

REASONS FOR DECISION TO EXERCISE POWER OF INTERVENTION

UNDER SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987

GREATER GEELONG PLANNING SCHEME AMENDMENT C483ggee

The *Planning and Environment Act 1987* (the P&E Act), the *Heritage Act 2017* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

In exercising the Minister's powers of intervention, including action taken under delegation from the Minister for Planning, the Minister has agreed to:

- make publicly available written reasons for each decision; and
- provide a report to Parliament at least every 12 months, detailing the nature of each intervention.

REQUEST FOR INTERVENTION

1. The Greater Geelong City Council requested this intervention to ensure proper planning for native vegetation management in the Geelong Ring Road Employment Precinct consistent with current state, regional and local planning policy.
2. The amendment removes the *Native Vegetation Precinct Plan, Geelong Ring Road Employment Precinct* (March 2013) (GREP NVPP) incorporated document from the Greater Geelong Planning Scheme. It removes the NVPP from the Schedule to Clause 52.16 Native Vegetation Precinct Plan and the Schedule to Clause 72.04 Incorporated Documents.

WHAT POWER OF INTERVENTION IS BEING USED?

3. Under delegated authority from the Minister for Planning I have decided to exercise the power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations in respect to Amendment C483ggee to the Greater Geelong Planning Scheme.
4. Section 20(4) of the P&E Act enables the Minister for Planning to exempt an amendment which the Minister prepares from any of the requirements of sections 17, 18 and 19 of the Act or the Regulations.
5. In seeking to exercise this power, section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

BACKGROUND

6. Amendment C483ggee applies to land in the Geelong Ring Road Employment Precinct located in Corio and an area of undeveloped land to the east of the Princes Freeway known as the 'New Corio Estate'.
7. The Council seeks the removal of the GREP NVPP from the Greater Geelong Planning Scheme as it is no longer fit for purpose and does not achieve the objectives of managing native vegetation removal and offsets.
8. The GREP NVPP was incorporated into the Planning Scheme in September 2013 via Amendment C243. It was introduced to:
 - Guide the protection and removal of native vegetation.
 - Balance development with biodiversity values.
 - Streamline planning approvals for vegetation removal when done in accordance with the plan.
9. After consulting with the Department of Energy, Environment and Climate Action (DEECA), the council considered the GREP NVPP and identified several issues with its ongoing use.

10. The NVPP was based on ecological assessments from over a decade ago. Current conditions on the ground, including the extent and quality of native vegetation, have changed significantly since then.
11. The NVPP permits the clearing of critically endangered vegetation without requiring environmental offsets, which is inconsistent with current biodiversity policy and best practice.
12. The NVPP no longer aligns with Clause 52.16 Native vegetation precinct plan and Clause 52.17 Native vegetation, resulting in confusion and delays in assessing development proposals.
13. Key areas currently protected under the NVPP are also covered by other controls such as the Environmental Significance Overlay (ESO4), ensuring vegetation will continue to be protected and assessed appropriately when the NVPP is removed.
14. Removal of the GREP NVPP by Amendment C483ggee means that any future proposal to remove, destroy, or lop native vegetation will be assessed under Clause 52.17 Native Vegetation of the Victoria Planning Provisions. This means that:
 - A planning permit will generally be required for native vegetation removal unless a specific exemption applies.
 - Applicants will be required to demonstrate that vegetation loss has been avoided or minimised, and that appropriate environmental offsets are secured where removal is necessary.
 - Offset requirements will be assessed in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DEECA, 2025).

BENEFITS OF EXEMPTION

15. The main benefit of this exemption is that it will enable the prompt adoption and approval of the amendment.
16. The prompt approval of the amendment will provide a clear public benefit by removing a redundant document and ensuring native vegetation management and removal is consistent with best practice and current biodiversity policy.

EFFECTS OF EXEMPTION ON THIRD PARTIES

17. The effect of the exemption is that affected landowners and third parties will not receive formal statutory notice of the amendment in accordance with sections 17, 18 and 19 of the P&E Act and will not have an opportunity to make a submission or be heard by an independent panel.

ASSESSMENT AS TO WHETHER THE BENEFITS OF EXEMPTIONS OUTWEIGH EFFECTS ON THIRD PARTIES

18. The council consulted DEECA about the proposed change to delete the GREP NVPP, gaining DEECA support for the amendment.
19. The council notified all owners and occupiers of land affected by the GREP NVPP of the council's intent to remove it from the planning scheme, via a letter dated 4 September 2025. Within this letter, owners and occupiers were requested to submit any comments or objections to the proposal by 3 October 2025.
20. Seven submissions were received in response to council's notification. No submitters objected to removing the GREP NVPP from the planning scheme. Four submitters supported removal of the GREP NVPP from the planning scheme.
21. The benefits of the exemption outweigh the effects on third parties as it will enable a prompt decision on the amendment and removal of a redundant control in the Greater Geelong Planning Scheme.
22. Accordingly, I, acting under delegation from the Minister, consider that the benefits of exemption from sections 17, 18 and 19 of the P&E Act outweigh any effects of the exemption on third parties.

DECISION

23. Under delegated authority from the Minister for Planning, I have decided to exercise the power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations in respect of Amendment C483ggee to the Greater Geelong Planning Scheme.

REASONS FOR INTERVENTION

24. I provide the following reasons for my decision under delegated authority to exercise the power under section 20(4) of the P&E Act.

25. I, acting under delegation from the Minister, am satisfied that:

Compliance with any of the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations is not warranted because:

- The changes will provide for the fair, orderly, economic and sustainable use and development of land at the GREP whilst continuing to protect native vegetation under clause 52.17 Native vegetation and where applicable, under Schedule 4 to the Environmental Significance Overlay (ESO4).
- The views of affected parties are known and further consultation would be unlikely to result in changes to the amendment.

SIGNED BY THE DELEGATE

Rebecca Collins
Director, Regional Planning Services
Department of Transport and Planning

Date: 23 February 2026