



Department of Energy, Environment and Climate Action

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Housing, Building and Land Delivery
Department of Transport and Planning

Ref: CMS 0000 11640

Sent via email: GAEP@transport.vic.gov.au

Dear [REDACTED]

PUBLIC CONSULTATION ON THE GREATER AVALON EMPLOYMENT PRECINCT – DEECA RESPONSE

Thank you for your notification of the Greater Geelong Planning Scheme Amendment C477ggee (the Amendment) to the Department of Energy, Environment and Climate Action (DEECA). I am responding to you under delegation from the Secretary to DEECA.

DEECA understands that the Amendment will introduce a Framework Plan for the Greater Avalon Employment Precinct (GAEP), rezones land in GAEP West to the Industrial 1 Zone and Rural Conservation Zone (RCZ) and introduces a Native Vegetation Precinct Plan (NVPP), Design and Development Overlay and Development Plan Overlay (DPO).

While DEECA supports the intent of the Amendment, there are outstanding matters previously raised that are not addressed in the exhibited material. These matters should be resolved prior to finalisation of the Amendment:

- Inadequate offset statement within the NVPP

Section 10.1 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Version 1.1) (DEECA, 2025) (Native Vegetation Guidelines) sets out mandatory requirements for all NVPPs, including the need for an offset statement that *'includes evidence that an offset that meets offset requirements for the removal of native vegetation is available, and explains how it will be secured in accordance with section 9 of the Guidelines.'*

Section 4.1.1 in the NVPP acknowledges that substantial Species Habitat Unit (SHU) obligations apply and that none are currently available on the DEECA-administered Native Vegetation Credit Register (NVCR). The plan states that required SHUs will need to be established and recommends investigating opportunities for first-party offset sites within the precinct.

While DEECA can confirm that SHUs for the four subject species are available on the NVCR; the quantities available are vastly insufficient for the scale of impacts within GAEP West. As a result, the offset statement provided is not satisfactory and does not meet the mandatory NVPP requirements in the Native Vegetation Guidelines (NVG). The statement provides no factual certainty regarding the ability to meet Species Offset obligations. While it refers to the potential establishment of first-party offsets within the precinct, an acceptable offset statement in this context would:

- Identify the proposed offset site(s) boundaries
- Provide at least in-principle agreement from the relevant landowner(s)
- Confirm that the expected SHU generation is sufficient to meet the NVPP offset obligations
- Demonstrate that the proposed site(s) meet the eligibility criteria in Section 9 of the Native Vegetation Guidelines.

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As a result, DEECA does not support the approval of the NVPP without confidence that the offset obligations can be met and that the requirements in NVG are met.

- Expiry of the NVPP

DEECA reaffirms its request for the expiry of the NVPP to match the agreed upon wording from the Ballarat North NVPP. The NVPP expiry should read as follows:

The vegetation removal is done within the period of validity of this report. NVPP shall remain valid for a period of 10 years from the date of its incorporation into the Greater Geelong Planning scheme under Clause 52.16. After this period, the NVPP will expire unless reviewed and endorsed by the DEECA and the responsible authority. Upon expiry:

- Any proposed removal, destruction or lopping of native vegetation within the precinct will require a new planning permit application under Clause 52.17, supported by current site assessments and offset calculations in accordance with the Guidelines for the removal, destruction or lopping of native vegetation, or its successor.
- Offset obligations identified within this NVPP will no longer be applicable unless secured prior to the sunset date.
- Landowners and developers must provide offset evidence to the responsible authority for all offsets secured under this NVPP.

- Long-term protection of ecological values designated for retention

The RCZ will encompass approximately 109.1 hectares of native vegetation, with 92.7 ha comprising of Coastal Saltmarsh. The medium to long-term conservation of this vegetation is uncertain, due to the following:

- Coastal Saltmarsh is likely to degrade more rapidly due to increased freshwater incursions from adjacent development. The vegetation is likely to be indirectly impacted by hydrological changes and must be treated as removed under the consequential loss provisions of the Native Vegetation Regulations (NVR).
- The indicative drainage layout proposed by MAB Corporation (Figure 1, HARC 2025) shows that drainage assets may be situated within the RCZ boundary, further reducing the extent of retained native vegetation. The inclusion of drainage assets is inconsistent with the intended purpose of conservation areas. Coastal Saltmarsh is highly sensitive to hydrological change and introducing new sources of freshwater, which may be nutrient-rich and contain pollutants, risks compounding these pressures and exacerbating the degradation of ecological values within the site.
- Co-locating stormwater infrastructure within the conservation area also poses risks to threatened species like the Growling Grass Frog (GGF), if present. This risk is highlighted in the GGF Habitat Design Standards (DELWP 2017), which notes that stormwater wetlands often become unsuitable over time due to nutrient enrichment, pollution, proliferation of emergent vegetation, and the presence of exotic fish species that predate on frog eggs and tadpoles.

Based on the information discussed above, the precautionary principle should apply, with the Coastal Saltmarsh assumed lost in the NVPP. This assumed loss will need to be compensated. Alternatively, to retain this vegetation, there needs to be clear expectations for restoration, ongoing management and enforceable mechanisms to ensure the persistence of the Coastal Saltmarsh. Furthermore, any integration of drainage assets into conservation areas must be underpinned by robust ecological design, strong evidence of benefit or neutral impact to biodiversity values, and a commitment to long-term monitoring and adaptive management which is not currently evidenced in the documents provided.

- Unresolved water management issues

GAEP West presents unresolved challenges in relation to surface water management. Key issues include:

- Potential impacts on the adjacent Ramsar-listed wetland.

- Projected sea level rise and associated inundation risk.
- Coastal squeeze and the anticipated loss or degradation of intertidal habitat.
- A shallow groundwater table that may constrain stormwater management and infrastructure design.
- Increased bird-strike risk associated with open-water treatment wetlands near Avalon Airport.
- Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) contamination from upstream catchments, presenting water quality and environmental risks.
- Outfall capacity constraints and uncertainties, particularly relating to potential downstream impacts on the Ramsar site, Avalon Coastal Reserve, Hovells Creek, and associated ecological values.

The exhibited material does not include a drainage strategy, which is instead intended to be prepared by proponents at the Development Plan stage. Section 2 of the HARC Position Paper (HARC, 2025) identifies numerous key knowledge gaps that must be resolved to prepare such a strategy. Key information gaps include, but are not limited to:

- Uncertainty regarding the feasibility of Avalon Coastal Reserve and Hovells Creek as outfall locations, including the hydrological capacity of the receiving environments and the feasibility of approvals under Commonwealth and State environmental legislation. This is compounded by a lack of hydrological information for the Avalon Coastal Reserve, including baseline data on existing environmental flows (volume, frequency, and seasonal variability of freshwater inputs sustaining saltmarsh), and the absence of hydrological modelling of pre- and post-development low-flow and environmental-flow regimes.
- Insufficient evidence on the sensitivity and acceptable limits of change for seagrass in Corio Bay, which is needed to determine appropriate stormwater treatment standards and determine the feasibility of each outfall option.
- Unclear requirements from Avalon Airport regarding constructed waterbodies and wildlife hazard management, noting that wetlands and open water assets are required for water quality treatment.
- Uncertainty regarding the layout and configuration of drainage infrastructure, including potential impacts on ecological values within the RCZ.

DEECA encourages Department of Transport and Planning to consider these matters now as leaving detailed investigations and resolution of these matters to the Development Plan stage introduces significant uncertainty. This could ultimately affect the ability of proponents to secure required environmental approvals and, consequently, the feasibility of developing the land as intended. It also places additional pressure on responsible authorities and referral agencies, as rezoning creates an expectation that development is achievable.

Other matters

As DEECA has had an opportunity to review the entire amendment package, there are additional matters that should be addressed:

- Extent of native vegetation retained

The NVPP states that 212.261 hectares of native vegetation is to be retained within the RCZ. DEECA has been provided the shape files and have found the correct figure is 109.1 hectares. This discrepancy arises from duplicated patch features within the dataset and requires correction in the NVPP.

- Adequacy of Victorian Grassland Earless Dragon (VGED) Survey Effort

Section 3.6.2.1 of the supporting biodiversity assessment report (EHP, 2025) references and summarises the 'Victorian Grassland Earless Dragon (VGED) Targeted Survey – Avalon Road, Avalon' by Biosis, 2025.

According to the summary, targeted surveys for VGED were undertaken during the 2024/25 season across approximately 310 hectares of suitable habitat. A combination of survey techniques was employed, including spider tubes, pitfall traps, tile grids, and active searching. No VGED were recorded, and the report concludes that development within GAEP West is unlikely to significantly impact the species. However, the full targeted survey report has not been included in the exhibited material, limiting DEECA's ability to verify the overall adequacy of the survey methodology. In particular, the following aspects remain unclear:

- The survey effort applied, including the number of survey units per hectare, number of traps/tubes/tiles per unit, and intensity of active searches.
- The spatial coverage of surveys, noting:
 - The surveys were commissioned by MAB Corporation, which is a significant, but not the sole, landowner within the precinct.
 - There is a discrepancy between the 310 hectares reported as surveyed and the approximately 316 hectares of potential VGED habitat shown in Figure 8 of the EHP biodiversity assessment report.

DEECA was not consulted in the scoping of the VGED surveys, as such DEECA cannot confirm that the survey design and effort align with regulatory expectations and best practice standards.

- Clarification regarding the application of the Environment Effects Act 1978 (EE Act)

Section 4.3.1 of the supporting biodiversity assessment report (EHP, 2025) states:

'Actions undertaken in accordance with a prescribed DPO are exempt from the requirements of the EE Act. Provided a DPO is prepared guiding future development within the GA(E)P, then a referral under the EE Act is not required'.

This statement and its representation of the application of the EE Act is queried. While strategic planning processes, such as the preparation of a DPO, are generally excluded, the EE Act applies to projects and works and there is no exemption for development projects delivered in accordance with a DPO. Accordingly, any future development on the site that meets or exceeds the referral criteria set out in Table 1 of the Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978 (for example, clearing ≥ 10 hectares of certain native vegetation types or causing potential long-term changes to the ecological character of a Ramsar or nationally significant wetland) must consider whether a referral under the EE Act is required.

Notably, the Werribee-Avalon Area Wetland (ID VIC121), a nationally significant wetland, encompasses much of the proposed IN1Z area. Given that development projects within GAEP West may trigger referral thresholds, it is essential that all landholders are provided with an accurate account of their obligations under the EE Act.

If you require further information in relation to this matter, please contact [REDACTED]

Yours sincerely

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Planning and Environment Assessment

10 December 2025