty about the management of drainage and flooding to allow Industrial 1 Zone rezoning and development to proceed.

In response to Committee Direction 8, DTP clarified the scope of each referred issue. For the drainage and flooding issue, it sought advice in relation to:

> - whether the drafting and substance of the proposed planning ordinance, particularly the Development Plan Overlay – Schedule 50 (DPO50), can suitably ensure that drainage and flooding matters are addressed in an appropriate manner. In this respect, DTP does not seek the Committee's advice about the particulars of drainage assets or their future management but, rather, whether the planning controls will appropriately facilitate the resolution of those matters.[8]

(ii) Evidence and submissions

DPO50 Drainage and Water Management Controls

DTP submitted the draft Amendment provided a robust, performance-based framework to facilitate development of the GAEP West while ensuring that the detailed resolution of drainage, flooding and integrated water management will occur in an effective and timely manner. It noted the expert evidence overwhelmingly supported the view that the relevant risks associated with water management, flooding and water quality have been identified, understood at a strategic level and can be addressed through the structure of the DPO50.

All experts agreed the Ramsar wetlands and Avalon Coastal Reserve are ecologically significant and sensitive areas that warrant protection. The hydrology and drainage experts deferred to the ecology experts in defining key values and threats to these environments. They ecology experts identified the key threats as:

- changes to water quality
- increases in freshwater inflows to environments that are naturally saline or estuarine.

[8] Document 9

All of the hydrology and drainage experts, and most of the ecology experts, agreed the DPO50 provides a robust framework capable of mitigating the identified threats, and that detailed discharge locations, design and Limits of Acceptable Change[9] compliance can be resolved through subsequent integrated water management plans, drainage strategies and approvals.

Mr Weller was concerned that different discharge options carry materially different ecological consequences, and that by not identifying preferred options prior to rezoning uncertainty remains about potential on site and off-site ecological impacts.

Mr Lloyd, the only aquatic ecology expert, considered whether the draft Amendment has sufficient safeguards to proceed at this time or whether detailed stormwater design, drainage investigations and any Commonwealth *Environment Protection and Biodiversity Act 1999* (EPBC Act) assessment processes needed to occur before the DPO50 is finalised. He noted the principal receiving environment for stormwater from the GAEP West is the coastal area associated with the Ramsar wetland and the Avalon Coastal Reserve which are sensitive to changes in hydrology, water quality, salinity regimes and disturbance to habitat.

Mr Lloyd explained the Limits of Acceptable Change (LAC) for the coastal wetlands was determined as part of the Ramsar site listing process and is applicable to the site as a whole. For the investigation and risk assessment required as part of the DSMS, a localised LAC will need to be determined for the affected part of the Ramsar wetlands and the Avalon Coastal Reserve.

There was disagreement between the biodiversity experts as to whether additional hydrological impact assessment was needed to inform the rezoning of the precinct and whether it should be completed prior to finalising the draft Amendment. Mr Pegg, Mr Harvey and Mr Smales considered the DPO50 controls are sufficient for the purpose rezoning, with further impact assessment, and development of design and mitigation measures to be completed as part of the development plan process. Mr Weller and Ms Forbes initially disagreed but after hearing the evidence of My Lloyd agreed these matters could be addressed post Amendment, provided they were captured in the DPO50.

The Council expressed concerns about drainage and stormwater management within the GAEP West. It maintained that due to the complexity of the GAEP West, further detailed work is required to resolve matters associated with:

- the legal point of discharge
- Ramsar wetland impacts and approvals
- how changes to hydrology will impact the ecology of the area
- the impact of sea level rise
- the ongoing cost and environmental risks associated with managing stormwater and drainage in the precinct.

[9] Limits of Acceptable Change are defined as the variation that is considered acceptable in a particular component or process of the ecological character of the wetland, without indicating change that many lead to a reduction or loss of the criteria for which the site was Ramsar listed, Department of Climate Change, Energy, the Environment and Water, www.dcceew.gov.au/water/wetlands/managing/limits-acceptable-change

It submitted that without this further work, the Committee cannot be satisfied the management of drainage and flooding can be resolved to allow rezoning to occur. It said the GAEP West should not be treated differently to the GAEP North, where a drainage strategy is required to be prepared prior to rezoning.

The DTP argued the distinction between the GAEP West and the GAEP North is a proper reflection of the differing site conditions and differing planning risk. It submitted that the GAEP West can proceed under a framework which requires detailed drainage work to occur post rezoning whereas GAEP North has a different relationship to the Western Treatment Plant and the Ramsar site. It referred to the advice of Melbourne Water that more must be known about drainage of GAEP North before rezoning could be supported so that there is confidence that a drainage strategy can be implemented with acceptable impacts and without disruptions to the operation of the Western Treatment Plant.

The Council also submitted that because of the complexity of drainage and flooding issues in the GAEP West, a drainage strategy and risk assessment should be developed on a precinct-wide basis prior to approval of the Amendment. The CCMA similarly submitted the IWMP should be prepared at the precinct-wide scale. DTP agreed and amended the DPO50 to require a precinct-wide IWMP and DSMS.

The Department of Energy, Environment and Climate Action (DEECA) maintained water management issues should be addressed as far as practicable at the rezoning stage. It submitted deferring key investigations and resolution to the development plan stage would introduce uncertainty about potential impacts to environmental values. However, in response to questions from the Committee, DEECA confirmed its primary concern was ensuring there was a level of confidence in determining;

- what a proposed drainage solution would be
- whether there would be any flow on effects to the precinct or any development more broadly rather than requiring a solution be resolved before the Amendment is approved.

DEECA did not seek any changes to the proposed DPO50.

MAB noted a significant and robust body of work had been undertaken on drainage and hydrology which has been subject to extensive review by all the drainage experts. It relied on the evidence of Mr Beardshaw in submitting there is no basis to defer or delay the Amendment on hydrological or drainage grounds. It submitted the DPO50 was a strategic framework that outlined what needs to be achieved with the detailed resolution of how it is to be achieved appropriately left to the development plan stage.

DTP submitted the question before the Committee was whether the planning controls provide enough certainty to allow the rezoning to proceed rather than whether every detailed design solution is resolved before the Amendment is approved.

It submitted there was universal agreement between the drainage and ecology experts that the planning controls in the draft Amendment provide enough certainty about the management of drainage and flooding to allow the Amendment to proceed and that universal agreement should be given significant weight by the Committee.

Potential Impacts on the Ramsar wetlands and Avalon Coastal Reserve

Following the evidence of the drainage experts, and aquatic ecology evidence of Mr Lloyd, Mr Weller agreed that outfall determination, ecological assessment of outfall scenarios and defining the localised LAC could occur post-Amendment provided they are captured in the DPO50 requirements.

Mr Weller considered the investigation and risk assessment for receiving waters should be a standalone requirement, separate to the DSMS. He also said it should include a marine and intertidal ecological baseline assessment of the Limeburners Bay/Point Wilson Ramsar segment and the definition of localised LAC for the Avalon segment. He said the investigation and risk assessment for the receiving waters cannot be finalised without knowing the outfalls and the outfalls should not be selected without an assessment of marine and intertidal values at all the outfall options.

Ms Forbes stated the level of risk to downstream native vegetation and ecological character of the Ramsar wetlands require a detailed risk assessment and drainage strategy prior to approval of the draft Amendment. However, after hearing the evidence of Mr Lloyd, Ms Forbes accepted the wording in the DPO50 would be sufficient to safeguard the downstream Ramsar wetlands and Avalon Coastal Reserve.

Mr Lloyd presented an ecological risk assessment matrix to evaluate the relative performance of stormwater management scenarios against key ecological attributes. Based on his initial assessment and reviews of the Alluvium and HARC reports, he concluded that further risk assessment is required including potential impacts on the Ramsar wetlands tested against a localised LAC. However, he was confident the requirements of the DPO50 were sufficient to ensure this work would be undertaken after approval of the draft Amendment.

Avalon Ind 1 noted the four drainage experts, informed by the evidence of the ecologists, and in particular the work by Mr Lloyd, reached a consensus position that a drainage system could be designed and implemented which would not have an adverse impact on the ecological values of the GAEP West and surrounds. It added the ecology experts accepted the evidence of the drainage experts that a drainage system could be designed and managed through the provisions of the DPO50.

MAB submitted the clear evidence before the Committee is the DPO50 provides an appropriate framework to ensure that the environmental values of the downstream Avalon Coastal Reserve and Ramsar wetlands are protected. MAB noted the evidence of Mr Beardshaw that given the size of the GAEP West there is sufficient land to design drainage assets to meet relevant criteria.

The DTP submitted that it has responded to the matters raised in submissions and the expert reviews by refining the DPO50 to include in the DSMS a requirement for an investigation and risk assessment prepared by a suitably qualified ecohydrology expert on the impact of proposed works on the environmental values of receiving waters, including the Avalon Coastal Reserve and Ramsar wetlands.

Location of drainage assets

The Council submitted the drainage experts agreed that there would be no need to locate drainage assets in the RCZ16 except were they might have an ecological or biodiversity benefit.

Ms Forbes, Mr Pegg, Mr Harvey and Mr Smales were of the view that only those assets that serve an ecological benefit (such as water sensitive urban design wetlands) would be appropriate in the RCZ16.

DTP agreed and proposed to amend the DPO50 to state that stormwater and drainage assets must be located outside the RCZ16 unless benefits to ecological values can be demonstrated.

The landowner of 235 Avalon Road submitted the designation of their land for drainage or water quality purposes is unwarranted, unsupported by the strategic evidence and inconsistent with the HARC report. Mr Clarey said Plan 1 in the DPO50 did not identify drainage or stormwater mitigation assets on the land at 235 Avalon Road.

Wildlife strike

Avalon Airport submitted the draft Amendment must ensure development of the GAEP West will not impede the safe operations of the Airport. It said the selection of uses, drainage asset classes and landscaping must ensure that the proposed development of the GAEP West will not attract wildlife which could increase the risk of collision between wildlife and aircraft.

Avalon Airport submitted wildlife strike is insufficiently resolved in the draft Amendment. It proposed drafting changes in the DPO50 to the requirements for the AAIAR, the DSMS, the CAMP and the OSLCP to strengthen the requirements mitigating the risk of wildlife strike.

MAB submitted there is an existing wildlife strike risk at the airport arising from the Western Treatment Plant and wetlands on the airport land. MAB referred to the evidence of Mr Beardshaw that wetlands can be placed outside risk zones and appropriately dealt with in a risk management plan as specified by the DPO50.

Avalon Ind 1 made similar submissions. It submitted development of its land and the MAB land would reduce risks to the airport by converting farming land to industrial and commercial uses thereby reducing the risk from 'moderate' to 'low' or 'very low' under the *National Airports Safeguarding Framework* guidelines (NASF guidelines).

DTP accepted that airport safeguarding issues may arise through stormwater, landscaping and conservation management. It submitted:

- the DSMS and the CAMP must specifically address mitigation of wildlife strike on airport operations
- the OSLCP must include details of how the landscape concept implements the requirements of the AAIAR.

It also proposed revisions to the DPO50 to:

- address the NASF in the AAIAR
- change the wording from 'bird strike' to 'wildlife strike' for consistency with Clause 18.02-7S of the Planning Scheme.

Surface water contaminants

The *Land Capability Assessment* (Jacobs, 2025)[10] identified four land parcels adjacent to the airport with potential for Per and polyfluoroalkyl substances (PFAS) in the soils and ground water. The experts agreed that testing for PFAS in surface water warrants further consideration by experts with experience in PFAS risk assessment and management. DTP acknowledged the absence of surface water testing for PFAS is a gap in the data but submitted this is not a strategic impediment to rezoning because future drainage and environmental work will require a risk-based consideration of contaminants of potential concern, including PFAS. To address this gap DTP proposed changes to the DPO50 to require surface water assessment for the relevant properties to determine the presence of any contaminants of potential concern to guide the location and management of stormwater detention basins.

MAB sought the deletion of this requirement. It submitted Mr Beardshaw did not see this as a significant issue. MAB submitted the requirement to include an assessment of surface water introduces an unnecessary additional regulatory burden to the development plan process.

DTP did not accept the removal of the requirement relating to surface water quality assessment. It submitted the addition of this requirement is an appropriate way to address contaminants of potential concern.

(iii) Discussion

DPO50 Drainage and Water Management Controls

It is clear that further investigations and assessments will be needed to confirm the protection of the environmental values of the Ramsar wetlands and the Avalon Coastal Reserve.

The key issue for the Committee is whether the proposed planning controls, specifically the DPO50, provide enough certainty about the management of drainage and flooding to allow Industrial 1 Zone rezoning and development to proceed without further work. That is to say does the DPO50 provide a suitable framework to ensure that drainage and flooding matters can be addressed appropriately.

The Committee does not agree with Council's view that the GAEP West and the GAEP North should be treated the same, and that a drainage strategy should be prepared for the GAEP West prior to rezoning. It is clear from Melbourne Water's submissions that the drainage issues in the GAEP North are more complex, primarily because drainage of land in the GAEP North is constrained by the proximity of the Ramsar wetlands immediately to the east and south, and by the presence of the Western Treatment Plant. Finding a drainage solution will be more difficult compared to the GAEP West.

The land in the GAEP West is predominately owned by two experienced developers who may wish to proceed with development of their land in stages. While the DPO head clause permits the preparation of a development plan (or its components) in stages, this is at the discretion of the responsible authority and may not always be appropriate. The

[10] Document 004j

Committee considers it essential that certain requirements in the DPO50 be prepared on a precinct-wide basis and not for separate parcels of land.

There are internationally significant, environmentally sensitive wetlands downstream of the precinct. A precinct-wide approach will be critical to holistically control water quality, limit fresh water flows and determine appropriate outfall locations to protect the environmental values of the receiving environments. While it may be possible to develop one parcel of land and retain run-off onsite, this will affect the range of available options for the precinct as a whole. Given the complexities associated with ensuring downstream environments are not negatively impacted, options should not be limited by permitting different drainage strategies (or plans that may influence drainage management, such as the AAIAR or IWMP) to be prepared for different sites across the precinct. A precinct-wide approach is required for the DSMS, IWMP and AAIAR.

Potential impacts on Ramsar site and Avalon Coastal Reserve

The Committee found the evidence of Mr Lloyd to be compelling. His ecological risk assessment and conclusions on the suitability of the controls and objectives in the DPO50 establish a high level of confidence that the downstream receiving environment, including the Ramsar wetlands and Avalon Coastal Reserve, can be protected through the assessment of mitigation options during the preparation of the development plan.

Included in the Final Day DPO50 DSMS provision is a requirement for an investigation and risk assessment of the proposed works on the environmental values of the receiving waters, Avalon Coastal Reserve and Ramsar wetland values. The Committee does not agree with Mr Weller that this needs to be a standalone requirement, separate to the DSMS, to establish a marine and intertidal ecological baseline. The assessment must be prepared by a suitably qualified ecohydrology expert, not a drainage expert, and consider the impact of proposed works on the environmental values of the receiving waters. This will necessarily establish a baseline for the aforementioned values; a risk assessment cannot be undertaken without documenting these values. In addition, there have been no threats identified by experts as likely to impact the receiving environment that are not associated with hydrological processes, including stormwater run-off or flood flows, and it would be unlikely for the risk assessment to inform plans beyond drainage. The requirement relates specifically to drainage works and therefore sits appropriately within the DSMS.

Location of drainage assets

There was general agreement that drainage assets should be located outside the RCZ16 unless it can be demonstrated that they might have an ecological or biodiversity benefit to habitat values within the conservation areas. The Committee supports this requirement in the Final Day DPO50.

The DPO50 does not specify the location of any drainage assets, including on land at 235 Avalon Road. It is premature to identify parcels of land in the precinct where assets may or may not be located prior to the development of the DSMS. Drainage asset locations will be determined through the preparation of the DSMS.

Wildlife strike

There are existing risks of wildlife strike to aircraft operating out of Avalon Airport associated with wetlands within and surrounding the precinct. That does not in the Committee's view negate the need to assess the risk of wildlife strike stemming from future drainage assets associated with development of the GAEP West.

The NASF guidelines include the assessment of the risks of wildlife strike through the appropriate siting of drainage assets. The amendment made to the AAIAR provision to require consideration of the NASF guidelines is appropriate.

Surface water contaminants

The Committee accepts the detection of PFAS in soils and ground water in four parcels adjacent to the airport is not a major issue which should delay approval of the Amendment. However, the issue should not be ignored; the presence of PFAS may impact receiving environments if not managed appropriately. It is important to adopt a precautionary approach in this instance by requiring an assessment of surface water for the relevant properties in the DPO50. This may assist in guiding the location and management of stormwater assets.

(iv) Conclusions

The Committee concludes:

- The planning controls proposed in the draft Amendment, specifically the Final Day DPO50, provide enough certainty about the management of drainage and flooding to allow rezoning of the land to the Industrial 1 Zone.
- The provisions in the DPO50 provide a robust framework to require the evaluation of stormwater run-off and flood flows to confirm that any potential impacts on the Avalon Coastal Reserve and Ramsar wetlands will be mitigated to the extent necessary to protect the environmental values and ecology of those downstream receiving waters.
- The DSMS, IWMP and AAIAR should be prepared on a precinct-wide basis.
- It is appropriate for drainage assets to be located outside the RCZ16 unless it can be demonstrated that specific assets have an ecological or biodiversity benefit to the habitat within the conservation reserves.
- The AAIAR should address the NASF guidelines to safeguard airport operations.
- It is appropriate to reference a requirement to mitigate the risks of wildlife strike to airport operations in the DSMS and OSLCP.
- It is appropriate to require an assessment of surface water for the properties in Table 1 of the DPO50 to ensure the DSMS is prepared having regard to potential contaminants.
- The Final Day DPO50 includes appropriate provisions in the DPO50 to address all of the matters referred to in these conclusions.

5 Biodiversity

5.1 Background

The draft Amendment proposes to protect native vegetation and biodiversity values through:

- application of the RCZ16 to high value conservation areas
- incorporation of a NVPP into the Planning Scheme, identifying vegetation that must be retained and vegetation that can be removed without a permit
- management instruments within the DPO50, including the CAMP, OSLCP and the Construction and Environmental Management Plan (CEMP).

It is proposed to remove the ESO4 from land in the GAEP West.

The draft Amendment Explanatory Report explained the *Biodiversity Assessment for the Greater Avalon (Employment) Precinct* (Ecology and Heritage Partners) (Biodiversity Assessment), identified areas of environmental and ecological value to be protected and retained in the GAEP. It informed application of the RCZ16 and preparation of the NVPP.

The Biodiversity Assessment states the methodology for the assessment included a review of literature, online resources, databases and past ecological assessments for the site, and field survey.

The Biodiversity Assessment identified the following ecological values for the GAEP West (summarised):

- eight native ecological vegetation classes comprising 177.40 hectares, including 130.57 hectares of Coastal Saltmarsh
- 3.91 hectares of nationally significant Natural Temperate Grassland of the Victorian Volcanic Plain
- 29.66 hectares of state significant Western (Basalt) Plains Grassland
- 0.13 hectares of state significant Western Basalt Plains (River Red Gum) Grassy Woodland
- one nationally significant flora species, Spiny Rice-flower, recorded in the Council road easement adjacent to the south-eastern boundary of the GAEP West
- known presence of nationally significant fauna, including:
  - Blue-winged Parrot
  - Curlew Sandpiper
  - Common Greenshank
  - Sharp-tailed Sandpiper
  - Growling Grass Frog
  - Golden Sun Moth
- potential habitat for the nationally significant Victorian Grassland Earless Dragon
- known presence of three state significant fauna:
  - Tussock Skink
  - Fat tailed Dunnart
  - Little Eagle
- adjacent to an internationally significant Ramsar Wetland.

The Biodiversity Assessment was updated once during the Hearing, following the meeting of ecology experts.[11]Key changes are discussed in Chapter 5.2. No changes were made to the summary of ecological values that occur in the GAEP.

The Biodiversity Assessment also identified values for parts of the GAEP North, however advice has not been sought from the Committee in relation to biodiversity in the northern precinct.

The NVPP was revised twice during the Hearing to:[12]

- align with the modified RCZ16 extent
- correct errors in relation to the amount of vegetation to be retained
- amend the expiry timeframe from 15 years to 10 years, in accordance with a request from the DEECA
- clarify findings of the Biodiversity Assessment
- include additional recommendations for:
  - retention of native vegetation and habitat outside the RCZ16 as much as practicable
  - landscaping and revegetation to provide flora and fauna habitats to promote biodiversity
  - control of noxious weeds
  - the inclusion of habitat creation in any conservation management plans in consultation with a bird strike specialist
  - consideration of domestic animal control
  - discouraging access to areas of ecological value
- remove duplication with requirements in the DPO50 and reference to the ESO4
- update the offset statement with further information to align with the *Guidelines for the removal, destruction or lopping of native vegetation* (DEECA, August 2025) (Native Vegetation Guidelines)
- other minor corrections.

This clarification of scope limited consideration of matters under the biodiversity theme to the GAEP West.

5.2 Conservation areas, native vegetation and the extent of the Rural Conservation Zone

(i) The issue

The issue is whether the proposed extent of conservation areas and native vegetation identified for protection, including the proposed application and extent of the Rural Conservation Zone, is suitable.

In response to Committee Direction 8, DTP clarified the scope of each referred issue.[13] For this issue, it sought advice in relation to:

[11] Document 72
[12] Documents 15b and 70
[13] Document 9

- whether the proposed application and extent of the Rural Conservation Zone (**RCZ**) and areas of native vegetation identified for protection within GAEP West are appropriate and suitably defined for the purposes of the Amendment. In particular, DTP seeks advice regarding whether the RCZ and proposed Native Vegetation Precinct Plan (**NVPP**) accurately reflect the extent of and values of areas identified for conservation within GAEP West and provide a clear and effective planning mechanism for their protection while enabling the development of GAEP West

(ii) Evidence and submissions

Conservation areas and the extent of the RCZ16

Some submitters and the Council's biodiversity experts, Mr Weller (focusing on fauna) and Ms Forbes (focusing on flora), were concerned that ecological (fauna) values in the GAEP West had not been comprehensively identified and the Biodiversity Assessment was inadequate to inform the extent of conservation areas and thus the boundaries of the RCZ16. Mr Weller said additional sensitive areas may have been included if all ecological values had been adequately identified. He was also concerned the Biodiversity Assessment did not adequately identify impacts to all Matters of National Environmental Significance (MNES).

However, all biodiversity experts, including Ms Forbes, agreed the extent of the RCZ16 is generally appropriate in its coverage of high value native vegetation.

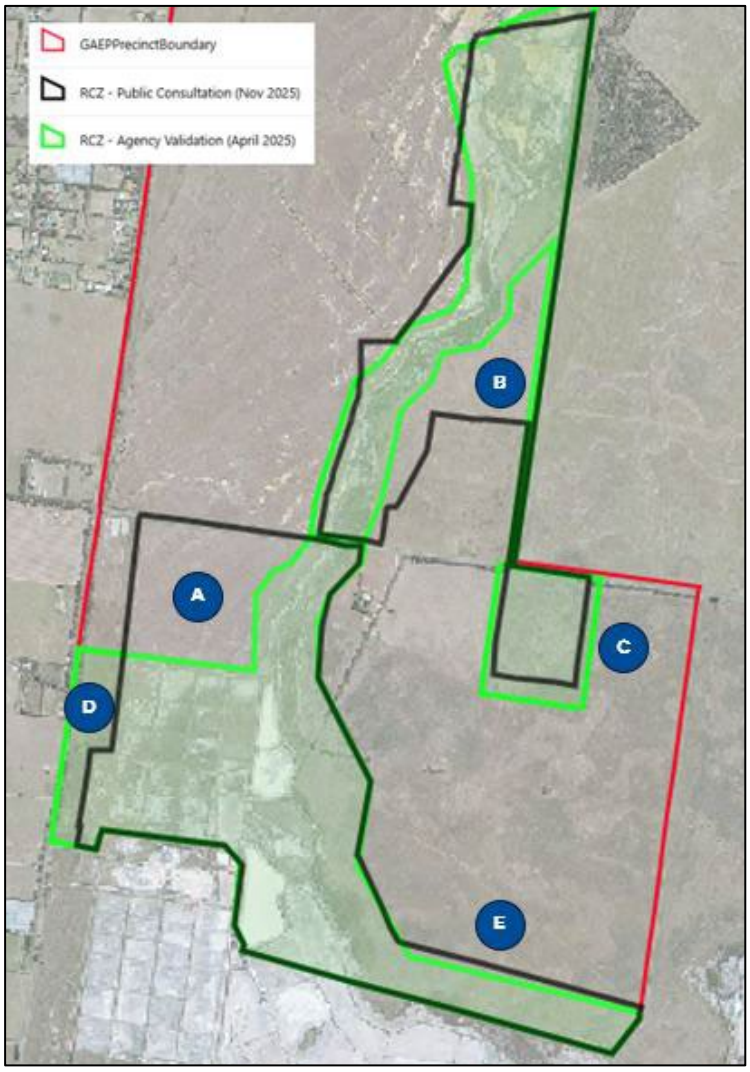
Evidence and submissions at the Hearing therefore primarily focused on whether fauna and associated habitat had been adequately identified and considered.

Mr Pegg referred to his role in assisting the DTP to determine the proposed boundaries of the RCZ16 by recommending habitat areas to be included (with buffers). He identified areas for conservation as:

- higher quality, less fragmented, and larger areas of habitat for threatened fauna species
- appropriate buffers of identified habitat, including suitable buffers of tidal and sea level rise modelling for migratory shorebirds
- habitat more likely to retain ecological value into the future.

Mr Pegg noted several revisions were made to the proposed RCZ16 boundary through discussions with stakeholders and agency validation which overall resulted in a larger conservation area than initially proposed (Figure 3).

Figure 3 Changes to RCZ16 boundary between agency validation and public consultation



Source: Document 14, DTP Part A submission

Mr Smales referred to extensive on-ground survey and assessment of the MAB site by Ecology and Heritage Partners, Biosis and WSP (Mr Pegg's firm and the author of the NVPP), and noted overall findings about the ecological values were generally consistent across all three assessments. He observed:

- many of the fauna values relate to historic land use of the site as a saltworks
- since this use ceased in 2002 the environment is undergoing a continual process of change, and without pumping of seawater into the ponds there has been a degradation of this environment
- the degradation of the salt pans is reducing the functional ecological value of the site as saltmarsh habitat for significant fauna.

Mr Smales recognised the *Conservation Action Plan for the Avalon Coastal Reserve* (Parks Victoria, 2025) sets out a plan to maintain ecological values of the coastal saltmarsh for shorebirds, particularly to adapt to rising sea level. However, Mr Smales considered the retention of vegetation, particularly in the area north of Dandos Road, unlikely to be viable in the longer term because of the changing hydrology and salinity and ongoing pressure from weed and pest species. He considered the proposed extent

of the RCZ16 would support the highest value vegetation for significant fauna and said conservation of the waterway and former salt pans south of Dandos Road will protect habitats currently used for foraging and roosting by shorebirds, including listed threatened and migratory species. He noted saltmarsh vegetation north and south of Dandos Road proposed for inclusion in the RCZ16 is used, or has potential to be used, by Blue-winged Parrots and Orange-bellied Parrots and the waterway north of Dandos Road includes the only known habitat for Growling Grass Frog on the site.

Ms Forbes noted prior to the operation of the Cheetham Saltworks land south of Dandos Road would have contained coastal saltmarsh due to the tidal influence of Port Phillip Bay. Land north of Dandos Road would have comprised Plains Grassy Woodland and Plains Grassland vegetation.

Mr Harvey supported prioritising conservation of native vegetation in the existing waterway corridor and the area abutting the Avalon Coastal Reserve, as these areas:

- are subject to lower levels of historic disturbance
- contribute habitat corridors or larger areas of connected habitat enhancing the prospect of long-term viability and management success
- are co-located with other ecological values such as habitat for Commonwealth listed threatened species
- assist in minimising downstream impacts to the Ramsar wetlands.

DTP identified further minor changes made to the RCZ16 alignment in the Day 1 version in response to submissions.

All biodiversity experts agreed:

- habitat buffer distances drawn from the literature review are generally acceptable
- the alignment is also acceptable for impacts to habitat for fauna listed under the EPBC Act and *Flora and Fauna Guarantee Act 1988* (FFG Act), mainly Golden Sun Moth, Fat Tailed Dunnart and Tussock Skink, because of limited conservation prospects for habitat which is dominated by exotic grasses, including high threat weeds such as Serrated Tussock and Chilean Needle-grass.

However, in relation to the Biodiversity Assessment, the biodiversity experts agreed:

- many issues raised about the adequacy and methods of fauna survey and associated results related to the failure of the report to accurately document investigations by Biosis (who had undertaken detailed survey and investigations for land at 75-95 Avalon Road – the MAB land)
- it omitted BirdLife Australia migratory shorebird program monitoring data
- it did identify habitat for all significant avifauna, such as Latham's Snipe, and non-indigenous canopy trees that might be utilised by Swift Parrot
- it contained incorrect advice regarding a trigger for an Environmental Effects Statement required under the *Environmental Effects Act 1978* (EE Act).

It was agreed some field survey did not strictly conform to various published survey guidelines. Mr Weller and Ms Forbes considered this could have an impact on the extent of the RCZ16. The other biodiversity experts did not. Mr Pegg, Mr Harvey and Mr Smales considered the identification of ecological values in the Biodiversity Assessment was

sufficient to inform rezoning and that detailed impact assessment would be undertaken following design of development through separate permit processes.

All experts agreed a referral under the EPBC Act may be required at a later stage and MNES listed species are not adequately assessed in the Biodiversity Assessment for the purpose of such a referral.

Following the joint meeting of the biodiversity experts, Mr Pegg recommended the Biodiversity Assessment be updated to:

- include BirdLife Australia data
- include finer scale habitat mapping for all fauna species of conversation significance
- refine considerations of drafting for the significant impact assessments
- consider including assessments for all MNES or justify their exclusion
- update drafting to clarify that actions taken in accordance with a DPO are not exempt from the requirements of the EE Act.

An updated Biodiversity Assessment was subsequently prepared during the Hearing, which the DTP submitted responded to Mr Pegg's recommendations.

Ms Forbes remained concerned that significant species, such as Creeping Rush, were inconsistently referenced and recommended the report be updated to correctly identify and record these species. However, Ms Forbes agreed offsets for this species were provided for in the NVPP.

The updates did not resolve Mr Weller's fundamental concerns with:

- the survey timing and methodology, particularly for threatened and listed migratory shorebirds, and the Orange-bellied Parrot and the Blue-winged Parrot
- the misapplication of the significant impact guidelines for various EPBC Act matters.

In oral evidence Mr Weller acknowledged the updated Biodiversity Assessment now included BirdLife Australia data but did not include analysis of this data.

Mr Weller emphasised the high ecological sensitivity of the GAEP West. He said the Biodiversity Assessment must be updated to identify all ecological values and needs to perform the equivalent function for ecological values that the NVPP performs for native vegetation. He maintained it needed to be updated prior to approval of the Amendment to appropriately inform the extent of the RCZ16.

Mr Weller also had significant concerns about the Biodiversity Assessment being used in future application processes for the development plan, planning permits, and particularly EBPC Act referrals, as an ecological baseline or indicator of whether potential impacts to several species could be assessed as significant. In oral evidence, Mr Smales, whose evidence also focused on fauna, agreed the significant impact assessments in the Biodiversity Assessment would benefit from further work.

Some submitters, including the Victorian National Parks Association had similar concerns to Mr Weller and said that areas for conservation of native vegetation and biodiversity values had not been appropriately determined. It submitted the draft Amendment is premature and it is important to resolve the extent of impacts to environmental values prior to proceeding with approvals. Based on the potential for

development to impact on coastal and Ramsar wetlands, and their capacity to adapt to climate change (particularly sea level rise migration), an Environmental Effects Statement should be prepared prior to rezoning land.

The Avalon Landcare Group raised concerns about the potential removal of Moonah trees along Avalon Road through road widening and said these play a key role in providing habitat for several snakes and the Victorian Grassland Earless Dragon.

A few submissions were concerned there was no proposed protection for gum trees lining Avalon Road which, it was submitted, support important mammal and bird life, including Grey-headed Flying-foxes. In oral evidence, Mr Smales noted the only potential habitat for this species in the GAEP West would be in these trees. The updated Biodiversity Assessment included a new assessment on potential impacts to the Grey-headed Flying-fox which concluded future development of the GAEP West is likely to result in a small decrease in foraging habitat for this species but that the study area is not considered to support an important population or habitat.

The two major landholders in the GAEP West, MAB and Avalon Ind 1, supported the proposed extent of the RCZ16 based on the evidence of Mr Pegg, Mr Smales, Mr Harvey and Ms Forbes.

The Council maintained its position, supporting Mr Weller's evidence, that further work needs to occur prior to rezoning the land to ensure ecological values are protected. It submitted this includes:

- a comprehensive baseline biodiversity assessment, which should also address how the LAC might be defined for the purpose of considering potential downstream impacts on the Ramsar wetlands and other waterways
- a subsequent review of the proposed removal of the ESO4 and the RCZ16 boundaries to determine whether there are areas outside of the RCZ16 which warrant further protection, for example potential habitat for the Grey-headed Flying Fox along Avalon Road.

DTP submitted the RCZ16 was informed by the Biodiversity Assessment, a broader literature review, field verification, agency validation and expert review. It said application of the RCZ16 complied with PPN42, which states RCZ areas should be based on a strategic analysis of environmental and landscape values. Further, the extent of land within the RCZ16 was suitable and selected to conserve the large, higher quality, more contiguous and manageable areas of habitat.

NVPP

The DTP submitted the NVPP will suitably manage the retention and removal of native vegetation within the GAEP West.

Ms Forbes was originally concerned that coastal saltmarsh within the RCZ16 would not be retained due to changes to hydrology caused by future development of the industrial land. The DEECA also initially said the coastal saltmarsh should be assumed lost and appropriately offset. However, following evidence from the drainage experts and Mr Lloyd, all experts agreed that native vegetation within the RCZ16 could be retained provided drainage and flood management of land in the GAEP West was appropriately managed under the DSMS. The DEECA clarified at the Hearing that it was generally

satisfied with the DTP's public consultation response and did not comment further on this issue.

(iii) Discussion

Conservation areas and the extent of the RCZ16

Application of the RCZ to areas for conservation is consistent with PPN42, which states it is designed to be applied to rural areas where:

- the protection of the environmental features of the land is of primary strategic importance including, for example, native vegetation, flora and fauna, significant habitats, or they could relate to the visual qualities of the land
- the environmental features of the land are scarce and strict controls are required to prevent the further loss or decline of those features
- land use and development could directly or indirectly threaten the environmental values of the land and strict controls are required to manage this.

The proposed extent of the RCZ16 is appropriate and supported on the basis that it includes:

- areas of the highest value native vegetation in the GAEP West
- vegetation with the best chance of retention and likelihood of ongoing successful management
- larger areas of continuous vegetation which provide habitat for significant fauna
- appropriate habitat buffers determined through relevant literature review
- consideration of tidal and sea level rise and buffers to protect habitat for shorebirds.

Refinements to the boundary extent were made through discussions with the DEECA and stakeholders resulting in a slightly larger conservation area, with a more regular shape that will allow for more practical future management.

The Committee supports the view of the biodiversity experts that it is acceptable not to include all areas of habitat for some listed fauna in the RCZ16, particularly the Golden Sun Moth, Fat Tailed Dunnart and Tussock Skink because much of the habitat is dominated by exotic grasses, including high threat weeds such as Chilean Needle-grass and Serrated Tussock. This significantly compromises conservation prospects in such areas.

While the importance of Coastal Saltmarsh to migratory shorebirds and other significant bird species is acknowledged, it is acceptable that not all of the retired salt pans are proposed to be included within the RCZ16 extent and it is appropriate to protect higher value areas to the south of Dandos Road. The Committee has reached this conclusion for several reasons including:

- the evident and ongoing process of natural change to the salt pans since the pumping of seawater into the ponds has ceased, particularly north of Dandos Road, which are becoming progressively less saline
- Ms Forbes' evidence that prior to the operation of the Cheetham Saltworks land north of Dandos Road would more likely have comprised Plains Grassy Woodland and Plains Grassland vegetation rather than Coastal Saltmarsh
- the continuing tidal influence for land south of Dandos Road and therefore its ability to remain saline

- the inclusion of appropriate buffers to habitat for shorebirds in the event of sea level rise and storm surge Inundation.

Regarding the potential for Grey-headed Flying-fox in trees along Avalon Road it is noted the Biodiversity Assessment was amended to include an assessment of likely impacts to the species and its habitat. The assessment acknowledged a likely impact to foraging habitat for the species but did not consider the area to support an important population or habitat. The Committee has some reservations about the findings given the assessment was not based on survey. It accepts that of the tree species identified in the National Recovery Plan as important foraging species for Grey-headed Flying-fox only the Spotted Gum was present along Avalon Road, and this location is outside the natural range for the species and therefore likely planted. However, the lack of survey has not allowed for a comprehensive assessment of the habitat value of the trees along Avalon Road and is a deficiency in the Biodiversity Assessment. Notwithstanding this deficiency, the Committee does not agree this would alter the extent of the RCZ16. PPN42 includes the following guidance in applying the RCZ:

> If the environmental or landscape features cover a large rural area, the Rural Conservation Zone is likely to be suitable. However, if the features are widely dispersed or fragmented and the surrounding land has been substantially altered (for example, broadacre farming areas with wildlife corridors), the other rural zones may be more appropriate supplemented with overlays.

It would not be appropriate to extend the RCZ16 over a strip of land alongside Avalon Road, which is physically separated from other land within the RCZ16.

While understanding both Mr Weller and the Council were concerned about the adequacy of the Biodiversity Assessment as the basis for the extent of the RCZ16, much of the criticism of the report focused on its potential purpose in other future permit and approvals processes and the preparation of the development plan. Referrals, where applicable, under the EPBC Act, EE Act and FFG Act are separate processes with different requirements that may result in other mitigation measures not contemplated through the draft Amendment. The Committee agrees with Mr Weller that the updated version does not address all of the deficiencies identified in the report and that further work (including survey) would be required to support a referral under the EPBC Act. It is not within the Committee's remit to outline what would be required to support approvals under other legislation.

The Committee is satisfied that the Biodiversity Assessment has appropriately informed the extent of the RCZ16, alongside literature review, field verification, agency validation and expert review. Given the Committee has concluded the RCZ16 includes all areas of highest value native vegetation, it does not agree further assessment would change the proposed boundaries of the RCZ16. Should further assessment identify additional fauna species, or quantum of species, it would not change the quality of native vegetation across the precinct and therefore the extent of the RCZ16. On this basis, an updated assessment is not required prior to rezoning the land.

NVPP

Vegetation to be retained in the NVPP includes all native vegetation within the RCZ16. None of the biodiversity experts disputed the extent of vegetation to be removed or retained, once it was confirmed vegetation within the RCZ16 would be retained through

appropriate management of drainage and flooding through requirements in the DPO50. The Committee considers the NVPP appropriately identifies native vegetation to be retained and removed within the GAEP West.

(iv) Conclusions

The Committee concludes:

- Application of the RCZ to land identified for conservation in the GAEP West is appropriate and consistent with PPN42.
- The extent of the RCZ16 is supported as it includes:
  - the highest value native vegetation with the best chance of retention and successful ongoing management
  - larger areas of continuous vegetation which provide habitat for significant fauna
  - appropriate buffers to habitat for significant fauna.
- Exclusion of highly modified grasslands containing high threat weed species from the RCZ16 is appropriate, acknowledging there will be some loss of habitat for listed fauna.
- It is not necessary to update the Biodiversity Assessment prior to rezoning the land because further investigation would not change the extent of the RCZ16, which already applies to areas of high value native vegetation.
- The NVPP appropriately identifies native vegetation to be retained and removed within the GAEP West.

5.3 Planning controls and management of biodiversity impacts

(i) The issue

The issue is whether the planning controls proposed in the draft Amendment appropriately manage potential biodiversity impacts to allow Industrial 1 Zone rezoning and development to proceed.

In response to Committee Direction 8, the DTP clarified the scope of each referred issue.[14] For this issue, it sought advice in relation to:

> - whether the draft Amendment provides an appropriate framework to identify, assess and manage biodiversity impacts through the development plan and permit approval processes.

The Planning controls associated with managing potential drainage and flooding impacts on biodiversity are discussed in Chapter 4.3.

(ii) Evidence and submissions

DTP explained the draft Amendment seeks to address biodiversity matters in combination through the:

- RCZ16

[14] Document 9

- NVPP
- management instruments within the DPO50, including the CAMP, OSLCP, IWMP, DSMS and the CEMP
- DDO53 design and interface controls.

All biodiversity experts agreed the habitat supported by the GAEP West (primarily within the RCZ16) and the receiving environments are of high ecological significance, requiring strict ecological controls and development of appropriate mitigation measures.

Submitters raised concerns with provisions designed to manage impacts to biodiversity within the various controls including:

- the NVPP does not include an appropriate offset statement or outline management responsibilities and actions for native vegetation to be retained
- whether further work should be required to establish an ecological baseline as part of the development plan process
- whether the DPO50 should specify requirements under the EPBC Act
- whether the CAMP requirement should apply only to land within the RCZ16
- whether the proposed controls provide appropriate protection of native vegetation currently protected by the ESO4.

Each of these concerns is outlined in more detail below.

NVPP

The key outstanding concern with the updated NVPP was whether the offset statement was sufficient.

The DEECA initially submitted the offset statement does not meet mandatory requirements in the *Guidelines for the removal, destruction or lopping of native vegetation,* DEECA 2025. The biodiversity experts all agreed the NVPP should be updated to demonstrate that offsets are able to be achieved.

The Council submitted it is important the form and content of the NVPP is correct given its incorporation into the Planning Scheme has the effect of removing the need to obtain planning permits under Clause 52.17. It referred to Ms Forbes' evidence that the offset statement does not comply with the guidelines, *Preparing a Native Vegetation Precinct Plan* (DEECA, 2025) (NVPP guidance) because it does not:

- specify management responsibilities and actions for native vegetation to be retained
- provide an offset statement that includes evidence that an offset is available.

The Council referred to its past experiences in growth areas where offsets were unable to be found and submitted the inability to locate offsets has the potential to sterilise or delay development of the precinct.

DTP submitted the draft Amendment can proceed without all offsets being secured provided the NVPP correctly identifies offset requirements and a pathway to secure these. It referred to the addition of the following wording in the updated NVPP to provide clarity in this regard:

> Any information on the potential sites will be prepared and submitted to DEECA to confirm their suitability, including evidence of landowner support.

DEECA confirmed it was satisfied the offset statement in the updated NVPP appropriately manages potential biodiversity impacts and provides sufficient confidence that the offsets can be achieved.

DTP submitted the NVPP need not resolve every implementation issue exhaustively, but rather it should comprise a coherent and legally operative framework for the retention and removal of native vegetation and the provision of offsets. It said the NVPP appropriately achieves this objective alongside requirements for the development plan and permit processes.

DPO50

Biodiversity assessment

Council submitted if the draft Amendment is to proceed prior to undertaking a comprehensive baseline biodiversity assessment (in contrast to its primary position that this work should be done prior to rezoning), the DPO50 should be amended to resolve matters pertaining to biodiversity. It recommended the addition of a biodiversity assessment requirement at Clause 4.0 that:

- includes a biodiversity desktop assessment which establishes an ecological baseline to document existing species, habitat and ecosystem health, including marine and intertidal ecological assessment
- considers potential impacts of any proposed outfall locations / scenarios contemplated by the DSMS
- includes an in-season flora and fauna survey.

Council submitted this is required to "*fill the gap*" in the material provided to date based on Mr Weller's advice around deficiencies in the Biodiversity Assessment.

Mr Weller was concerned in the absence of an updated Biodiversity Assessment all subsequent plans and assessments would be completed without an accurate ecological baseline. He said if the existing Biodiversity Assessment has no function beyond amendment approval, the DPO50 needs to include a requirement for a new, precinct scale biodiversity assessment based on compliant surveys, full habitat characterisation, significant impacts assessments for all relevant MNES and determination of EPBC Act offset liabilities.

The Council also raised concerns about how the purposes of the RCZ16 would be defined in the absence of revisions to the Biodiversity Assessment or a further biodiversity assessment to identify all ecological values in the GAEP West.

The DTP did not agree a new requirement for a biodiversity assessment was warranted. It submitted the identification of values and impacts on biodiversity have been comprehensively considered, and the draft Amendment establishes clear and comprehensive requirements to ensure protection and management of ecological values through the development of the GAEP West. It said requirements in the DPO50 are appropriately placed to ensure necessary and adequate assessments of significant environmental values both within and external to the GAEP West are undertaken in preparation of a development plan.

Environment protection and biodiversity conservation report

There was general consensus between the experts and submitters that the requirements of the EPBC Act are triggered by a 'controlled action', which does not extend to a planning scheme amendment or rezoning process. On this basis, the DTP updated Clause 4.0 of the DPO50 to remove the requirement for an Environment Protection and Conservation Report (EPBCR).

However, Mr Weller's view was there needed to be a provision in the DPO50 which explicitly outlines obligations under the EPBC Act attached to development actions. He was concerned the Biodiversity Assessment would be used as the ecological baseline for self-assessment of EPBC Act obligations, and that it currently concludes significant impacts are unlikely for most relevant matters based on inadequate information or misapplication of guidelines. He suggested a condition which would require demonstration that self-assessment of EPBC Act obligations had been undertaken and an EPBC Act referral made (if required) prior to the issue of any permit for use or development.

DTP submitted removal of the requirement for an EPBCR was appropriate and justified and said, "*it is one thing to acknowledge obligations or requirements arising under the EPBC Act, and yet another to entrench a requirement to comply with that Act within an ordinance tool in the Planning Scheme*".

DTP submitted impacts to significant species protected under Commonwealth or state legislation are subject to separate legislative processes. It said actions taken in accordance with the DPO50 are not exempt from requirements under separate legislation, but it is unnecessary to outline these requirements in the DPO50.

Conservation Area Management Plan

The CAMP was introduced as a separate requirement in the Day 1 version of the DDO50, previously forming part of the Drainage and Conservation Area Asset Management Plan requirement. The requirement for a separate Conservation Management Plan was deleted as the DTP submitted matters under this provision would be covered elsewhere in the DPO50.

All biodiversity experts agreed the CAMP requirements should be strengthened to include:

- funding mechanisms for management of conservation values within the RCZ16
- a timeline for the operation of the CAMP and a handover strategy
- no net loss of native vegetation
- adaptive management
- fauna salvage and relocation
- monitoring of ecological values, both baseline and ongoing.

DTP made several changes to the drafting in response to evidence and submissions. The Final Day version of the CAMP requirement is:

> A Conservation Area Management Plan prepared to the satisfaction of the responsible authority that includes:
>
> - Details of conservation areas in the Rural Conservation Zone, including whether conservation areas are proposed to be privately owned and managed.

- Details and recommendations on the conservation actions and monitoring of ecological values and species likely to utilise habitat within the conservation areas.
- Details on the conservation actions to ensure no net loss of native vegetation within the conservation area, even during naturally occurring desalination processes.
- Management recommendations to control noxious weeds and exotic animals.
- A long-term adaptive management framework to manage the progression of non-saline habitats and provide for naturally occurring desalination processes over time.
- Mitigation of wildlife strike risk on Avalon Airport operations, consistent with any recommendations and requirements of the Avalon Airport Impact Assessment Report.
- Operation period of the management plan, and where relevant identifying a strategy to handover conservation area management actions, including detail on funding of those actions, upon change of conservation area ownership.

Where conservation areas are proposed to be privately owned and managed, the Conservation Area Management Plan must identify the landowner/s responsible for funding the conservation actions, monitoring and management responsibilities.

In deciding whether the Conservation Area Management Plan is satisfactory, the responsible authority must seek and, if provided, consider the views of the Greater Geelong City Council and Department of Energy, Environment and Climate Action, as appropriate.

While the Final Day version of the CAMP requirement addressed most experts and submitters' concerns, including Avalon Airport's submission that the CAMP reference the AAIAR, two areas of concern remained.

The first of these concerned the enforceability and implementation of the CAMP. Council expressed concern about the prospect that the land in the RCZ16 may not be subject to any future permit applications, risking a situation where the CAMP requirement would never be enlivened. It relied on the evidence of Mr Weller who observed:

> The Development Plan will in practice be driven by the industrial landowners, who have a direct interest in progressing development within the IN1Z parcels. The RCZ conservation land has no equivalent proponent.

To remedy this Council suggested including a new requirement for a section 173 agreement, which it said could form either part of the CAMP requirement, or as a stand-alone requirement at Clause 4.0 of the DPO50.

DTP did not support the use of a s173 agreement in Clause 4.0. It preferred the inclusion of a new condition at Clause 3.0 of the DPO50, which would apply to any permit application to subdivide land containing a conservation area as shown on Plan 1 in the DPO50.

DTP maintained the requirement for a s173 agreement was appropriately located in Clause 3.0 and disagreed with the Council about whether such a provision could be legally located in Clause 4.0.

Further to this position, the DTP submitted that 'super lots' should not be included within the scope of permits able to be issued prior to the preparation of a development plan in Clause 2.0 (as requested by MAB). If this was permitted it could result in the creation of lots affecting the RCZ16 land prior to preparation of the CAMP, which would then result in a situation where the CAMP requirement would not be enlivened.

The second of the remaining issues is whether the CAMP should apply to land outside the RCZ16. Experts did not agree whether the development plan should allow for

conservation areas on land outside of the RCZ16. Mr Harvey and Mr Smales considered it would be impractical across areas requiring extensive fill.

Mr Weller and the Council considered that the CAMP retains potential utility for areas of conservation value within the IN1Z land, though the full extent of that utility would only become apparent once the gaps identified in the Biodiversity Assessment had been addressed.

Council submitted the CAMP requirement primarily functions for land within the RCZ16 but it should not be confined to this land. Where opportunities exist, particularly where open space is located, opportunities to maintain native vegetation or ecological values should be explored.

DTP confirmed the intent and utility of the CAMP was relevant only to land in the RCZ16. It submitted no further conservation management outcomes or retention provisions are required for any areas outside the RCZ16 and relied on the evidence of Mr Pegg that land outside the RCZ16 could be addressed through the Open Space and Landscape Concept Plan (OSLCP) where appropriate.

ESO4

Mr Weller did not support removal of the ESO4 and said it should be retained until an ecological comparison demonstrates equivalent or improved fauna protections outcomes and the DPO50 includes binding conditions for pre-clearance surveys and habitat protection for grassland-dependent listed fauna species.

However, all biodiversity experts agreed requirements in the CEMP satisfactorily address fauna controls currently in the ESO4 given grassland habitat outside of the RCZ16 is highly modified by weeds.

DTP submitted application of the RCZ16 to high value areas, coupled with requirements in the DPO50 including the CAMP and OSLCP will ensure the ESO4 objectives are met.

(iii) Discussion

NVPP

The Committee is satisfied the NVPP adequately provides for retention and removal of native vegetation and a framework for the provision of offsets where required.

The NVPP guidance states a suitable offset statement includes evidence the required offsets are available to purchase from a third party, will be established at a new offset site, agreed to by a third party or can be met at a proposed first party offset site (the latter not applicable to this NVPP). The GAEP West NVPP does not confirm where offsets will be established or demonstrate there is current agreement with a third party. However, the updated NVPP makes it clear that this information will be submitted to the DEECA for approval prior to vegetation being removed. Condition 6a of the NVPP states:

> Prior to the removal of any native vegetation, a statement of intention to remove native vegetation must be provided to the satisfaction of the responsible authority. The statement must include:
>
> - The purpose of the native vegetation removal.

- Evidence that an offset has been secured. The offset must meet the offset requirements set out in this NVPP and delivered in accordance with the requirements of Guidelines for the removal, destruction or lopping of native vegetation. Offset evidence can be:
  - A security agreement (signed by both parties) to the required standard for the offset site or sites, including a 10 year offset management plan.
  - An allocated credit extract from the Native Vegetation Credit Register.
  - Other evidence that meets the requirements described in Section 5 of this NVPP.

The Committee notes DEECA is satisfied with the updated offset statement and places significant weight on this position given the DEECA is the regulator for this matter.

As identified by Ms Forbes, the NVPP does not include specific management responsibilities for vegetation to retained. The NVPP guidelines make two points in relation to management responsibilities:

- the owner of land where vegetation is to be retained must meet any existing legal obligations to manage the land, for example the management of noxious weeds
- if additional management actions are to be undertaken, or if someone other than the landowner is responsible for management of retained vegetation, this should be clearly stated in the NVPP.

The Committee notes the NVPP includes a general recommendation about the control of noxious weeds to reduce impacts to remnant ecological values across the precinct. This is sufficient as existing obligations do apply and there is no need for further content on this.

Regarding additional management actions, the Committee refers to the following CAMP requirement in the DPO50:

> Where conservation areas are proposed to be privately owned and managed, the Conservation Area Management Plan must identify the landowner/s responsible for funding the conservation actions, monitoring and management responsibilities.

It is anticipated that appropriate management actions will be developed as part of the preparation of the CAMP. The CAMP applies to all land in the RCZ16, which includes all native vegetation to be retained in the NVPP. It would be premature to include management actions in the NVPP prior to preparation of the CAMP.

DPO50

<u>Biodiversity assessment</u>

As part of the development plan preparation, the Committee agrees there needs to be an updated biodiversity assessment which comprehensively establishes an ecological baseline for all significant fauna species across the GAEP West. While the Biodiversity Assessment informing the draft Amendment is sufficient to inform the extent of the RCZ16, primarily because it includes all high value native flora on site, the Committee understands from the DTP submissions that it was not intended to be used other than for this reason. A new requirement for an updated assessment should be included in the DPO50.

An updated, precinct-wide biodiversity assessment is required to inform the preparation of other requirements within the DPO50 including, in particular the CAMP and OSLCP. Regarding flora mattes, the NVPP and the *Arboricultural Assessment and Report,* Tree

Logic 2023 (which is referenced in the DPO50) will inform the preparation of DPO50 requirements. There is no equivalent reference for fauna matters.

The Committee considers the existing Biodiversity Assessment comprises a good starting point but further work is needed to adequately inform preparation of the development plan. The CAMP and OSLCP require (among other things):

- details of conservation areas
- recommendations for conservation actions and monitoring of ecological values and species likely to utilise habitat
- details of how areas of biodiversity and conservation significance will be addressed
- details of how any landscaped areas, where practicable, may provide biodiversity links to the conservation areas to facilitate species connectivity across the precinct.

These matters cannot be actioned without reference to an ecological baseline for the precinct. This should comprise a single report and not be based on a piecemeal approach when preparing the different plan requirements under the DPO50. The CAMP and OSLCP should cross reference the biodiversity assessment, as it would be used to inform their preparation.

The updated biodiversity assessment should be based on in-season survey for all significant species likely to utilise the GAEP West. The Committee does not consider there is potential for this to create concerns about the extent of the RCZ16 as it is understood the RCZ16 contains all areas of the highest value, contiguous native vegetation. If further survey identified additional habitat outside the conservation areas, this may provide opportunities to facilitate species connectively across the precinct as envisaged by the OSLCP.

The Committee does not entirely agree with the proposed wording submitted by Council for such a requirement, specifically the consideration of potential impacts of proposed outfall locations. This is adequately covered through requirements in the DSMS. It is also unnecessary that the biodiversity assessment be prepared to conform with requirements under other legislation. It may be sensible if this work is going to be required in any case, but it is not necessary.

The Committee agrees with Council that the RCZ16 does not adequately describe the conservation values to be protected in the GAEP West.

The RCZ16 lists the following 'Conservation values':

- to recognise and protect areas of high ecological value within the Greater Avalon Employment Precinct
- to protect areas of significant native vegetation as well as habitat for threatened ecological communities from inappropriate land use and development.

These points are written as objectives and do not describe the values to be conserved. The head clause of the RCZ sets objectives for land in this zone, and includes:

- to conserve the values specified in a schedule to this zone.

Conservation values need to be adequately described in the RCZ16 or refer to a document which defines areas of 'high ecological value' in the GAEP so the values can be understood.

This should be addressed by further content, similar to the existing ESO4. The Committee has considered whether the RCZ16 could refer to the development plan prepared under the DPO50, rather than including lengthy descriptive content. However, this would leave the RCZ16 without an appropriate description of conservation values in the intervening period prior to preparation of the development plan.

Environment protection and biodiversity conservation report

It is appropriate to remove the requirement for an EPBCR in DPO50. The Committee agrees with the DTP that actions taken in accordance with the DPO50 are not exempt from requirements under other legislation. However, requirements under other legislation do not need to be outlined in the Planning Scheme. Indeed, it would be inappropriate to do so as requirements under other legislation may change independently of planning processes.

Conservation Area Management Plan

The Committee agrees with the DTP that it is appropriate to locate the provision to implement the CAMP within Clause 3.0 of the DPO50 as a condition required for subdivision permits affecting a conservation area. At Chapter 7.2, the Committee explains why a proposal to allow 'super lots' as permits that may be issued prior to preparation of a development plan is not supported. Provided this is the case, the Committee is satisfied that a permit for subdivision will be required for land in the RCZ16 at an early stage in development of the GAEP West and therefore the requirement to implement the CAMP will be enlivened.

It is not feasible to apply the CAMP to land outside the RCZ16. It clearly covers matters related to the conservation areas, which are all within the RCZ16.

ESO4

It is acceptable to delete the ESO4 from land within the GAEP West as part of the draft Amendment. The objectives of the ESO4 are to:

- prevent a decline in the extent and quality of native vegetation and native fauna habitat of the Victorian Volcanic Plain
- enhance the environmental and landscape values of the area
- avoid the fragmentation of contiguous areas of native vegetation or native fauna habitat
- ensure that any use, development or management of the land is compatible with the long-term conservation, maintenance and enhancement of the grasslands
- avoid the destruction of habitat for native fauna resulting from the modification of land form and disturbance of surface soils and rocks
- enable areas of environmental significance, due to their native vegetation or habitat values, to be identified.

While it is acknowledged that some of the land currently protected by the ESO4 will not be included in the RCZ16, and does provide habitat for significant species, this land generally comprises grassland highly modified by weeds. As agreed by the ecology

experts, the relocation requirement of the CEMP in the DPO50 will provide some protection for fauna in these areas.

(iv) Conclusions and recommendations

The Committee concludes:

- Subject to changes the planning controls proposed in the draft Amendment appropriately manage potential biodiversity impacts to allow Industrial 1 Zone rezoning and development to proceed.
- The conservation values in the RCZ16 should be clarified through the addition of further content describing the values.
- The CAMP should apply only to land in the RCZ16 as conservation areas are wholly contained within this zone.
- Implementation of the CAMP is appropriately addressed in the DPO50 by the inclusion in Clause 3.0 of an additional permit condition for subdivision applications affecting land in the RCZ16.
- The DPO50 should include a new requirement at Clause 4.0 for an updated, precinct-wide biodiversity assessment, which defines the ecological baseline for the GAEP West and is informed by survey for all significant species likely to utilise the precinct.
- An updated biodiversity assessment is necessary to inform the preparation of the CAMP and OSLCP and should be cross referenced in these requirements.
- It is appropriate to remove the requirement for an Environment Protection and Biodiversity Conservation Report in the DPO50 as it is unnecessary to reference requirements under separate legislation in the Planning Scheme.
- It is acceptable to delete the ESO4 from land in the GAEP West as high value areas will be protected through the application of the RCZ16 and other areas comprise grassland highly modified by weeds.
- The updated NVPP includes a suitable offset statement that clearly outlines requirements for approval of offsets prior to native vegetation being removed.
- It is unnecessary to include further management responsibilities in the NVPP as management actions and responsibilities will be determined through preparation of the CAMP as part of the development plan process.

The Committee recommends:

Amend the Final Day Development Plan Overlay Schedule 50 as shown in Appendix F:2 to:

- **include a new requirement for a precinct-wide biodiversity assessment which defines the ecological baseline for the Greater Avalon Employment Precinct West and is informed by survey for all significant species likely to utilise the precinct**
- **include a new requirement for the Conservation Area Management Plan to be informed by the biodiversity assessment**
- **include a new requirement for the Open Space and Landscape Concept Plan to be informed by the biodiversity assessment.**

Amend the Rural Conservation Zone Schedule 16 to clearly describe conservation values in the Greater Avalon Employment Precinct.

6 Strategies under Clause 11.03-6L-06

6.1 The issue

The issue is whether the strategies at proposed Clause 11.03-6L-06 clearly outline the necessary steps for the future rezoning of GAEP North via a separate amendment.

In response to Committee Direction 8, DTP clarified the scope of each referred issue. For the Clause 11.03-6L-06 issue, it seeks advice in relation to the drafting and structure of the strategy relating to the staging of GAEP North. It clarified DTP does not seek the Committee's advice in relation to decisions to be made by government agencies, including:

- Melbourne Water's preparation of, and decisions regarding, a Development Services Scheme in accordance with its role and responsibilities under any relevant federal or state approvals and obligations
- DTP Transport's analysis of, and decisions regarding, the upgrade of the Beach Road interchange to meet the needs and capacity of Avalon Airport and the development of GAEP North
- whether GAEP North should be rezoned or any advice in relation to the zone or overlay controls that should be applied to GAEP North
- the form which any future planning scheme amendment for GAEP North should or will take.

6.2 Background

The Minister for Planning acknowledged and supported a different approach for progressing the development of the GAEP North, compared to the GAEP West, in December 2004.[15] DTP explained the strategic reasoning for the approach included:

- transport infrastructure sequencing (the GAEP West uses the Avalon Road interchange while the GAEP North uses Beach Road, where capacity must be prioritised for Avalon Airport)
- drainage (the precinct splits across catchments managed primarily by Melbourne Water for the GAEP North and CCMA for the GAEP West and a small portion of the GAEP North).

While Clause 11.03-6L-06 would apply to the entire GAEP precinct, issues raised through public consultation generally focused on the strategies relating to the future rezoning of the GAEP North and this was the subject of the referral to the Committee. The public consultation version of the strategy for the GAEP North expressed support for the future rezoning of this precinct provided it was supported by several staging criteria. The staging criteria related to:

- transport
- drainage
- utility infrastructure
- employment land
- further strategic planning.

[15] Document 14, DTP Part A submission, p21

In response to submissions, all staging criteria except for transport and drainage were deleted from the draft Amendment. The DTP agreed with submissions the other criteria were not threshold rezoning matters, and that in regard to employment land the GAEP North was already established as a state significant employment precinct. Further refinements were made in response to planning and traffic evidence. The focus of submissions at the Hearing was the Day 1 (v2) version of the strategy as follows:

- Support the rezoning of the Greater Avalon Employment Precinct North to enable its use and development for employment purposes, provided that it has been demonstrated that:
  - The use and development will not impact the role, function and capacity of the adjoining road network, including the State transport network including the Beach Road / Princes Freeway interchange, to meet the transport needs of Avalon Airport
  - That any freeway and/or interchange improvements to capacity for the Greater Avalon Employment Precinct North are able to be delivered.
  - A drainage masterplan and approvals strategy has been prepared for the Greater Avalon Employment Precinct North to the satisfaction of the relevant drainage authority, which includes a concept plan, supporting modelling for the proposed drainage system (within and downstream of the Greater Avalon Employment Precinct North), and studies and/or investigations that would support the grant of all permissions and approvals required to construct the proposed drainage system.

6.3 Strategies at Clause 11.03-6L-06

(i) Evidence and submissions

Dr Rowley referred to the Background Report[16] to the draft Amendment as the most relevant statement of the strategic intent of the policy at Clause 11.03-6L-06 and that it describes the last strategy as establishing "*staging criteria for GAEP North*" which "*must be met before GAEP North can be rezoned*."

The primary position of several submitters was that rezoning of GAEP North should occur as part of this Amendment with detailed submissions put forward as to the benefits or advantages of the GAEP North. Acknowledging this was not within the Committee's remit, submitters generally supported the inclusion of local policy supporting the rezoning of the GAEP North provided the staging criteria were:

- achievable within a reasonable timeframe
- not structured so as to create a permanent deferral
- threshold matters and not matters that would ordinarily be addressed as part of the rezoning process.

Submitters said the GAEP North should be treated independently of the GAEP West and not as a subsequent extension of the latter.

Within the context of these overarching submissions, issues discussed at the Hearing centred around the prerequisites associated with the rezoning strategy in the Day 1 (v2) Clause 11.03-6L-06, commonly referred to as the 'drainage bullet' and the 'transport bullets'.

[16] Document 8d

Drainage bullet point

Melbourne Water, the drainage authority for the majority of the GAEP North, commended the wording of the drainage bullet point to the Committee. It submitted the drainage bullet succinctly states the requirement to prepare a drainage master plan and approvals strategy prior to rezoning of the GAEP North. It submitted the complexity of the GAEP North, notably the abuttal to the Ramsar wetlands south and east of the precinct, along with its adjacency to the Western Treatment Plant, meant that significant work needs to be undertaken prior to rezoning to provide confidence drainage can be delivered.

Melbourne Water referred to the wording of the Day 1 (v2) bullet point and said its support relied heavily on the following highlighted words:

> - A **drainage masterplan** and **approvals strategy** has been prepared for the Greater Avalon Employment Precinct North **to the satisfaction of the relevant drainage authority**, which includes a **concept plan**, **supporting modelling** for the proposed drainage system (**within and downstream** of the Greater Avalon Employment Precinct North), and **studies and/or investigations** that would support the **grant of all permissions and approvals required** to construct the proposed drainage system. (**emphasis added**)

ANLG confirmed it had reached agreement with the DTP and Melbourne Water on the drafting of the drainage bullet in the Day 1 (v2) provision. 55 Beach Road Pty Ltd (Frater) did not oppose the inclusion of the drainage bullet point.

The DTP submitted the drainage bullet point comprises a legitimate reflection of the necessary steps which must precede rezoning of the GAEP North. No further changes were proposed to the wording of the drainage bullet.

Transport bullet points

The rezoning prerequisite transport bullets in the Day 1 (V2) provision were that it must be demonstrated:

> - The use and development will not impact the role, function and capacity of the adjoining road network, including the State transport network including the Beach Road / Princes Freeway interchange, to meet the transport needs of Avalon Airport
> - That any freeway and/or interchange improvements to capacity for the Greater Avalon Employment Precinct North are able to be delivered.

Both ANLG and Frater submitted the transport bullets should be deleted.

ANLG referred to the joint position of the transport engineers which recommended deleting the transport bullet points. ANLG and Frater submitted there was no transport reason the rezoning of GAEP North could not proceed under similar controls proposed for the GAEP West, namely:

- an integrated transport management plan
- a section 173 agreement outlining infrastructure works, provision and cost assignment, probably confined to upgrades to Beach Road and the Beach Road Princes Freeway interchange.

Mr Beaton had the same view and said there is no material traffic engineering constraint that would justify delaying the rezoning of the GAEP North relative to the GAEP West.

Avalon Airport indicated general support for rezoning and development of the GAEP North in future but said this support was qualified on there being plans in place to upgrade the Beach Road interchange so it can handle traffic to and from the airport and the GAEP North. It referred to Clause 18.02-7S in the Planning Scheme which seeks to:

> Plan the location of airports and airfields, nearby existing and potential development, and the land-based transport system required to serve them, as an integrated operation

Avalon Airport submitted the critical consideration is the airport's designation as a Principal Transport Gateway and that priority must be given to the state significant asset in considering infrastructure capacity. It submitted the interface of the precinct with the airport is unusual and warrants explicit recognition in policy. It noted feasibility work on the upgrade of the Beach Road interchange is underway through a separate process in conjunction with the Commonwealth government.

DTP accepted the future GAEP North amendment would likely include an integrated transport management plan and infrastructure contributions mechanism but submitted in this case it was necessary to understand that the GAEP North development can proceed without impacting on the operations of the airport and the Point Wilson defence facility. It submitted it is in the interests of all stakeholders that future development does not compete for the capacity at the Beach Road interchange. Resolution of transport matters was not sought but rather demonstration that infrastructure would be delivered. DTP referred to the Commonwealth government study (Beach Road Study) and said it understood this may be completed early in 2027 which demonstrates the matters in the transport bullets are already in the process of being determined.

Both ANLG and Frater submitted that if the Committee did not agree to deleting the two transport bullets, there were critical deficiencies in the drafting that needed to be addressed.

ANLG and Frater were particularly concerned with the first transport bullet point requiring it to be demonstrated that use and development would not 'impact' the listed transport matters, noting the qualifier 'unreasonably' had originally been proposed and then deleted on the recommendation of Mr Humphreys, who suggested the change for clarity. They relied on the evidence of Mr Beaton who said the inclusion of the qualifier was appropriate because it ensures the absolute position of 'any impact' is not taken to mean development cannot proceed.

The DTP agreed a qualifier was appropriate but preferred the term 'adversely' submitting this is a commonly used term in documents such as the Austroads Guide to Traffic Management Part 12 Traffic Impacts of Developments (Austroads Guide).

ANLG and Frater also variously submitted:

- reference to the State transport network should be excluded because it is too vague and could extend to improvements to the Princes Freeway, which are a state government responsibility
- reference to the airport should include more detail to include "*in its operations as an airport*" to ensure this level of protection is not afforded to airport land which might be developed as a competing employment precinct

- reference to 'freeway' improvements should be deleted as capacity upgrades are largely driven by residential growth in Geelong and Wyndham and are the responsibility of the state government
- reference to interchange improvements could be incorporated into the first transport bullet point.

Frater referred to Mr Beaton's evidence that the reference to the State transport network is a broad statement and hard to assess and that it is better to be more specific.

Final drafting proposed by ANLG was:

> Support the ~~future~~ rezoning of the Greater Avalon Employment Precinct North to enable its use and development for employment purposes, provided that it has been demonstrated that:
>
> - The use and development will not unreasonably ~~adversely~~ impact ~~on~~ the role, function and capacity of ~~the adjoining road network, including~~ Beach Road and ~~the State transport network particularly as it relates to~~ the Beach Road / Princes Freeway interchange, to meet the transport needs of Avalon Airport in its operations as an airport and any improvements to the capacity of either Beach Road or to the Beach Road/Princes Freeway interchange are able to be delivered.
> - ~~That any interchange and associated freeway improvements to provide capacity for the Greater Avalon Employment Precinct North are planned for and able to be delivered~~

Frater proposed similar wording in its final drafting proposal. It submitted the Day 1 (v2) drafting improperly characterises the transport assessment as a pre-condition that must be satisfied prior to rezoning, where as its proposal reflected that they could be addressed as part of the rezoning.

The DTP did not accept further narrowing of the policy. It submitted:

- state policy is concerned with safeguarding current and future airport operations and expansion, and the adjoining employment precinct is part of the airport's role
- reference to the State transport network and freeway is not intended to signal that proponents would be responsible for funding upgrades but rather to ensure the functioning of the interchange which has a clear and direct relationship with the freeway is properly considered and that associated interchange improvements (such as ramp metering) are able to be delivered.

Other submissions

Viva Energy in drafting sought to include an additional staging criterion bullet point as follows:

> - The use and development will not adversely impact on the current and future operations of licensed pipelines.

DTP did not agree to this change because it was not considered a threshold rezoning issue.

In response to questions from the Committee as to why the draft Amendment sought to include a local policy for the rezoning of the GAEP North rather than including this in Clause 74.02 as Further Strategic Work, DTP submitted:

- the policy guides the entire GAEP precinct (North and West) and the strategies form part of the overall framework to guide development of a specific geographic location

- there is no current reference in the Planning Scheme to the GAEP and its role as a key future industrial and employment precinct and the local policy will elevate this role.

Mr Glossop considered it appropriate in principle to set out such matters in a policy, noting it does not have to be an exhaustive list but rather a list of known matters that planning will need to resolve.

(ii) Discussion

Advice sought from the Committee was limited in scope and confined to whether the strategies in Clause 11.03-6L-06 outlined the necessary steps for the future rezoning of the GAEP North.

The Committee considers it important to first understand what the 'necessary steps' are, and why there is a need to include these as local policy rather than as matters that would ordinarily be considered in preparing an amendment, having regard to Ministerial Direction 11 Strategic Assessment of Amendments and Planning Practice Note 46 Strategic Assessment Guidelines. As noted by Dr Rowley, the Background Report outlines to some extent the strategic basis for the policy. While Dr Rowley identified where the Background Report specified the staging criteria, the Committee notes it also records several matters of state interest for the precinct and explains how the Amendment proposes to address these, including through application of Clause 11.03-6L-06. Of relevance to the staging criteria for the GAEP North are:

- safeguarding of Avalon Airport and ensuring future development is compatible with the airport's operations
- the capacity of state transport infrastructure and need for upgrades
- protection of Ramsar wetlands and the Western Treatment Plant from stormwater run-off from development areas.

It is somewhat unusual to specify in local policy the necessary steps that must occur prior to rezoning a parcel of land. However, in this case the attributes of the wider precinct, namely the Avalon Airport, the Western Treatment Plant and the Ramsar wetlands, and their relationship to the future development of the GAEP North warrant signalling in local policy that while future rezoning is supported it must be undertaken in a stepped manner that will ensure state interests are protected. This is distinct from the GAEP West precinct which has a different spatial relationship to these attributes.

The Committee also notes the draft Amendment Explanatory Report says the Amendment is required to facilitate redevelopment of the Avalon Airport environs consistent with the *Avalon Corridor Strategy*. The key guiding principles which underpin the Framework Plan in this Strategy also include (among others):

- protect ongoing and future operations of the Western Treatment Plant
- protect ongoing and future expanded functional operations of Avalon Airport as per Avalon Airport Master Plan
- protect and enhance traffic movement on major roads (current and proposed) and rail corridors.

In this context the Committee agrees Clause 11.03-6L-06 includes the appropriate necessary steps, which comprise drainage and transport matters, for the future rezoning

of the GAEP North. It does not see these as the only threshold rezoning matters, as indeed there are many more matters that will need to be satisfactorily addressed prior to rezoning the land. The Committee supports their inclusion in local policy to signal higher order matters of state significance that must be addressed prior to rezoning. For this reason, it does not agree there is a need to specify the word 'future' before rezoning. The strategy requires the necessary steps to have been demonstrated prior to rezoning. Whether that occurs prior to an application, or as part of a rezoning process, should not matter provided a rezoning is not approved before the relevant staging criteria have been demonstrated.

Drainage bullet point

The Committee supports the Final Day drafting of the drainage bullet, which is unchanged from Day 1 (v2). It commends all parties in working towards an agreed position on this point.

Transport bullet points

As outlined above, the Committee supports the inclusion of a step addressing state transport infrastructure prior to rezoning the GAEP North. However, this support is specific to the need to protect state transport operations. It is noted the DTP specifically called out the operations of the airport and Point Wilson defence facility and the need to ensure future development does not compete with Beach Road interchange capacity in this regard. Support does not extend to transport matters more broadly that are appropriately addressed through a future integrated transport management plan and infrastructure contributions mechanism.

The Committee does consider a qualifier is required in the first transport bullet point when referring to impacts on the transport network as changing the future land use of the GAEP North for employment purposes will necessarily have an 'impact' on the surrounding road network. The qualifier 'adversely' before 'impact' is preferred over 'unreasonably'. It makes sense to use a term which is commonly used in traffic management, noting this term appears in the Austroads Guide.

In considering other drafting submissions, the Committee finds:

- reference to the State transport network is too broad and could be interpreted in future as including Princes Freeway improvements whereas it is understood this is intended to refer only to freeway improvements directly associated with the interchange
- it is recognised that freeway improvements will be required in future but the need for this stems from residential growth in Wyndham and Geelong and not development of the GAEP North
- reference to the airport should be limited to its core aviation operations, as distinct from other commercial uses that may operate on the airport land. The Committee understands the intent of state policy is to protect the airport's function as transport infrastructure of state significance, rather than extending that protection to commercial operations involving the use of surplus land for employment purposes. It does not agree operation of the employment precinct is part of the airport's role as submitted by the DTP
- reference to 'freeway improvements' is too broad for the reason outlined above.

The Committee agrees the transport bullet points should be consolidated. This approach is more consistent with the public consultation version of the strategy, which in the Committee's view was more specific and targeted to the state transport matter warranting its inclusion in local policy.

Other submissions

The Committee agrees the pipeline issue is not a threshold rezoning matter and does not need to be included as an additional criterion to be met prior to rezoning.

(iii) Conclusions and recommendation

The Committee concludes:

- Clause 11.03-6L-06 includes the appropriate necessary steps, which comprise drainage and transport matters, for the future rezoning of the GAEP North.
- It is appropriate to includes this rezoning strategy in local policy to signal higher order matters of state significance that must be addressed prior to rezoning.
- There is no need to specify the word 'future' before rezoning as the strategy requires the necessary steps to have been demonstrated prior to rezoning.
- The drafting of the drainage policy bullet point was agreed by all parties and is supported.
- The transport policy bullet points should be consolidated and amended to more clearly express the state transport matters that need to be addressed prior to rezoning land in the GAEP North.
- The amended wording should focus on the state transport assets, primarily the Beach Road, the Beach Road / Princes Freeway interchange and associated infrastructure, required to protect the transport needs for the operations of the Avalon Airport.

The Committee recommends:

Amend the sixth strategy in the Final Day Clause 11.03-6L-06 as shown in Appendix F:1 as follows:

- **Support the ~~future~~ rezoning of the Greater Avalon Employment Precinct North to enable its use and development for employment purposes, provided that it has been demonstrated that:**
- **The use and development will not adversely impact on the role, function and capacity of ~~the adjoining road network, including~~ Beach Road and the ~~State transport network particularly as it relates to the~~ Beach Road / Princes Freeway interchange, to meet the transport needs of Avalon Airport in its operations as an airport, and any improvements to the capacity of either Beach Road or to the Beach Road / Princes Freeway interchange are able to be delivered.**
- ~~**That any interchange and associated freeway improvements to provide capacity for the Greater Avalon Employment Precinct North are planned for and able to be delivered.**~~
- **A drainage masterplan and approvals strategy has been prepared for the Greater Avalon Employment Precinct North to the satisfaction of the relevant drainage authority, which includes a concept plan,**

supporting modelling for the proposed drainage system (within and downstream of the Greater Avalon Employment Precinct North), and studies and/or investigations that would support the grant of all permissions and approvals required to construct the proposed drainage system.

7 Amendment drafting

7.1 DPO50 Clause 2.0 Requirement before a permit is granted

(i) The issue

The issue is whether the type and nature of permits that can be granted prior to the approval of a development plan under the DPO50 is appropriate.

(ii) Background

The draft Amendment proposes to include a list of permit applications that may be considered prior to the approval of a development plan at Clause 2.0 of the DPO50. It also contains several tests that must be met prior to the granting of a permit.

(iii) Evidence and submissions

The planning experts were generally supportive of the DPO50 Clause 2.0 drafting. All agreed the tests of discretion in the second set of dot points provided the most utility in controlling the type of permits applications which could be granted prior to the approval of a development plan, rather than trying to constrain the range of permissible permits.

Mr Barnes and Mr Glossop were supportive of broadening the types of permits that may be granted before the preparation of a development plan to:

- include uses, including temporary uses
- include subdivision of land into 'super lots'
- remove the qualifying term 'minor' before buildings and works.

Dr Rowley cautioned against narrowly constraining the range of permits available prior to development plan approval, noting the risk of planning blight. In his view, sufficiently robust tests of discretion would provide clear grounds to refuse applications that may imperil the objectives of the DPO50. However, Dr Rowley acknowledged the difficulty a responsible authority may face in assessing whether a permit might prejudice the development plan where foundational work remains incomplete, such as the AAIAR required by the development plan at Clause 4.0.

Mr Barnes advanced the view that there is a relationship between the ability to prepare a development plan in stages and the range of permits that should be available. Where a development plan cannot be prepared in stages, he considered more lenient controls were warranted, given the extended timeframes for precinct-wide plan preparation of the development plan and the consequent risk of land sterilisation. He did not support the qualifier 'minor' before buildings and works, considering the term potentially confusing.

The biodiversity experts sought more direct wording in Clause 2.0 to specify that only minor works could be permitted prior to development plan approval.

Mr Pegg clarified that the reference to minor works was intended to apply to all land in the GAEP West and was intended to prevent works with major impacts on receiving environments, including earthworks, investigative trenches, and the installation of

infrastructure. He considered it necessary to understand the impacts of any permit application on the ecological values of the whole precinct before a permit could be granted.

Ms Forbes agreed with Mr Pegg. She considered that anything with the potential to alter the hydrological engineering solutions contemplated for the precinct should be excluded. In her view, detailed risk assessment, hydrological information, and a drainage strategy would need to be in place before a decision-maker could be satisfied that the DPO objectives had not been prejudiced. Ms Forbes identified road creation as an example of works that could alter hydrology in the precinct.

Mr Smales and Mr Harvey, while supportive of the 'minor' qualifier, considered that works required for physical infrastructure or utilities to service the land were suitable inclusions, provided there were no significant impacts to ground levels or hydrology (Mr Harvey) or to listed threatened or migratory fauna species (Mr Smales). Both considered the impact of such works could be appropriately assessed against the 'tests' in Clause 2.0.

DTP expressed comfort with the ability to consider permits prior to development plan approval, provided there was a clear basis to refuse applications that might compromise the ability to achieve DPO objectives. In response to submissions and evidence, DTP refined the list of permitted applications and provided additional guidance on appropriate permit types. It considered the Part C version struck an appropriate balance between avoiding an alternative approval pathway that would pre-empt the development plan and avoiding sterilisation of land pending its approval.[17]

In its closing submission, DTP addressed the relationship between the tests of discretion and the scope of permitted applications. It submitted:

> DTP accepts that the tests for discretion are important to the operation of clause 2.0. However, DTP does not accept that the existence of those tests justifies deletion of the list, or a broadening of the list so that the development plan process could be materially diluted. The tests are safeguards. They are not intended to become the sole control on an otherwise unrestricted pathway.

Council considered the extent of permit applications capable of consideration before development plan approval to be too broad, having regard to the level of uncertainty around precinct drainage and ecological management. It did not support the inclusion of works required to satisfy a certificate or statement of environmental audit or to undertake site rehabilitation, or site preparation works, on the basis that 'buildings and works' was a term inclusive of those activities. Council did not support the inclusion of temporary uses.

Avalon Airport and Viva Energy shared a concern about the adequacy of decision guidelines in Clause 2.0 to protect their respective interests prior to development plan approval.

Avalon Airport was concerned that the scope of permits capable of being granted risked delay, and potential avoidance, of the preparation and implementation of the AAIAR. It sought to:

[17] No further changes were made in the Final Day version (D132a)

- remove the creation of roads, on the basis that roads may affect the ability to plan land transport
- include express reference to the current and future operation of the airport, and the views of the airport lessee, in the decision guidelines in Clause 2.0.

Viva Energy opposed the broadening of approvals available prior to development plan approval, citing inadequate consideration of pipeline safeguarding and the risk of prematurely entrenching incompatible development outcomes. It sought express inclusion of pipelines as a planning consideration in the decision guidelines in Clause 2.0.

Avalon Ind 1 and MAB sought to expand the range of allowable permits prior to development plan approval, putting forward detailed ordinance suggestions including provision for land use, temporary uses, creation of 'super lots' and site preparation works. Both sought removal of 'minor' as a qualifier before 'buildings and works', and to effectively enable consideration of a permit application for any use, subdivision, buildings or works. Avalon Ind 1 considered its land a good candidate for early development given its apparent lack of environmental and other constraints.

The DEECA did not make specific submissions on the drafting of Clause 2.0 but emphasised the need for timely resolution of matters fundamental to the achievement of environmental and ecological outcomes, particularly water management, to provide certainty for landowners and relevant authorities.

(iv) Discussion

The central question is whether the tests of discretion in Clause 2.0 provide sufficient control over permit applications prior to development plan approval, or whether the types of applications should also be carefully confined. The Committee considers the tests of discretion provide a workable framework for assessing minor permit applications. However, the purpose of a DPO is to coordinate development through a comprehensive, precinct-wide plan. Consistent with the caution in PPN23, a lack of constraint on the scope of permitted applications risks frustrating the planning authority's strategic intentions. Early infrastructure, development or land uses established before the development plan is in place may later be found to have unreasonably constrained or inappropriately influenced decisions on the development plan. A carefully confined scope of permitted applications is therefore appropriate.

The 'tests', which in effect are decision guidelines, require a responsible authority to be satisfied that a permit will not prejudice the objectives of the DPO50 (among other things). For minor applications, a responsible authority may be satisfied the decision guidelines are met. However, where foundational precinct-wide strategies remain outstanding, the range of applications capable of confident assessment is limited. In particular, the DSMS, IWMP, and OSLCP required by Clause 4.0 of the DPO50 will not have been prepared. Each of these matters has precinct-wide implications for spatial decision-making that cannot be resolved on a site-by-site basis, and each carries a degree of interdependency with the others, and with the AAIAR. This point was highlighted by Ms Forbes, to which the Committee has given some weight.

The physical characteristics of the GAEP West reinforce this conclusion. The precinct's hydrological process and biodiversity values are substantially interrelated with the

surrounding Ramsar wetlands, Avalon Coastal Reserve, and adjacent airport. Options for drainage infrastructure, integrated water management, and open space networks must not be compromised across the precinct, and no part of the GAEP West can be treated as isolated from the strategies that will ultimately be necessary to achieve sound environmental outcomes. These are not peripheral considerations. They bear directly on what development decisions can responsibly be made before the development plan is in place.

The Committee acknowledges Dr Rowley's caution about narrowing the scope of permits that may be sought and the risk of planning blight. However, a cautious approach is required due to the environmental sensitivities that reach beyond the GAEP West. Important work has been deferred to the post-rezoning stage, and that deferral carries a trade-off. The path to a broader range of development activity depends on the completion of this foundational work and the preparation of a development plan.

Turning to the scope of permits able to be sought, subdivision into 'super lots' is not appropriate for inclusion. While not defined in the Planning Scheme, 'super lots' are considered to be large lots that will have bearing on the future layout of the overall precinct. This type of subdivision is likely to influence future road layout and siting of open space, and decisions of this kind carry precinct-wide implications, including hydrological ones. These should properly be resolved through the development plan process.

The qualifier 'minor' before 'buildings and works' should be retained. It imposes a threshold that a responsible authority must actively consider. Without it, the range of works capable of approval prior to development plan approval would be materially broadened.

Roads, physical infrastructure, utilities, and works that alter the existing surface by filling should not be permitted prior to development plan approval, consistent with the evidence of Mr Pegg and Ms Forbes. Roads fix the transport network in ways that may constrain future drainage and open space options and may have considerable hydrological consequences. Infrastructure and utilities entrench servicing patterns that should be determined in the context of a resolved precinct-wide strategy. Filling works alter surface hydrology in ways that may have consequences well beyond the subject land. Each of these categories has the potential to foreclose drainage and environmental options before the strategies necessary to evaluate those options are complete.

The Final Day drafting adequately addresses the submissions of Avalon Airport. The range of permits has been reduced, road creation has been excluded, and express reference to the Avalon Airport Masterplan has been included in the tests of discretion. An express requirement to consult the airport or its lessee is not necessary, particularly given the clause only allows for a limited range of minor applications. The drafting does not preclude the responsible authority from consulting with the airport where it considers this appropriate.

An express reference to pipeline safeguarding is not required. The Minister administering the *Pipelines Act 2005* is proposed as a recommending referral authority under Clause 66.04 as part of this Amendment for applications affecting land encumbered by a

pipeline regulated under the *Pipelines Act 2005*. Pipeline safeguarding interests will be engaged through the statutory referral process for any relevant permit application.

There is duplication across two points relating to extensions or alterations to an existing building or works associated with an existing use. One specifies residential use; the other is not specific. This can be consolidated into one point. It is unnecessary to add the qualifier of not prejudicing the preparation of a development plan under this point, as it is already provided for in the tests.

A final consideration relates to site rehabilitation works associated with a certificate or statement of environmental audit. There is potential for such works to present unintended consequences to the ecological and hydrological conditions of the GAEP West which need to be carefully considered before such works are undertaken. Rehabilitation works such as soil remediation, capping, or vegetation removal can disturb hydrology, alter surface water flows, and impact habitat values in ways that may conflict with the broader environmental objectives of the development plan.

No specific provision addressing this intersection is required in the DPO50. The existing tests available to the responsible authority, including the ability to refuse a permit where it would prejudice the preparation or implementation of a development plan, provide a sufficient basis for managing this risk. However, the responsible authority and all relevant parties should be alive to this issue when considering any permit application for rehabilitation works, and should carefully assess whether such works could compromise the ecological and hydrological conditions that the development plan is intended to protect.

(v) Conclusions and recommendation

The Committee concludes:

- It is appropriate to contain the scope of applications capable of consideration before a development plan is approved to ensure the grant of a permit will not compromise the objectives of the DPO50 or constrain options for the development plan.
- A contained list of permitted applications will protect the integrity of the development plan process while allowing some temporary land uses, minor development activity and subdivision.
- The type and nature of permits that can be granted prior to the approval of a development plan in the Final Day version of the DPO50 are generally appropriate subject to:
  - excluding works required for physical infrastructure or that may alter the existing surface of the land by filling as this is likely to alter hydrological processes
  - removing reference to extensions or alterations subject to an existing building or works associated with an existing residential use as this is already covered by the following dot point
  - removing reference to “that will not prejudice the preparation of a development plan for the site” in the sixth dot point as this is already captured in the list of tests for discretion.

- The creation of 'Super lots' should not be permitted prior to the approval of a development plan as they are likely to influence future road layout and siting of open space, and decisions of this kind carry precinct-wide implications that should properly be resolved through the development plan process.
- The qualifier 'minor' before 'buildings and works' in Clause 2.0 should be retained.
- The tests of discretion in Clause 2.0 are suitable for assessing minor matters prior to development plan approval.

The Committee recommends:

Amend Clause 2.0 in the Final Day Development Plan Overlay Schedule 50 as shown in Appendix F:2 to:

- **delete the fourth bullet point referring to works required for physical infrastructure or utilities to service the land including works which alter the existing surface of the land by filling**
- **delete the fifth bullet point referring to extensions or alterations to an existing building or works associated with an existing residential use**
- **delete reference to "that will not prejudice the preparation of a Development Plan for the site" in the sixth bullet point.**

7.2 DPO50 Clause 4.0 Development plan requirements

(i) The issue

The issue is whether the requirements for a development plan at Clause 4.0 of DPO50 are appropriate as they relate to the:

- site master plan
- environment protection and biodiversity conservation report
- Avalon Airport impact assessment report
- integrated water management plan
- drainage and stormwater management strategy
- drainage and conservation area asset management plan
- staging plan
- landscape concept plan
- conservation management plan
- environmentally sustainable development assessment.

In response to Committee Direction 8, DTP clarified the scope of each referred issue. For Clause 4.0 of the DPO50, it sought advice in relation to:

- the appropriateness of the drafting of clause 4.0 of the DPO50 insofar as it identifies:
  - a requirement for a particular plan, report or assessment; and
  - the contents of any specific plan, report or assessment

  DTP does not seek the Committee's advice on any other plan which is not specified above.

(ii) Evidence and submissions

The evidence and submissions addressed issues specific to the referred items, as well the overall approach taken to the drafting of the Clause 4.0 requirements.

General approach to drafting and issues common to the referred Clause 4.0 requirements

Mr Glossop's evidence, based on the Day 1 version of DPO50, considered the Clause 4.0 requirements to be extensive, detailed and technical, and recommended rationalisation by subject matter experts. He recommended deleting references to non-responsible authorities (for example, Avalon Airport, City of Greater Geelong, CCMA, Parks Victoria) which in his view created an informal and inappropriate referral system that is contrary to the *Practitioner's Guide to Victoria's Planning Schemes* (DTP, 2025) (Practitioner's Guide).

MAB and Avalon Ind 1 supported Mr Glossop's position that the inclusion of informal referral requirements within the DPO50 was contrary to the Practitioner's Guide and that all referral and notice requirements must be specified in Clause 66 of the Planning Scheme. They submitted the consolidated 'consider the views of' formulation risked creating a quasi-referral process that would complicate and delay development plan approval without statutory basis.

Dr Rowley drew a distinction between requirements in a DPO and the Practitioner's Guide discouragement of informal referrals, which he considered to be directed to schedules that concern permit applications rather than development plans. He considered the referral provisions in Clauses 66.04 and 66.06 do not capture development plan approval, and that the DPO50 is the appropriate location for any such requirement. He considered that authorities could play a useful role in informing a responsible authority's assessment of a development plan, particularly where it concerns the assessment of technical information. This position was supported by Avalon Airport and the Council, who were concerned they would have no role in reviewing plans and materials relevant to their interests. Dr Rowley was not opposed to a requirement for the responsible authority to 'consider the views of' relevant stakeholders provided the development plan and its components were prepared to the satisfaction of the responsible authority alone.

Council distinguished its role from other stakeholders, maintaining its interests extended beyond that of technical expertise. As the drainage authority for the GAEP West and as a municipal authority likely to inherit ownership and/or management of various assets (such as drainage infrastructure and open space) the Council submitted that it should be a direct party to the agreement of relevant development plan requirements, rather than merely a consultee.

Mr Barnes recommended adding 'to the satisfaction of the responsible authority' and 'as appropriate' to the introduction of each requirement.

Avalon Ind 1 sought additional content in Clause 4.0 of the DPO50 to reinforce the ability to prepare the development plan in stages, as permitted by the DPO head clause.

In response to submissions and evidence, DTP:

- did not agree to include 'to the satisfaction of' and 'as appropriate' in the introduction of each requirement, maintaining that suitable discretion was enabled by the term 'to the satisfaction of the responsible authority' located at

the commencement of Clause 4.0, which necessarily flows through to all development plan requirements
- did not accept the invitation to repeat at Clause 4.0 that a development plan can be prepare in stages
- did not accept Mr Glossop's characterisation of the approach as contrary to the Practitioner's Guide, drawing a distinction between informal referral requirements attached to decision guidelines for permit applications, and the seeking of stakeholder views during the preparation of a development plan
- maintained the 'consider the views of' requirement on the basis that it promotes transparency and coordination, assists in identifying issues before the plan is finalised, and does not operate as a prohibited referral mechanism
- acknowledged the Council's role as a future asset owner or manager by including a specific provision at the end of Clause 4.0 requiring any plan for which the Council would assume ownership or management responsibility to be prepared to the Council's satisfaction before the development plan is approved
- otherwise adopted Dr Rowley's evidence supporting rationalisation of Clause 4.0 requirements and a shift toward matters being to the satisfaction of the responsible authority alone.

Site master plan

The detailed site master plan requirements did not draw significant comment or dispute. Most submissions were broadly supportive, seeking only minor drafting and clarity improvements.

MAB and Avalon Ind 1 did not agree with the master plan's requirement to identify Aboriginal cultural values and associated buffers. Both submitted these values were subject to separate legislation, being the *Aboriginal Heritage Act 2006*, and sought to have them removed (Avalon Ind 1) or significantly reduced in scope (MAB).

Dr Rowley supported inclusion of Aboriginal cultural values and associated buffers in the master plan requirement. He noted state policy at Clause 15.03-2S which provides for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places. In his view this includes through spatial planning of precincts. The DTP did not support removing the requirement to outline how areas of Aboriginal cultural value will be addressed.

MAB and Avalon Ind 1 also sought to remove the view line requirements from the master plan, based on their arguments they lacked strategic justification. Reference to view lines was subsequently proposed to be deleted by the DTP. This is discussed further in Chapter 7.3.

Avalon Airport sought to include a requirement that the master plan demonstrate how the AAIAR recommendations would be implemented, which was supported by the DTP.

Environment protection and biodiversity conservation report

The position of the experts and submitters with respect to the EPBCR is recorded at Chapter 5.3.

Avalon Airport Impact Assessment Report

Dr Rowley queried whether the AAIAR should be provided at development plan stage, whereas Mr Barnes considered it appropriate to include as a development plan requirement rather than a requirement for individual permit applications.

DTP submitted the AAIAR requirement allows consideration of adjoining airport operations and related constraints to be resolved and reflected in the development plan to guide future permit applications.

Avalon Airport maintained the AAIAR should be required on a precinct-wide basis. It submitted the staged preparation of the report would create additional risks to the airport. It provided detailed drafting suggestions with respect to the NASF references and highlighted the priority placed by state policy on protecting its operations. DTP supported the intent of proposed drafting changes. Notably, it agreed with Avalon Airport on the need for the AAIAR to be a precinct-wide requirement.

Avalon Ind and MAB opposed reference to the Avalon Airport in a manner that may render it an informal referral body. Both preferred updated wording so the report is prepared in consultation with Avalon Airport by a suitably qualified professional. MAB also sought the inclusion of a 21 day time frame to ensure responses would be received in a timely manner. In oral submissions, DTP said this was unnecessary as the responsible authority has a statutory time limit of 30 days before the approval of a development plan can be appealed.

The CCMA emphasised the need to consider integrated water management alongside the management of wildlife hazard mitigation near the airport.

Integrated water management plan

The hydrology and drainage experts were broadly supportive of the framework created by the IWMP requirements in the Day 1 version of the DPO50. Mr Smales, Mr Harvey, Mr Pegg and Mr Lloyd were also supportive of the IWMP requirement. Ms Forbes was supportive, subject to the IWMP being to the satisfaction of the drainage authority and in consultation with the catchment management authority. Some submitters sought minor wording changes with an emphasis on enabling an adaptive management framework.

The DTP proposed to amend the IWMP requirement to include reference to adaptive management considerations.

The position of the experts and submitters with respect to whether the IWMP should be prepared precinct-wide is recorded at Chapter 4.2.

Drainage and stormwater management strategy

Substantive issues raised by experts and submitters relating to the DSMS are recorded in Chapter 4.2. Other suggested changes to the provision were generally to improve clarity, reduce duplication and ensure flexibility in relation to climate change assumptions. These changes were generally supported by DTP and are included in the Final Day version of the DPO50.

Drainage and conservation area asset management plan

The Day 1, V2 ordinance separated the former combined Drainage and Conservation Asset Management Plan into two distinct management instruments, being the DAMP and the CAMP.

The DAMP requirements received few submissions. At Council's request, it was amended by DTP to have regard to maintenance requirements. The Final Day version of the DPO50 includes a requirement for the responsible authority to consider the views of both the Council and the CCMA, whereas the Council submitted that only the views of the drainage authority (Council) were relevant.

The CAMP is separately addressed below.

Staging plan

The Staging plan requirements attracted few comments from experts and submitters during the course of the Hearing. Council sought preparation of the Staging plan on a precinct-wide basis. The Final Day version of the DPO50 was unchanged from the Day 1 version, and did not require it to be prepared precinct-wide.

Landscape concept plan

Updated versions of the DPO50 received during the Hearing renamed this plan requirement as the OSLCP.

Council sought to include a requirement in the OSLCP for the retention of high value trees, as identified in the arboricultural report prepared by Tree Logic, 2023. The Final Day DPO50 retained this requirement as part of the Site master plan report rather than in the OSLCP.

Council also sought to include and cross-reference the Biodiversity Assessment in the OSLCP. This suggestion was not accepted by the DTP.

In response to submissions made by MAB, the DTP's Final Day version of the OSLCP requirement removed the specific 25 metre linear reserve requirement along Gillets Road, while retaining the 25 metre requirement for Avalon Road.

Conservation Management Plan

The content of the former Conservation Management Plan (being the referred matter) was refined and consolidated into a new CAMP requirement.

Whilst broadly supportive of the CAMP's intent, subject to minor wording suggestions, planning and biodiversity experts and submitters held different opinions about whether the CAMP should apply across the whole of the GAEP West, or whether it should only be a requirement of land located in the RCZ. The positions of the submitters and experts is recorded at Chapter 5.3, as is the issue raised by Council concerning the enforceability of the CAMP.

Environmentally Sustainable Development (ESD) Assessment

There was general consensus between the planning experts and all submitters that the requirement for an ESD assessment referred to in the exhibited version of the DPO50 was

already sufficiently addressed elsewhere in the Planning Scheme and served no further utility in the DPO50. DTP proposed to remove this requirement in its entirety.

(iii) Discussion

General approach to drafting and issues common to the referred Clause 4.0 requirements

The Committee agrees with Dr Rowley that the Practitioner's Guide appears to be written with permit applications in mind and is silent with respect to development plans. Unlike a planning permit application, there is no ability for a responsible authority to utilise the referral requirements under Clause 66 when considering a development plan.

For the GAEP West, the responsible authority's assessment of any development plan will need to draw on the technical expertise of key agencies and stakeholders. This is particularly important given the volume and complexity of technical information required, and the extent to which that information must be understood and integrated across disciplines. Compounding this, the DPO structure does not enable broader community consultation when a development plan is sought or amended. It is therefore critical that the development plan framework is robust and shaped by input from those with the relevant expertise.

DTP's Final Day approach of requiring the responsible authority to seek and, where provided, consider the views of relevant authorities and stakeholders for various requirements in Clause 4.0 is supported. This is consistent with the oral evidence of Mr Glossop who acknowledged the DPO50 could signal the need to seek views of other authorities. This mechanism strikes the right balance between ensuring the responsible authority is adequately informed and avoiding the creation of a de facto referral pathway outside the statutory framework.

The Council as the drainage and municipal authority is likely to become the asset owner or manager for a considerable portion of infrastructure across the precinct, such as roads and drainage. It will bear the long-term responsibility for decisions made about these assets through the development plan process. It is appropriate in these circumstances that the Council has a direct say in the resolution of requirements that will affect assets it is expected to own or manage. The final paragraph of Clause 4.0 is a suitable mechanism for achieving this:

> Any plan forming part of the Development Plan approved under clause 4.0 of this schedule that requires Greater Geelong City Council to be the asset owner and / or manager (such as for road, drainage, conservation and open space reserves), must be prepared to the satisfaction of Greater Geelong City Council before the Development Plan is approved by the responsible authority.

More generally, the Committee considers the DPO50 should avoid drafting that adds no operative effect. There is no need for the introduction to each requirement to include the words 'to the satisfaction of the responsible authority' or 'as appropriate', as it offers no additional flexibility beyond what is already provided for at the commencement of Clause 4.0. Some residual inclusions of 'to the satisfaction of' remain in Clause 4.0 of the Final Day DPO50 which should be removed for consistency.

Similarly, there is no need for the DPO50 to duplicate what the header provision at Clause 43.04-4 enables in terms of a development plan being prepared and implemented in stages.

As outlined elsewhere in this report, some requirements of the development plan need landowner co-ordination to deliver a precinct-wide approach, such as an IWMS, DSMS and AAIAR, as a precursor to the formulation of other plans. Once this work has been undertaken, other components of the development plan (for one or more landowners) can be prepared, that is, other plans may be prepared in stages. The DPO50 has been drafted in full recognition of the fact there are multiple landowners and a range of complex issues in the precinct. It has the effect of prioritising and sequencing different parts of the development plan, depending on whether they are required across the whole precinct, or could be undertaken for only parts of the precinct. Repeating the staging provision within the schedule would be potentially confusing and unnecessary.

Site master plan

The Final Day version of the Site master plan requirement is broadly acceptable. It is appropriate and sensible for Aboriginal cultural values to be considered, so that it can inform relevant spatial decisions.

The Committee considers that reference to the *Greater Avalon Employment Precinct Landscape and Visual Impact Assessment Report* to be potentially confusing in the context of interfaces. It is sufficient that the master plan be required to respond to the identified interfaces on Plan 1 of the DPO50.

The requirement for the Site master plan to include 'details of how' the AAIAR will be implemented is unnecessary as it would duplicate the requirement within the AAIAR which says "*any recommendations or requirements of this assessment must be incorporated into the development plan*". This is sufficient.

Reference to retention of high and moderate value trees is more appropriately located under the OSLCP requirement and should be removed from the Site master plan requirement.

Environment protection and biodiversity conservation report

As outlined in Chapter 5.3, the Committee supports removal of the EPBCR requirement.

Avalon Airport Impact Assessment Report

The spatial planning for the GAEP West will be significantly influenced by the operation of the adjoining Avalon Airport which is designated in state policy as a Principal Transport Gateway. Critical elements to the development plan's formulation centre around the location, form and management of water assets, which in turn affect wildlife strike risk. Building heights, road layout, landscaping and open space decisions are also interrelated. These matters should be understood at a precinct-wide level in the interests of orderly planning for use, subdivision and design.

A staged or landholding-by-landholding approach to airport impact assessment risks safeguarding matters being addressed inconsistently or incompletely, with no capacity to holistically evaluate cumulative impacts. Preparation of a precinct-wide report also

ensures the AAIAR functions as a meaningful and integrated input to the DSMS, the CAMP and the OSLCP, each of which carries direct implications for airport safety.

The Committee understands MAB's position in requesting a time frame be included for a response from Avalon Airport but agrees with the DTP that this is not necessary given the statutory time limit in place for approval of a development plan. This will compel timely decision making.

The NASF establishes technical guidelines across multiple subject areas. The AAIAR is the mechanism by which these considerations are introduced into the development plan process.

Integrated water management plan and Drainage and Stormwater Management Strategy

The findings on the broader question of whether the DPO50 provides a sufficient framework for the management of drainage, flooding and integrated water management are set out in Chapters 4.2 and 5.3. The Committee's conclusions in those chapters inform, and are to be read together with, the analysis of the IWMP and DSMS drafting below.

Drafting of the IWMP and DSMS requirements are closely interrelated. The two instruments are cross-referenced and together form the principal framework for water management across the precinct. The Final Day versions of both requirements reflect the broad consensus of the hydrology, drainage and ecology experts as to the necessary content and scope of each instrument.

The Committee accepts the DTP's Final Day drafting of the IWMP requirement, including the requirement for a precinct-wide IWMP and the inclusion of adaptive management considerations. These changes reflect the evidence of the drainage and ecology experts and the concerns of the Council and the catchment and water management authorities, as discussed in Chapter 4.2.

The Final Day version of the DSMS requirement is also accepted. The requirement for a precinct-wide concept design, co-ordination between landowners to manage combined stormwater volumes, the investigation and risk assessment on receiving waters, and monitoring requirements are all appropriate and consistent with the Committee's conclusions in Chapter 4.2. The requirement for a suitably qualified ecohydrology expert to assess the impact of proposed works on the environmental values of receiving waters is appropriately located within the DSMS.

Drainage Asset Management Plan

Consistent with the Council's submission, it is appropriate the views of the drainage authority are considered rather than the catchment management authority when assessing the DAMP. The Committee otherwise considers the DAMP to be satisfactory.

Staging plan

The Staging plan requirement is appropriate as drafted in DTP's Final Day version. The sequencing of infrastructure delivery and managing interfaces between development stages can be adequately achieved through individual development plans, informed by the precinct-wide technical work required elsewhere in Clause 4.0.

Open Space and Landscape Concept Plan

The Final Day drafting of the OSLCP requirement addresses most of the submissions and changes sought by various submitters. One of the two remaining residual issues was whether an updated biodiversity assessment should be included as a specific reference to inform the OSLCP. This has been discussed at Chapter 5.3.

The remaining issue is whether high and moderate value trees should be referenced in this provision, or as a Site master plan requirement. The issue of tree retention is more aligned with the OSLCP work, rather than the Site master plan requirement. It should be included as part of the OSLCP requirement and there is no need for it to be replicated in the Site master plan.

Conservation Area Management Plan

At Chapter 5.3 the Committee concluded that an updated biodiversity assessment is necessary to inform the preparation of the CAMP. It also found it appropriate that the CAMP should only apply to the land in the RCZ16, and that implementation and enforceability of the CAMP is adequately addressed through a permit condition at Clause 3.0 of the DPO50 and on the basis that permit applications for 'super lots' are not permitted prior to preparation of a development plan.

Read together, Clauses 2.0, 3.0 and 4.0 provide an integrated framework for implementing the CAMP and protecting the conservation areas.

Environmentally Sustainable Development (ESD) Assessment

The Committee notes that deletion of the ESD requirement from the DPO50 is uncontroversial and supports its removal on the basis that it included requirements addressed elsewhere in the Planning Scheme.

(iv) Conclusions and recommendation

The Committee concludes:

- It is appropriate for the responsible authority to seek input from key agencies and stakeholders in deciding whether a development plan should be approved, as they offer technical expertise relevant to detailed planning for the precinct.
- The DPO50 should avoid drafting or repetitive language that adds no operative effect.
- The DPO50 Site master plan requirements are broadly acceptable, but the second bullet point relating to open space and retention of high and moderate value trees should be relocated to the OSLCP. Requirements for details of how the AAIAR will be implemented (bullet point ten), and reference to the Greater Avalon Employment Precinct Landscape and Visual Impact Assessment Report (bullet point eleven) are superfluous and should be deleted.
- It is not necessary to include a requirement for an EPBCR in DPO50.
- The DPO50 requirement for a precinct-wide AAIAR is supported.
- The DPO50 IWMP and DSMS requirements are acceptable as discussed in Chapter 4.2.

- The DPO50 DAMP requirement should be updated to remove reference to the CCMA as the Council is the relevant drainage authority and likely to become owner of key drainage assets.
- It is not necessary to include a requirement for an ESD assessment in DPO50 as similar provisions are located elsewhere in the Planning Scheme.

The Committee recommends:

Amend the Final Day Development Plan Overlay Schedule 50, Clause 4.0 requirements as shown in Appendix F:2 to:

- **remove references to "prepared to the satisfaction of the responsible authority" at the introduction of each bullet point**
- **under the Site master plan:**
  - **delete reference to "The open space network should provide for the retention of high and moderate value trees (as identified in *Arboricultural Assessment and report* (Tree Logic, September 2023)) in the second bullet point**
  - **delete the words "and how they will be implemented" for the Avalon Airport Impact Assessment in the tenth bullet point**
  - **delete the words "and in the Greater Avalon Employment Precinct Landscape and Visual Impact Assessment report" in the eleventh bullet point.**
- **under the Drainage Asset Management Plan:**
  - **remove reference to the Corangamite Catchment Management Authority**
- **under the Open Space and Landscape Concept Plan:**
  - **Include a new bullet point for retention of high and moderate value trees (as identified in *Arboricultural Assessment and Report* (Tree Logic, September 2023)).**

7.3 Urban design, subdivision and design outcomes for GAEP West

(i) The issue

The issue is whether the urban design, subdivision and design outcomes sought for the GAEP West are appropriately contained within a schedule to a Design and Development Overlay (as proposed in the DDO53) or in the DPO50.

In response to Committee Direction 8, DTP clarified the scope of each referred issue. For urban design, subdivision and design outcomes sought for the GAEP West it sought advice in relation to:

- whether urban design, subdivision and design outcomes for GAEP West should be included in, and administered under, either or both the DPO50 and / or the Design and Development Overlay – Schedule 53 (DDO53). In this respect, DTP seeks specific advice in relation to the appropriate clause in which the specified urban design, subdivision and design outcomes will be included.

(ii) Evidence and submissions

Evidence and submissions were divided on whether the design and subdivision outcomes sought in the DDO53 were more appropriately addressed by way of design guidelines forming part of a development plan. Parties were also divided on whether the DDO was an appropriate mechanism to enable notice of permit applications to the Avalon Airport.

Mr Barnes' principal area of concern was the *Landscape and Visual Impact Assessment* (Frank Hanson, 2024) (LVIA)[18] that was prepared as a background to the Amendment, stating it did not provide sufficient justification to include statutory requirements in the proposed DDO. This particularly related to view lines that were referred to in DDO53. His written evidence, prepared on the basis of the Day 1 version, also concluded that more detailed design work would be needed beyond that contained in the LVIA report to achieve the aspirations of the DDO53 for a high quality, nationally significant employment precinct.

As an alternative to the use of a DDO, Mr Barnes recommended including a requirement for detailed design guidelines be included at Clause 4.0 of DPO50, which take the LVIA report into account and address:

- subdivision layout, design and interfaces
- the design of buildings and works
- landscaping and open space.

He recommended relocating the aspirational objectives of the DDO53 to local policy at Clause 11.03-6L-06 and in the DPO schedule.

Mr Glossop also questioned the strategic basis of the DDO53 and raised issues with the way the findings of the LVIA had translated into controls, particularly in relation to sight line requirements. For instance, the expansive views currently available across flat land towards the You Yangs were, in his opinion, likely to be obscured by any development in the precinct. Furthermore, it was unclear why the view lines sought to be protected were of significance.

He considered that much of the proposed content in the DDO53 was already provided for in the Planning Scheme, and that the *Practitioner's Guide* requires DDO controls to be based on a demonstrated need which he considered had not been met. Like Mr Barnes, he supported the use of the DPO as an alternative way of establishing and implementing design guidelines which offered greater flexibility for future developments.

Dr Rowley considered the different purposes of the DDO and the DPO controls. He observed that the DDO applies specific requirements about built form that is assessed as part of a planning permit process. The outcomes are then delivered on a site-by-site basis. He contrasted that with the DPO, which he considered was suited to circumstances where outcomes require whole-of-precinct co-ordination, and where further work needs to be done and reflected in a development plan before permits are issued. His view of the DDO was that it is the 'default tool' of the VPPs for delivering design controls where the strategic work had underpinned the built form requirements. He considered the DDO a more transparent mechanism than the use of guidelines in a

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development plan, which may be subject to change without public consultation, and which sat outside of the planning scheme.

While Dr Rowley had not undertaken an evaluation of the strategic work underpinning the proposed DDO53, he characterised the content of the controls as 'conventional' built form outcomes that 'sit comfortably within the remit of a DDO', and do not warrant the higher level of master planning achieved by a DPO.

Avalon Ind 1 and MAB sought to have the DDO53 removed in its entirety. They were critical of early versions of the ordinance, and submitted:

- much of the content duplicates content contained in the proposed DPO controls and existing controls elsewhere in the Planning Scheme, such as requirements for ESD, landscaping, visual impacts and airport environs
- the controls had translated requirements from the Planning Scheme's DDO20 without critical analysis
- it is inappropriate to use the DDO to enable the giving of notice of permit applications to Avalon Airport
- the balance of the content lacks strategic justification.

The Council supported the use of the DDO53, noting that its provisions enable consistent design outcomes across the precinct. Council was concerned that if design guidelines were instead included in the DPO50, they could be developed in stages and amended over time in a way that might compromise precinct-wide design cohesion. Council also noted the utility of the DDO53 in considering permit applications before a development plan has been approved.

Avalon Airport supported the DDO53, primarily as a mechanism to safeguard its interests beyond the master planning stage. It noted its intention to progress work in support of an Airport Environs Overlay control, in addition to its current work in resolving a new masterplan. However, in the intervening period it considered the DDO a necessary mechanism to ensure lot-level matters such as lighting, building height, building form and landscaping had appropriate regard to the safety and operations of the Airport. It sought to include formal notice requirements through section 52(1)(c) of the PE Act in the DDO53, in a manner similarly available to other airports.

In response to evidence and submissions about the DDO53, DTP amended and refined the drafting of the schedule through the course of the Hearing. Notably, the Final Day version made the following changes:

- references to view lines, fencing, stormwater, and ESD requirements were removed
- drafting of other matters was streamlined
- decision guidelines were updated to have regard to the views of Avalon Airport.

DTP supported retention of the DDO53 stating that while the DPO50 serves as the primary master planning tool for GAEP West, DDO53 implements specific subdivision, design and interface outcomes at the permit stage.

(iii) Discussion

The Committee's Terms of Reference do not extend to assessing the strategic justification underpinning the controls in DDO53, nor to evaluating the drafting or merits of particular controls. Its task is confined to whether, as a matter of their nature and purpose, the controls are better suited to the DDO or the DPO.

That task is not straightforward. To form a view about where the content is best placed, some understanding of the nature and genesis of the controls in the proposed DDO53 is necessary. The Committee has proceeded on that basis, while remaining conscious of the limits of its remit. It has also had to undertake this evaluation in consideration of the Final Day version of the DDO53 and the DPO50, which are appreciably different from those examined by the experts.

Broadly speaking the Committee accepts Dr Rowley's characterisation of the respective purposes of the two controls, and that the utility of the DDO is appropriate where design outcomes are known, and where decisions can be assessed and implemented at the permit stage on a site-by-site basis.

Where an outcome is better served in a master planning sense or across the precinct, design guidelines (or other provisions) within the DPO are more appropriate by offering precinct level coordination.

With that distinction in mind the Committee has considered the controls proposed under DDO53 as follows:

Site layout and design

The proposed DDO53 provides specific guidance on the preferred siting of landscaping and car parking areas relative to buildings and lots. The Committee agrees these are appropriate DDO controls.

Car parking, loading bays and access

DDO53 provides specific guidance on the design and location of functional building areas and car parking. The Committee considers these controls are appropriately placed in a DDO.

Building design

The proposed building design controls address a range of matters, including building heights and lighting responsive to Avalon Airport operations, building design guidelines (including materials and architectural elements), and lighting requirements relative to nearby dwellings and conservation areas. Broad design aspirations for the appearance of buildings (for example, 'high standards of design quality' and 'energy efficient building design') are also referenced.

The Committee observes there is some duplication between the content of the DDO53 and the DPO50 in relation to Avalon Airport. For instance, the DPO50 requirement for an AAIAR should set a broad framework for acceptable building heights and light spill mitigation, based on NASF guidelines. If that is established across the precinct, then in theory there should be no work left for the DDO53 to 'do' at the planning permit stage. However, it is quite possible that there will be a lag between approval of a development

plan, and an application for planning permit being sought. In the intervening period Avalon Airport's master plan and associated operational and safeguarding requirements may have evolved, warranting further review of individual applications against those requirements when they are made.

Overall the Committee considers the building design matters are appropriately retained in a DDO.

Landscaping

The landscaping requirements repeat some earlier DDO53 provisions, such as preferred locations for landscape areas, and managing light spill impacts to residential and conservation areas. Specific direction is provided for landscaping to reflect the scale of the building and car park areas. These matters, while in some instances repetitive, are appropriately located in the DDO.

However, several DDO53 landscaping requirements are already addressed or have comparable outcomes sought through the DPO50 OSLCP framework:

Table 5 Comparison of DDO53 and DPO50 landscaping requirements

DDO53- Landscaping requirements	DPO50 – OSLCP requirements
Provide landscaping along boundaries which adjoin a sensitive land use or environmental feature (such as waterways or conservation reserve) Provide a variety of flora and fauna habitats that promote biodiversity values	Details of how areas of biodiversity and conservation significance will be addressed including any proposed landscape buffers or treatments at the interface of the precinct and adjacent conservation areas Details of the interface and buffer treatments between open space areas and industrial uses or land set aside for drainage and conservation purposes Details of the landscape treatment along Avalon Road, including consideration of the provision of a 25 metre linear reserve
Landscaping designed to be low maintenance … where practical and consistent with this requirement, landscaping species should be locally indigenous or native	Trees and shrubs should be of local indigenous plant species relevant to the Ecological Vegetation Class throughout the development area
Provide habitat creation along waterway and drainage corridors	Details of how any landscaped areas… provide biodiversity links to the conservation areas
Provide vegetated corridors along walking and cycling tracks	Details of any shared paths, bike paths or walking trails

In each case, the DPO50 OSLCP requirement addresses the same landscaping outcome at a precinct scale, rendering the corresponding DDO53 control redundant at the permit stage.

On that basis these matters are not needed in the DDO. The OSLCP requirements of DPO50 provide co-ordinated direction on landscaping matters across the precinct, and

an approved development plan will give permit applicants and the responsible authority clear guidance as to what landscaping outcomes are expected on a site.

In terms of landscaping matters and the Avalon Airport, the Committee also sees repetition across the DDO53 and DPO50:

Table 6 Comparison of DDO53 and DDO50 landscape requirements relating to Avalon Airport

DDO53- Landscaping requirements	DPO50 – OSLCP requirements
Ensure any landscaping location and species selection will not encroach the protected airspace of Avalon Airport at mature height and will not attract wildlife relative to wildlife strike risk	Details of how the landscape concept implements the recommendations of the AAIAR, including confirmation that species selection will mitigate the risk of wildlife strike and avoid penetration of protected airspace

Unlike the general landscaping provisions addressed above, this requirement is directed to a specific operational constraint of Avalon Airport that may evolve over time and warrants assessment at the individual permit stage.

For the reasons previously outlined, the Committee considers the landscaping requirements directed to airport safeguarding warrant retention in the DDO53.

Subdivision

The subdivision requirements are varied across the DPO50 and DDO53.

Two provisions relate to bushfire management, requiring a perimeter road to all interfaces with a bushfire hazard, and a road network that complies with relevant fire service requirements. The Committee considers that these are matters already provided for in the DPO50's requirements for a Bushfire Management Plan, Site Master Plan, and associated permit conditions at Clause 2.0. As the DPO50 already addresses these matters the Committee sees no reason to impose duplicate requirements through the DDO53.

The balance of subdivision requirements relate to lot configuration and orientation. These are appropriately considered at a permit stage and worthy of retaining in the DDO53.

Airport notice requirements

A separate question arising from the DDO53 concerns Avalon Airport's submission that formal notice requirements under section 52(1)(c) of the PE Act should be included in the schedule.

The Committee does not accept Avalon Airport's submission that formal notice requirements under section 52(1)(c) of the PE Act should be included in the DDO53. The more comprehensive protection sought by the Airport is a matter properly addressed through a dedicated Airport Environs Overlay, towards which Avalon Airport has indicated it intends to progress work. It would be premature to replicate such a function within the DDO53 pending that outcome. The Final Day drafting, which requires the responsible authority to have regard to the views of Avalon Airport, strikes the appropriate balance.

(iv) Conclusions and recommendation

The Committee concludes:

- The DDO53 has an important statutory role in directing site-specific urban design, subdivision and built form outcomes for the GAEP West.
- The DDO53 landscaping and bushfire requirements that are duplicated or have comparable outcomes achieved through the DPO50 framework should be deleted as outlined in Table 5 above.
- The DDO53 serves an important function in safeguarding Avalon Airport operations while critical master planning and statutory work is undertaken.
- It is not appropriate to include formal notice requirements under section 52(1)(c) of the PE Act within the DDO53.

The Committee recommends:

Amend the Final Day Design and Development Plan Overlay Schedule 53 as shown in Appendix F:3 to:

- **at Clause 2.0, under the landscaping requirements, delete:**
  - **the second bullet point, "Along boundaries which adjoin a sensitive land use or environmental feature (such as waterways or conservation reserve) or where the site is visually prominent**
  - **the fourth bullet point, "designed to be low maintenance, including selection of hardy landscape species that require minimal ongoing maintenance and have low water usage. Where practical and consistent with this requirement, landscaping species should be locally indigenous or native; and"**
  - **the final three bullet points and preceding words that state "where practical, landscaping and revegetation should:**
    - ***Provide a variety of flora and fauna habitats that promote biodiversity values***
    - ***Provide habitat creation along waterway and drainage corridors***
    - ***Provide vegetated corridors along walking and cycling tracks".***
- **at Clause 3.0, under subdivision, delete:**
  - **the fourth bullet point, "A perimeter road is provided on all interfaces with a permanent bushfire hazard"**
  - **the final bullet point, "A road network that complies with the relevant fire service requirements for emergency access and egress where appropriate".**

7.4 Interface outcomes for GAEP West

(i) The issue

The issue is whether the controls included in the proposed DPO50 and DDO53 provide for acceptable interface outcomes and manage potential adverse amenity impacts to the Rural Living Zone properties along Avalon Road, west of the precinct.

In response to Committee Direction 8, DTP clarified the scope of each referred issue. For the drafting of the interface issue, it sought advice in relation to:

- whether the DPO50 and DDO53 acceptably manage interface outcomes and any adverse amenity impacts to Rural Living Zone properties located to the west of GAEP along Avalon Road.

(ii) Background

Land in the Rural Living Zone (RLZ) borders approximately one third of the western boundary of the GAEP West at the northern end, separated by Avalon Road.

The DPO50 proposes to manage the RLZ interface through the following requirements:

- site master plan at Clause 4.0 which includes:
  - details of proposed treatments to manage sensitive interfaces between residential and industrial land uses
  - details of how the development will respond to the interfaces identified on Plan 1 and in the LVIA
- OSLCP at Clause 4.0 which includes:
  - details of the landscape treatment along Avalon Road, including consideration of the provision of a 25 metre linear reserve and landscape screening including new and retained vegetation
- Plan 1 of the DPO50, which includes:
  - a 25 metre linear reserve (indicative width) on the eastern side of Avalon Road opposite the RLZ
  - Avalon Road as a connector road at the RLZ interface, with three intersections to Avalon Road at the RLZ interface.

The design objectives, buildings and works and subdivision requirements of the DDO53 also have regard to the RLZ interface. They include the following requirements:

- high standards of design on lots particularly adjacent to Avalon Road
- landscaping that minimises headlight glare to the west side of Avalon Road and has the effect of screening and softening of visual bulk
- subdivision layout that ensures no lots have a rear aspect to Avalon Road.

Both the DPO50 and the DDO53 were informed by the LVIA. Chapters 9.6 and 10.2 of the LVIA make the following recommendations for interface treatments to Avalon Road:

- protect, enhance and incorporate roadside and windbreak vegetation in all road cross sections including Avalon Road
- setback new buildings in a manner responsive to their particular context
- create a sense of address to the street
- height of buildings and works opposite or adjacent to houses should consider the scale of the houses in relation to the street
- ensure continuity of major remnant exotic and indigenous vegetation with infill planting in gaps
- create a linear open space with shared walking/cycling trails on edges
- enhance active surveillance opportunities
- incorporate Water Sensitive Urban Design treatment at the precinct edge to provide a further separation.

Relevant to the discussion of traffic impacts and interface outcomes is the requirement for an Integrated Transport Management Plan (ITMP) at Clause 4.0 of the DPO50. This requires, among other things, an assessment of traffic generation and the impact on the adjoining road network, and identification of any upgrade works required on the adjoining road network.

The ITMP and Transport Infrastructure Contributions Agreement were informed by work including:

- a Strategic Transport Modelling Assessment Report (Jacobs, November 2025)[19]
- a Transport Assessment Memo (Jacobs, November 2025).[20] This memo indicates Avalon Road will function as an arterial road north of Dandos Road, including where it adjoins properties in the RLZ.

(iii) Evidence and submissions

There was no dispute that the interface between the GAEP West and the RLZ land to the west of Avalon Road is a sensitive interface warranting careful consideration. Evidence and submissions centred on the mechanism for managing adverse impacts to RLZ properties, with a significant focus on the 25 metre linear reserve proposed for the eastern side of Avalon Road.

Several submissions to the draft Amendment were made by residents in the adjoining RLZ area. All these submissions were concerned about the potential amenity impact of heavy vehicles and increased traffic on Avalon Road and associated noise and air pollution. In addition, the submissions raised concerns with:

- changed outlook and loss of rural character
- loss of trees on Avalon Road
- light, noise and industrial operations.

One submitter tendered images of Avalon Road illustrating the row of trees that line the GAEP West boundary at the interface of the RLZ, submitting that they contribute to the rural character of the area. This submitter also referred to earlier versions of the GAEP West Concept Plan,[21] used during public consultation, showing an arterial road running within the GAEP West and parallel to Avalon Road, which he understood to divert industrial traffic away from Avalon Road. This earlier plan also showed a substantial conservation area alongside the majority of the RLZ interface which is not proposed as part of the draft Amendment.

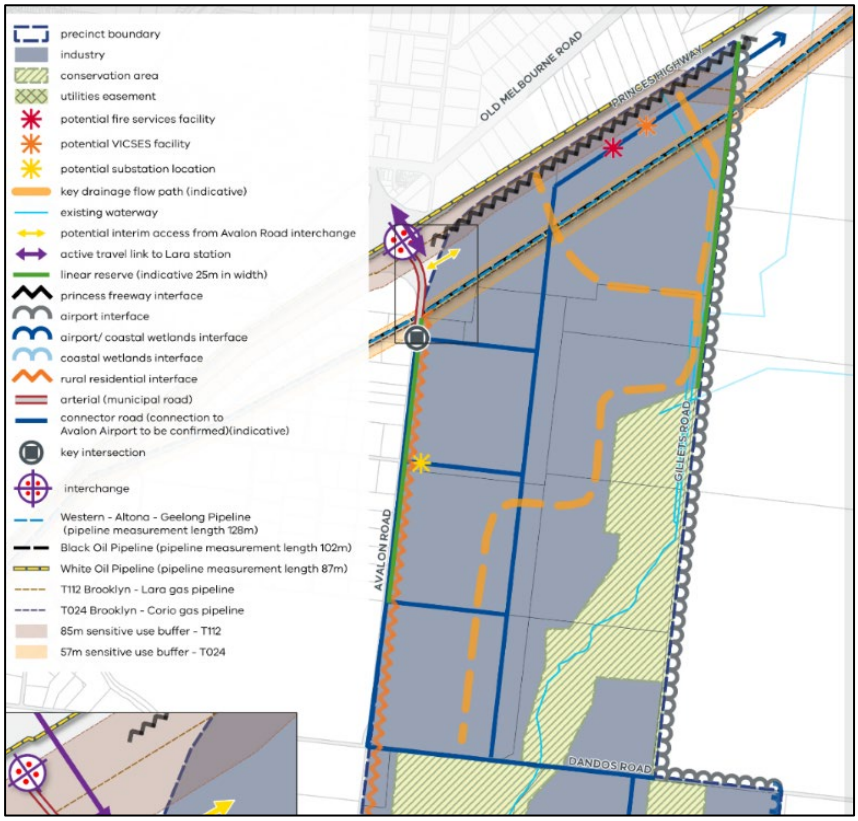
One submitter queried whether the LVIA's recommendations had been appropriately translated into the proposed ordinance. An inconsistency was highlighted in the way road connections are depicted between the GAEP West and Avalon Road. The LVIA's sketch plan shows no direct road connections (refer Figure 4), while Plan 1 of the DPO50 indicates a range of road intersections (refer Figure 5). The latter arrangement would create breaks in the linear reserve which, it was submitted, raises questions about the intended approach to interface management, and to the intended road layout and transport planning for the GAEP West.

[19] Document 107
[20] Document 4n
[21] Document 106

Figure 4 Sketch plan of the Avalon Road interface in the LVIA

Source: Document 4k, Greater Avalon Landscape and Visual Impact Assessment, Figure 26

Figure 5 Plan 1 in the DPO50



Source: Document 132a, Final Day DPO50 – Plan 1, Greater Avalon Employment Precinct West Concept Plan

One submitter queried whether the proposed 25 metre reservation on the east side of Avalon Road was intended for open space purposes. The submitter otherwise considered the provision of a 25 metre linear reserve appropriate as it would allow for substantial buildings to be constructed without adverse impacts to the rural residential properties to the west.

The Council supported the use of both the DDO53 along with the DPO50 as an appropriate means of delivering the linear reserve and other design outcomes that would manage this interface.

MAB submitted the DPO50 provides an appropriate mechanism for acceptable interface outcomes to the RLZ and that the DDO53 provisions were superfluous to that purpose.

Mr Barnes did not address the RLZ interface issues in his written evidence. In response to questions at the Hearing, he indicated a preference for the DPO50 design guidelines over the specific requirements in the DDO53, on the basis design guidelines offered greater flexibility to respond to contextual matters.

Mr Glossop also supported management of RLZ interface issues through the DPO50 design guidelines. He noted that properties on the west side of Avalon Road have:

- a mostly open outlook to the east, partly screened by landscaping on the east side of Avalon Road
- large allotment sizes, with generous setbacks.

He considered these attributes, along with the decision guidelines of the IN1Z, and any applicable set back requirements in Clause 53.10 (Uses and activities with potential adverse impacts) would provide suitable mechanisms to protect residents from inappropriate impacts arising from industrial operations. Mr Glossop acknowledged the likely change to the acoustic environment resulting from additional vehicle movements on Avalon Road but did not make specific recommendations as to how such impacts might be mitigated.

Dr Rowley deferred to the Environment Protection Authority on whether the road reserve and 25 metre buffer provides adequate separation between IN1Z uses and the RLZ. He relied on Environment Protection Authority correspondence that supported the concept of a buffer to manage potential adverse amenity impacts.[22] He supported use of the OSLCP in the DPO50 to implement the 25 metre buffer requirement contained in the LVIA, and considered the OSLCP should include explicit detail of the Avalon Road reserve including screening and path functions.

DTP clarified that:

- the existing Avalon Road reserve is approximately 20 metres wide
- the 25 metre width of the linear reserve derives from the Council's Social Infrastructure Plan (2020)[23] that sets out minimum spatial requirements for linear open space in the City of Greater Geelong.

It submitted:

- it has not been determined whether the land to be set aside for the linear reserve is suitable for acquisition, but it could potentially be delivered through the standard process under Clause 53.01 of the Planning Scheme for open space provision
- the road network will be upgraded to accommodate additional traffic associated with development in the GAEP West and will include new roads internal to the site to distribute traffic from Avalon Road
- any intensification of noise from the existing road network will be monitored and managed by the relevant road authorities and is an issue which sits outside the scope of this Amendment.

[22] An extract of the EPA correspondence formed part of Dr Rowley's evidence.
[23] Document 107

DTP submitted the changes made to the DPO50 and the DDO53 through the course of the Hearing responded to the evidence of Dr Rowley and provided an acceptable interface to the RLZ. These include the:

- spatial requirement for the 25 metre linear reserve in DPO50
- open space and landscape planning requirements in the OSLCP
- built form and design requirements in DDO53
- amenity controls already embedded in the Planning Scheme including the IN1Z and Clause 53.10.

(iv) Discussion

The amenity of adjoining land in the RLZ is primarily derived from the outlook to the east, comprising a continuous strip of trees on the eastern side of Avalon Road and open landscape beyond. The LVIA described the trees as major remnant exotic and indigenous vegetation and recommended their retention with infill planting in gaps.

The longer-range views and broader outlook from the RLZ to the east will inevitably change. Development will be visible, depending on its placement relative to the road network, open space areas, the linear reserve and retained vegetation. This is an outcome of the GAEP's strategic designation as a new employment precinct and given this designation it is not reasonable to expect the open landscape view to be retained in perpetuity.

However, the Committee agrees a linear reserve on the eastern side of Avalon Road will provide an opportunity to incorporate existing trees and potentially enhance planting to create a landscaped setting for new industrial development. This will provide some screening to buildings beyond, in addition to any landscape requirements on allotments within the GAEP West. The linear reserve also provides physical separation to industrial activity.

The building and landscaping requirements of the DDO53 afford additional design considerations to manage the impact of built form and its relationship to the RLZ. When considered together, the DDO53 and the DPO50 provide a reasonable framework for managing visual amenity impacts.

Impacts that may arise from the operation of specific industrial uses within the GAEP West, such as odour, noise, and dust are separate issues from the built form and landscape interface matters addressed by the DPO50 and the DDO53. The land use impacts are appropriately managed through the decision guidelines and requirements of the IN1Z and Clause 53.10 (as relevant) which apply at the permit application stage. Any necessary mitigation measures can be required under these provisions as relevant to the nature of the particular use proposed.

On this basis the Committee is satisfied that land use amenity impacts arising from the GAEP West can be adequately managed.

Avalon Road traffic

The design controls in the DPO50 and the DDO53 address the visual amenity dimensions of the interface. They do not adequately address potential traffic impacts.

The Transport Assessment Memo modelled traffic volumes on Avalon Road at full development of the GAEP West by 2056, projecting an increase from 200 to 17,500 vehicle movements per day.[24] The scale of that increase is significant and includes heavy vehicle traffic associated with industrial uses.

Plan 1 in the DPO50 indicates that Avalon Road will continue to function as a connector road from the key intersection in the north through to Dandos Road but provides no mechanism for directing the GAEP West traffic away from the RLZ interface. Landscaping and a 25 metre buffer that sit on the east side of the road would not offer any protection from traffic impacts to residents on the west side.

Plan 1 also shows the connector road network within the GAEP West with three intersections proposed to Avalon Road at the RLZ interface.

The Committee is concerned the provisions in the draft Amendment do not require adequate consideration of amenity impacts of the projected traffic volumes on the residents west of Avalon Road. It also has reservations that by including the road layout shown on Plan 1 in the DPO50 this may imply that Avalon Road will serve as the primary north-south corridor for the GAEP West. No information is before the Committee as to how the projected increase in daily vehicle movements will be managed either along Avalon Road or at these intersections, or whether any measures are proposed to limit the exposure of the RLZ interface to that traffic. The Committee has not been asked to advise on the function and design of the road network. However, it is mindful that it has been tasked to look at traffic impacts on the RLZ land from an amenity point of view and it considers this has not been adequately addressed in the draft Amendment.

The question of how the GAEP West traffic is directed from the freeway interchange into the precinct, and the extent to which that traffic can be routed away from Avalon Road, requires further consideration to avoid impacts on the RLZ. The mechanism for achieving this, whether through road design, access restrictions, or a combination of measures should be resolved through the ITMP required under Clause 4.0 of the DPO50.

(v) Conclusions and recommendation

The Committee concludes:

- The DPO50 and DDO53 adequately address visual amenity impacts arising from industrial development of the GAEP West, through the incorporation of a linear reserve (25 metre indicative width) and landscaping on the east side of Avalon Road, as well as detailed design requirements for buildings at this interface.
- Land use amenity impacts can be adequately managed through the land use separation techniques enabled by the linear reserve, and the decision guidelines and requirements of the IND1 and Clause 53.10 (as relevant).
- Amenity impacts associated with additional traffic on Avalon Road have not been adequately resolved, and the ITMP requirement within the DPO50 should be amended to address this.

[24] 2056 Option 2B, GAEP-W only, Airport at 100% of AVV air passenger forecasts.

The Committee recommends

Amend Clause 4.0 in the Final Day Development Plan Overlay Schedule 50 as shown in Appendix F:2 to:

- **include an additional requirement in the Integrated Transport Management Plan that seeks to minimise the potential impact of vehicle movements associated with the Greater Avalon Employment Precinct West on properties within the Rural Living Zone west of Avalon Road.**

Appendix A Terms of Reference

Terms of Reference

VPA Projects Standing Advisory Committee

Version 1: July 2020

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and plans and associated draft planning scheme amendments.

Name

The Standing Advisory Committee is to be known as the 'VPA Projects Standing Advisory Committee'.

1. The Committee is to have members with the following skills:
   a. Strategic planning
   b. Statutory planning
   c. Civil engineering (infrastructure planning)
   d. Development contributions
   e. Road and transport planning
   f. Biodiversity
   g. Social planning
   h. Urban design
   i. Heritage (post contact and Aboriginal)
   j. Planning law.
2. The Committee will include a Chair, Deputy Chairs and not less than ten other appropriately qualified members.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

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

Background

5. The VPA is responsible for preparing development plans and other proposals in identified metropolitan, growth areas and regional cities and towns. Some of these plans are to be approved through the planning scheme amendment process using the provisions of section 20(4) of the Act.
6. This Committee process allows submissions to be made to the VPA on a draft plan and associated draft planning scheme amendment, with any unresolved issues to be considered by the Committee before the final planning scheme amendment is submitted to the Minister for Planning for approval.
7. The Committee will provide a targeted and timely process to assess the merits of discrete unresolved issues associated with State and regionally significant projects.

Method

8. The Committee may meet, and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be on the papers; through round table discussions or forums;

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or Hearings. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair.

9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Notice

10. As directed by the Minister, the VPA will prepare and give notice of a 'draft Amendment' and receive submissions. The VPA will consider all submissions and where possible seek to resolve issues with submitters prior to referring matters to the Committee.

11. The Committee is not expected to carry out additional public notification or referral of matters but may seek the views of any relevant referral authority, responsible authority or government agency.

Referral

12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.

13. The letter of referral must be accompanied by:

    a. The relevant plan and associated draft planning scheme amendment and planning permit documentation

    b. The referred submissions

    c. Any supporting background material.

Committee Assessment

14. The Committee may inform itself in anyway it sees fit, but must consider:

    a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it

    b. The referred submissions

    c. *Plan Melbourne*

    d. Any relevant Regional Growth Plan or Growth Corridor Plan

    e. The applicable Planning Scheme

    f. Relevant State and local policy

    g. Any other material referred to it.

15. Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.

16. The Committee will be provided with the written submissions and other supporting material by parties, and may:

    a. Direct that parties meet, to discuss and further resolve issues, or

    b. Act as a mediator to seek to resolve issues in dispute.

17. The Committee may direct the VPA and relevant parties to provide additional information on specified matters.

18. The committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation of ss 22(3) and 22(5) of the Planning and Environment Act 1987.

19. The written submission of the VPA is to include:

    a. an overview of the draft amendment and/or any relevant planning permit and the relevant Plan, including a detailed explanation of the referred elements.

b. a written response to each referred submission and how the draft plan, amendment or permit might be changed to respond to the submission.

Outcomes

20. The Committee must produce a written report for the VPA and the Minister for Planning, providing the following:
    a. Whether the referred element(s) of the draft amendment or planning permit is appropriate
    b. A summary and assessment of the issues raised in submissions referred to the Committee.
    c. Any other relevant matters raised in the course of the Committee process.
    d. A list of persons who made submissions considered by the Committee.
    e. A list of tabled documents.
    f. A list of persons consulted or heard, including via video conference.
21. Following the completion of the report the Committee may deliver an oral briefing to the Minister for Planning or the VPA. The briefing may be in person, by video conference or telephone.

Submissions are public documents

22. The Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
23. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'. A document may be made available for public inspection electronically.

Timing

24. The Committee is required to commence its process by issuing a written notice of the referral of a matter from the VPA to all referred submitters no later than 10 business days from the date of any specific letter of referral received.
25. The Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the last day of its proceedings, tabling of submissions or consultation process.
26. The VPA must release the report of the Committee within 10 business days of its receipt.

Fee

27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
28. The costs of the Committee will be met by the VPA.

Richard Wynne MP
Minister for Planning

Date: 17 / 07 / 2020

Appendix B Referral letter

Department of Transport and Planning

GPO Box 2392
Melbourne, Victoria 3001 Australia

Ref: BORG-1-26-19

Ms Sarah Carlisle
Lead Chair
Victorian Planning Authority Projects Standing Advisory Committee
Planning Panels Victoria
Via email: office@planningpanels.vic.gov.au

Dear Ms Carlisle,

Greater Avalon Employment Precinct VPA Standing Advisory Committee Referral

I refer to draft Amendment C477ggee to the Greater Geelong Planning Scheme (draft Amendment), which facilitates the use and development of land within the Greater Avalon Employment Precinct (GAEP) primarily for industrial use. The draft Amendment proposes to rezone land to the west of the airport to Industrial 1 Zone and Rural Conservation Zone, introduce new Development Plan Overlay Schedule 50 (DPO50) and new Design and Development Overlay Schedule 53 (DDO53), and update the Planning Policy Framework and other associated planning scheme changes.

On 24 October 2025, the Minister for Planning approved the Victorian Planning Authority (VPA), which is now part of the Department of Transport and Planning (DTP), to use a streamlined planning process to progress the draft Amendment and undertake informal public consultation about the matter. Further, the Minister for Planning delegated to the Head of Spatial Planning, who carries out the functions of the VPA, the power to refer matters directly to the VPA Projects Standing Advisory Committee (Committee) for advice.

Between 13 November 2025 and 11 December 2025, DTP undertook a targeted public consultation process for the draft Amendment. A total of 56 submissions were received.

Referral

In accordance with Clause 12 of the Terms of Reference for the Committee (July 2020) and delegation provided to the VPA (now DTP), I am writing to refer 'key issues' identified in **Table 1** below for advice and recommendations. These key issues have been derived from the submissions to the draft Amendment and are provided under clause 13.b of the Terms of Reference as 'the referred submissions'. Only the

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'key issues' identified in **Table 1** below are referred to the Committee for advice and recommendations.

Under clause 13.c of the Terms of Reference, I also provide all submissions received during public consultation as 'supporting background material'. The Committee is to limit itself to considering only those parts of the submissions that are relevant to the 'key issues' identified in **Table 1** of this letter.

DTP will continue seeking to resolve specific issues that have not been referred to the Committee directly with submitters.

The matters that have not been identified as Key Issues in **Table 1** are those DTP is confident will be resolved outside of the Committee process or where DTP has formed a clear position that does not require the Committee's consideration.

Table 1 - Key Issues

Key Issues	Advice Sought
Flooding, drainage and integrated water management	Please advise whether the planning controls proposed in the draft Amendment provide enough certainty about the management of drainage and flooding to allow Industrial 1 Zone rezoning and development to proceed.
Biodiversity	Please advise whether: - The proposed extent of conservation areas and native vegetation identified for protection, including the proposed application and extent of the Rural Conservation Zone, is suitable. - The planning controls proposed in the draft Amendment appropriately manage potential biodiversity impacts to allow Industrial 1 Zone rezoning and development to proceed.
Strategies under clause 11.03-6L-06	Please advise whether the strategies at proposed Clause 11.03-6L-06 clearly outline the necessary steps for the future rezoning of Greater Avalon Employment Precinct North via a separate amendment.
Drafting of planning scheme ordinance	Please advise whether: - The type and nature of permits that can be granted prior to the approval of a development plan under the DPO50 is appropriate. - The requirements for a development plan at clause 4.0 of DPO50 are appropriate as it relates to the site master plan, the environment protection and

Key Issues	Advice Sought
	biodiversity conservation report, the Avalon Airport impact assessment report, the integrated water management plan, the drainage and stormwater management strategy, the drainage and conservation area asset management plan, the staging plan, the landscape concept plan, the conservation management plan and the environmentally sustainable development assessment. - The urban design, subdivision and design outcomes sought for GAEP West are appropriately contained within a schedule to a Design and Development Overlay (as proposed in the DDO53) or in the DPO50. - The controls included in the proposed DPO50 and DDO53 provide for acceptable interface outcomes and manage potential adverse amenity impacts to the Rural Living Zone properties along Avalon Road, west of the precinct.

Committee Process

Without limiting its powers under the *Planning and Environment Act 1987* (Vic), including the power to regulate its own proceedings, DTP encourages the Committee to consider adopting the following procedures to provide an efficient and timely process for the assessment of the referred issues:

a) Specifying a time limit for submitters seeking to be heard;
b) Requiring presentation of evidence from like witnesses concurrently, commencing with exploratory questions posed by the parties and Committee;
c) Regulating the duration of evidence in chief to balance efficiency and fairness;
d) Limiting cross examination to matters which are of interest to the Committee; and
e) Directing the submitters to focus preparation of submissions and appointment of experts only on the key issues DTP has requested your advice on and raised in **Table 1**.

The supporting documents required by Clause 13 of the Terms of Reference are enclosed via a ShareFile link in the accompanying email. These documents will be available to parties in due course.

Acknowledging that all submissions have been provided to the Committee, the DTP Part A submission will include a DTP position on issues that fall outside of the 'key

issues' to assist the Committee. If submitters raise issues that are outside of the identified key issues before the Committee during the hearing, DTP may, if it considers it appropriate, address these issues in writing in its closing submission.

Any engagement by DTP on issues not identified in the 'key issues' before the Committee is in furtherance of its efforts to resolve unreferred issues and is not intended to alter the limited scope of the 'key issues' referred to the Committee for advice.

Please be advised that the public release of the Committee's Report will be at the discretion of the Minister for Planning.

If you would like further information, please email Dean Rochfort, Executive Director - New Communities at dean.rochfort@transport.vic.gov.au.

Yours sincerely,

Emily Mottram (DTP)
Acting Head of Spatial Planning & VPA CEO
Housing, Building and Land Delivery

Date: 18/02/2026

Enclosed:

- Draft Amendment C477ggee to the Greater Geelong Planning Scheme documentation (public consultation versions)
- Referred submissions Summary Table under Clause 13.b of Terms of Reference.
- Supporting background material under clause 13.c of Terms of Reference:
    - All submissions and submitter details
    - Greater Avalon Employment Precinct Public Consultation Report (draft)
    - Supporting background reports

Appendix C List of submissions

Sub no.	Name
1	Darryl Luttrell
2	Department of Justice and Community Safety Victoria
3	Yogesh Kumar Dhanuka
4	Tara (surname not provided)
5	Sam (surname not provided)
6	Powercor
7	Meenakshi Pathak
8	Andrew Taylor
9	Greg Bell
10	Ken Campbell
11	Anthony Raso & Associates (on behalf of the late Donald Nash)
12	Karen Penny
13	Shane Hopkins
14	Christopher Spiteri
15	Michael Giles
16	Will (surname not provided)
17	Chris Gafa
18	Ian Russell
19	Dianne Marshall
20	Dawn Russell
21	Ron and Judy McCullagh
22	Arvind Singh
23	Tony (surname not provided)
24	Harold Villiers
25	Robert Farrington
26	Nino and Colleen Di Pasquale
27	Peter Hartigan (submitted on behalf by Ian Russell)
28	Department of Energy, Environment and Climate Action (Energy Infrastructure Regulation)
29	Civil Contractors Federation Victoria
30	Joanne Campbell
31	Chris Goudey

Sub no.	Name
32	Department of Energy, Environment and Climate Action (Planning and Environment Assessment)
33	Stephen Kelly
34	Jurien Bay Lobster Pty Ltd
35	Adrian Hebbard (on behalf of Avalon Landcare Group)
36	Avalon 2020, Avalon City and Avalon Lodge
37	1-45 Beach Road
38	Vinku Seerha
39	Parks Victoria
40	MAB Property Developments Pty Ltd
41	Barwon Water
42	Sarah McNaught
43	VIVA Energy
44	Avalon Ind 1 Pty Ltd
45	55 Beach Road Pty Ltd
46	Mark Jones
47	Plains Road Unit Trust - 340 Plains Road, Lara
48	Avagx Pty Ltd - 640 Old Melbourne Road, Little River
49	David Arnold
50	Maarten Hulzebosch
51	Avalon Airport Pty Ltd
52	Adrian Marshall (on behalf of Victorian National Parks Association)
53	Melbourne Water
54	Resources Victoria
55	Corangamite Catchment Management Authority
56	City of Greater Geelong
57	Withdrawn
58	Laurence Clarke
59	John Wilson and Yvonne Young

Appendix D Parties to the Committee Hearing

Submitter	Represented by
New Communities, Department of Transport and Planning (formerly VPA)	Briana Eastaugh and Charlie Wurm of Maddocks, who called the following expert evidence: - Ben Hughes of Water Technology in drainage and hydrology - Lance Lloyd of Lloyd Environmental in aquatic ecology - Stephen Rowley of SGS Economics & Planning in planning - Justin Pegg of WSP in ecology and biodiversity - Reece Humphreys of Stantec in traffic and transport
Department of Energy, Environment and Climate Action	Represented by Louisa Smith
City of Greater Geelong	Lucy Eastoe of Hall & Wilcox, who called the following expert evidence: - Scott Dunn of Engeny in Drainage and hydrology - Jenna Forbes of SMEC in ecology and biodiversity - Dan Weller of SMEC in ecology and biodiversity
Melbourne Water	Aaron Shrimpton of Harwood Andrews
Avalon Airport Australia Pty Ltd	Chris Townshend KC with Stephanie Mann, who called the following expert evidence: - Henry Turnbull of Traffix Group in traffic and transport
Avalon Ind 1 Pty Ltd	Andrew Walker instructed by David Passarella of Colin Biggers & Paisley Lawyers, who called the following expert evidence: - Michael Mag of Stormy Water Solutions in drainage and hydrology - David Barnes of Hansen in planning - Hilary Marshall of Ratio in traffic and transport
Avalon Landcare Group	Adrian Hebbard
Avalon 2020, Avalon City and Avalon Lodge	John Cicero and Jack Curnow of Best Hooper Lawyers, who called the following expert evidence: - David Beaton of Quantum Traffic in traffic and transport
Victorian National Parks Association - Grassy Plains Network	Adrian Marshall
Jurien Bay Lobster Co Pty Ltd	Jarryd Gray and Jemima Jacobson of MinterEllison
Ken Campbell	

Submitter	Represented by
John Wilson	
Laurence Clarke	
MAB Property Developments Pty Ltd	Peter O'Farrell KC and Tom Ellicott instructed by Rhodie Anderson of Rigby Cooke Lawyers, who called the following expert evidence: - Chris Beardshaw of Afflux in Drainage and hydrology - John Glossop of Glossop Town Planning in planning - Aaron Harvey of Biosis in ecology and biodiversity - Ian Smales of Biosis in ecology and biodiversity
Sarah McNaught	Simon Loader of Tract Consultants
Stephen Kelly	
Vinku Seerha/related parties	Mark Marsden of Transect Planning
Viva Energy	Kayla Gregg of Davis Advisory
55 Beach Road Pty Ltd	Nick Sutton and Amar Singh of Norton Rose Fullbright Australia

Appendix E Document list

No.	Date	Description	Provided by
1	17 July 20	Terms of Reference	Minister for Planning
2	18 February 26	Letter of Referral	Department of Transport and Planning (DTP - New Communities)
Referred documents			
3	18 February 26	Draft Amendment C477ggee to the Greater Geelong Planning Scheme including: a) Explanatory Report b) Instruction Sheet c) Clause 11.03-6L-06 d) Schedule 16 to Clause 35.06 – Rural Conservation Zone e) Schedule 53 to Clause 43.02 – Design and Development Overlay f) Schedule 50 to Clause 43.04 – Development Plan Overlay g) Schedule to Clause 52.16 – Native Vegetation Precinct Plan h) Schedule to Clause 66.04 – Referral of Permit Applications Under Local Provisions i) Schedule to Clause 72.01 – Responsible Authority for this Planning Scheme j) Schedule to Clause 72.03 – What does this planning scheme consist of? k) Schedule to Clause 72.04 – Documents incorporated in this planning scheme l) Draft Incorporated Document – Greater Avalon Employment Precinct – Native Vegetation Precinct Plan m) Industrial 1 Zone and Rural Conservation Zone map – 003znMaps19_20_27_28 n) Design and Development Overlay Schedule 53 map – 004ddoMaps19_20_27_28 o) Development Plan Overlay Schedule 50 map – 002dpoMaps19_20_27_28 p) D-ESO - Area to be deleted from an Environmental Significance Overlay map - 001d-esoMaps19_20_27_28	DTP - New Communities

No.	Date	Description	Provided by
4	18 February 26	Background reports: a) Arboricultural Assessment – Part 1 of 3 (Treelogic, September 2023) b) Arboricultural Assessment – Part 2 of 3 (Treelogic, September 2023) c) Arboricultural Assessment – Part 3 of 3 (Treelogic, September 2023) d) Biodiversity Assessment (Ecology and Heritage Partners, October 2025) e) Bushfire Development Report (Terramatrix, November 2025) f) Greater Avalon Employment Precinct West Development Plan Overlay Position Paper (HARC, November 2025) g) Existing Conditions Flood Modelling Report Technical Memorandum (Alluvium, May 2024) h) Economics Assessment (SGS Economics, November 2025) i) Gas Safety Management Study Workshop Report (Delphi Risk, September 2025) j) Land Capability Assessment (Jacobs, April 2025) k) Landscape and Visual Impact Assessment (Frank Hanson, September 2024) l) Cultural Heritage Impact Assessment (Green Heritage, August 2025) m) Strategic Transport Modelling Assessment (Jacobs, November 2025) n) Transport Assessment Memo (Jacobs, November 2025) o) Utility Assessment Report (Spiire, November 2025)	DTP - New Communities
5	18 February 26	Submission withdrawn	DTP - New Communities
Tabled documents			
6	17 March 26	Letter – Regarding key issues	City of Greater Geelong (Council)
7	20 March 26	Committee directions and Hearing timetable (version 1)	PPV
8	23 March 26	Letter – Response to Direction 7, enclosing: a) Summary of referred submissions, prepared by DTP 23 March 2026 (updated)	DTP - New Communities

No.	Date	Description	Provided by
		b) Landscape Character Assessment prepared by Hansen Partnership dated May 2021 c) Public Consultation Report prepared by DTP dated March 2026 d) Background Report – Amendment C477ggee e) Draft Explanatory Report – Amendment C477ggee f) Alluvium Report	
9	27 Mar 26	Letter – Response to Direction 8 regarding scope of advice sought from Committee	DTP
10	2 Apr 26	Email to Parties - DTP requests regarding Mr Lloyd availability	DTP – New Communities
11	10 Apr 26	Hearing timetable version 2	PPV
12	10 Apr 26	Email to Committee – Day 1 versions of planning material and update on the draft Native Vegetation Precinct Plan	DTP - New Communities
13	10 Apr 26	'Day 1' version of Draft Amendment C477ggee: a) Explanatory Report b) Instruction Sheet c) Clause 11.03-6L-06 d) Schedule 16 to Clause 35.06 – Rural Conservation Zone e) Schedule 53 to Clause 43.02 – Design and Development Overlay f) Schedule 50 to Clause 43.04 – Development Plan Overlay g) Schedule to Clause 52.16 – Native Vegetation Precinct Plan h) Schedule to Clause 66.04 – Referral of Permit Applications Under Local Provisions i) Schedule to Clause 72.01 – Responsible Authority for this Planning Scheme j) Schedule to Clause 72.03 – What does this planning scheme consist of? k) Schedule to Clause 72.04 – Documents incorporated in this planning scheme l) Industrial 1 Zone and Rural Conservation Zone map – 003znMaps19_20_27_28 m) Design and Development Overlay Schedule 53 map – 004ddoMaps19_20_27_28 n) Development Plan Overlay Schedule 50 map – 002dpoMaps19_20_27_28	DTP - New Communities

No.	Date	Description	Provided by
		o) D-ESO - Area to be deleted from an Environmental Significance Overlay map - 001d-esoMaps19, 20, 27, 28	
14	10 Apr 26	Part A submission	DTP - New Communities
15	14 Apr 26	'Day 1' version of the Native Vegetation Precinct Plan prepared by WSP dated April 2026: a) Clean version b) Track changed version c) NVPP changes summary table	DTP – New Communities
16	17 Apr 26	Expert witness statement of Isaac Clarey (Drainage)	Sarah McNaught
17	17 Apr 26	Expert witness statement of David Beaton (Traffic and transport)	Avalon 2020, Avalon City and Avalon Lodge
18	17 Apr 26	Expert witness statement of Scott Dunn (drainage and hydrology)	Council
19	17 Apr 26	Expert witness statement of Jenna Forbes (Ecology)	Council
20	17 Apr 26	Expert witness statement of Dan Weller (Ecology)	Council
21	17 Apr 26	Expert witness statement of Ian Smales (Ecology)	MAB Property Developments Pty Ltd
22	17 Apr 26	Expert witness statement of Aaron Harvey (Ecology)	MAB Property Developments Pty Ltd
23	17 Apr 26	Expert witness statement of John Glossop (Planning)	MAB Property Developments Pty Ltd
24	17 Apr 26	Expert witness statement of Chris Beardshaw (Drainage)	MAB Property Developments Pty Ltd
25	17 Apr 26	Expert witness statement of Ben Hughes (Drainage and hydrology)	DTP – New Communities
26	17 Apr 26	Expert witness statement of Lance Lloyd (Aquatic ecology)	DTP – New Communities
27	17 Apr 26	Expert witness statement of Justin Pegg (Ecology and biodiversity)	DTP – New Communities
28	17 Apr 26	Expert witness statement of Reece Humphreys (Traffic and transport)	DTP – New Communities
29	17 Apr 26	Expert witness statement of Stephen Rowley (Planning)	DTP – New Communities

No.	Date	Description	Provided by
30	17 Apr 26	Expert witness statement of Henry Turnbull (Traffic)	Avalon Airport Pty Ltd
31	17 Apr 26	Expert witness statement of Hillary Marshall (Traffic)	Avalon Ind 1 Pty Ltd
32	17 Apr 26	Expert witness statement of Michael Mag (Drainage)	Avalon Ind 1 Pty Ltd
33	17 Apr 26	Expert witness statement of David Barnes (Planning)	Avalon Ind 1 Pty Ltd
34	20 Apr 26	Hearing Timetable (version 3)	PPV
35	21 Apr 26	Site inspection itinerary	DTP – New Communities
36	23 Apr 26	Joint Drainage Expert Statement, enclosing: a) Schedule 50 to Clause 43.04 (with edits by drainage experts)	DTP – New Communities
37	24 Apr 26	Joint Planning Expert Statement	DTP – New Communities
38	24 Apr 26	Joint Biodiversity Expert Statement	DTP – New Communities
39	24 Apr 26	Email to Parties with Direction for Traffic and Transport expert conclave	PPV
40	24 Apr 26	Email to Committee requesting round table format for hydrology and drainage experts	DTP – New Communities
41	27 Apr 26	Opening Submissions	Melbourne Water
42	27 Apr 26	Opening Submissions	Sarah McNaught
43	27 Apr 26	Opening Submissions	Avalon Airport Australia Pty Ltd
44	27 Apr 26	Opening Submissions	MAB Property Developments Pty Ltd
45	27 Apr 26	Opening Submissions	Council
46	27 Apr 26	Hearing Timetable (version 4)	PPV
47	27 Apr 26	Opening Submissions	55 Beach Road Pty Ltd
48	27 Apr 26	Opening Submissions	DTP – New Communities
49	27 Apr 26	Opening Presentation	DTP – New Communities

No.	Date	Description	Provided by
50	27 Apr 26	'Day 1' version 2 of Draft Amendment C477ggee: a) Schedule 50 to Clause 43.04 – Development Plan Overlay b) Schedule 53 to Clause 43.02 – Design and Development Overlay c) Clause 11.03-6L-06	DTP – New Communities
51	27 Apr 26	Opening Submissions, enclosing attachments: 1. 13 June 2025 project update email 2. Clause 11.03-6L-06 (Day 1 version) 3. Clause11.03-6L-06 (ANLG version) 4. Schedule 50 to Clause 43.04 Development Plan Overlay (Day 1 version)	Avalon 2020, Avalon City and Avalon Lodge (Avalon North Landowners Group)
52	24 Apr 26	Letter to Committee advising intention to remain a party but rely solely on written submission	Jurien Bay Lobster Co Pty Ltd
53	28 Apr 26	Presentation of Ben Hughes (Drainage and hydrology)	DTP – New Communities
54	29 Apr 26	Memorandum Native Vegetation Precinct Plan, prepared by Justin Pegg (29 April 2026)	DTP – New Communities
55	29 Apr 26	Memorandum Ecology and Heritage Partners Biodiversity Assessment, prepared by Justin Pegg (29 April 2026)	DTP – New Communities
56	21 Apr 26	Late submission (#58)	Laurence Clarke
57	27 Apr 26	Late Submission (#59)	John Wilson and Yvonne Young
58	29 Apr 26	Strategic Transport Modelling Assessment Report	DTP – New Communities
59	29 Apr 26	Avalon Corridor Strategy	DTP – New Communities
60	29 Apr 26	Avalon Airport Masterplan 2015	DTP – New Communities
61	29 Apr 26	Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site Management Plan (DELWP)	DTP – New Communities
62	29 Apr 26	Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site Ecological Character Description (DELWP)	DTP – New Communities
63	29 Apr 26	Hydrological Options Assessment for Avalon Coastal Reserve (Parks Victoria)	DTP – New Communities
64	29 Apr 26	Conservation Action Plan - Avalon Coastal Reserve (Parks Victoria, June 2025)	DTP – New Communities

No.	Date	Description	Provided by
65	30 Apr 26	Presentation of Lance Lloyd (Aquatic ecology)	DTP – New Communities
66	30 Apr 26	'Day 1' version 2 of Schedule 50 to Clause 43.04 – Development Plan Overlay (clean version)	DTP – New Communities
67	30 Apr 26	Joint Traffic and Transport Expert Statement	DTP – New Communities
68	30 Apr 26	Hearing Timetable (version 5)	PPV
69	1 May 26	Updated NVPP 1 May 2026 (clean)	DTP – New Communities
70	1 May 26	Updated NVPP 1 May 2026 (tracked)	DTP – New Communities
71	1 May 26	Supplementary letter of Henry Turnbull of Traffix	Avalon Airport Pty Ltd
72	4 May 26	Updated Ecology and Heritage Partners Biodiversity Assessment	DTP – New Communities
73	4 May 26	Requested changes and responses spreadsheet	DTP – New Communities
74	4 May 26	Expert evidence presentation of Justin Pegg	DTP – New Communities
75	4 May 26	National Airports Safeguarding Framework Factsheet (NASF)	MAB Property Developments
76	4 May 26	NASF website extract	MAB Property Developments
77	5 May 26	Presentation of Jenna Forbes	Council
78	5 May 26	Presentation of Dan Weller	Council
79	5 May 26	Memorandum of Dan Weller	Council
80	5 May 26	Memorandum of Jenna Forbes	Council
81	5 May 26	Presentation of Ian Smales	MAB Property Developments
82	6 May 26	Email filing link to NASF Guidelines	Avalon Airport Pty Ltd
83	7 May 26	Explanatory Report for VC218	Avalon Airport Pty Ltd
84	7 May 26	Part B Submission Final Report – Melbourne Airport Environs Safeguarding SAC	Avalon Airport Pty Ltd
85	7 May 26	Planning scheme controls table for specified airports	Avalon Airport Pty Ltd

No.	Date	Description	Provided by
86	7 May 26	Melbourne Airport Environs Safeguarding SAC - Evidence Statement of John Glossop	Avalon Airport Pty Ltd
87	7 May 26	Existing Schedule to Clause 74.02	Avalon Airport Pty Ltd
88	11 May 26	Email - filing Part B Submission and comments on Reece Humphreys Memorandum, attaching: a) Memorandum of Reece Humphreys	DTP – New Communities
89	11 May 26	Part B Submission	DTP – New Communities
90	11 May 26	Part B Version – Draft Amendment C477ggee – Clause 11.03-6L-06	DTP – New Communities
91	11 May 26	Part B Version – Draft Amendment C477ggee – Clause 43_04s50	DTP – New Communities
92	11 May 26	Part B Version – Draft Amendment C477ggee – Clause 43_02s53	DTP – New Communities
93	11 May 26	Email to Committee withdrawing from making further submissions	Grassy Plains Network
94	12 May 26	Submission, with attachments: 1. Armstrong Creek South Precinct Structure Plan February 2016 2. Armstrong Creek Horseshoe Bend Precinct Structure Plan September 2014 3. Armstrong Creek West Precinct Structure Plan September 2012 4. Sparrovale Ngubitj Yoorree Wetlands Master Plan June 2021 5. Design and Development Overlay 20 Industrial 1, 2 and 3 Zones 6. City of Greater Geelong Industrial Land Supply Review 2025 7. C178 DPO (Talbot Quarry) 8. Talbot Quarry Explanatory Report 9. Special Use Zone 10. Yarra Special Use Zone 4 11. Development Plan Overlay 12 Riverlee Land, Herne Hill, North of Former Cement Works 12. Development Plan Overlay 15 Former Geelong Cement Works Land- Fyansford	Council

No.	Date	Description	Provided by
		13. Development Plan Overlay 16 Former CSR Quarry and Surrounding Land – Fyansford 14. Development Plan Overlay 36 Land Bounded by Geelong-Portarlington Road, Batman Road, Allens, Road &Tower Road, Portarlington 15. Precinct Structure Planning Guidelines: New Communities in Victoria – October 2021) 16. Recommended changes to DPO50 (marked up against Proponent Day 1 version 2)	
95	12 May 26	Submission, enclosing attachments: 1. Tracked changes version of Clause 11.03-6L-06 (Part B version) 2. Tracked changes version of Schedule 53 to Clause 43.02 (Part B version) 3. Tracked changes version of Schedule 50 to Clause 43.04 (Part B version)	Avalon Airport Australia Pty Ltd
96	12 May 26	Submission	Melbourne Water
97	12 May 26	Presentation slideshow	Stephen Kelly
98	12 May 26	Presentation notes	Stephen Kelly
99	12 May 26	Hearing Timetable (Version 6)	PPV
100	12 May 26	Submission, with attachment: a) Response to notification of Amendment C477ggee	DEECA
101	13 May 26	Submission	Avalon North Landowners Group (ANLG)
102	13 May 26	Submission, with attachment: a) Photos	Laurence Clarke
103	13 May 26	Submission, with attachments: a) Colliers Advertisement b) Recommended changes to draft DPO50	Avalon Ind 1 Pty Ltd
104	14 May 26	Submission	Avalon Landcare
105	14 May 26	Submission, with attachments: a) GAEP Preliminary Aviation Impact Assessment (May 2024) b) Tok Holdings Pty Ltd v Minister for Planning Anor 2021 VSC 470 c) Recommended changes to draft DPO50	MAB Property Developments Pty Ltd

No.	Date	Description	Provided by
106	14 May 26	Slideshow presentation	Ken Campbell
107	14 May 26	Social Infrastructure Plan (June 2020)	DTP
108	14 May 26	Marked up (Part B) DDO53 - Draft Amendment C477ggee - 15 March 2026	DTP
109	15 May 26	Submission	Vinku Seerha
110	15 May 26	Submission	Viva Energy Australia Pty Ltd
111	15 May 26	Presentation	Viva Energy Australia Pty Ltd
112	15 May 26	Submission	55 Beach Road Pty Ltd
113	18 May 26	Response to document 105a	Avalon Airport
114	18 May 26	Closing submission	Council
115	18 May 26	Part B DPO50	Council
116	18 May 26	Part C Submission, with attachments: a) Part C Draft Amendment C477ggee - GAEP 43_04s50 b) Part C Draft Amendment C477ggee - GAEP 43_02s53 c) Part C Draft Amendment C477ggee - GAEP 11.03-6L-06	DTP – New Communities
117	18 May 26	Change Log - Part C Ordinance	Proponent
118	20 May 26	Clarification on legal argument relating to section 173 agreement	DTP
119	22 May 26	Drafting comments change log	Viva Energy
120	22 May 26	Drafting comments change log	Sarah McNaught
121	22 May 26	Drafting comments change log	MAB Property Developments
122	22 May 26	Drafting comments change log	Avalon Airport Australia
123	22 May 26	Recommended changes to Clause 43_02s53	Avalon Airport Australia
124	22 May 26	Recommended changes to Clause 43_04s50	Avalon Airport Australia
125	22 May 26	Drafting comments change log	ANLG
126	22 May 26	Drafting comments change log	55 Beach Road Pty Ltd

No.	Date	Description	Provided by
127	22 May 26	Recommended changes to Clause 11.03-6L-6	55 Beach Road Pty Ltd
128	22 May 26	Response to DTP email regarding section 173 agreement, with attachments: a) Example DPO - brim_43_04-s14 b) Example DPO - morn_43_04-s24	Council
129	22 May 26	Drafting comments change log	Council
130	22 May 26	Recommended changes to DPO50	Council
131	22 May 26	Part C Ordinance response	Avalon Ind 1 Pty Ltd
132	26 May 26	Response Table – Change Log, with attachments: a) Final Day Version Draft Amendment C477ggee – GAEP 43_04s50 b) Final Day Version Draft Amendment C477ggee 43_02s53 c) Final Day Version Draft Amendment C477ggee 11.03-6L-06	Proponent

Appendix F Committee recommended versions

The Committee recommended changes are based on the Proponents Final Day versions version of the provisions (Document 132c, 132a and 132b) and are shown as:

Tracked Added

~~Tracked Deleted~~

F:1 Clause 11.03-6L-06

Proposed C477ggee

11.03-6L-06

Greater Avalon Employment Precinct

Policy Application

This policy applies to land identified within the Greater Avalon Employment Precinct North and West as identified in the Greater Avalon Employment Precinct Framework Plan in this clause.

Objectives

To support the coordinated development of the Greater Avalon Employment Precinct as a high quality national, state and regionally significant employment precinct that supports a range of industrial uses and provides for a high level of amenity for workers and visitors to the precinct.

To protect and support the current and future operations of Avalon Airport.

To ensure areas of high biodiversity and ecological value are protected.

Strategies

Support land use, development and provision of infrastructure in accordance with the Greater Avalon Employment Precinct Framework Plan.

Support development which is compatible with the current and future operations of Avalon Airport as detailed in the Avalon Airport Masterplan 2015 (or any superseding masterplan).

Support key industry sectors which complement Avalon Airport.

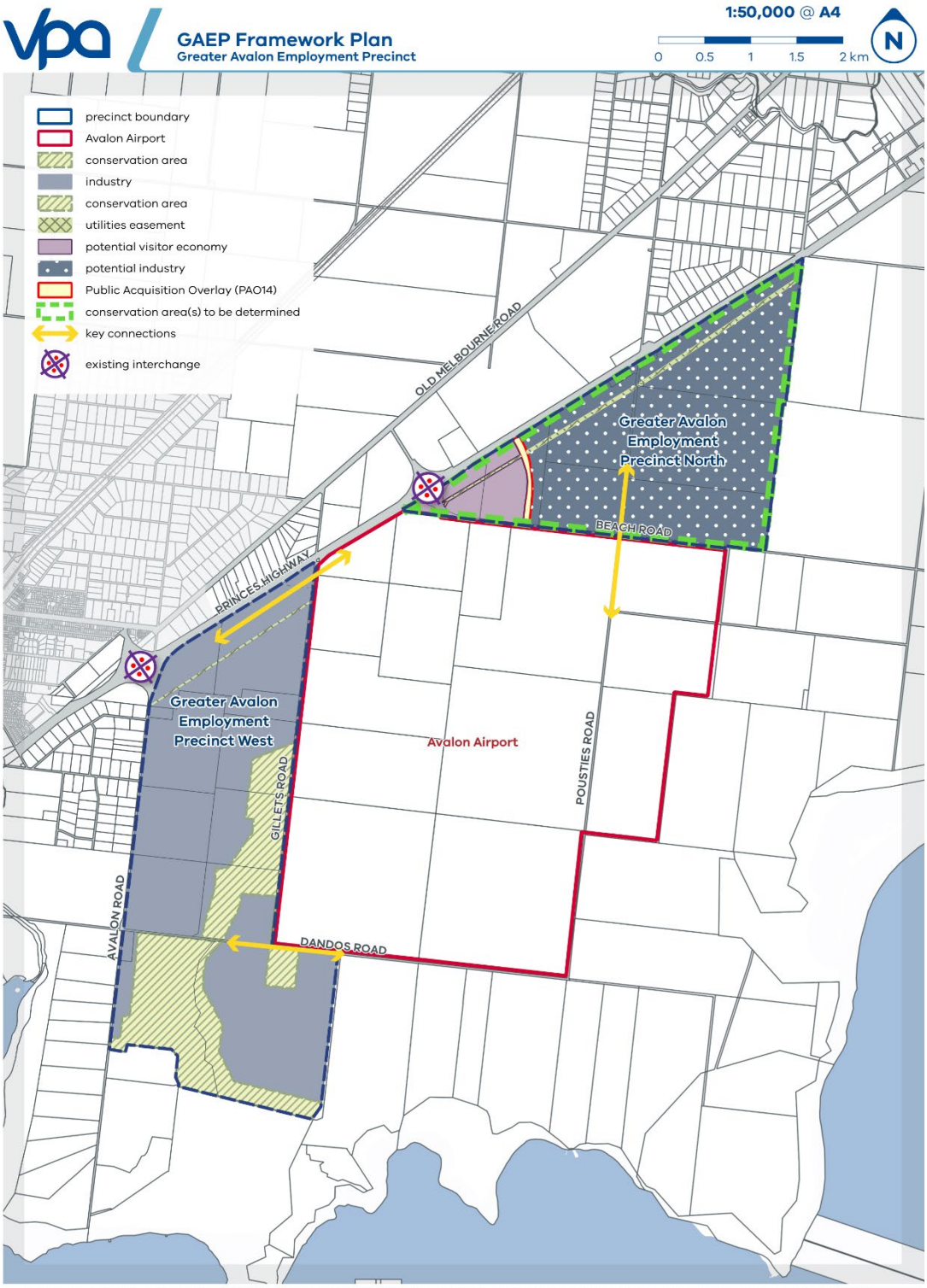
Identify areas required for conservation in the Greater Avalon Employment Precinct to protect identified flora and fauna species.

Mitigate off-site impacts to the Ramsar wetlands and Avalon Coastal Reserve.

Support the ~~future~~ rezoning of the Greater Avalon Employment Precinct North to enable its use and development for employment purposes, provided that it has been demonstrated that:

- The use and development will not adversely impact on the role, function and capacity of ~~the adjoining road network, including~~ Beach Road and the ~~State transport network particularly as it relates to the~~ Beach Road / Princes Freeway interchange, to meet the transport needs of Avalon Airport in its operations as an airport, and any improvements to the capacity of either Beach Road or to the Beach Road / Princes Freeway interchange are able to be delivered.
- ~~That any interchange and associated freeway improvements to provide capacity for the Greater Avalon Employment Precinct North are planned for and able to be delivered.~~
- A drainage masterplan and approvals strategy has been prepared for the Greater Avalon Employment Precinct North to the satisfaction of the relevant drainage authority, which includes a concept plan, supporting modelling for the proposed drainage system (within and downstream of the Greater Avalon Employment Precinct North), and studies and/or investigations that would support the grant of all permissions and approvals required to construct the proposed drainage system.

Greater Avalon Employment Precinct Framework Plan map



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F:2 Development Plan Overlay Schedule 50

Proposed C477ggee

SCHEDULE 50 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO50.**

GREATER AVALON EMPLOYMENT PRECINCT WEST

1.0 Objectives

Proposed C477ggee

To facilitate the coordinated sustainable development of the Greater Avalon Employment Precinct West.

To ensure development does not prejudice or conflict with the current and future operation of the Avalon Airport and provides an appropriate interface to sensitive uses outside of the precinct.

To ensure development does not adversely impact existing Ramsar wetlands to the south, Avalon Coastal Reserve and existing biodiversity values within the Rural Conservation Zone.

To provide a high amenity industrial precinct supported by essential infrastructure, ancillary services, and a high-quality usable open space network for workers and visitors.

2.0 Requirement before a permit is granted

Proposed C477ggee

A permit may be granted to use, or subdivide land, construct a building or construct or carry out works before a Development Plan has been prepared to the satisfaction of the responsible authority, for the following:

- Temporary uses.
- Subdivision of the land to realign property boundaries, or create or remove easements.
- The construction or carrying out of minor buildings or works.
- ~~Works required for physical infrastructure or utilities to service the land including works which alter the existing surface of the land by filling.~~
- ~~Extensions or alterations to an existing building or works associated with an existing residential use.~~
- Extensions or alterations to an existing building or works associated with an existing use ~~that will not prejudice the preparation of a Development Plan for the site~~.
- Any works required to satisfy a certificate or statement of environmental audit or undertake site rehabilitation.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice:

- the preparation of a Development Plan;
- the future use or development of the land in an integrated and orderly manner in accordance with Plan 1 to this schedule;
- the achievement of the objectives of this schedule;
- the ability to mitigate against adverse impacts on receiving waters and environment;
- the operation of the State transport system; and
- the current and future operations of Avalon Airport, having regard to the *Avalon Airport Masterplan 2015* (or any superseding master plan).

3.0 Conditions and requirements for permits

Proposed C477ggee

The following conditions and/or requirements apply to permits:

A permit must contain conditions or requirements which give effect to the provisions and requirements of an approved Development Plan.

Condition – Drainage and stormwater management

- A permit to subdivide land or to undertake works (other than vegetation removal) must include a condition that requires a drainage and stormwater management plan for the development be prepared that implements the recommendations identified in the Integrated Water Management Plan and Drainage and Stormwater Management Strategy (prepared under Clause 4.0 of this Schedule), to the satisfaction of the relevant drainage authority. The plan must include:
  - Consideration of the drainage and earthworks requirements of any upstream and downstream landholders,
  - Any proposed works (including interim works) and their operational and maintenance arrangements,
  - An agreed schedule and cost apportionment for maintenance of drainage and water quality assets,
  - Assessment of the risks of adverse impact on receiving waters and environment with regard to stormwater volume and water quality,
  - Concept plans (if applicable),
  - An assessment of flood risk to the satisfaction of the responsible authority,
  - Measures to address and implement any relevant recommendations or requirements arising from the Avalon Airport Impact Assessment Report approved under clause 4.0 of this schedule.

This condition does not apply to permits granted prior to the approval of a Development Plan.

Condition – Construction environmental management plan

- A permit to subdivide land or to undertake earthworks must include a condition that requires a construction environmental management plan be prepared to the satisfaction of the responsible authority in consultation with the Department of Energy, Environment and Climate Action. The plan must:
  - Ensure that fill, soil storage and earthworks do not contribute to erosion or cause silt/soil to enter waterways, and dust is managed.
  - Ensure that areas nominated for storage and vehicle parking are not placed on or near areas nominated as waterways, conservation or open space reserves.
  - Include specific species/vegetation conservation strategies, regular monitoring, sedimentation management, site specific rehabilitation plans, weed and pathogen management methods.
  - Provide details on any necessary salvage and relocation of native fauna by a qualified ecologist during preliminary earthworks.
  - Provide details of any necessary measures to avoid land locking kangaroos such as exclusion construction fencing.
  - Provide details on any necessary measures to control any outflow impacts to down-catchment ecological values along the watercourse, across migratory wader and shorebird habitat, Ramsar wetlands and marine environments.

Condition – Bushfire hazard site management plan

- A permit to subdivide land within or adjacent to an area of bushfire hazard as identified by the Bushfire Management Plan approved under clause 4.0 of this schedule, must include a condition requiring that prior to commencement of works on site, a Bushfire Hazard Site Management Plan must be submitted to and approved by the responsible authority. The Bushfire Hazard Site Management Plan must:
  - Address and implement any recommendations of the Bushfire Management Plan approved under Clause 4.0 of this schedule.

This condition does not apply to permits granted prior to the approval of a Development Plan.

Condition – Gas and oil pipelines

- A permit to subdivide land, construct a building or carry out works on land identified within or adjacent to pipelines regulated under the *Pipelines Act 2005* must include a

condition requiring that, prior to the commencement for works, the applicant address the interface treatment of the high pressure gas pipeline throughout the land.

- A permit to subdivide land, construct a building or carry out works on land identified within or adjacent to pipelines regulated under the *Pipelines Act 2005* must include a condition requiring that, prior to the commencement for works, the applicant must design the interface treatment for pipelines, and construct buildings and works, to the satisfaction of the relevant licensee of the pipeline regulated under the *Pipelines Act 2005.*

Requirement – Preliminary risk screen assessment

- A proposal to subdivide land or to use land for a sensitive use (child care centre or caretakers house), or construct or carry out buildings and works associated with this use, where the land is identified as having a potential risk for contamination in Table 1 must demonstrate the site is suitable by providing:
  - A preliminary risk screen assessment statement has been issued in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the proposal; or
  - An environmental audit statement has been issued under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the proposal; or
  - A certificate of environmental audit for the land has been issued in accordance with Part IXD of the *Environment Protection Act 1970*; or
  - A statement of environmental audit for the land has been issued in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the proposal.
- If an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* has been issued stating that the land is suitable for the proposal, a condition must be included on the planning permit. The responsible authority may waive the requirement for a further preliminary risk screen assessment (or environment audit) where it has already been undertaken for the land, and where it is satisfied that the previous preliminary risk screen assessment (or environment audit) considered the relevant land uses.
- This requirement does not apply to the construction or carrying out of buildings and works if:
  - The buildings and works are associated with an existing sensitive use (residential) included in Clause 62.02-1 or 62.02-2 and the soil is not disturbed.
  - The buildings and works are required by the Environment Protection Authority Victoria or an environmental auditor appointed under the *Environment Protection Act 2017* to make the land suitable for use; or
  - The buildings and works are reasonably required by the environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

This application requirement does not apply to buildings and works associated with a residential use established before the approval date of Amendment C477ggee.

Table 1: Preliminary risk screen assessment

Address	Lot Number
25 Avalon Road, Avalon	Lot 1 LP76925
255-275 Avalon Road, Avalon	Lot 1,2,3 TP221328 and Lot 1 TP411602

Condition – Environmental Audit

Any permit to subdivide land, or to use land for a sensitive use (childcare centre or caretakers house), or to construct or carry out buildings and works associated with these uses where an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* has been issued stating that the land is suitable for the use or proposed use subject to recommendations must include the following conditions:

- The recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use or development commences; and
- Written confirmation of compliance with any recommendations in the environmental audit statement must be provided by a suitably qualified environmental professional (with the costs borne by the applicant) to the satisfaction of the responsible authority. Compliance sign-off must be in accordance with any requirements in the environmental audit statement recommendations regarding verifications of works.

Where recommendations of the Environmental Audit Statement require significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The Section 173 agreement must be executed on the title of the relevant land prior to the grant of a permit to develop the land, unless otherwise agreed to by the responsible authority. The applicant must meet all costs associated with the drafting and execution of the agreement, including those incurred by the responsible authority.

Condition – Infrastructure Contributions Agreement

Prior to the commencement of buildings or works or the certification of a plan of subdivision, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner of the land or other person in anticipation of becoming the owner of the land, the responsible authority and Greater Geelong City Council (where Council is not otherwise the responsible authority) which specifies the nature and amount of any infrastructure contributions. The agreement must be informed by the Development Plan approved for the land in accordance with clause 4.0 of this schedule as it relates to infrastructure needs for the Greater Avalon Employment Precinct West and must specify:

- Net developable area for each property.
- Development catchment areas (if applicable).
- Methodology of levies calculated.
- Infrastructure items to be included as shared infrastructure, including relevant triggers or staging based on advice of technical reports.
- What, if any, infrastructure items are eligible to be provided as works in kind to the satisfaction of the responsible authority.
- Itemised costings of any shared infrastructure items.
- Responsible delivery agency of any shared infrastructure items.
- Details of the future ownership and management arrangements for any shared infrastructure items.
- Operational and administrative provisions.

The owner will pay all costs and expenses of, and incidental to, the execution and recording of the agreement.

This condition does not apply to permits granted prior to the approval of a Development Plan

Condition – Transport Infrastructure Contributions Agreement

Prior to the commencement of buildings or works or the certification of a plan of subdivision, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner of the land or other person in anticipation of becoming the owner of the land, the responsible authority and Greater Geelong City Council (where Council is not otherwise the responsible authority) and the Head, Transport for Victoria, for the delivery by the developer and / or landowner, at its cost of Transport Infrastructure items between the Greater Avalon Employment Precinct West and the external road network servicing the use and development.

The agreement must be informed by the Development Plan approved for the land in accordance with clause 4.0 of this schedule and must specify:

- The scope of work and location of infrastructure items required as a result of the development, including any land provision or acquisition.
- The expected timing of provision of each infrastructure item and who is responsible for delivery.

- What, if any, infrastructure items are eligible to be provided as works in kind to the satisfaction of the responsible authority.
- The cost of any items that are the subject of financial contributions rather than direct delivery by the owner.
- The equitable apportionment of costs.
- Operational and administrative provisions.

The agreement will apply to the following infrastructure items:

- Upgrades to the Avalon Road and Princes Freeway interchange.
- Construction of a new intersection on Avalon Road to provide access into the Greater Avalon Employment Precinct.
- Any upgrades to Avalon Road and other municipal roads to facilitate the increased traffic volumes associated with providing access into and egress out of the Greater Avalon Employment Precinct.

The owner will pay all costs and expenses of, and incidental to, the execution and recording of the agreement.

This condition does not apply to permits granted prior to the approval of a Development Plan.

Requirement – 15 Avalon Road, Avalon – Interim Access

An application to subdivide, construct a building or carry out works on the land at 15 Avalon Road, Avalon which proposes to create an interim access connecting to the Avalon Road / Princes Freeway off and on ramp roundabout must:

- Prepare a concept of the arrangement, showing the location of the interim access in accordance with Plan 1 to this schedule.
- Demonstrate that there is sufficient capacity in the intersection with the interim access to facilitate the proposed use and development of the land without adversely impacting the operation, capacity and function of the Avalon Road roundabout.

Condition - 15 Avalon Road, Avalon – Interim Access Agreement

A permit to subdivide, construct a building or carry out works on the land at 15 Avalon Road, Avalon which proposes to create an interim access in accordance with the Requirement to the property from the Avalon Road roundabout must include a condition which requires that:

Before the issue of a Statement of Compliance or the development starts (as the case may be), the owner must enter into an agreement with the responsible authority and Greater Geelong City Council (where Council is not otherwise the responsible authority) and Head, Transport for Victoria under section 173 of the Planning and Environment Act 1987 which provides for the following:

- That the interim access is temporary and will be removed when access is available from the Avalon Road / Coonawarra Drive intersection or an alternate arrangement is agreed at the discretion of Head, Transport for Victoria.
- That all costs associated with the construction and removal of the interim access are at the full cost of the owner, including the cost of works to the Avalon Road roundabout to facilitate the interim access and the cost of reinstatement of the Avalon Road roundabout and abutting land when the interim access is removed.
- That the owner of the land will, when directed to do so by Head, Transport for Victoria, remove the interim access to the Avalon Road roundabout in accordance with plans and specifications prepared to the satisfaction of Head, Transport for Victoria..
- The quantum of bonds to be paid to Head, Transport for Victoria to ensure the completion of the works associated with the removal of the interim access.

The owner will pay all costs and expenses of, and incidental to, the execution and recording of the agreement.

Condition – Sodic and dispersive soils management plan

A permit to subdivide land or construct or carry out earthworks, must include a condition that demonstrates the site is suitable by providing a sodic and dispersive soils management plan for land identified in the precinct wide Sodic and Dispersive Soils Assessment under clause 4.0 of this

schedule as requiring specific management. The plan must be prepared by a suitability qualified professional, that describes:

- Implementation of the recommendations of the Sodic and Dispersive Soils Assessment prepared under Clause 4.0 of this schedule;
- The extent of any proposed earthworks;
- Soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure;
- The management of drainage during all stages of development (including run-off);
- The staging of development;
- Any training and supervisions processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;
- Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic and dispersive soils management plan;
- Any treatment of soil proposed to be removed from the site;
- Any post-construction monitoring and/or management requirements; and
- Requirements for a site management plan including:
  - The management, volume and location of any stockpiles.
  - Vehicle access and movement within the site area.
  - Any treatment to manage the soil while works are undertaken.
  - Treatments to rehabilitate areas that are disturbed during site works.
  - Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.

The sodic and dispersive soils site management plan must be prepared to the satisfaction of the responsible authority before the development commences.

Condition – Coastal acid and sulfate soils management plan (CASSMP)

A permit to subdivide land or construct or carry out earthworks for a high-risk activity within a coastal acid and sulfate soil (CASS) risk area as identified in the precinct wide Coastal Acid and Sulfate Soils Management Plan under clause 4.0 of this schedule, must include a condition that demonstrates the site is suitable by providing a coastal acid and sulfate soil management plan. The plan must be prepared by a suitability qualified professional, that describes:

- Detailed CASS mapping including the vertical and spatial distribution of CASS onsite and offsite with chemical testing results and interpretations;
- A description of the management strategies that should be used to minimise impacts from the oxidation of sulphides including managing excavations to limit oxidation (e.g. avoid disturbing CASS materials, minimising disturbance to groundwater, trenchless technology), planned treatment (in-situ or ex-situ liming) and containment strategies of CASS and leachate, water table management;
- Overview of proposed works including detailed descriptions of any dewatering and drainage works, any soil excavations, delineation of geological lenses and horizons that may affect dewatering, plans for temporary above ground storage of CASS and plans for reuse/disposal of CASS;
- Details on how the planned management activities integrate with different components of the project including construction and other environmental management activities;
- Performance criteria for monitoring the effectiveness of the CASS management strategies during construction;
- Monitoring program which includes proposed location of monitoring points and frequency of monitoring, details of sampling and analytical parameters and details of procedures to be undertaken in the event that monitoring indicates that thresholds are being exceeded;
- Contingency procedures need to be developed as part of the CASSMP in order to manage impacts in the event of management strategies failure;
- The CASSMP should generally align with:

- the Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils (Victorian Government Department of Sustainability and Environment, October 2010); and
- the National Acid Sulfate Soils Guidance (Water Quality Australia, 2018).

A coastal acid and sulfate soil site management plan must be prepared to the satisfaction of the responsible authority before the development commences.

Condition – Conservation Area Management Plan Agreement

A permit to subdivide land containing a conservation area as shown in Plan 1 of this schedule must include the following condition:

Prior to the certification of a plan of subdivision, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner of the land or other person in anticipation of becoming the owner of the land, the responsible authority and Greater Geelong City Council (where Council is not otherwise the responsible authority).

The agreement must implement the recommendations of the Conservation Area Management Plan prepared under clause 4.0 of this schedule, including identifying the landowner/s for funding the conservation actions, monitoring and management responsibilities.

4.0 Requirements for development plan

Proposed C477ggee

The Development Plan must be generally in accordance with Plan 1 and be prepared to the satisfaction of the responsible authority and include:

- A **site analysis plan** that identifies the key attributes and constraints of the land and its context including:
  - Topographical, landscape features and any other relevant elements.
  - Uses on adjoining and nearby land.
  - Provision of services to the land.
  - Surrounding movement network.
  - Notable areas of Aboriginal cultural values, as informed by a cultural values assessment prepared for the precinct.
  - Any other notable feature or characteristic of the site deemed necessary to provide a full analysis of the site.
- A **site master plan** that includes:
  - Land uses that reflect the land uses and interface area shown in Plan 1.
  - A concept plan which shows the open space network including the location of unencumbered open space and conservation reserves in the Rural Conservation Zone. ~~The open space network should provide for the retention of high and moderate value trees (as identified in Arboricultural Assessment and Report (Tree Logic, September 2023).~~
  - An indicative movement network, including public and active transport road layout, and any intersection treatments required (as determined by an Integrated Transport Management Plan).
  - Details of proposed treatments to manage sensitive interfaces between residential, conservation areas (land included in the Rural Conservation Zone) and industrial land uses.
  - Provision for stormwater and drainage management and integrated water management, consistent with the Integrated Water Management Plan and Drainage and Stormwater Management Strategy.
  - Details of how areas of Aboriginal cultural values, as informed by a cultural values assessment, are addressed within the precinct.
  - Buffer areas and procedures to protect any areas of Aboriginal cultural values in accordance with the recommendations of a cultural values assessment prepared for the precinct.

  - Identification of bushfire hazard areas and relevant setbacks.
  - Provisions for land to be set aside for a Victoria State Emergency Services facility and a fire services facility generally in accordance with the locations shown in Plan 1.
  - Any recommendations or requirements in the Avalon Airport Impact Assessment Report prepared under this schedule ~~and details of how they will be implemented~~.
  - Details of how the development will respond to the interfaces identified on Plan 1 ~~and in the Greater Avalon Employment Precinct Landscape and Visual Impact Assessment Report~~.
  - Details of how all foreseeable threats to pipelines regulated under the *Pipelines Act 2005* affected by the use and development of the precinct are identified and managed.
  - Details of how all required existing and proposed utilities are provided for within the precinct and are consistent with the site master plan and landscape concept plan.
- A **Site Servicing Report** that addresses the infrastructure and utilities servicing requirements for the precinct.
- A precinct wide **Avalon Airport Impact Assessment Report** prepared by a suitably qualified professional addressing the National Airports Safeguarding Framework, and associated guidelines A to I, and the Avalon Airport Master Plan 2015 (or any superseding master plan). Any recommendations or requirements of this assessment must be incorporated into the Development Plan. :
- A **Biodiversity Assessment** prepared by a suitably qualified expert that includes:
  - A biodiversity desktop assessment, which establishes an ecological baseline to document existing species, habitat and ecosystem health based on in-season flora and fauna survey.
- In deciding whether the Avalon Airport Impact Assessment Report is satisfactory, the responsible authority must seek and, if provided, consider the views of Avalon Airport.
- An **Integrated Water Management Plan** ~~prepared to the satisfaction of the responsible authority~~ which includes:
  - A precinct wide concept design for an integrated water management system, with consideration of:
    - The treatment, discharge, storage and reuse of stormwater (as per the Drainage and Stormwater Management Strategy).
    - The potential to store, treat and reuse wastewater.
    - The approach to offsetting the use of potable water.
    - Considerations of the full water cycle and merits of possible options.
  - Future ownership and responsibility for the long term maintenance and management of stormwater and wastewater storage and reuse infrastructure.
  - Details of how any proposed harvesting and reuse of stormwater and treated wastewater, if employed, will be appropriately managed, as required by the relevant drainage authority.
  - Consideration for adaptive management (i.e. local and regional water requirements).

  In deciding whether the Integrated Water Management Plan is satisfactory, the responsible authority must seek and, if provided, consider the views of the Greater Geelong City Council, Corangamite Catchment Management Authority, Parks Victoria and Barwon Region Water Corporation, as appropriate.
- A **Drainage and Stormwater Management Strategy** ~~prepared to the satisfaction of the responsible authority~~ that includes:
  - A precinct wide concept design of the drainage and stormwater management system, with consideration of:
    - An impact assessment of stormwater volumes to determine enhanced stormwater management objectives in consideration of the *Urban Stormwater Management Guidance* (Environment Protection Authority Doc No 1739.1.202) including

identified risks on receiving waters and environment with regard to stormwater volume and water quality.

- The treatment, retardation, discharge, storage and reuse of stormwater (if applicable), including an approach to managing the impact of stormwater on the surrounding and downstream environment .
- The details of any stormwater detention basins, including the location, asset reserve area, sections, and approximate volume and surface area. Stormwater and drainage assets should be located outside of the conservation areas (land included in the Rural Conservation Zone) unless benefits to the ecological values can be demonstrated.
- The location and details of stormwater discharge points (outfall) including determination of the appropriate discharge quantity and water quality treatment requirements, for water generated from the Development Plan area to manage the risk of adverse impact on environmental values to the Avalon Coastal Reserve, Hovells Creek and Ramsar site.
- The management of upstream flows in the existing watercourse with consideration of adaptive management for both the new and existing waterways (Austins Swamp catchment).
- The impacts of sea level rise and climate change.
- An analysis of major and minor overland flowpaths, including consideration of any future earthworks on the site.
- The agreed points of discharge/s for the site for major and minor drainage and the approach to manage or convey existing upstream flows.
- The integration of drainage and earthworks with upstream and downstream land, including water quality and quantity considerations.
- Coordination between landholders to ensure there is a deliberate approach to managing combined stormwater volumes. This must relate to how stormwater is to flow between owners as well as management of the stormwater as a potential reuse resource.
  - A Flood Impact and Risk Assessment to the satisfaction of the responsible authority that includes a consultative method statement prior to flood mapping and analysis for all events up to and including the 1% AEP under future climate change.
  - The investigation and risk assessment of the impact of the proposed works on environmental values of the receiving waters, Avalon Coastal Reserve and Ramsar wetland values, particularly seagrass. This must be prepared by a suitably qualified ecohydrology expert and may include consideration of the advice in any applicable *Environmental Reference Standard* and any defined Limits of Acceptable Change which are refined having regard to the *Port Phillip Bay (Western Shoreline) & Bellarine Peninsular Ramsar Site Ecological Character Description* (DELWP, 2020), including future climate conditions.
  - For the properties identified in Table 1 to clause 3.0 of this Schedule, an assessment of surface water to the satisfaction of the responsible authority, to determine the presence of any Contaminants of Potential Concern which may guide the location and management of stormwater detention basins.
  - Future ownership and responsibility for the long term maintenance and any monitoring and management of stormwater and reuse infrastructure (as defined in the investigation and risk assessment).
  - Demonstration of how a drainage and stormwater strategy considers the requirements of the Avalon Coastal Reserve and has no adverse impact on existing Ramsar wetlands
  - Mitigation of wildlife strike risk on Avalon Airport operations, consistent with any recommendations of the Avalon Airport Impact Assessment Report prepared under clause 4.0 of this schedule.

  - Details of the existing waterway values including the values associated with the different channels and how the water management regime will maintain these values.
  - Details of groundwater levels and their salinity on the site and how the potential impacts on drainage and stormwater assets and interaction with surface runoff will be managed.
  - The strategy should include reference to current best practice guidelines.
  - If relevant, conceptual details of the proposed drainage crossings of the gas and oil pipelines to the satisfaction of the relevant authority.

  In deciding whether the Drainage and Stormwater Management Strategy is satisfactory, the responsible authority must seek and, if provided, consider the views of the Greater Geelong City Council Corangamite Catchment Management Authority, the Department of Energy, Environment and Climate Action, Parks Victoria and Barwon Region Water Corporation, as appropriate.

- A **Drainage Asset Management Plan** ~~prepared to the satisfaction of the responsible authority~~ that provides details of drainage assets, including where these assets are proposed to be privately owned and managed and any maintenance requirements.

  In deciding whether the Drainage Asset Management Plan is satisfactory, the responsible authority must seek and, if provided, consider the views of the Greater Geelong City Council ~~and the Corangamite Catchment Management Authority~~.

- A **Conservation Area Management Plan** ~~prepared to the satisfaction of the responsible authority~~ informed by the Biodiversity Assessment that includes:
  - Details of conservation areas in the Rural Conservation Zone, including whether conservation areas are proposed to be privately owned and managed.
  - Details and recommendations on the conservation actions and monitoring of ecological values and species likely to utilise habitat within the conservation areas.
  - Details on the conservation actions to ensure no net loss of native vegetation within the conservation area, even during naturally occurring desalination processes.
  - Management recommendations to control noxious weeds and exotic animals.
  - A long-term adaptive management framework to manage the progression of non-saline habitats and provide for naturally occurring desalination processes over time.
  - Mitigation of wildlife strike risk on Avalon Airport operations, consistent with any recommendations and requirements of the Avalon Airport Impact Assessment Report.
  - Operation period of the management plan, and where relevant identifying a strategy to handover conservation area management actions, including detail on funding of those actions, upon change of conservation area ownership.

  Where conservation areas are proposed to be privately owned and managed, the Conservation Area Management Plan must identify the landowner/s responsible for funding the conservation actions, monitoring and management responsibilities.

  In deciding whether the Conservation Area Management Plan is satisfactory, the responsible authority must seek and, if provided, consider the views of the Greater Geelong City Council and Department of Energy, Environment and Climate Action, as appropriate.

- An **Integrated Transport Management Plan** that includes:
  - An assessment of traffic generation and the impact on the adjoining road network, including consideration of impacts to the State transport system, Avalon Airport (with reference to the Avalon Airport Master Plan 2015) (or any superseding master plan) and development of the north precinct.
  - Identification of any upgrade work required on the adjoining road network, including the State transport system, including the staging of any works.
  - Typical road cross-sections, showing all proposed new or upgraded intersections, crossovers and street frontages.

  - Identification of a bus capable road network including integration with the broader public transport network.
  - Identification of an active transport network including pedestrian and cycling links (including the Strategic Cycling Corridor) where appropriate
  - Measures to minimise the potential impacts of vehicle movements associated with the Greater Avalon Employment Precinct West on properties within the Rural Living Zone west of Avalon Road.

  In deciding whether the Integrated Transport Management Plan is satisfactory, the responsible authority must seek and, if provided, consider the views of the Greater Geelong City Council and Head, Transport for Victoria.

- A Staging Plan that includes:
  - Indicative staging of infrastructure, services, and future development and/or subdivision.
  - Proposed roads, intersections and drainage infrastructure.
- A precinct wide Coastal Acid Sulfate Soil Assessment (CASSA) be prepared by a suitably qualified and experienced practitioner. The CASSA should:
  - Identify and map CASS present in the precinct, and
  - Provide an overview of the physical characteristics and environmental attributes of the precinct as relevant to CASS including if geomorphic indictors of CASS are present.
- A precinct wide **Sodic and Dispersive Soils Assessment** prepared by a suitably qualified and experienced professional that includes:
  - Assessment of existing site conditions (topsoils and sub-soils), including assessment of the extent of sodic and dispersive soils (including laboratory analysis of Exchangeable Sodium Percentage and soil dispersion). Sample locations should consider land gradient, erosion risk mapping, the extent of any existing erosion, landslip or other land degradation, potential surface water receptors and the proposed locations of surface water and stormwater features.
  - Assessment of soils collected from the soil profile, including from the anticipated depth of excavations/land disturbance.
  - Soil assessment at a sufficient frequency to distinguish areas of low sodicity risk (if any) from areas that will require sodicity management and or further assessment.
  - Presentation of site-specific data which links soil and landscape characteristics to the sodic soil risks and the potential for sub-surface erosion (sub-surface structure decline).
  - Identification and assessment of risks of sodic and dispersive soils to the environment from proposed development activities (including but not limited to surface water and buildings and structures).
  - Identification of any areas within the precinct that require the preparation of a Sodic and Dispersive Soils Management Plan to be prepared at the planning permit stage.
  - Recommended approaches to minimise disturbance and or risks from sodic soils at the precinct scale, with consideration of:
    - Proposed staging of the precinct,
    - Soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure/disturbance,
    - Potential need for baseline assessment (i.e. baseline turbidity) of surface water features (where risk assessment indicates potential for impact to surface water features).
    - Potential need for further soil assessment.
- A **Bushfire Management Plan** that achieves development that is bushfire resilient for both the completed development and during any staging of the development. The Bushfire Management Plan must address the following requirements:
  - Identification of areas of bushfire hazard within and adjacent to the precinct.

  - The provision of a perimeter road on all interfaces with a permanent bushfire hazard.
  - Identification and mapping of setbacks from classified vegetation that will lead to exposure of radiant heat no greater than 12.5kW/m2.
  - Recommendations for any vegetation management requirements to achieve acceptable level of defendable space.
  - Identify areas where the bushfire hazard requires specific bushfire management measures for subdivision and building works to be implemented.

  In deciding whether the Bushfire Management Plan is satisfactory, the responsible authority must seek and, if provided, consider the views of the relevant fire authority.

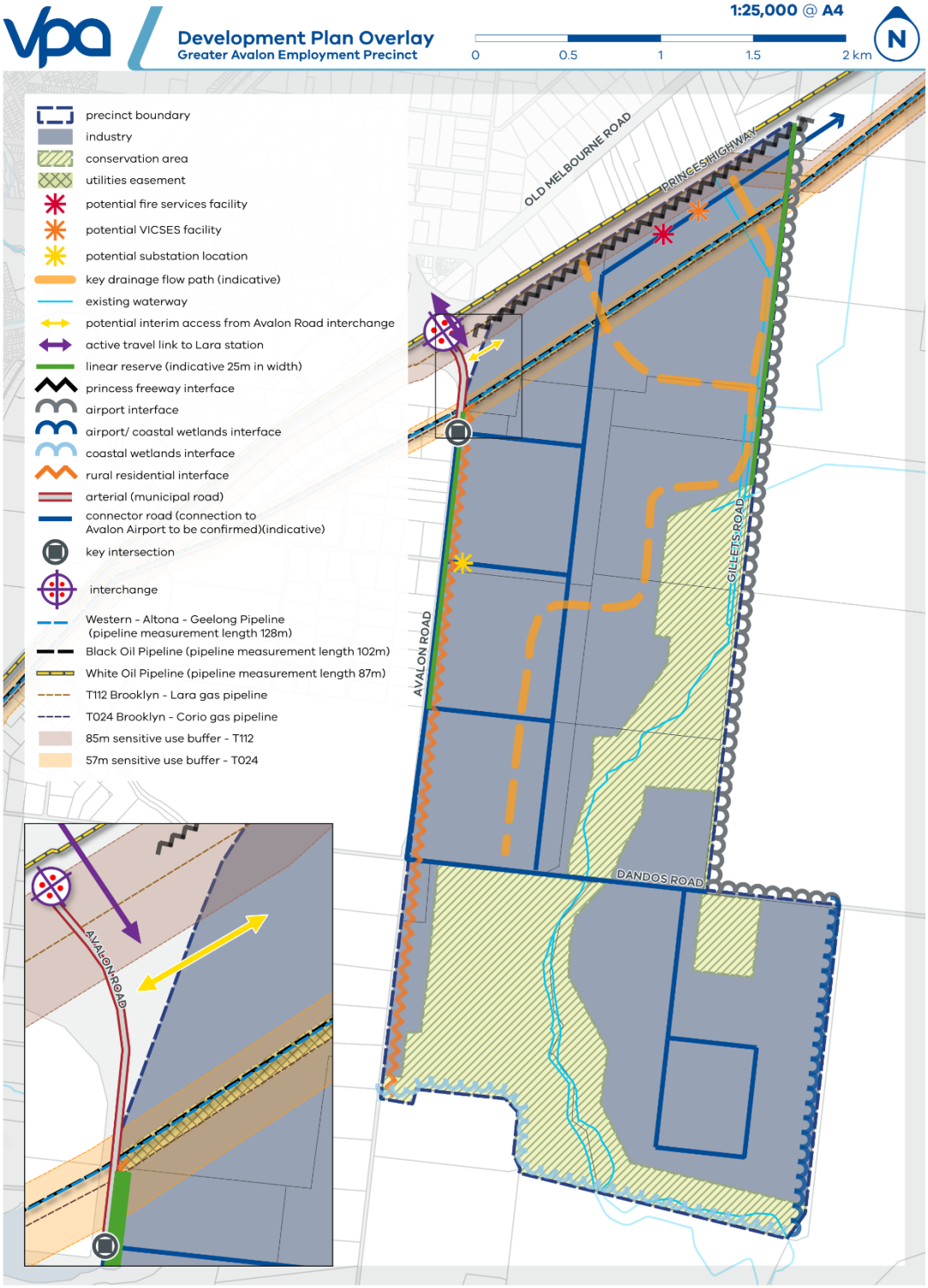
- An **Open Space and Landscape Concept Plan**, informed by the Biodiversity Assessment that includes:
  - An overall landscape master plan for the land in the Development Plan.
  - Retention of high and moderate value trees (as identified in the Arboricultural Assessment Report (Tree Logic, September 2023).
  - Recommendations on how the retained trees and vegetation should be managed.
  - Details of the form and location of public parks and public urban squares distributed across the precinct. Any land reserved for such purpose must be configured to be usable open space (generally square or rectangular shape and edged by roads unless an alternative configuration is agreed by the Responsible Authority).
  - The location and areas of unencumbered open space,
  - A Public Open Space Table showing the land size and the percentage of each land parcel that will be provided for unencumbered public open space contribution.
  - Details of any shared paths, bike paths or walking trails. Where practicable, links should be provided to connect local parks, the Lara Train Station, Strategic Cycling Corridor and the Bay Trail.
  - Details of how areas of biodiversity and conservation significance will be addressed including any proposed landscape buffers or treatments at the interface of the precinct and adjacent conservation areas, and impacts to habitat provided by native and exotic grasslands of natural and rocky substrate
  - Details of how any landscaped areas, where practicable, may provide biodiversity links to the conservation areas to facilitate species connectivity across the precinct.
  - Trees and shrubs should be of local indigenous plant species relevant to the Ecological Vegetation Class (EVC) throughout the development area.
  - Details of the interface and buffer treatments between open space areas and industrial uses or land set aside for drainage or conservation purposes.
  - Details of how the landscape concept implements the requirements and recommendations of the Avalon Airport Impact Assessment Report, including confirmation that species selection will mitigate the risk of wildlife strike and avoid penetration of protected airspace.
  - Details of the landscape treatment for the linear reserve along Gillets Road
  - Details of the landscape treatment along Avalon Road, including consideration of:
    - the provision of a 25m linear reserve as shown in Plan 1 of this schedule (with details to be resolved with City of Greater Geelong) or another form of open space.
    - a shared walking / cycling path.
    - landscape screening including new and retained vegetation.
- Details of how areas of Aboriginal cultural values, as informed by a cultural values assessment, are addressed within the precinct.
- Details of how all foreseeable threats to existing gas and / or liquid hydrocarbons transmission pipelines subject to the *Pipelines Act 2005* which may be affected by use and development of the precinct are identified and will be managed by the applicant through the implementation of protection measures as determined in accordance with safety

obligations of the *Australian Standard A2885 Pipelines – Gas and liquid petroleum*. In considering the detail provided, the responsible authority must seek and, if provided, consider the views of the Minister administering the *Pipelines Act 2005*.

- Details of how all required existing and proposed utilities are provided for within the precinct and are consistent with the Site Master Plan and Open Space and Landscape Concept Plan.
- Details of how the physical infrastructure meets Greater Geelong City Council standards.

Any plan forming part of the Development Plan approved under clause 4.0 of this schedule that requires Greater Geelong City Council to be the asset owner and / or manager (such as for road, drainage, conservation and open space reserves), must be prepared to the satisfaction of Greater Geelong City Council before the Development Plan is approved by the responsible authority.

Plan 1 – Greater Avalon Employment Precinct West Concept Plan



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F:3 Design and Development Overlay Schedule 53

xx/xx/2025

SCHEDULE 53 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO53**.

GREATER AVALON EMPLOYMENT PRECINCT WEST

1.0 Design objectives

xx/xx/2025

To facilitate the development of a high quality national, state and regionally significant employment precinct appropriate for a diverse range of industrial development, providing a high level of amenity for workers and visitors.

To ensure development does not prejudice or conflict with the current and future operations of Avalon Airport.

To ensure development minimises environmental and amenity impacts on adjacent conservation and rural living uses.

To ensure development provides a high level of visual amenity when viewed from major transport routes and surrounding non-industrial land uses.

To promote best practice sustainable design including storm water quality and reuse measures.

2.0 Buildings and works

xx/xx/2025

Requirements

The following buildings and works requirements apply to construct a building or construct or carry out works.

Site Layout and Design

Setbacks should ensure:

- Landscaping within front and side setbacks,
- The use of trees in car park areas to reduce the heat island effect of large areas of pavement and to provide shade for vehicles, and
- Provide car parking at the front of the site

Avoid potential conflict between pedestrian and vehicle movement through the design of the site, including provision of pedestrian links through car parking areas.

Car Parking, Loading Bays and Access

To reduce the potential for contaminated runoff, loading bays should be covered, active work areas should be contained internally within buildings and waste disposal areas should be appropriately located.

Incorporate landscaped island beds if more than 10 car spaces are provided to separate the hard surface area and improve the provision of canopy trees and visual amenity.

Building Design

Design buildings to ensure:

- Buildings and works (including a television antenna and a flagpole) must not exceed the height of the most recent approved Obstacle Limitation Surface (OLS) or Terminal Instrument Flight Procedure Obstacle Protection (TIFPOP) surface prepared for an airport in accordance with the Airports (Protection of Airspace) Regulations 2026, or as shown in the Avalon Airport Masterplan 2015 (or any superseding master plan).

- Buildings address the street frontage or open space area by including the following elements in the design:
  - Front facades that include design elements that add visual interest.
  - Locating office components in a visible location at the front of the building.
  - Incorporating facades that address both frontages where the site is located on a corner.
  - The location of office or showroom components on the side(s) of the building facing a street or open space area, or the incorporation of windows or articulation of the facade to avoid blank facades facing the public realm.
  - Clearly delineated visitor access points to the building.
- High standards of design quality and building appearance in all locations, particularly on lots that are directly adjacent to the Princes Freeway, Avalon Road, conservation reserves as well as wetland and coastal wetlands interface area.
- A unified architectural treatment for the office and industrial parts of buildings, or designs that make an architectural feature of the office component and a neutral backdrop of the industrial component.
- Massing and articulation, window and door treatments, materials and colours to create attractive public facades which avoid unrelieved and/or blank facades facing street frontages.
- Use of low-maintenance external materials.
- Avoidance of highly reflective roof and wall materials.
- Avoidance of exposed plain concrete block walls.
- Integration of service equipment within the design of the building or its screening from view.
- Energy efficient building design and orientation.
- Lighting is designed to be baffled to prevent light spill and glare:
  - to dwellings on the west side of Avalon Road and across all adjacent conservation areas and reserves. Lighting design should refer to the National Light Pollution Guidelines for Wildlife (DCCEEW, 2023); and
  - Areas associated with flight paths for Avalon Airport having regard to the potential for pilot distraction. Lighting design should refer to the National Airports Safeguarding Framework – Guideline C.

Landscpaing

Retain existing vegetation where practical.

Provide landscaping:

- Within in the front setback.
- ~~Along boundaries which adjoin a sensitive land use or environmental feature (such as waterways or conservation reserve) or where the site is visually prominent.~~
- To assist in minimising headlight glare to the dwellings on the west side of Avalon Road and conservation reserves where possible.

Ensure landscaping areas are:

- ~~Designed to be low maintenance, including selection of hardy landscape species that require minimal ongoing maintenance and have low water usage. Where practical and consistent with this requirement, landscaping species should be locally indigenous or native; and~~
- Protected from vehicle damage by incorporating protective design features.

The quality and quantity of landscaping should reflect the scale of the building and car park areas in order to address screening and softening of visual bulk. ~~Where practical, landscaping and revegetation should:~~

- ~~Provide a variety of flora and fauna habitats that promote biodiversity values.~~

- ~~Provide habitat creation along waterway and drainage corridors.~~
- ~~Provide vegetated corridors along walking and cycling tracks.~~

Ensure any landscaping location and species selection will not encroach the protected airspace of Avalon Airport at mature height and will not attract wildlife relative to wildlife-strike risk.

Exemption of notice and review

An application to construct a building or to construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

3.0 Subdivision

xx/xx/2025

Requirements

Subdivision within the precinct should ensure:

- An appropriate range of lot types and settings.
- Lot configurations that facilitate energy efficient site and building design.
- No lots have a rear aspect to the Princes Freeway, Avalon Road or conservation reserves.
- ~~A perimeter road is provided on all interfaces with a permanent bushfire hazard.~~
- A road frontage is provided to open space and conservation reserves.
- ~~A road network that complies with the relevant fire service requirements for emergency access and egress where appropriate.~~

4.0 Signs

xx/xx/2025

Sign requirements are at Clause 52.05 All land located within the Industrial 1 Zone is in Category All other land is in Category 4.

Requirement

Signage should be co-located on sites which have more than one tenant so as to avoid sign clutter.

5.0 Application requirements

xx/xx/2025

None specified.

6.0 Decision guidelines

xx/xx/2025

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The views of Avalon Airport on the need to prevent the construction of buildings, structures and landscaping which could interfere with and cause a safety hazard on aircraft operations such as height, lighting, built form layout, wind shear and wildlife strike.
- City of Greater Geelong Sign Guidelines (February 2024).