

Attachment III

Draft Planning Scheme Amendment

Planning Report

Planning Scheme Amendment C442ggee

05-Sep-2024
Viva Energy Gas Terminal Project

Planning Report

Planning Scheme Amendment C442ggee

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Executive Summary

This Planning Report (the Report) has been prepared by AECOM Australia Pty Ltd to facilitate the proposed Planning Scheme Amendment C442ggee (the Amendment) required for the use and development of a floating storage and regasification unit (FSRU), extension to Refinery Pier in the Port of Geelong, Treatment Facility Works and Temporary Marine Construction Facilities (the project) forming part of the broader Viva Energy Gas Terminal Project on and adjacent to the existing Viva Energy Refinery in Geelong, Victoria.

The proponent for the project is Viva Energy Gas Australia Pty Ltd.

The project is proposed to supply a new source of gas for the southern-east Australian gas market where there is a projected supply shortfall in coming years.

The Report supports the application of the Amendment to the Greater Geelong Planning Scheme (the Scheme). The Amendment proposes to:

- apply the Specific Controls Overlay (SCO) to allow the use and development of land for the project in accordance with the specific controls in the Scheme and amend the Port Zone (PZ) at Scheme Map No 26ZN to reflect the extended Refinery Pier
- amend the Schedule to Clause 45.12 (Specific Controls Overlay) by inserting Incorporated Document 'Viva Energy Gas Terminal Project Incorporated Document, January 2022'
- make the Minister for Planning the responsible authority for the project by amending the schedule to Clause 72.01 (Responsible Authority for this Planning Scheme)
- amend the schedule to Clause 72.02 (What Area Is Covered By This Planning Scheme?) to reflect the extension of the area covered by the Scheme (to include the extension to Refinery Pier and water to a distance of 110 metres from the Pier)
- amend the schedule to Clause 72.03 (What Does This Scheme Consist of?) to insert Planning Scheme Map No 26SCO to apply the SCO to project land and replace Scheme Map No 26 to reflect the amended Port Zone
- amend the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

The Report demonstrates that the Amendment would facilitate a project that is significant to the state of Victoria as it will support the development of essential energy supply infrastructure and enable Victoria's continued liveability, economic development and growth.

The project will reasonably consider the relevant issues and views of affected parties through technical investigations and rigorous public consultation built into the EES and Supplementary Statement process. The EES and Supplementary Statement process provides sufficient opportunities for public comment on a matter that is in the public interest.

Accordingly, Viva Energy requests the Minister for Planning to exercise her discretion and approve the Amendment under Section 20(4) of the *Planning and Environment Act 1987*.

Abbreviations

Table 1 Abbreviations

Abbreviation	Term
Aboriginal Heritage Act	<i>Aboriginal Heritage Act 2006</i>
ACCC	Australian Competition and Consumer Commission
AECOM	AECOM Australia Pty Ltd
AEMO	Australian Energy Market Operator
Amendment	Planning Scheme Amendment C442ggee
BOG	Boil Off Gas
CEMP	Construction Environment Management Plan
CHMP	Cultural Heritage Management Plan
Council	Greater Geelong City Council
CVA	Cultural Values Assessment
DDO20	Design and Development Overlay – Schedule 20
DEECA	Department of Energy, Environment and Climate Action (formerly DELWP)
DELWP	Department of Environment, Land, Water and Planning (now DEECA & DTP)
DTP	Department of Transport and Planning (formerly DELWP)
EES	Environment Effects Statement
EMP	Environmental Management Plan
Environment Effects Act	<i>Environment Effects Act 1978</i>
Environment Protection Act	<i>Environment Protection Act 2017</i>
EPA Victoria	Environment Protection Authority Victoria
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ERS	Environment Reference Standard
ESO2	Environmental Significance Overlay – Schedule 2
ESV	Energy Safe Victoria
FFG Act	<i>Flora and Fauna Guarantee Act 1988</i>
FZ	Farming Zone
FSRU	Floating Storage and Regasification Unit
Gas Terminal Project	Viva Energy Gas Terminal Project
GED	General Environmental Duty
HSSE MS	Health, Safety, Security & Environmental Management System
IAC	Inquiry and Advisory Committee
IN2Z	Industrial 2 Zone

Abbreviation	Term
IPAA	Inner Planning Advisory Area
km	Kilometres
LSIO2	Land Subject to Inundation Overlay – Schedule 2
LNG	Liquefied Natural Gas
LAF	Low Aromatic Fuel
LVIA	Landscape and Visual Impact Assessment
m	Metres
m ³	Cubic metres
Marine and Coastal Act	<i>Marine and Coastal Act 2018</i>
MHF	Major Hazard Facility
MLAs	Marine Loading Arms
MNES	Matter of National Environmental Significance
MPS	Municipal Planning Strategy
OEMP	Operation Environment Management Plan
OHS Act	<i>Occupational Health and Safety Act 2004</i>
OHS Regulations	<i>Occupational Health and Safety Regulations 2017</i>
OPAA	Outer Planning Advisory Area
Pipelines Act	<i>Pipelines Act 2005</i>
P&E Act	<i>Planning and Environment Act 1987</i>
Port	Port of Geelong
Port Management Act	<i>Port Management Act 1995</i>
PPF	Planning Policy Framework
PZ	Port Zone
Refinery	Geelong Refinery
Refinery Pier	Refinery Pier in the Port of Geelong
Scheme	Greater Geelong Planning Scheme
SCO	Specific Controls Overlay
SWP	South West Pipeline
TRG	Technical Reference Group
TRZ2	Transport Zone 2
Viva Energy	Viva Energy Gas Australia Pty Ltd
VPPs	Victorian Planning Provisions
WTOAC	Wadawurrung Traditional Owners Aboriginal Corporation

1.0 Introduction

1.1 Purpose of the Report

This Planning Report (the Report) has been prepared by AECOM Australia Pty Ltd (AECOM) to facilitate the proposed Planning Scheme Amendment C442ggee (the Amendment) required for the use and development of a floating storage and regasification unit (FSRU), extension of Refinery Pier in the Port of Geelong (the Refinery Pier), Treatment Facility Works and Temporary Marine Construction Facilities (the project) forming part of the broader Viva Energy Gas Terminal Project (the Gas Terminal Project).

The Report describes the project and its context, identifies relevant legislation and policy, outlines the relevant specialist investigations that have been undertaken in relation to the project and the broader Gas Terminal Project. It also summarises the consultation undertaken by Viva Energy Gas Australia Pty Ltd (Viva Energy).

The Report supports the application of the Amendment to the Greater Geelong Planning Scheme (the Scheme). In summary, the Amendment proposes to:

- apply the Specific Controls Overlay (SCO) to allow the use and development of land for the project in accordance with the specific controls in the Scheme
- amend the Port Zone (PZ) at Scheme Map No 26 to reflect the extended Refinery Pier
- amend the Schedule to Clause 45.12 (Specific Controls Overlay) by inserting Incorporated Document '*Viva Energy Gas Terminal Project Incorporated Document, January 2022*' (the Incorporated Document)
- make the Minister for Planning the responsible authority for the project by amending the schedule to Clause 72.01 (Responsible Authority for this planning Scheme)
- amend the schedule to Clause 72.02 (What Area Is Covered By This Planning Scheme?) to reflect the extension of the area covered by the Scheme (to include the extension to Refinery Pier and water to a distance of 110 metres from the Pier)
- amend the schedule to Clause 72.03 (What Does This Scheme Consist of?) to insert Planning Scheme Map No 26SCO to apply the SCO to project land and replace Scheme Map No 26 to reflect the amended Port Zone
- amend the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

1.2 Report Structure

The Report is presented as follows:

- Section 1.0 outlines the Report's purpose and structure
- Section 2.0 describes the project's key components, identifies the project land and provides background information on the EES and Supplementary Statement process
- Section 3.0 sets out the legislation and policy context relevant to the Amendment
- Section 4.0 provides an assessment of the project against relevant legislation and policy to justify the appropriateness of the Amendment
- Section 5.0 concludes the Report.

The Report is supported by the following material:

- Appendix A contains the Amendment documentation including:
 - Draft Incorporated Document
 - Draft SCO Map

- Draft PZ Map
- Draft Explanatory Report
- Draft Instruction Sheet
- Draft Clause Schedule to Clause 45.12 (Specific Controls Overlay)
- Draft Schedule to Clause 72.01 (Responsible Authority for this planning Scheme)
- Draft Schedule to Clause 72.02 (What Area Is Covered By This Planning Scheme?)
- Draft Schedule to Clause 72.03 (What Does This Scheme Consist of?)
- Draft Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme).

2.0 Project Description and Need

2.1 Project Overview

The Gas Terminal Project is the subject of the Environment Effects Statement (EES) and Supplementary Statement which is further described in Section 2.8. The project subject to the Amendment comprises several components of the broader Gas Terminal Project and therefore the Report refers to the Gas Terminal Project and the project as distinct matters. The Gas Terminal Project encompasses the entire suite of works proposed by Viva Energy and is the subject of the EES and Supplementary Statement. The Gas Terminal Project proposes to establish:

- Pier Works, being an extension of the existing Refinery Pier in the Port of Geelong (the Port) (new berth and ancillary pier infrastructure) including non-gas piping, a diffuser for discharge of water from the FSRU under certain operating scenarios, a potential Boil Off Gas (BOG) line along the existing Refinery Pier and connecting into the Refinery and a seawater transfer pipe connecting the seawater discharge points on the FSRU to the existing Refinery seawater intake
- FSRU, being a liquefied natural gas (LNG) import terminal consisting of a ship known as a floating storage and regasification unit continuously moored at the Pier Works
- Treatment Facility Works, being a treatment facility in Viva Energy's Geelong Refinery (the Refinery)
- Temporary Marine Construction Facilities, being a temporary loadout facility and a construction compound and laydown area at Lascelles Wharf including offshore works to allow for material loadout and worker passenger transfers and onshore works comprising a range of temporary activities including use of existing wharf area for pre-staging/assembly of equipment, laydown of construction materials, fabrication and crew-change facilities
- Gas Pipeline Works, being gas pipeline(s) connecting the FSRU to the South West Pipeline (SWP) at Lara with an easement applied over it to enable access for maintenance during project operation.

Some components of the Gas Terminal Project will require a Pipeline Licence(s) under the *Pipelines Act 2005* (the Pipelines Act). The Pipeline Licence(s) will mean that nothing in a planning scheme under the *Planning and Environment Act 1987* (the P&E Act) will require a permit under the P&E Act for using or developing land or for doing anything for the purpose of the pipeline, nor will the P&E Act prevent the use or development of land or doing anything for the purpose of the pipeline.

However, the project (comprising the Pier Works, FSRU, Treatment Facility Works and Temporary Marine Construction Facilities) will require planning approval as they are not licensed under the Pipelines Act. The planning approval is now sought via this Amendment. Pipeline Licence and planning approval requirements are summarised in Table 2.

Table 2 P&E Act and Pipelines Act Gas Terminal Project components

Gas Terminal Project Component	Pipeline Licence (Pipelines Act)	Planning Approval (P&E Act)
Pier Works	The Pier Works are not licensed under the Pipelines Act.	Planning approval is required and will be facilitated by the Amendment.
FSRU	The FSRU is not licensed under the Pipelines Act.	Planning approval is required and will be facilitated by the Amendment.
Treatment Facility Works	The Treatment Facility Works are not licensed under the Pipelines Act.	Planning approval is required and will be facilitated by the Amendment.
Temporary Marine Construction Facilities	The Temporary Marine Construction Facilities are not licensed under the Pipelines Act.	Planning approval is required and will be facilitated by the Amendment.

Gas Terminal Project Component	Pipeline Licence (Pipelines Act)	Planning Approval (P&E Act)
Gas Pipeline Works (including creation of an easement)	Gas Pipeline Works will require a Pipeline Licence under the Pipelines Act which provides that permits are not required under the P&E Act.	Gas Pipeline Works do not require planning approval as they are licensed under the Pipelines Act.
Dredging Works (to enable the FSRU and LNG carriers to berth at Refinery Pier)	Dredging Works are not licensed under the Pipelines Act. Approval for these works will be secured under a <i>Marine and Coastal Act 2018</i> (Marine and Coastal Act) consent.	Dredging Works do not require planning approval as approval for these works will be secured under a Marine and Coastal Act consent.

2.2 Project Objective and Rationale

The key objective of the Gas Terminal Project is to facilitate supply of a new source of gas for the southern-east Australian gas market where there is a forecast supply shortfall in the coming years. The Gas Terminal Project also aims to contribute to meeting peak seasonal and day demand for gas in Victoria and support Viva Energy's vision for the existing Refinery. Viva Energy's broader vision is to create the Geelong Energy Hub at the Refinery to support the transition to a lower carbon energy mix. The Geelong Energy Hub would support the broader energy needs of Victoria, creating jobs, and fostering development and stimulus activities for many decades to come. This is the first project related to the proposed Geelong Energy Hub, which is described in detail at Section 2.4.

2.3 Project Proponent

The proponent for the project is Viva Energy Gas Australia Pty Ltd, a wholly owned subsidiary of Viva Energy Group Limited.

Viva Energy is proudly one of the largest suppliers of liquid fuels and lubricants to the Australian market, supplying approximately 25 percent of the country's liquid fuel demands, and over 50 percent of Victoria's requirements.

Viva Energy's Geelong refinery is one of Australia's last two oil refineries. Geelong refinery is classified as Major Critical infrastructure under the Victorian *Emergency Management Act 2017* and as Critical infrastructure under the commonwealth *Security of Critical Infrastructure Act 2018*. In 2023 Viva Energy Refining secured a strategically significant contract with the Department of Defence to be the exclusive supplier of aviation, marine and ground fuels to the Australian Defence Force.

Viva Energy also owns and operates the largest retail service station network across Australia. Viva Energy is a major employer with over 14,000 team members across the country and, through our operations, a substantial contributor to the Australian economy.

Viva Energy believes that it has a critical role to play in Australia in both delivering ongoing Energy Security as well as supporting the Energy Transition. Viva Energy is providing the infrastructure necessary to ensure the economy is able to keep operating safely, affordably and securely, while bringing on new technologies and infrastructure to transition to a lower carbon economy.

With respect to Energy Transition, Viva Energy has developed a suite of projects to commercialise and introduce new lower carbon solutions in the transport market. These include an initial hydrogen refuelling facility in Geelong, electric-vehicle charging infrastructure across parts of the retail network, the importation and planned manufacture of fuels made from biogenic feedstocks (including biofuels, renewable diesel and sustainable aviation fuel) and the recycling of waste streams such as plastics and used tyres into fuels and plastic products.

Viva Energy has also made commitments around its own carbon emissions profile. In addition to a long-term target of net zero emissions by 2050, Viva Energy is also committed to reducing the energy intensity of the Geelong refinery, and to achieving net –zero emissions in our non-refining business, by 2030.

The Geelong refinery is one of Viva Energy's largest operation, employing more than 900 people. The refinery and associated operations have been part of the local Geelong community since 1954 and supplies more than half of Victoria's fuel needs and injects more than \$250 million each year into the local economy through wages and services.

As a longstanding member of the local community, Viva Energy has an ongoing and active Community Program. In addition to our national Community Partners, such as CareFlight, the Royal Flying Doctor Service and the Koorie Heritage Trust, Viva Energy also has partnerships with a range of local Geelong community organisations. These include Northern Futures, 18 local grassroots sporting clubs and the Geelong Cats Football Club – sponsoring their inaugural Australian Football League Women's (AFLW) team. Social enterprise genU is also engaged to manage the refinery cafeteria and provide gardening services.

The Geelong refinery is also the sole local manufacturer of low aromatic fuel (LAF) which helps to prevent substance misuse in regional and remote communities. Viva Energy has been manufacturing and supplying LAF to Northern Australia since 2014 in support of the commonwealth's National Indigenous Advancement Agency.

2.3.1 Health, Safety and Environmental Policy

Viva Energy conducts its operations under an integrated Health, Safety, Security & Environmental Management System (HSSE MS). The HSSE MS has been designed to facilitate compliance with the Australian regulatory regimes of the relevant jurisdictions within which the company operates. It is also aligned with the Viva Energy values of Integrity, Responsibility, Curiosity, Commitment and Respect.

Viva Energy has a systematic approach to HSSE management in order to achieve continuous performance improvement. To this end, Viva Energy manages these matters as critical business activities, sets standards and targets for improvement; measures, appraises and reports on performance and supports active discussion to promote learning and continuous improvement. This is further supported by the Viva Energy "Commitment to HSSE", as expressed in the company HSSE Policy, which sets out the commitment to pursuing 'Goal Zero' – no harm to people or the environment.

Viva Energy has identified priorities and focus areas in managing their environmental footprint including:

- Greenhouse gas emissions and energy efficiency
- Air quality
- Water management
- Waste and recycling
- Land management
- Noise and odours
- Sustainable communities.

Across all businesses, Viva Energy has adopted the HSSE MS which provides an essential reference document for personnel in the planning, implementation and operation of business activities, with references to the relevant processes that are in place to meet the HSSE objectives and obligations. Business Managers, in conjunction with the HSSE Environmental Team, ensure the activities and facilities that they are responsible for meet the requirements of the:

- Regulatory approvals (e.g., Licence conditions);
- Viva Energy Environmental Manuals and subsidiary guidance; and

Facility Environmental Management Manuals.

2.4 Project Background

In June 2020, Viva Energy announced its vision to transform its Geelong Refinery into an Energy Hub. The Geelong Energy Hub would support both the company's and the Australian economy's energy transition currently underway, while helping to underpin the future viability of the refinery.

Having been part of the Geelong community since 1954, the refinery supplies approximately half of Victoria's liquid fuel energy needs. The broader Energy Hub vision could see the facility taking a leading role in supplying liquid fuels and gas as well as supporting the development of other alternative energy solutions. Importantly, diversification of the Geelong Refinery site would protect local jobs, generate new jobs and skills, and support economic development for the region.

The Geelong Energy Hub comprises a number of potential projects including the Gas Terminal Project which is the subject of this Supplementary Statement. Other Energy Hub projects that are currently undergoing separate approvals processes include a solar energy farm, a project to support alternative energies such as renewables and hydrogen and an ultra-low sulphur gasoline project to upgrade existing refinery infrastructure to meet new fuel standards which come into force in 2025. The Energy Hub also includes the strategic supply and storage project to bolster Australia's fuel security. This project is currently under construction with an expected completion date of mid-2024. It is important to note that the Gas Terminal Project has no inter-relationship with, or reliance on the other projects being developed for the Energy Hub.

Victorian gas production from legacy fields such as Bass Strait's Gippsland Basin are in decline, meaning Victoria will need to find alternative sources of gas supply. Geographically, the transportation of available gas is highly constrained by the existing network of gas pipelines. The existing pipeline network is not designed to carry gas from the north and west of the country in the volumes needed to satisfy large demand centres in the east and south of the country. Augmenting the existing pipeline system would be costly and time consuming.

The 2023 Gas Statement of Opportunities (GSOO) (Australian Energy Market Operator (AEMO), 2023) states that *'as Australia transforms to meet a net zero emissions future, gas will continue to complement zero emissions and renewable forms of energy, and to provide a reliable and dispatchable form of electricity generation and may provide potential pathways to incorporate hydrogen and other 'green' gases within Australia's energy landscape.'* The lack of gas reserves and resources in the south-east of Australia combined with inadequate transmission infrastructure is expected to create a gas shortage for domestic customers in the south-eastern states with the risk of peak day shortfalls under very high demand conditions by the mid-2020s. In addition, despite falling gas consumption, investments are needed in the near term to ensure operational solutions from 2027 onwards (AEMO, 2023). Both AEMO and the Australian Competition & Consumer Commission (ACCC) have identified a range of measures to address and mitigate the predicted shortfalls, which includes the development of LNG terminals.

LNG terminals that would import gas from both Australian and international sources have been identified by the ACCC as a way of potentially improving competition within the market. An LNG terminal would offer a more cost-effective supply of gas compared to transporting gas long distances via a pipeline network. Gas, like many commodities, can be transported more cost effectively by ship. In this way, the terminal can be thought of as a 'virtual pipeline' bringing gas from where it is available to where it is needed. LNG terminals are considered by AEMO and respected industry analysts to be an important measure in avoiding the predicted gas supply shortfalls in the south-eastern states.

2.5 Location and Project Land

The project is located in the City of Greater Geelong, 75 kilometres (km) south-west of Melbourne. The project works are sited within the Port and the Refinery, a heavily developed port and industrial area on the western shores of Corio Bay between the Geelong suburbs of Corio and North Shore. The Refinery is approximately 7km north of Geelong's Central Business District. The context is shown at Figure 2-1.

The Refinery is adjacent to the Port, which has been in operation for over 150 years and is the largest industrial bulk cargo port in Victoria with over 600 ship visits annually handling more than 14 million tonnes of product. Geelong's shipping channels extend 18 nautical miles through Corio Bay from Point Richards through to the Pier. Ports Victoria manages commercial navigation in the Port waters in and around Geelong and is responsible for the safe and efficient movement of shipping, and for maintaining shipping channels and navigation aids. The channels are man-made having been deepened and widened through periodic dredging to support port trade development.

The Pier is the primary location within the Port for the movement of bulk liquids. Vessels up to 265 metres in length currently utilise the four berths at the Pier which service the Refinery's operations.

Most ship visits to the Port are to the Pier, with Viva Energy accounting for over half of the trade through the Port. The Pier is located on leased Crown land managed by Geelong Port. The Refinery has been in operation since 1954 with both the Refinery and the co-located Lyondell Bassell plant being licensed MHFs. A range of industrial activities are located in the Port environs including wood fibre processing and chemical, fertiliser and cement manufacture.

The project land comprises the project footprint required for the FSRU, Pier Works, the Treatment Facility Works and the Temporary Marine Construction Facilities. The project land forms the basis of the proposed SCO which would be incorporated into the Scheme as part of the Amendment. This area is shown in the SCO Map at Figure 2-2.

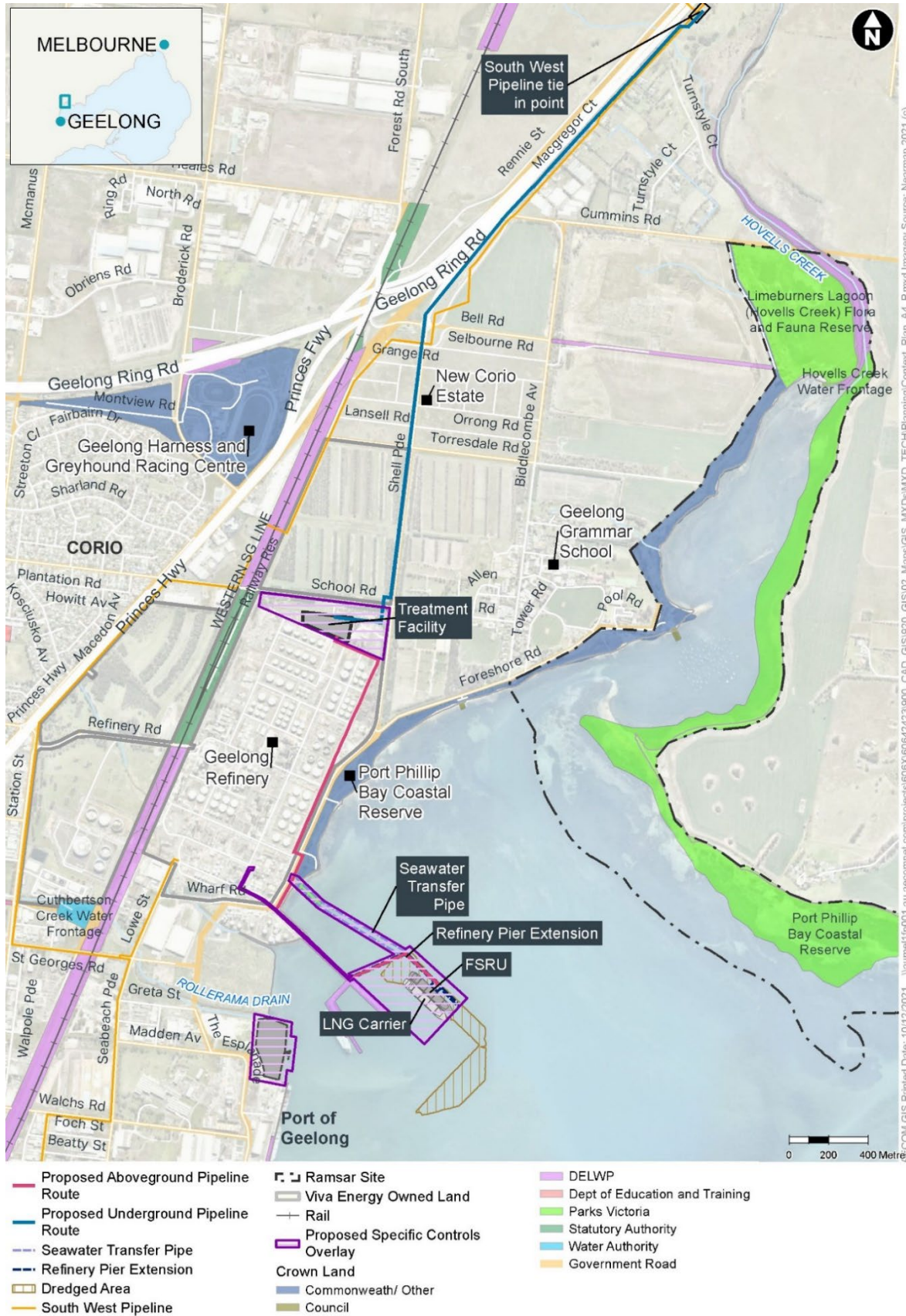


Figure 2-1 Context Plan

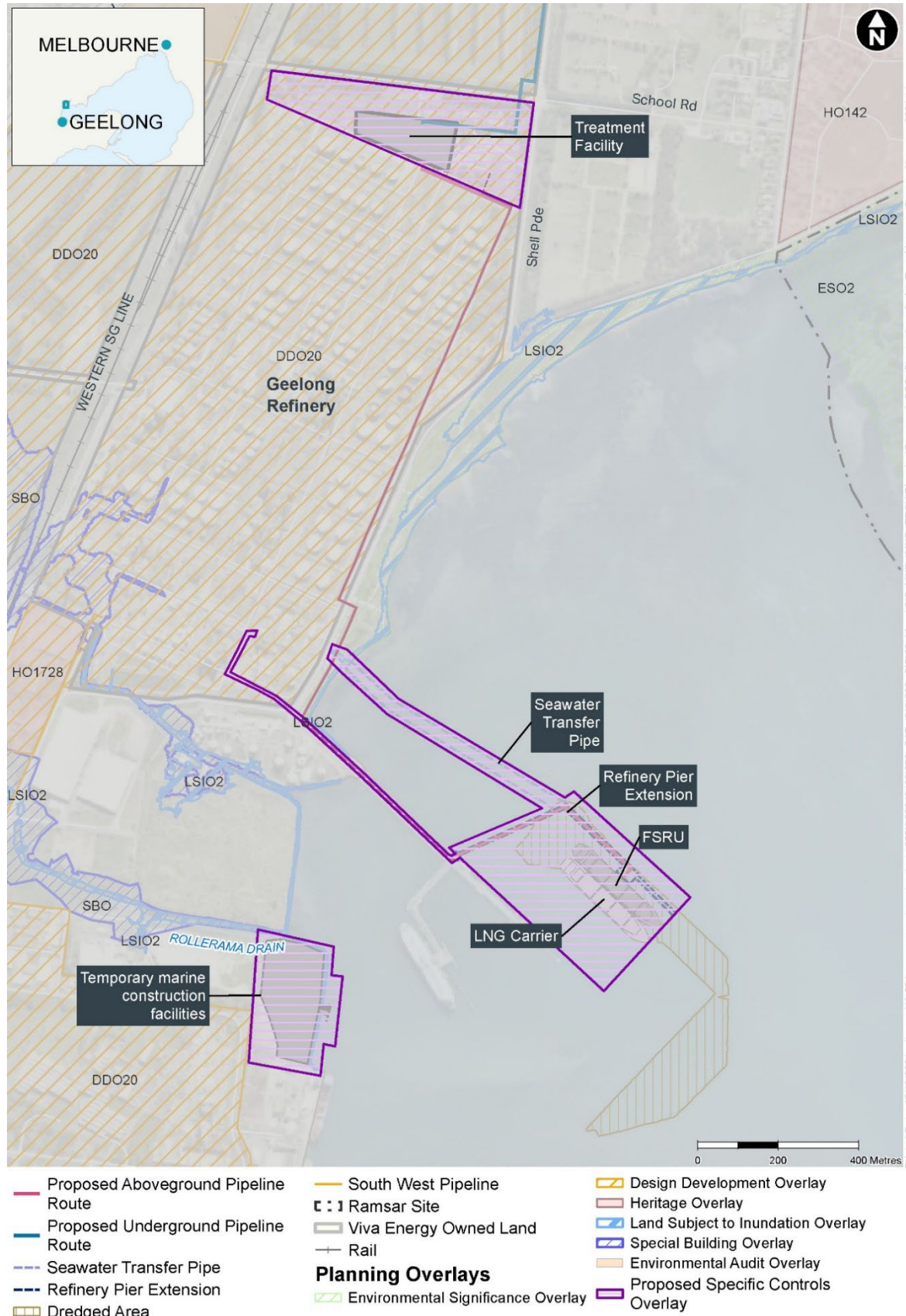


Figure 2-2 Project land (SCO extent)

2.6 Project Description

The key elements of the project subject to the Amendment include the:

- Pier Works comprising an extension of the Pier, new berth and ancillary pier infrastructure including non-gas piping being a seawater transfer pipe connecting the seawater discharge points on the FSRU to the existing Refinery seawater intake and a potential BOG line along the existing Refinery Pier and connecting into the Refinery, and a diffuser for discharge of water from the FSRU under certain operating scenarios
- FSRU comprising continuous mooring and use of a FSRU at the new berth
- Treatment Facility Works comprising construction and operation of a treatment facility on the Refinery premises
- Temporary Marine Construction Facilities comprising a temporary loadout facility at Lascelles Wharf including offshore works to allow for material loadout and worker passenger transfers and onshore works comprising a range of temporary activities including use of existing wharf area for pre-staging/assembly of equipment, laydown of construction materials, fabrication and crew-change facilities.

As outlined in section 2.1, the Gas Pipeline Works component of the Gas Pipeline Project are subject to a Pipeline Licence(s) and are therefore not the subject of this Amendment. The Gas Pipeline Works comprise the construction and operation of 2.5km of aboveground gas pipeline from the FSRU to the treatment facility, and the construction and operation of an underground gas pipeline, approximately 4km in length connecting to the SWP at Lara.

2.6.1 Construction activities

Construction of the project would occur over an 18 to 24-month period. The key construction activities for the project include:

- localised dredging of seabed sediments to enable the FSRU and LNG carriers to berth at Refinery Pier and excavation of a shallow trench for the seawater transfer piping
- construction of Temporary Marine Construction Facilities comprising a temporary loadout facility and construction compound and laydown area at Lascelles Wharf
- construction of the new pier arm and berthing infrastructure, and installation of ancillary pier infrastructure and diffuser
- construction of the treatment facility on a laydown area at the northern boundary of the Refinery.

There are no construction activities required for the FSRU component of the project. The vessel would be built, commissioned and all production and safety systems verified prior to docking at the Pier.

The Gas Pipeline Project includes an estimated 490,000 cubic metres (m³) of dredging which would be required adjacent to the existing shipping channel to provide sufficient water depth at the new berth and within the swing basin for visiting LNG carriers to turn. Dredging within the new berth would be undertaken to a depth of 13.1 metres (m) and the swing basin would be dredged to a depth of 12.7m. It is planned to deposit the dredged material within the Ports Victoria existing dredged material ground in Port Phillip to the east of Point Wilson, approximately 26km from the Refinery Pier. The Dredging Works (and piping trench excavation) do not form part of the Amendment as they would be approved as part of a consent under the Marine and Coastal Act.

In addition to the localised dredging described above, a small volume of sediment would be excavated to create a trench for the installation of the seawater transfer pipe between Refinery Pier and the existing Refinery seawater intake.

Construction of the Temporary Marine Construction Facilities comprising a new, temporary southern dock as part of the loadout facility at Lascelles Wharf would consist of the installation of 10 piles supporting a pre-cast concrete slab. The 10 piles include four fender piles, four jetty piles and two abutment piles. Hydraulic hammers would be used to drive the piles and works are anticipated to occur over four weeks and within EPA normal working hours. The southern dock would be the first construction activity to take place in order to facilitate the Refinery Pier extension.

Construction of the pier arm would be carried out once dredging was complete, primarily from the water using barge-mounted cranes. Steel piles would be driven into the seabed by cranes mounted on floating barges and pre-cast concrete and prefabricated steel components would be transported to the pier by barge and lifted into position. The installation of pier infrastructure would also be undertaken from the water using barge-mounted cranes.

The Treatment Facility Works in the Refinery would be located within an existing laydown area and cover an area of approximately 80 metres by 20 metres. These works would take six months to be constructed and would be undertaken by specialist crews across distinct phases of work. These would include initial earthworks and civil construction, mechanical installation and electrical and instrumentation works.

During the construction phase of the project there would be temporary construction facilities for site offices, toilets/ablutions and workshop areas within the Treatment Facility Works area and the Temporary Marine Construction Facilities area.

2.6.2 Key operation activities

The project is expected to be in operation for 20 years as part of the Gas Terminal Project. Key activities relating to project operation include:

- receipt of up to 45 LNG carriers each year at Refinery Pier – the number and frequency of LNG carriers arriving each year would depend on their storage capacity and gas demand
- regasification of LNG onboard the FSRU using seawater as a heat source, which would then be reused within the Refinery as cooling water
- injection of nitrogen and odorant into the gas prior to distribution.

2.6.3 Key decommissioning activities

The FSRU, which continues to be an ocean-going vessel throughout the operation of the project, would leave Corio Bay on completion of the project to be used elsewhere. The Refinery Pier extension will be retained. The temporary loadout facility at Lascelles Wharf will be decommissioned following the completion of construction. Decommissioning activities are subject to change, depending on legislative requirements at the time and potential repurposing of the infrastructure at the end of the project.

2.7 Administrative Changes

In addition to the application of the SCO for the use and development of the land for the project, the Amendment seeks administrative changes to the Scheme to:

- make the Minister for Planning the responsible authority for the project by amending the schedule to Clause 72.01 (Responsible Authority For This Planning Scheme)
- amend the schedule to Clause 72.02 (What Area Is Covered By This Planning Scheme?) to reflect the extension of the area covered by the Scheme (to include the extension to Refinery Pier and water to a distance of 110 metres from the Pier)
- amend the schedule to Clause 72.03 (What Does This Scheme Consist of?) to insert Planning Scheme Map No 26SCO to apply the SCO to the project land and replace Scheme Map No 26 to reflect the amended Port Zone
- amend the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

The purpose of Clause 72.01 (Responsible Authority For This Planning Scheme) is to give the Minister for Planning approving authority over matters required in the Incorporated Document. This would centralise future approvals for the project to mitigate administrative burden for other authorities.

Clause 72.02 (What Area Is Covered By This Planning Scheme?) defines the Scheme's jurisdiction. It requires an amendment to extend the Scheme's jurisdictional boundary to include the full extent of the project land. Subsequently, the PZ must also be amended to ensure that the project land is appropriately zoned for the use. The proposed extension of the existing PZ is shown in Figure 2-3.

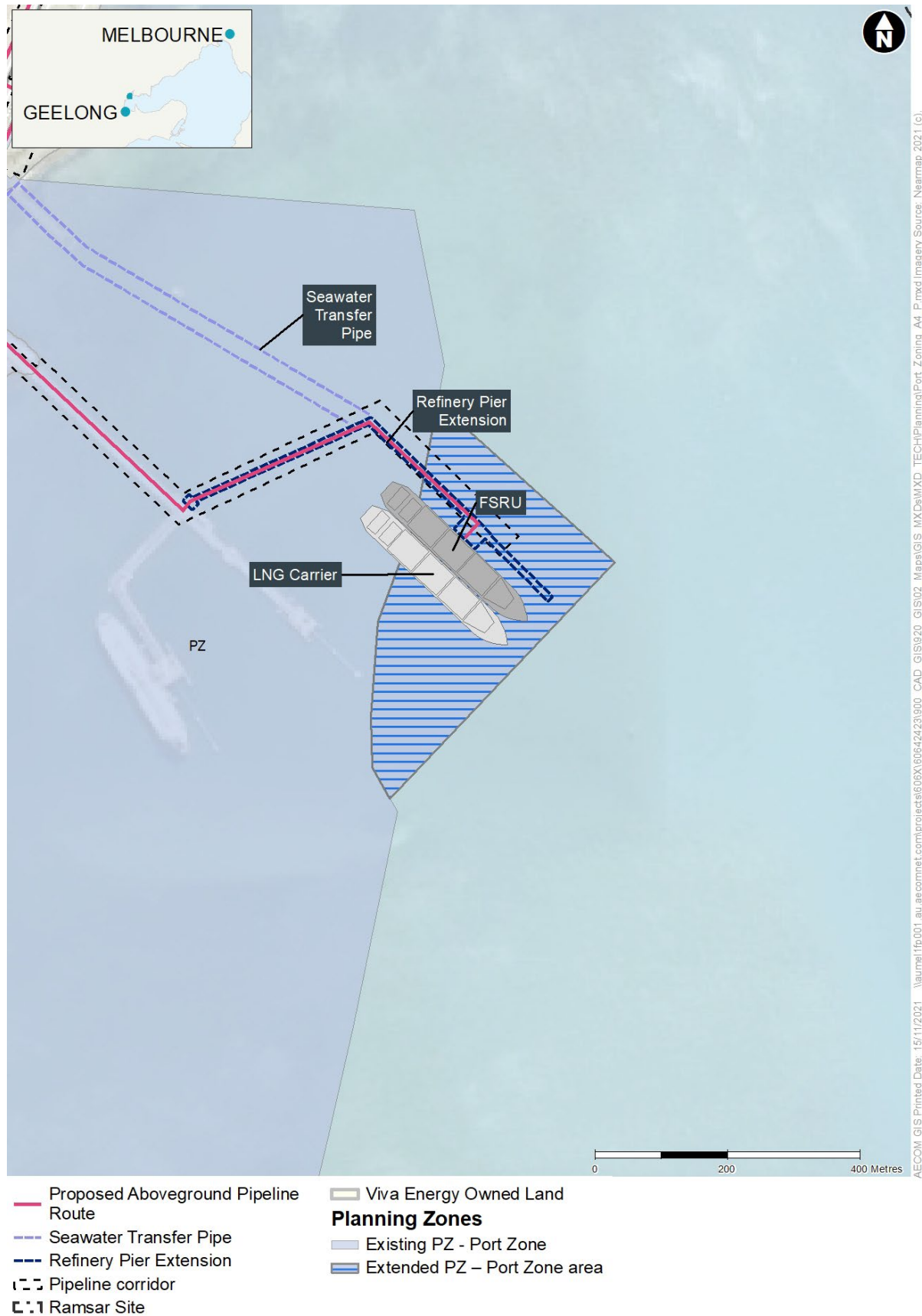


Figure 2-3 Proposed PZ extension

2.8 Environment Effects Statement and Environmental Management

The Gas Terminal Project is being assessed under the *Environment Effects Act 1978* (Environment Effects Act) which includes provisions for the assessment of proposed projects in Victoria that could have a significant effect on the environment. The Gas Terminal Project was referred by Viva Energy to the Minister for Planning under the Environment Effects Act on 11 November 2020. On 28 December 2020, the Minister for Planning issued a decision determining that an EES was required for the Gas Terminal Project due to the potential for a range of significant environmental effects. In addition, the Commonwealth Minister for the Environment determined that the Gas Terminal Project required assessment and approval as a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This was due to the potential for impact on wetlands of international importance, listed threatened species and communities, and listed migratory species. The Victorian EES will serve as the accredited assessment process for the purpose of the EPBC Act by reason of a Bilateral Assessment Agreement between the Commonwealth and Victorian governments.

The EES investigates and documents the specific matters set out in the scoping requirements issued by the Minister for Planning for the Gas Terminal Project. The EES and Supplementary Statement includes environmental assessments for the Pier Works, FSRU, Treatment Facility Works and the Gas Pipeline Works. Thus, the environmental impacts associated with the works that comprise the project subject to the Amendment, being the Pier Works, FSRU and Treatment Facility, have been considered in the EES and Supplementary Statement.

The Minister for Planning appointed an Inquiry and Advisory Committee (IAC) to advise on the project and EES. The IAC conducted a public hearing from 20 June to 8 August 2022 and submitted its report to the Minister for Planning on 5 October 2022.

The IAC found that the Gas Terminal Project was generally consistent with land use planning policy for the Port of Geelong and the industrial area within which it is proposed to be located. Subject to the Project's amenity and safety impacts being able to be managed appropriately, the IAC was satisfied that the project is acceptable from a land use planning perspective (IAC Report No. 1, Section 15.7).

On 6 March 2023, the Minister for Planning directed that a supplementary statement was required for the project in accordance with sections 5 and 8C(2) of the Environment Effects Act, before the Minister could complete the assessment of the project's environmental effects. The supplementary statement investigates and documents the specific matters set out in the Minister's Directions and consolidated recommendations of the IAC for further work on the marine environment, noise, air quality and Aboriginal cultural heritage.

Following the Minister for Planning's assessment of the EES and Supplementary Statement, a written assessment will be issued (Minister's Assessment) which will make recommendations about the appropriateness of the project and its environmental effects along with any modifications or further management measures which may be required. The Minister's Assessment will then be considered by the statutory decision-makers responsible for issuing key approvals for the Gas Terminal Project, including the Amendment. After considering the Minister for Planning's assessment under the Environment Effects Act, the Commonwealth Minister for the Environment or their delegate will decide whether the action is approved, approved with conditions, or refused under the EPBC Act.

Within this approval context, the Amendment is required to facilitate planning approval for the project as this will not be achieved by the EES and Supplementary Statement. Some components of the Gas Terminal Project – specifically the Gas Pipeline Works, will require a Pipeline Licence(s) under the Pipelines Act which provides that permits are not required under the P&E Act. The Pier Works, FSRU, Treatment Facility Works and Temporary Marine Construction Facilities that comprise the project do not benefit from this exemption and are therefore subject to this Amendment.

The Amendment was exhibited concurrently with the EES and will be exhibited again with the supplementary statement and its approval will be subject to a positive assessment of the environmental effects of the project under the Environment Effects Act. The Amendment will be developed under review by and in consultation with the EES and Supplementary Statement Technical Reference Group (TRG). The contents of the Report and the Amendment will be updated based on the outcomes of consultation and after the Minister for Planning's assessment of the EES and Supplementary Statement is completed, to ensure consistency with the final assessments and mitigations. The updated Amendment would then be submitted to the Minister for Planning for approval.

An extensive engagement and consultation program has and will continue to be undertaken to ensure that the community and interested stakeholders are informed, involved and able to actively contribute to the development of the Gas Terminal Project during the preparation of the EES and Supplementary Statement and throughout the construction and operation phases. There will be ample opportunities for public comment on the Amendment during exhibition of the Supplementary Statement and it is noted that the Amendment was exhibited during exhibition of the EES.

The EES and Supplementary Statement process will inform preparation of an Environmental Management Framework (EMF) that will include mitigation measures generally in accordance with the Minister for Planning's assessment. The EFP will set out the requirements for a Construction Environment Management Plan (CEMP) and Operation Environment Management Plan (OEMP) to be prepared to manage construction and operation impacts respectively. The CEMP and OEMP will outline site specific measures to reduce and manage environmental and amenity effects during construction and operation of the project.

In summary, the EES and Supplementary Statement is relevant to the Amendment as it provides a rigorous, transparent process of impact assessment for the project that would be undertaken before the Amendment is submitted to the Minister for Planning. The EES and Supplementary Statement provides the primary means through which public comment on the Amendment will be invited and will inform the preparation of the EMF CEMP and OEMP.

3.0 Legislation and Policy Context

This section sets out the legislation and policy context for the Amendment.

3.1 Commonwealth Legislation

3.1.1 Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation. It provides for the conservation of biodiversity and the protection of the environment, particularly those aspects which are among the nine Matter of National Environmental Significance (MNES), including World Heritage Properties, National Heritage Places, Ramsar wetlands, nationally listed threatened species and ecological communities and listed migratory species.

The EPBC Act states that 'controlled' actions (i.e. actions that are determined as likely to have a significant impact on a MNES) are subject to assessment and approval under the EPBC Act. The project is a controlled action and therefore EPBC Act approval is required.

3.2 Victorian Legislation

3.2.1 Planning and Environment Act 1987

The P&E Act is the primary legislative framework used to guide and regulate land use, planning and development related matters within Victoria. In particular, the P&E Act provides the framework for planning schemes, which contain State and Local Government policy, together with a suite of zone, overlay and particular provisions that apply to each municipality in Victoria and which manage land use and development.

Land use and development must have regard to the objectives of planning in Victoria as set out in Section 4(1) of the P&E Act. The relevant objectives are to:

- *provide for the fair, orderly, economic and sustainable use and development of land*
- *provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity*
- *secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*
- *conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*
- *protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community*
- *facilitate development in accordance with the objectives set out above*
- *balance the present and future interests of all Victorians.*

The Pier Works, FSRU and Treatment Facility Works that comprise the project are not subject to the provisions of the Pipelines Act and will therefore require planning approval under the P&E Act.

3.2.2 Pipelines Act 2005

The Pipelines Act is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the conveyance of gas, oil and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for administering the Pipelines Act and the *Pipelines Regulations 2017*.

The Pipelines Act provides that a permit is not required under the P&E Act for the use or development of land, or the doing or carrying out of any matter or thing, for the purpose of a licenced pipeline. The Gas Terminal Project requires a Pipeline Licence(s) under the Pipelines Act for the Gas Pipeline Works. In determining the application for a licence, the responsible Minister must consider comments received from the Minister for Planning or the relevant responsible authority on the effect of the proposed pipeline on the planning of the area through which it is to pass.

3.2.3 Marine and Coastal Act 2018

The Marine and Coastal Act aims to protect and manage Victoria's marine and coastal environment. The Marine and Coastal Act provides an integrated and coordinated approach to planning and managing the marine and coastal environment by enabling protection of the coastline and the ability to address the long-term challenges of climate change, population growth and ageing coastal structures.

Under Section 4 (1) of the Marine and Coastal Act, marine and coastal Crown land means the following, between the outer limit of Victorian coastal waters and 200 metres inland of the high-water mark of the sea:

- a. Crown land (whether or not covered by water) to a depth of 200 metres below the surface of that land;
- b. any water covering the land referred to in paragraph (a) (above) from time to time.

Under subsection (2), and in addition to subsection (1), marine and coastal Crown land includes Crown land (whether or not covered by water) and any water covering that land to a depth of 200 metres below the surface of that land and that is:

- a. more than 200 metres inland of the high-water mark of the sea; and
- b. reserved under the Crown Land (Reserves) Act 1978 for the purposes of the protection of the coastline.

The marine and coastal environment as stated at Section 5(1) means between the outer limit of Victorian coastal waters and five kilometres inland of the high-water mark of the sea and includes:

- a. the land (whether or not covered by water) to a depth of 200 m below the surface of the land;
- b. the water covering the land referred to in paragraph (a) from time to time; and
- c. the biodiversity associated with the land and water referred to in paragraphs (a) and (b).

The marine and coastal environment also includes any additional land, water or biodiversity associated with the land and water if declared by the Governor in Council.

Consent will be required for any works on marine and coastal Crown land. Section 68(3) of the Act states that if a planning permit application for use and development of, or works on, marine and coastal Crown land is referred to the Minister for Energy, Environment and Climate Change, the Secretary or the Department as a referral authority under the P&E Act, then the application is also considered an application for a consent under Section 68 of the Marine and Coastal Act.

Dredging works associated with the Gas Terminal Project, are not licensed under the *Pipelines Act 2005* and do not require planning approval under the P & E Act as approval for these works will be secured under a Marine and Coastal Act consent.

Approval for excavation of a shallow trench for installation of the seawater transfer pipe, construction and operation of an extension to Refinery Pier, and construction and operation of topside infrastructure on the pier extension and continuous mooring of the FSRU at the new pier extension berth will also be secured under Marine and Coastal Act consents.

There are no approved local marine and coastal management plans prepared under the Marine and Coastal Act that apply to the project land.

3.2.4 Occupational Health and Safety Act 2004 (OHS Act) and Occupational Health and Safety Regulations 2017

The *Occupational Health and Safety Act 2004* (OHS Act) is the main workplace health and safety law in Victoria. The OHS Act seeks to protect the health, safety and welfare of employees and other people at work. It also aims to ensure that the health and safety of the public is not put at risk by work activities. The *Occupational Health and Safety Regulations 2017* (the OHS Regulations) include requirements for safe operation of MHFs. WorkSafe also has functions under the OHS Act. AECOM is aware that the OHS Regulations will be updated in the near future, potentially prior to exhibition of the Supplementary Statement. The discussion below is relevant at the time of writing and will be updated prior to exhibition if required.

To operate a MHF in Victoria a licence must be granted by WorkSafe. The licensing process includes assessment, clarification, and verification of a Safety Case. Operators of a MHF must reduce risk to the surrounding area so far as is reasonably practicable where it cannot be eliminated. WorkSafe provides advice on residual risk to responsible authorities in the development of appropriate planning zones and determination of planning applications. The extent of risk areas around a MHF are presented as - an Inner Planning Advisory Area (IPAA) and an Outer Planning Advisory Area (OPAA). The IPAA has a higher level of risk from potential foreseeable incidents than the OPAA. WorkSafe is progressively providing maps to each authority responsible for planning. These maps show the planning advisory areas for the MHF in their area affected by low frequency-high consequence events.

3.2.5 Environment Effects Act 1978

The Environment Effects Act contains a framework by which projects with the potential to have significant effects on the environment may require the preparation of an EES for assessment by the Minister for Planning. An EES may be required for declared 'public works' or works determined by the Minister for Planning to require an EES following referral. Where an EES is required, scoping requirements are issued by the Minister for Planning to guide the preparation of the EES.

Once prepared, it is placed on exhibition for public review and submission (typically for a period of 30 days). Public submissions can be considered in several ways by an inquiry panel appointed by the Minister for Planning who may also require a formal hearing. After considering all relevant submissions and conducting any necessary hearings, the inquiry panel's report is provided to the Minister for Planning. The Minister for Planning will consider all relevant information including the EES documents, public submissions, and the inquiry report to assess the environmental effects of the project before issuing the Minister for Planning's assessment.

3.2.6 Environment Protection Act 2017

The *Environment Protection Act 2017* (Environment Protection Act) provides a legal framework to protect the environment in Victoria, including the protection of air, land and water from pollution. The *Environment Protection Amendment Act 2018*, the *Environment Protection Regulations 2021* and Environment Reference Standard introduced from 1 July 2021 provide a regulatory framework designed to protect human health and the environment by reducing the harmful effects of pollution and waste. Central to the Environment Protection Act is the General Environmental Duty (GED). The GED is an ongoing duty to prevent the risk of harm to human health and the environment. According to Section 25(1) of the Environment Protection Act, the GED requires that a person or entity who is engaging in an activity that may give rise to risks of harm to human health or the environment, to minimise those risks, so far as reasonably practicable. When determining what is reasonably practicable, Section 6(2) of the Environment Protection Act gives regard to the following:

- The likelihood of those risks eventuating
- The degree of harm that would result if those risks eventuated
- What a person concerned knows, or ought reasonably to know
- The availability and sustainability of ways to eliminate or reduce risks
- The cost of eliminating or reducing risks.

The Environment Protection Act also establishes the Environment Reference Standard (ERS) which provides the indicators and objectives needed to support environmental values. The ERS is a reference tool and does not set compliance limits or specific obligations that must be followed. The ERS outlines environmental values, indicators and objectives for air, sound, land, surface water and groundwater.

EPA Victoria is the state's environmental regulator. As an independent statutory authority under the Environment Protection Act, EPA Victoria's role is to prevent and reduce harm from pollution and waste.

3.2.7 Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* (Aboriginal Heritage Act) provides protection for all Aboriginal cultural heritage places and objects. Under Section 49 of the Aboriginal Heritage Act, a Cultural Heritage Management Plan (CHMP) is mandatory if the preparation of an EES is required.

CHMP 17816 has been prepared for the project to outline site measures to ensure that items of Aboriginal cultural heritage are managed appropriately, if encountered during construction. CHMP 17816 will continue to be developed in consultation with First Peoples – State Relations and the Wadawurrung Traditional Owners Aboriginal Corporation, the Registered Aboriginal Party for the area. CHMP 17816 would be lodged for approval following the Minister for Planning’s assessment of the EES and Supplementary Statement.

3.2.8 Flora and Fauna Guarantee Act 1988

The *Flora and Fauna Guarantee Act 1988* (FFG Act) provides a framework for the protection of Victorian flora, fauna and associated habitats. Threatened species and communities of flora and fauna, as well as threatening processes, are listed under the FFG Act. Section 47 of the FFG Act states that a permit is required for the removal of any listed protected flora from public land. A permit application would be submitted for the removal of seagrass (Australian Grass-wrack (*H. nigicaulis*) endangered under the FFG Act) following the Minister for Planning’s assessment of the EES and Supplementary Statement.

3.2.9 Port Management Act 1995

The *Port Management Act 1995* (Port Management Act) sets out particular provisions for the operation and management of Victoria’s marine ports. The Port Management Act requires that port authorities must prepare port management strategies at five year intervals for all Victorian commercial trading ports. The *Port of Geelong Port Development Strategy 2018* (the Port Development Strategy) prepared in accordance with the Port Management Act is discussed at Section 3.5.5.

3.3 Victorian Policy

3.3.1 Plan Melbourne (2017 – 2050) (DELWP)

Plan Melbourne (2017 – 2050) (Plan Melbourne) provides the overarching strategic vision for growth in Metropolitan Melbourne and its surrounding areas including Geelong. The vision set out in Plan Melbourne aims to enable Victoria to maintain its competitive advantages, including its energy resources, that create a diverse, flexible and resilient economy.

Plan Melbourne highlights the need to facilitate infrastructure investment that supports balanced growth. This core principles underpins the overarching vision for growth and is specifically oriented towards encouraging projects that support sustainability, accessibility and prosperity outcomes. Plan Melbourne supports opportunities to develop new infrastructure in areas where temporary construction activities will not inhibit urban growth.

Plan Melbourne identifies the Port as a significant transport gateway and highlights priorities to support future employment and economic development opportunities at major ports, while protecting them from incompatible land uses and encouraging complementary uses and employment generating activities.

3.3.2 Protecting Victoria’s Environment – Biodiversity 2037 (DELWP)

Protecting Victoria’s Environment – Biodiversity 2037 (Protecting Victoria’s Environment) brings together conservation and social science to achieve its vision for Victoria’s biodiversity to be healthy, valued and actively cared for. Protecting Victoria’s Environment promotes collaboration and improved alignment across government, business, communities, Traditional Owners, Aboriginal Victorians and private land managers to restore biodiversity and strengthen the economy. It also encourages community participation in caring for and enjoying the natural environment.

3.3.3 Ministerial Directions

Ministerial Directions have been prepared by the Minister for Planning under Sections 7(5) and 12(2)(a) of the P&E Act. Directions relevant to the Amendment are outlined at Table 3.

Table 3 Ministerial Directions relevant to the Amendment

Ministerial Direction	Purpose
The Form and Content of Planning Schemes	Sets out the form and content of planning schemes to which any planning scheme amendment must comply.
Direction 11 – Strategic Assessment of Amendments	Proposed planning scheme amendments and their related outcomes must undergo comprehensive strategic evaluation.
Direction 14 – Port Environs	Ensures that planning scheme amendments in commercial trading port environs have regard to protecting the operations and development of the port from encroachment or intensification of sensitive uses.
Direction No. 15 – The Planning Scheme Amendment Process	Sets times for completing steps in the planning scheme amendment process.
Direction No.19 – On the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health	Planning authorities to seek the views of the EPA Victoria in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The Direction requires the Amendment Explanatory Report to provide details on how EPA views have been addressed.
Direction 20 – Major Hazard Facilities	Requires authorities to seek and have regard to the views of WorkSafe and the Minister for Economic Development when preparing a planning scheme amendment within the threshold distance of a MHF.

3.4 Greater Geelong Planning Scheme

The Scheme expresses Greater Geelong City Council's (Council's) growth aspirations in relation to land use and development and outlines strategies and objectives to be achieved in future infrastructure development. The Scheme contains planning controls, provisions and requirements for planning approval under various zones, overlays and particular provisions.

This section summarises the key policies from the Scheme which are relevant to the Amendment.

3.4.1 Municipal Planning Strategy

In Clause 02 of the Greater Geelong Planning Scheme, the Municipal Planning Strategy (MPS) introduces the City of Greater Geelong by describing its context and setting out the vision and strategic directions for planning within the municipality. The MPS clauses most relevant to the project are:

- Clause 02.02 (Vision) states the Council's overarching vision for Greater Geelong as follows:
'Geelong, coast, country and suburbs, is the best place to live through prosperity and cohesive communities in an exceptional environment.'
- Clause 02.03-1 (Settlement) outlines the expectation that Geelong will grow by an additional 152,000 people by 2036. The clause directs urban development and the majority of this population growth to established urban areas and new greenfield development sites.
- Clause 02.03-2 (Environmental and landscape values) seeks to protect indigenous species habitat, waterways, rivers and wetlands, and coastal and marine environments from the impacts of development.
- Clause 02.03-3 (Environmental risks and amenity) seeks to ensure that development considers the risks associated with climate change, bushfire and flooding. Activities that could cause adverse amenity impacts on residential areas are discouraged.

- Clause 02.03-5 (Built environment and sustainability) seeks to conserve individual heritage places and areas of pre- and post-contact heritage significance and ensure that development enhances Geelong's sense of place and identity.
- Clause 02.03-7 (Economic development) seeks to encourage the growth of new and economically sustainable industry and focus industrial development around major transport routes and infrastructure assets.
- Clause 02.03-8 (Transport) seeks to provide for the continued growth and development of the Port as a key economic resource, and to balance the needs of a working port having regard to the amenity of the land uses at the port interface.
- Clause 02.04 (Strategic Framework Plans) contains plans that are to be read in conjunction with the strategic directions in Clause 02.03 above. Of relevance is Clause 02.04-1 (Municipal framework plan). This plan, shown in Figure 3-1, indicates that the project is proposed to occur on land within and adjacent to an existing industrial area.



Figure 3-1 Greater Geelong Municipal Framework Plan (Clause 02.04-1 (Municipal framework plan) of the Scheme)

3.4.2 Planning Policy Framework

The Planning Policy Framework (PPF) comprises general principles for land use and development and outlines specific policies in relation to settlement, environment, housing, economic development, infrastructure, and particular uses. The following clauses from the PPF are relevant to the project:

- Clause 11-1S (Settlement) aims to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategies include developing sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Clause 11.01-1R (Settlement – Geelong G21) seeks to support the role of Central Geelong as a major regional city and guide positive development outcomes for its outer areas.
- Clause 12.01-1S (Protection of biodiversity) aims to protect and enhance Victoria’s biodiversity, with strategies aimed at identifying key habitat and valuable biodiversity sites while strategically planning for the protection and conservation of biodiversity.
- Clause 12.01-2S (Native vegetation management) aims to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation by minimising the impacts of unavoidable native vegetation removal. Offsets should also be provided to compensate any biodiversity impacts.
- Clause 12.02-1S (Protection of marine and coastal environment) aims to protect and enhance the marine and coastal environment, including natural features, landscapes, seascapes and public visual corridors. Strategies include to plan for marine development and infrastructure to be sensitive to marine national parks and environmental assets.
- Clause 12.02-2S (Marine and coastal Crown Land) aims to ensure the use and development of marine and coastal Crown land is ecologically sustainable, minimises impacts on cultural and environmental values, and improves public benefit for current and future generations.
- Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs) seeks to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs for their environmental, cultural, ecological and landscape values while ensuring development minimises the visual intrusion of development on the natural landscape and adopts high quality materials and respectful design and siting.
- Clause 13.02-1S (Bushfire planning) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 13.03-1S (Floodplain management) aims to protect floodplains and waterways including the flood storage function and the flood carrying capacity of rivers, streams and waterways.
- Clause 13.05-1S (Noise management) seeks to assist the management of noise effects on sensitive land uses.
- Clause 13.06-1S (Air quality management) aims to assist the protection and improvement of air quality.
- Clause 13.07-1S (Land use compatibility) aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Development of land should be compatible with adjoining and nearby land uses. This clause contains strategies to ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.
- Clause 13.07-2S (Major hazard facilities) seeks to minimise risks to human and property associated with MHFs. This is relevant as the Refinery is currently licensed as a MHF, and the FSRU would also be licensed, under Regulation 5 of the OHS Regulations.
- Clause 14.01-1S (Protection of agricultural land) seeks to protect the state’s agricultural base by preserving productive farmland by protecting productive farmland and avoiding permanent removal of productive agricultural land from the state's agricultural base.

- Clause 14.02-1S (Catchment planning and management) seeks to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.
- Clause 14.02-2S (Water quality) seeks to protect water quality. This clause contains strategies to ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, and marine environments.
- Clause 15.01-1S (Urban design) encourages the development of safe, healthy, functional and enjoyable urban environments. This clause contains strategies requiring that development should respond to this context and minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Clause 15.03-1S (Heritage conservation) seeks to ensure that places of heritage significance are conserved by providing for the conservation and enhancement of places of aesthetic, archaeological, architectural, cultural, scientific, or social significance.
- Clause 15.03-2S (Aboriginal cultural heritage) seeks to ensure that places of Aboriginal cultural heritage significance are protected and conserved.
- Clause 17.01-1S (Diversified economy) acknowledges the need for a strong, diversified economy for Victoria. The clause outlines strategies aiming to strengthen existing employment areas and to harness interregional relationships to harness emerging economic opportunities.
- Clause 17.01-1R (Diversified economy – Geelong G21) outlines specific strategies for Greater Geelong which seek to build on the region's competitiveness and support industries that utilise skills within the region.
- Clause 17.03-1S (Industrial land supply) seeks to ensure availability of land for industry. Strategies include to facilitate industrial development by protecting land where appropriate buffer areas can be provided between proposed industrial land uses and nearby sensitive land uses.
- Clause 17.03-2S (Sustainable industry) seeks to facilitate the sustainable operation of industry by encouraging appropriate buffers between industrial activities and sensitive land uses.
- Clause 18.01-1S (Land use and transport integration) seeks to facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.
- Clause 18.02-6S (Ports) seeks to support the effective and competitive operation of Victoria's commercial trading ports at local, national and international levels, and to facilitate their ongoing sustainable operation and development. The clause seeks to provide for the ongoing development of the Geelong Port in accordance with the approved Port Development Strategy and plan for and manage land near commercial trading ports so that development and use are compatible with port operations and provide reasonable amenity expectations.
- Clause 19.01-1S (Energy supply) seeks to facilitate appropriate development of energy supply infrastructure by supporting the development of energy facilities in appropriate locations where they take advantage of existing infrastructure and provide benefits to industry and the community.
- Clause 19.01-3S (Pipeline infrastructure) seeks to ensure that gas is safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment. This clause outlines key strategies relevant to the project which seek to:
 - plan for the development of pipeline infrastructure subject to the Pipelines Act
 - plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal environmental impacts
 - provide for environmental management during pipeline construction and on-going operation.
- Clause 19.03-2S (Infrastructure design and provision) outlines the objective that planning should allow for the timely, efficient and cost-effective development of infrastructure to meet community needs.

3.4.3 Zones

This section identifies the zones which are relevant to the Amendment. Table 4 outlines the applicable zones, their relevant purposes, the project activities proposed to be located within each zone and the planning permit or other statutory requirements that would apply if not for the proposed Amendment. The zones are shown at Figure 3-2.

The project comprises a number of land use activities which are best characterised together as a Gas Terminal (an innominate land use). The key land use activities can be characterised using the Clause 73.03 (Land Use Terms) of the Scheme as follows:

- a "wharf" land use associated with Pier Works, FSRU and Temporary Marine Construction Facilities
- a "utility installation" land use associated with the Treatment Facility.

Table 4 Applicable Zones – Permit Requirements

Planning Zone	Relevant Purposes	Works within the zone	Planning Permit and Other Statutory Requirements
Port Zone (PZ)	<p><i>To recognise the significant transport, logistics and prime maritime gateway roles of Victoria's commercial trading ports in supporting Victoria's economy.</i></p> <p><i>To provide for shipping, road and railway access and the development of each of Victoria's commercial trading ports as key areas of the State for the interchange, storage and distribution of goods.</i></p> <p><i>To provide for uses which derive direct benefit from co-establishing with a commercial trading port.</i></p> <p><i>To provide for the ongoing use and development of Victoria's commercial trading ports that support the relevant port development strategy prepared pursuant to the Port Management Act.</i></p>	FSRU, Pier Works and Temporary Marine Construction Facilities	<p>Land Use</p> <p>A permit is required under Clause 37.09-1 (Table of uses) for the use of land for innominate land uses (Gas Terminal) and utility installation. No permit is required for the use of land for a wharf.</p> <p>Buildings and works</p> <p>A permit is required under Clause 37.09-4 (Buildings and works) to construct a building or carry out works for innominate land uses (Gas Terminal) and utility installation.</p> <p>Exempt works include works which provide for a wharf or shipping container storage and other storage and handling facilities (other than tanks for bulk liquid storage), navigational beacons and aids, terminals and associated facilities.</p>

Planning Zone	Relevant Purposes	Works within the zone	Planning Permit and Other Statutory Requirements
Industrial 2 Zone (IN2Z)	<p><i>To provide for manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities.</i></p> <p><i>To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.</i></p> <p><i>To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.</i></p>	Pier Works, Treatment Facility Works	<p>Land Use A permit is required under Clause 33.02-1 (Table of uses) for the use of land for innominate land uses (Gas Terminal), wharf and utility installation.</p> <p>Buildings and works A permit is required under Clause 33.02-4 (Buildings and works) to construct a building or carry out works.</p>
Transport Zone (TRZ2)	<p><i>To provide for an integrated and sustainable transport system.</i></p> <p><i>To identify transport land use and land required for transport services and facilities.</i></p> <p><i>To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.</i></p> <p><i>To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.</i></p>	Pier Works	<p>Land Use A permit is required under Clause 36.04-1 (Table of uses) for the use of land for innominate land uses (Gas Terminal), wharf and utility installation.</p> <p>Buildings and works A permit is required under Clause 36.04-2 (Permit requirement) to construct a building or carry out works.</p>

3.4.4 Overlays

This section identifies the overlays which are relevant to the Amendment. Table 5 outlines the applicable overlays, their relevant purposes, the project activities proposed to be located within each zone and the planning permit or other statutory requirements that would apply if not for the Amendment. The overlays are shown at Figure 3-3.

Table 5 Applicable Overlays – Permit Requirements

Planning Overlay	Relevant Objectives	Works within the overlay	Planning Permit and Other Statutory Requirements
Design and Development Overlay – Schedule 20 (DDO20)	<p>The DDO's broad objective is:</p> <p><i>To identify areas which are affected by specific requirements relating to the design and built form of new development.</i></p> <p>DDO20 outlines design objectives for areas within industrial zones, with the following specific objectives:</p> <p><i>To improve the visual appearance and image of industrial areas through well designed site responsive developments.</i></p> <p><i>To facilitate economic development through efficient and functional industrial development.</i></p> <p><i>To provide a high level of amenity for workers and visitors to industrial areas.</i></p> <p><i>To minimise the potential for negative off-site effects to occur.</i></p> <p><i>To promote best practise storm water quality and reuse measures.</i></p>	Pier Works, Treatment Facility Works	<p>Buildings and works</p> <p>A permit is required under Clause 43.02-2 (Buildings and works) to construct a building or carry out works.</p>
Land Subject to Inundation Overlay – Schedule 2 (LSIO2)	<p>The LSIO's broad objective is:</p> <p><i>To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.</i></p> <p><i>To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.</i></p> <p><i>To minimise the potential flood risk to life, health and safety associated with development.</i></p> <p><i>To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.</i></p>	Pier Works, Temporary Marine Construction Facilities	<p>Buildings and works</p> <p>A permit is required under Clause 44.04-2 (Buildings and works) to construct a building or carry out works.</p> <p>A permit is not required under Section 3.0 of Schedule 2 to Clause 44.04 (Permit requirement) to construct a building or carry out works for works that have been granted consent under the Marine and Coastal Act 2018 and are conducted by or on behalf of a Public Land Manager or Committee of Management appointed under the Crown Land (Reserves) Act 1978.</p>

Planning Overlay	Relevant Objectives	Works within the overlay	Planning Permit and Other Statutory Requirements
	<p><i>To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.</i></p> <p><i>To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.</i></p> <p>The LSIO applies to areas which are susceptible to coastal inundation and hazard. The specific objectives of the LSIO2 are:</p> <p><i>To protect land vulnerable to coastal inundation from inappropriate development.</i></p> <p><i>To plan for projected sea level rises to ensure that the community and assets are not exposed to an unacceptable level of risk associated with the coastal impacts of climate change.</i></p> <p><i>To identify land in coastal areas that may be inundated by the combined effects of the 1% Average Event Probability (AEP) flood event plus 0.8 metre sea level rise.</i></p> <p><i>To ensure that any new development is suitably designed to ensure that it is compatible with the identified flood hazard and local drainage characteristics.</i></p>		<p>Note that the Marine and Coastal Act Consent application was drafted as part of the EES and is still subject to approval.</p>
<p>Environmental Significance Overlay – Schedule 2 (ESO2)</p>	<p>The ESO's broad objective is to:</p> <p><i>To identify areas where the development of land may be affected by environmental constraints.</i></p> <p><i>To ensure that development is compatible with identified environmental values.</i></p> <p>The ESO2 applies to wetlands of regional, state, national or international significance. The specific objectives of the ESO2 are:</p> <p><i>To maintain the ecological character (the sum of the biological, physical and chemical components of the wetland ecosystem, and their interactions which maintain the</i></p>	<p>Pier Works</p>	<p>Buildings and works</p> <p>A permit is required under Clause 42.01-2 (Permit requirement) to construct a building or carry out works and to remove, destroy or lop any vegetation including dead vegetation.</p> <p>A permit is not required under Section 3.0 of Schedule 2 to Clause 42.01 (Permit requirement) for buildings or works approved under the Coastal Management Act 1995 (now the Marine and</p>

Planning Overlay	Relevant Objectives	Works within the overlay	Planning Permit and Other Statutory Requirements
	<p><i>wetland and its products, functions and attributes) of Ramsar wetlands.</i></p> <p><i>To protect natural resources and maintain ecological processes and genetic diversity.</i></p> <p><i>To protect and ensure the long-term future of terrestrial and aquatic habitat for native plants and animals, including shorebird feeding areas and roosts and species and communities listed under the Fauna and Flora Guarantee Act 1988.</i></p> <p><i>To encourage ecological restoration, regeneration and revegetation with indigenous species within the site and in adjoining areas.</i></p> <p><i>To maintain the function of the wetland or habitat area as part of the broader natural system, including maintenance of natural flows and flooding regimes.</i></p> <p><i>To prevent further loss of wetland habitat.</i></p> <p><i>To manage the site in order to maintain and/or improve its value as a conservation site for native plants and animals.</i></p> <p><i>To protect water quality and prevent water pollution in watercourses, water bodies, wetlands and groundwater.</i></p> <p><i>To protect cultural (including aboriginal and non-aboriginal heritage) values.</i></p> <p><i>To protect visual amenity.</i></p>		<p>Coastal Act) or carried out as part of a management plan approved by the DELWP.</p> <p>Note that the Marine and Coastal Act Consent application was drafted as part of the EES and is still subject to approval.</p>

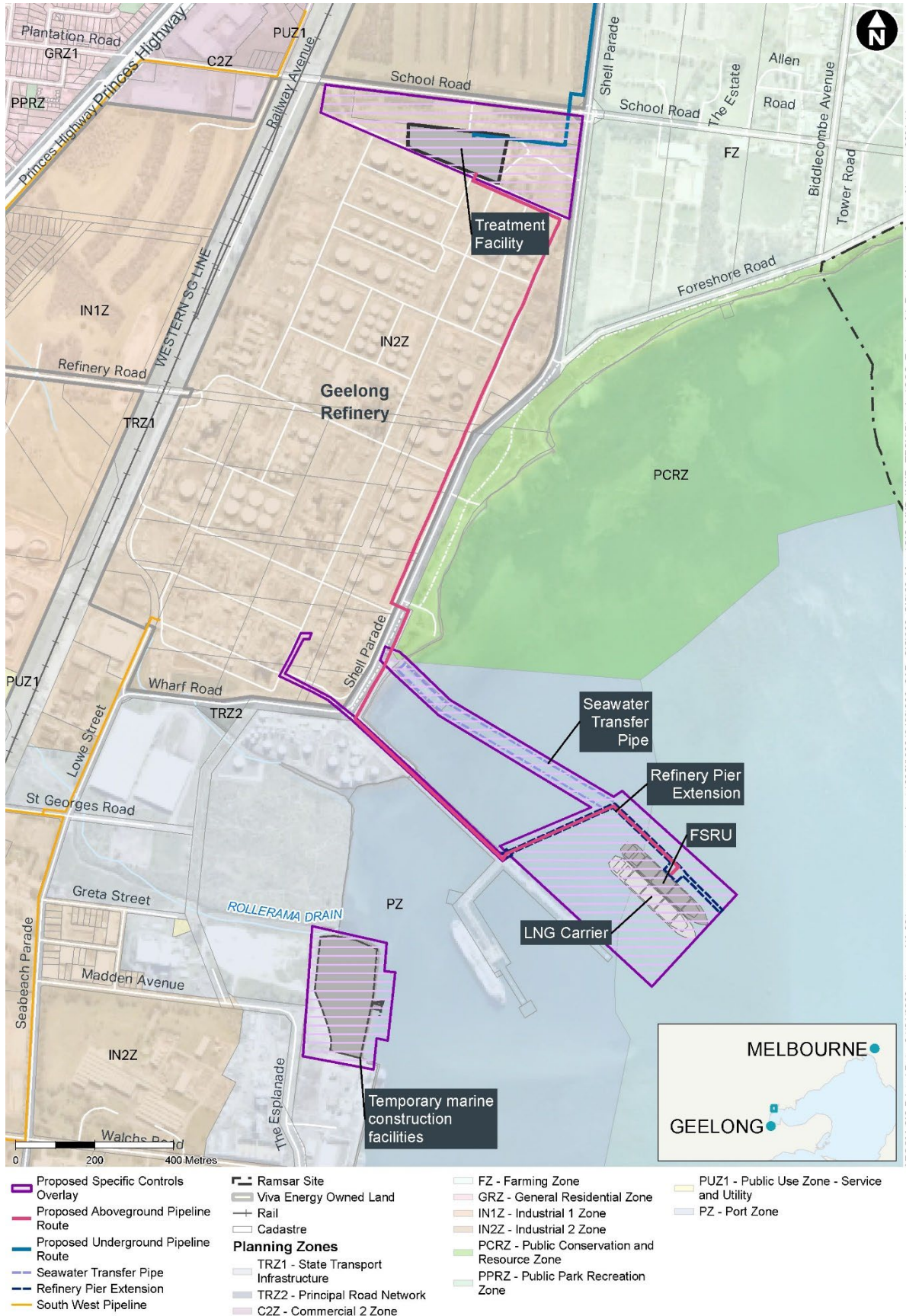


Figure 3-2 Zoning map

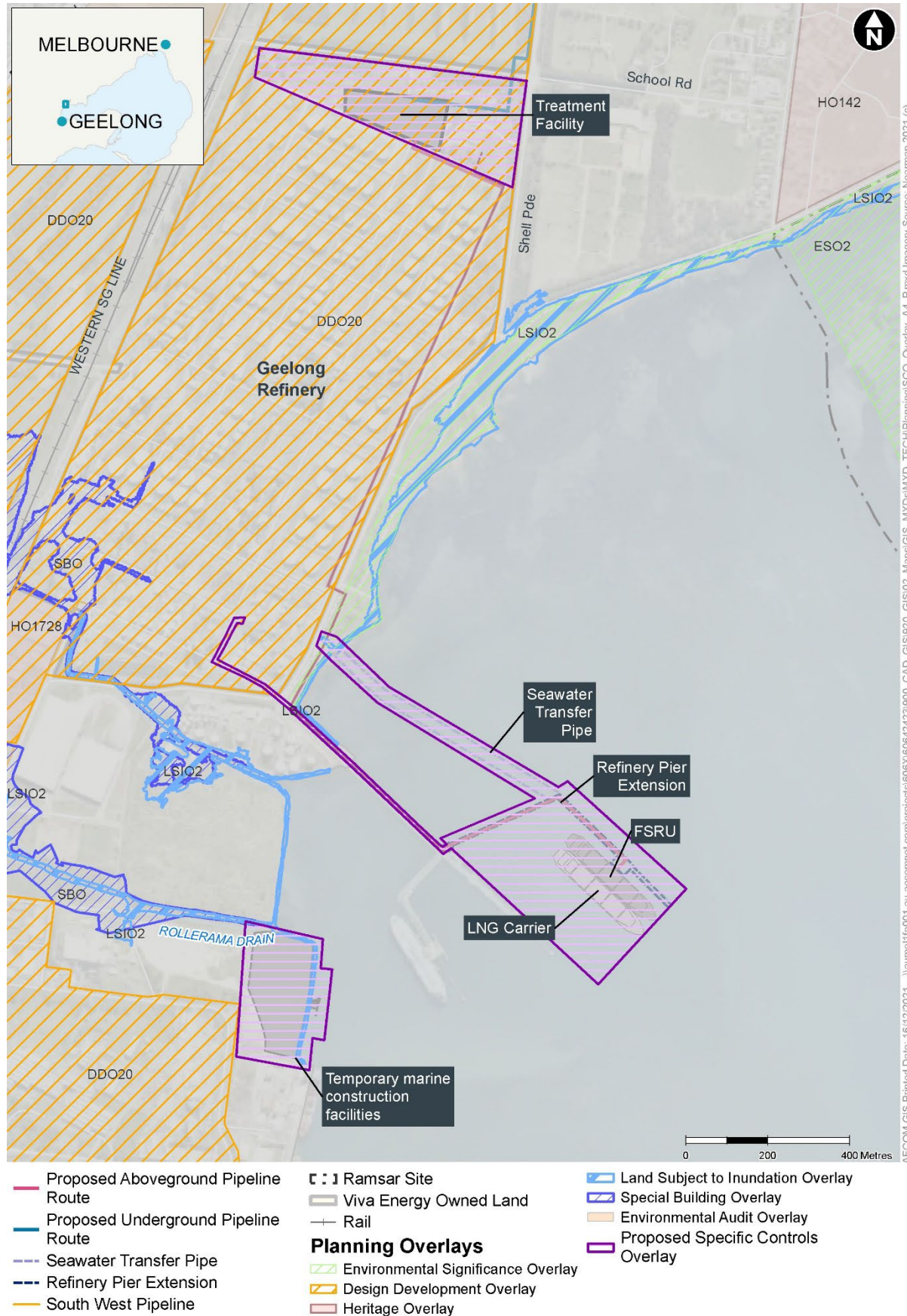


Figure 3-3 Overlay map

3.4.5 Particular Provisions

The following Particular Provisions contained within the Scheme are relevant to the project:

- Clause 52.02 (Easements, Restrictions and Reserves) seeks to ensure that easements and restrictions are applied appropriately to facilitate development that is consistent with the provisions and directions of the Scheme and that consider the needs of affected parties. An easement will be applied to the Gas Pipeline Works to allow ongoing maintenance during project operation.
- Clause 52.06 (Car Parking) implements statutory car parking rate and design requirements relevant to land use, with the aim of ensuring an appropriate provision of car parking in Victoria. Car parking for an innominate land use must be provided to the satisfaction of the Minister for Planning.
- Clause 52.17 (Native Vegetation) seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation through the application of planning permit triggers and offset requirements. Planning approval would be required under this clause to remove, destroy or lop native vegetation, including dead vegetation and seagrass.
- Clause 52.29 (Land Adjacent to Principal Road Network) aims to ensure appropriate access to the Principal Road Network. Planning approval is required to alter access to a road in a Transport Zone 2 (TRZ2).
- Clause 53.10 (Uses and Activities with Potential Adverse Impacts) seeks to identify land uses and activities that may cause offence or unacceptable risks if not designed and located appropriately. The clause outlines minimum required threshold distances for various land uses and activities from land in residential, rural residential and commercial zones, among others, or land used for a hospital or education centre. An application to use land for an industry, utility installation or warehouse for a purpose listed in the Table to Clause 53.10-1 must be referred to the EPA Victoria under Section 55 of the P&E Act if the threshold distance is not to be met or no threshold distance is specified. The Table specifies 'gasworks' and 'industrial gases production' both have a one-kilometre threshold distance from the uses and activities to land mentioned above. The project area is located within one kilometre of one or more of the abovementioned zones and therefore, would be referred to the EPA Victoria.

3.5 Other Relevant Strategies

3.5.1 Future Gas Strategy (2024) Department of Industry, Science and Resources

The *Future Gas Strategy* maps the Australian Government's plan for how gas will support our economy's transition to net zero in partnership with the world. The strategy adopts 6 principles that will guide policy actions to achieve the strategy's aims:

1. *Australia is committed to supporting global emissions reductions to reduce the impacts of climate change and will reach net zero emissions by 2050*
2. *Gas must remain affordable for Australian users throughout the transition to net zero*
3. *New sources of gas supply are needed to meet demand during the economy-wide transition*
4. *Reliable gas supply will gradually and inevitably support a shift towards higher value and non-substitutable gas uses. Households will continue to have a choice over how their energy needs are met.*
5. *Gas and electricity markets must adapt to remain fit for purpose throughout the energy transformation.*
6. *Australia is, and will remain, a reliable trading partner for energy, including Liquefied Natural Gas (LNG) and low emission gases.*

Australian gas will continue to be required, not only by Australia, but by Australia's trading partners. International investment in Australia's LNG industry exceeded \$398 billion between 2010 and 2022. Australia's ambition to become a renewable energy superpower will involve developing new, low emissions energy exports to support the energy security and decarbonisation efforts of our trade partners.

3.5.2 Navigating our Port Futures, The Victorian Commercial Ports Strategy (2022) Department of Transport

The *Victorian Commercial Ports Strategy* outlines the Victorian's Governments 30-year vision, that *our commercial ports will continue to be responsive and resilient to change, providing efficient market access to support the economic and social wellbeing of all Victorians*. The State's objectives are for a ports system that is:

7. *Responsive to market demands*
8. *Well planned, balancing both industry and community needs*
9. *Efficient, productive and resilient in a changing global environment*
10. *Safe, and operated with clear roles and responsibilities.*

The Strategy focus' on Victorian ports supporting a transition to renewable energy, however, in the short-to-medium term, ports may be needed to support the State's supply of liquid natural gas as Victoria shifts to other energy sources.

3.5.3 Victorian Waterway Management Strategy (2013) (Department of Environment and Primary Industries)

The *Victorian Waterway Management Strategy* provides the framework for government, in partnership with the community, to maintain or improve the condition of rivers, estuaries and wetlands to that they can continue to provide environmental, social, cultural and economic values for all Victorians.

3.5.4 The Geelong Region Plan (2015) (G21 Geelong Region Alliance)

G21 is the alliance of independent organisations with a shared vision for the Geelong region, including municipalities of Colac Otway, Golden Plains, Greater Geelong, Queenscliff and Surf Coast, as well as the Victorian Government and over 100 community and business organisations. The *G21 Geelong Region Plan 2006-2007* (the Geelong Region Plan) provides a strategy for long term sustainable growth towards 2050 and highlights the major challenges of the region in relation to environment, land planning, community strength and economic growth.

G21's vision is that *'the Geelong region is Australia's most desirable destination for living, visiting, working and investing; it is renowned for its vibrant, cohesive community, exceptional physical environment and vigorous economy'*.

The Geelong Region Plan sets out five key directions that respond to the challenges and opportunities within the region:

1. *protect and enhance our environment*
2. *create sustainable settlements*
3. *strengthen our communities*
4. *refocus our economy*
5. *make it happen.*

Direction 2 (Create sustainable settlements) set outs Policy 2.4 which seeks to provide land for industry and commerce. The Port is identified for its economic importance to the region and the plan recognises the need to maintain industrial land to meet the demand for ongoing port related industry.

3.5.5 Port of Geelong Port Development Strategy (2018) (Ports Victoria)

The Port Development Strategy addresses the requirements of the Port Management Act and identifies the Port's infrastructure and land use relative to its trade demands. Prime considerations include the need to protect port activities from surrounding land use encroachment and secure land for port expansion. The Port Development Strategy highlights the Port's vital role in connecting users and suppliers of dry, liquid and bulk cargoes with national and international markets. Crude oil is the major trade through the Port, with Viva Energy currently supplying approximately half of the state's fuel needs.

The Port Development Strategy highlights that the Port is identified as a state significant infrastructure hub in a range of state and regional policies, including Plan Melbourne and the VPPs. The Port

Development Strategy also acknowledges that the PZ applied to the Port protects it from land use encroachment, while encouraging future development for port-related industries.

The project land is located within the Port Development Strategy's Refinery Pier Precinct and Lascelles Wharf Precinct (refer Figure 3-4). The Refinery Pier Precinct's primary role is to facilitate the movement of bulky goods. The Refinery Pier Precinct is distributed between land holdings by Ports Pty Ltd and Viva Energy. The primary purpose of the Lascelles Wharf Precinct is the movement of dry bulk commodities and as a secondary location for storage and distribution of traded commodities.

The Port Development Strategy identifies that Viva Energy's land holdings present opportunities for further port related industrial development. It also recognises that the pier itself has reached operating capacity and that investment is required to extend its ability to accommodate larger vessels and more frequent ship traffic. Additionally, it is acknowledged in the Port Development Strategy that opportunities to increase the channel depth surrounding the Pier should be explored.

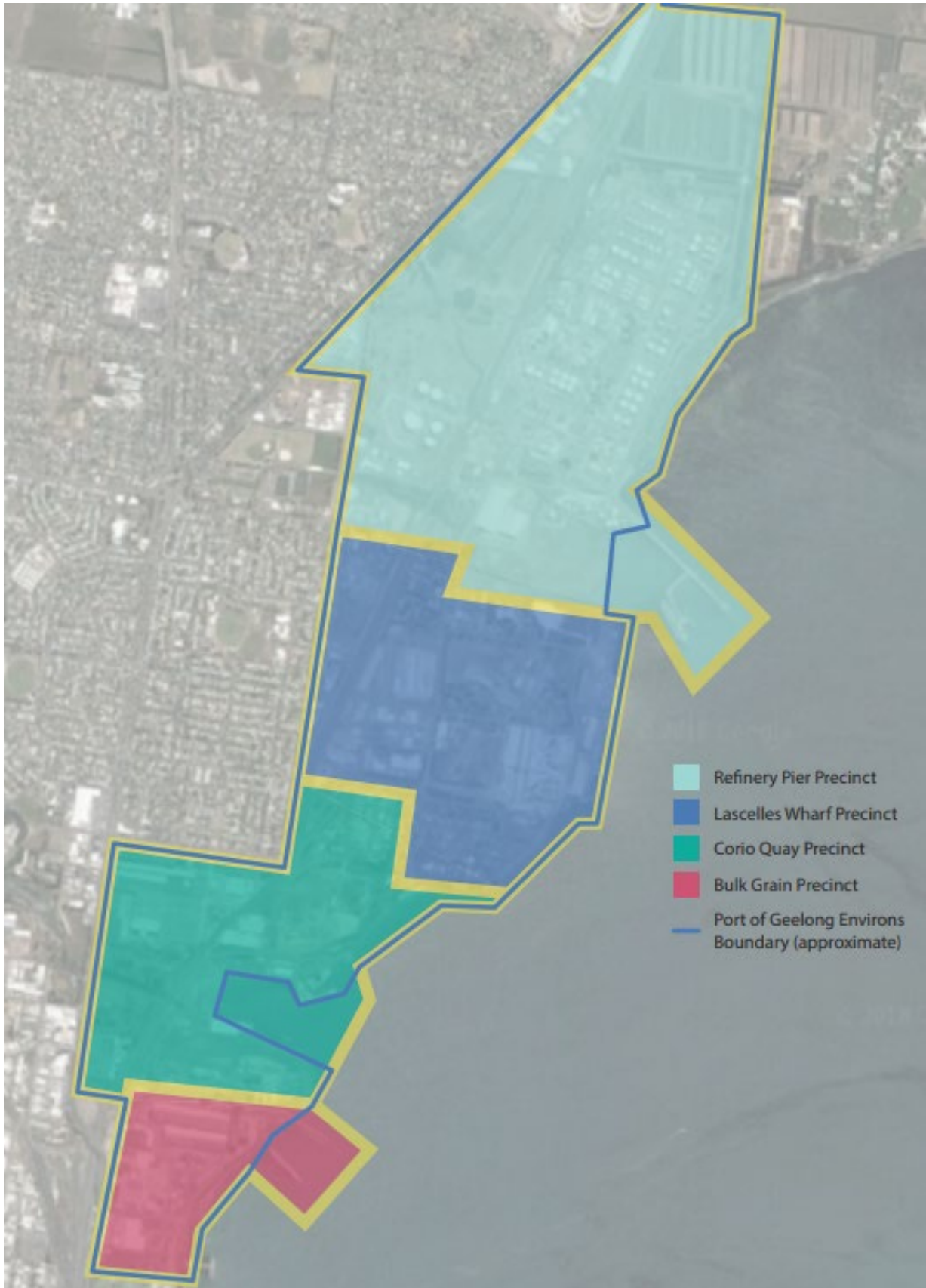


Figure 3-4 Port of Geelong environs and precincts (Port of Geelong Port Development Strategy 2018)

3.5.6 Geelong Port Structure Plan (2007) (City of Greater Geelong)

The *Geelong Port Structure Plan 2007* (the Structure Plan) was adopted by Council in 2017. It provided a strategic framework for the development of the Port and its surrounding port related land uses but is not included in the Scheme. The Structure Plan aimed to provide for the Port's future viability while safeguarding residential amenity for the local community. Council has not amended the Structure Plan since its adoption and is not currently entertaining an amendment.

Figure 3-5 illustrates that the project land is located within 'Precinct 1 Refinery' and 'Precinct 2 Lascelles'. The Structure Plan emphasised the importance of the continued role of liquid bulk storage in Precinct 1 and dry bulk handling in Precinct 2.

The Structure Plan's objectives for Refinery Pier are to:

- retain the use of Refinery Pier and the core of the port facility in this Precinct for Liquid Bulk Storage, acknowledging that it is Council's preferred position to restrict the expansion and growth of toxic chemical storage in Geelong
- ensure that new use and development in this precinct considers the impacts on the health, environment and safety of the community of Geelong
- improve the environment and landscape that surrounds the core port facility, notably along the Corio Bay foreshore to the north of Refinery Pier and along the Princes Highway gateway.

The Structure Plan's objectives for Lascelles Wharf are to:

- support the future expansion of Lascelles Wharf for dry bulk handling, particularly for non-hazardous goods.
- reduce the amenity conflicts between existing industrial and port uses with nearby residential areas, acknowledging that both uses have rights to co-exist into the future.

3.5.7 Environment Strategy 2020-2030 (2020) (City of Greater Geelong)

The *Environment Strategy 2020-2030* (the Environment Strategy) seeks to define and communicate how City of Greater Geelong's environment will be protected and improved. The relevant goals contained within the Environment Strategy aim to:

- position Greater Geelong as a zero-emission, climate ready city and region
- create greener community spaces
- contribute to a circular economy by reducing waste
- protect, enhance and restore our regions biodiversity
- achieve better integrated water management through planning and design.

3.5.8 Paleert Tjaara Dja: Wadawurrung Country Plan (2020) (Wadawurrung Traditional Owners Aboriginal Corporation)

The *Paleert Tjaara Dja: Wadawurrung Country Plan 2020* (the Wadawurrung Country Plan) enables growing partnerships and relationships with those visiting, living, and working within Wadawurrung Country so that all can enjoy and care for it better together. The Plan sets out the values of Wadawurrung Country, including the following most relevant to the Project:

- *Wadawurrung culture and people*
- *Wadawurrung cultural sites and places*
- *Yulluk (waterways, rivers, estuaries and wetlands)*
- *Coastal country*
- *Warre (sea country)*
- *Native animals.*

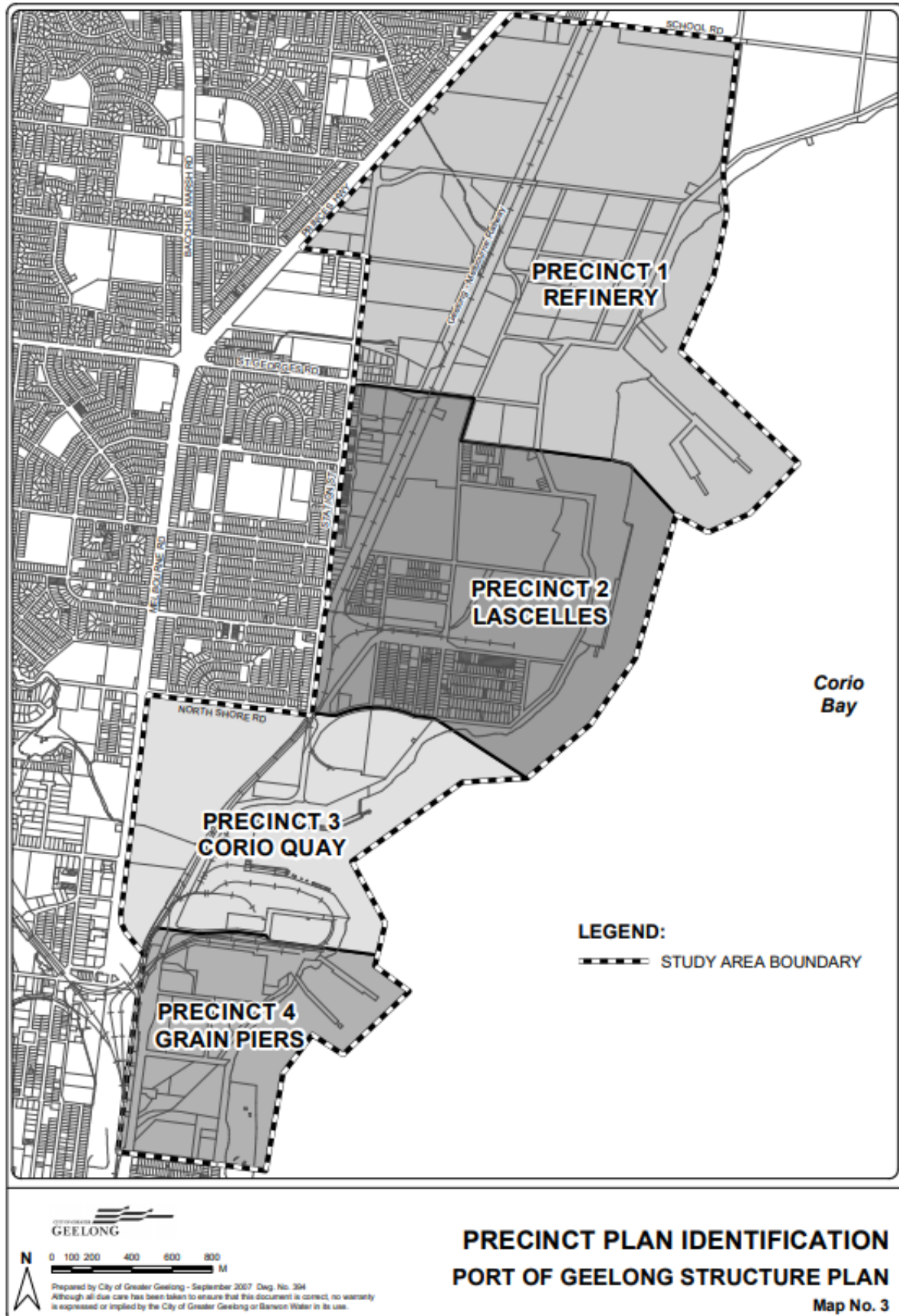


Figure 3-5 Precinct Plan (Port of Geelong Structure Plan)

3.6 Bushfire Planning

The land required for the Treatment Facility is partially located within a designated Bushfire Prone Area but is not subject to a Bushfire Management Overlay. This designation is based on the current vegetation in this area and the potential for bushfire events. The Amendment does not propose sensitive land uses or development which would inappropriately increase the risk to life, property, community infrastructure or the natural environment from bushfire.

3.7 Planning Scheme Amendments

AECOM reviewed the register of current or recently completed amendments to the Scheme on 1 July 2024. No amendments relevant to the project were identified.

It is noted that exhibition of Amendment C452ggee is pending. Council will consider an officer's report at the 10 December 2024 Council meeting and will decide whether the Amendment should be adopted. The Amendment corrects map and ordinance anomalies and removes redundant provisions in the Greater Geelong Planning Scheme. The Amendment does not propose changes to any controls which are relevant to the project.

3.8 Planning Permit Applications

AECOM reviewed Council's and the Department of Transport and Planning's (DTP) registers of active planning permit applications on 26 July 2021, 9 December 2021, and 2 July 2024 to identify any proposals which may be relevant to the project. No active planning permit applications at properties within and adjacent to the study area were identified.

All recently granted planning permits in surrounding areas are for compatible uses, including warehouses, stores, a service station, and a distillery.

It is noted that at 13-15 Sandra Avenue, Corio there is an outstanding permit (PP-528-2017) for the use and development of a childcare centre in Industrial Zone 1. This is approximately 1.7 km from the proposed FSRU. This permit has been unresolved since 2017.

4.0 Planning Assessment

This section assesses the proposed Amendment with regard to the legislative and policy context described in Section 2.8. The appropriateness of the Amendment is assessed against the tests for an appropriate use of Section 20(4) of the P&E Act and the merits of the Incorporated Document. The response to the objectives of the applicable zones and overlays is also assessed.

4.1 Application of Section 20(4) of the P&E Act

Section 20(4) of the P&E Act enables the Minister for Planning to amend a planning scheme, with exemption from notice requirements. The Practice Note *Ministerial Powers of Intervention in Planning and Heritage Matters* (November 2004), sets out the circumstances in which the Minister for Planning will consider exercising this power and the principles that apply in considering a request for intervention. These include (*inter alia*) that the matter:

- will be one of genuine state or regional significance (Criteria 1)
- will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known (Criteria 2)
- will be the introduction of an interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review (Criteria 3)
- will raise issues of fairness or public interest (Criteria 4), where (*inter alia*):
 - the mechanisms of the planning process have created a situation that is unjust, unreasonably causes hardship or is clearly in error
 - anomalous provisions apply and the valid intent is clearly evident or simple inconsequential correction is required
 - there is a need for urgency and the public interest would be served by immediate action
 - the matter is unlikely to be reasonably resolved by the processes normally available.
- requires co-ordination to facilitate decision-making by more than one agency (Criteria 5).

A response to each of the criteria is set out in the following sections.

4.1.1 Criteria 1 – Significance of the project to the state

The Gas Terminal Project would facilitate the development of essential energy supply infrastructure and enable Victoria's continued liveability, economic development and growth. The project, as part of the broader Gas Terminal Project, will respond to Victoria's widely recognised gas supply shortfall expected in coming years by providing a secure source of gas.

In Victoria, additional sources of affordable gas will be essential to support the transition to a net zero emissions future and more flexible gas infrastructure will be required to increase the resilience of the energy system and to keep costs down.

Victorian gas production from legacy fields such as Bass Strait's Gippsland Basin is in decline and the state is becoming increasingly reliant on gas from northern states. However, constrained pipeline capacity from Queensland means southern Australian gas shortfalls will emerge in coming years unless there is a new source of gas supply.

The AEMO is forecasting risks of gas shortfalls on extreme peak demand days from 2025 and the potential for small seasonal supply gaps from 2026, predominantly in southern Australia, ahead of annual supply gaps that will require new sources of supply from 2028.

The Australian Government (Future Gas Strategy, 2024), AEMO (Gas Statement of Opportunities, 2024) and the ACCC (Gas Inquiry 2017-2030, 2024 interim report) all recognise the potential for LNG import terminals to fill the forecast supply gaps. The ACCC stated that "*Without the development of new gas fields, pipelines and potentially LNG import terminals, or without a significant reduction in demand, the east coast will experience sustained gas shortfalls.*"

Reducing the ability for the State to be adequately supplied with gas without also sufficiently reducing demand would have significant adverse impacts on the economy and on our lifestyle.

The project will support Plan Melbourne's economic objectives for Victoria. The addition of new energy infrastructure will support Plan Melbourne's overarching vision of maintaining competitive advantages, including energy resources that create a diverse, flexible, and resilient economy. The project would enhance the economic function of the Port, supporting future employment and economic development opportunities at one of Victoria's established industrial nodes. Accordingly, the project is assessed as being supportive of Plan Melbourne's aims to increase industrial development at appropriate locations and to enhance the role that Geelong plays in supporting continued economic growth for Victoria.

4.1.2 Criteria 2 – Issues have been reasonably considered and the views of affected parties are known

Specialist investigations have been undertaken to inform the EES and Supplementary Statement for the Gas Terminal Project. Each specialist investigation identified existing conditions, assessed potential impacts and developed mitigation measures to avoid, mitigate and manage the potential impacts. The technical reports for each of the specialist investigations relevant to this Amendment are summarised in Table 6. It is noted that these investigations were undertaken for the EES and Supplementary Statement, and therefore they consider the broader Gas Terminal Project, including all aspects of the project subject to the Amendment.

Additionally, the Amendment underwent public exhibition during the EES and will undergo public exhibition as part of the consultation proposed for the Supplementary Statement. This will ensure that the views of affected parties are known prior to the adoption of the Amendment. Moreover, the consultation that Viva Energy has already undertaken, and continues to undertake, will ensure that issues from a broad range of stakeholders are known and reasonably considered through both the EES, Supplementary Statement and the Amendment (refer to Supplementary Statement Chapter 2: Community and Stakeholder Engagement).

Table 6 Summary of Relevant Specialist Investigations

Technical Report	Land Use and Planning Interdependency	Incorporated Document Interdependency
Technical Report A: <i>Marine Ecology and Water Quality Impact Assessment</i>	The Marine Ecology and Water Quality Impact Assessment identifies, assesses and characterises potential environmental impacts on the marine environment associated with the construction and operation of the Gas Terminal Project and identifies and recommends mitigation measures to avoid, minimise and manage potential impacts. Detailed investigations, surveys and marine modelling indicate that there are unlikely to be adverse impacts on the marine environment.	The CEMP and OEMP required by the Incorporated Document must address matters relating to marine ecology and water quality. The Incorporated document requires that native vegetation offsets must be secured prior to any native vegetation removal.
Supplementary Technical Report A: <i>Supplementary Marine Environment Impact Assessment</i>	Supplementary investigations, surveys and marine modelling confirmed the conclusion that there are unlikely to be adverse impacts on the marine environment. The supplementary assessment outlines the anticipated marine native vegetation offsets for the Gas Terminal Project.	

Technical Report	Land Use and Planning Interdependency	Incorporated Document Interdependency
Technical Report D: <i>Terrestrial Ecology Impact Assessment</i>	The Terrestrial Ecology Impact Assessment investigated the existing ecological conditions of the study area and assessed the potential impacts of the Gas Terminal Project in relation to the ecological character of the Ramsar site and migratory shorebird foraging habitat. It was determined that adverse impacts on native vegetation including grasslands, protected or threatened species and waterbirds are unlikely due to location of the Gas Terminal Project largely within a port and industrial setting. Potential adverse impacts on the project's terrestrial environment would be minimal during project operation as the project components are variously offshore, within the existing refinery or underground (pipeline). The Assessment recommended a range of mitigations to be included within the CEMP to appropriately manage any potential impacts. The Assessment outlines the anticipated terrestrial native vegetation offsets for the Gas Terminal Project.	The CEMP and OEMP required by the Incorporated Document must address matters relating to native vegetation offset management. The Incorporated document requires that native vegetation offsets must be secured prior to any native vegetation removal.
Supplementary Technical Report B: <i>Supplementary Threatened and Migratory Birds Impact Assessment</i>	Supplementary assessment of the potential impact of the project on threatened and/or migratory shorebird and seabird species determined that adverse impacts are unlikely.	
Technical Report E: <i>Surface Water Impact Assessment</i>	The Surface Water Impact Assessment investigated the potential impacts of the project on environmental values and downstream water courses or receiving water. It was determined that construction and decommissioning activities associated with the Gas Terminal Project would have minimal potential impacts on sensitive receiving waterbodies and watercourses with implementation of industry standard management measures. Potential adverse impacts on surface water quality would be minimal during project operation. The Assessment recommended a range of mitigations to be included within the CEMP and OEMP to appropriately manage any potential impacts.	The CEMP and OEMP required by the Incorporated Document must address matters relating to surface water.
Technical Report F: <i>Groundwater Impact Assessment</i>	The Groundwater Impact Assessment assessed potential groundwater impacts associated with the Treatment Facility Works and gas pipeline as the only components of the Gas Terminal Project with the potential to intersect groundwater. It was found that the pipeline construction would not intersect groundwater due to it being at depths greater than the two metre pipeline trench along the pipeline alignment. It was found that deep piles associated with the gas treatment facility (if included in the final detailed design) could intersect groundwater but would have minimal impact on groundwater flow and quality.	The CEMP and OEMP required by the Incorporated Document must address matters relating to groundwater.

Technical Report	Land Use and Planning Interdependency	Incorporated Document Interdependency
Technical Report G: <i>Contamination and Acid Sulfate Soils Impact Assessment</i>	The Contamination and Acid Sulfate Soils Impact Assessment investigated the existing groundwater contamination within the study area and assessed the Gas Terminal Project's potential to result in impacts to human health (via direct and secondary contact) and/or the environment. The assessment found that with the application of industry standard mitigation measures, the Gas Terminal Project is unlikely to have impacts on the environment or health from contamination, acid sulfate soils, waste materials generated by the Gas Terminal Project works, and spills or other incidents during project construction and operation.	The CEMP and OEMP required by the Incorporated Document must address matters relating to contamination and acid sulfate soils.
Technical Report H: <i>Air Quality Impact Assessment</i>	The Air Quality Impact Assessment assessed potential air quality impacts associated with the Gas Terminal Project and recommends mitigations for impact management. It highlighted that the activities expected to produce air pollutants include construction activities and fuel combustion in the FSRU engines and boilers during the operational phase. The study found that all aspects of the Gas Terminal Project's construction and operation could readily comply with regulatory requirements. The Assessment recommended a series of mitigations that should be incorporated into the EMP. Mitigations for construction include dust suppression, restriction of vehicle movements, use of crushed rock on access tracks, speed restrictions, covering vehicle loads, weather monitoring, dust monitoring, odorous soils management and equipment maintenance during construction. Mitigations for operation include equipment maintenance during operation, maintenance of the FSRU burners and ongoing monitoring of FSRU emissions.	The CEMP and OEMP required by the Incorporated Document must address matters relating to air quality.
Supplementary Technical Report C: <i>Supplementary Air Quality Impact Assessment</i>	Supplementary assessment of potential operational air quality impacts confirmed the conclusion that project operation would readily comply with regulatory requirements.	

Technical Report	Land Use and Planning Interdependency	Incorporated Document Interdependency
<p>Technical Report I: <i>Noise and Vibration Impact Assessment</i></p>	<p>The Noise and Vibration Impact Assessment assessed the Gas Terminal Project's anticipated noise and vibration impacts from construction and operation and proposes relevant mitigations. It highlighted that noise and vibration produced during construction activities have the potential to result in short term amenity effects at some sensitive receptors in the area near where the gas pipeline is proposed to connect to the Victorian Transmission Network. It concluded that there would be some exceedances of noise guidelines which would require mitigation measures to be implemented during the short construction period in this area. Potential operational noise and vibration impacts would likely be associated with operation of the FSRU, LNG carrier and tugboats, pier head and the Treatment Facility. The noise modelling indicated that operation of the Gas Terminal Project would achieve compliance with regulatory requirements. The Assessment recommended implementation of a range of mitigation measures to be incorporated into the CEMP and OEMP.</p>	<p>The CEMP and OEMP required by the Incorporated Document must address matters relating to noise and vibration.</p>
<p>Supplementary Technical Report D: <i>Supplementary Noise Impact Assessment</i></p>	<p>Supplementary assessment of potential operational noise impacts confirmed that project operation would achieve compliance with regulatory requirements.</p>	
<p>Technical Report K: <i>Transport Impact Assessment</i></p>	<p>The Transport Impact Assessment provided an understanding of the existing traffic conditions, an assessment of potential Gas Terminal Project impacts and proposes relevant mitigation measures. The study concluded that the road network in the project area could readily accommodate the levels of traffic expected from construction and operation of the Gas Terminal Project. The Assessment identified that potential construction impacts could include temporary road closures, increased traffic delays and impeded access for short periods of time. It was recommended that impacts could be readily managed through implementation of standard traffic management measures incorporated into a Traffic Management Plan. It was identified that the operational phase would result in negligible traffic impacts due to relatively low traffic volumes and minor traffic anticipated to be generated. It was recommended that the nitrogen delivery trucks visiting the Treatment Facility should be managed under an Operational Transport Plan.</p>	<p>The CEMP and OEMP required by the Incorporated Document must address matters relating to traffic and transport.</p>

Technical Report	Land Use and Planning Interdependency	Incorporated Document Interdependency
<p>Technical Report M: <i>Land Use Impact Assessment</i></p>	<p>The Land Use Impact Assessment assessed and characterised potential environmental impacts on existing and future land uses associated with construction, operation and decommissioning of the Gas Terminal Project and proposes relevant mitigation measures. The Assessment identified that impacts could include:</p> <ul style="list-style-type: none"> • temporary short-term road access disruptions • land use changes as result of the proposed easement • minor to negligible amenity impacts as a result of construction and operation of the project. 	<p>The CEMP and OEMP required by the Incorporated Document must address matters relating to Land Use.</p>
<p>Technical Report O: <i>Aboriginal Cultural Heritage Impact Assessment</i></p>	<p>The Aboriginal Cultural Heritage Impact Assessment determined that there are no known Aboriginal places within the Gas Terminal Project land and construction of the project would not result in adverse direct or indirect impacts to any known Aboriginal cultural heritage places. Gas Terminal Project operation and decommissioning is unlikely to impact Aboriginal cultural heritage places. CHMP 17816 has been prepared for the Gas Terminal Project. The CHMP would include conditions for harm avoidance and/or minimisation, harm mitigation measures and procedures for the removal, custody, curation and management of Aboriginal cultural heritage artefacts that may be found during construction activities. It is noted that the area required for the broader Gas Terminal Project does include a known Aboriginal place (Lara City Gate), however this is not located within the extent of the proposed SCO and would not be impacted by the activities required for the project.</p>	<p>The CEMP and OEMP required by the Incorporated Document must address matters relating to Aboriginal cultural heritage. CHMP 17816, prepared for the Gas Terminal Project, will be submitted for approval prior to the commencement of construction.</p>
<p>Supplementary Technical Report E: <i>Underwater Aboriginal Cultural Archaeological Assessment</i></p>	<p>The Underwater Aboriginal Cultural Archaeological Assessment concluded that with the exception of stone artefacts in lag deposits there is a very low confidence (i.e. likelihood) that underwater Aboriginal cultural archaeology would be present in the vicinity of offshore project works. The risk of consequential impact on such artefacts is considered to be low, however management measures will be developed and included in the CHMP.</p>	
<p>Attachment IV: <i>Cultural Values Assessment</i></p>	<p>Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) has been sponsored by Viva Energy to undertake a Cultural Values Assessment (CVA) to identify intangible values relevant to the project (both onshore and offshore in Corio Bay).</p> <p>Prior to commencement an initial meeting between Viva Energy and WTOAC was held in May 2023 to discuss the process, scope and timeline for the CVA.</p> <p>An on-country meeting between Viva Energy and a representative from WTOAC was held in October 2023 to present the preliminary findings of the field survey undertaken by WTOAC.</p>	

Technical Report	Land Use and Planning Interdependency	Incorporated Document Interdependency
	<p>In February 2024, a presentation on the CVA was given to the TRG by a representative from WTOAC. At the time of writing this report, the CVA is still under consideration by WTOAC</p> <p>Forming part of the Supplementary Statement, an Underwater Aboriginal Cultural Heritage assessment concluded that with the exception of stone artefacts in lag deposits there is a very low confidence (i.e. likelihood) that items of Aboriginal cultural heritage would be present on the Project Land. The risk of consequential impact on such artefacts is considered to be low, however management measures will be developed in consultation with WTOAC, the Registered Aboriginal Party for the area, and included in the CHMP 17816. The Underwater Aboriginal Cultural Heritage Assessment is currently being updated and any changes to the findings will be detailed once received.</p>	
<p>Technical Report P: <i>Historical Heritage Impact Assessment</i></p>	<p>The Historical Heritage Impact Assessment confirmed that there are no recorded historical heritage places within the Gas Terminal Project land. Accordingly, no adverse impacts to known historical heritage places were predicted during construction, operation, or decommissioning. It is possible that ground disturbance during construction could result in unknown historical heritage places being found. It was therefore recommended that an unexpected finds protocol be implemented for Gas Terminal Project construction.</p>	<p>The CEMP and OEMP required by the Incorporated Document must address matters relating to historic heritage. The CEMP should include an unexpected finds protocol.</p>
<p>Technical Report N: <i>Safety, Hazard and Risk Assessment</i></p>	<p>The Safety, Hazard and Risk Assessment provides a summary, and explanation, of the safety, hazard and risk associated with the Gas Terminal Project, excluding environmental hazards. The assessment found that the hazard, safety and risk impacts on the adjacent and nearby land users during Gas Terminal Project operations are expected to be limited and not disproportionate to those already experienced by the current operations. The assessment recommends a number of risk reduction measures to eliminate, minimise and mitigate potential safety, hazard, and risk consequences.</p>	<p>The CEMP and OEMP required by the Incorporated Document must address matters relating to Safety, Hazard and Risk.</p>

4.1.3 Criteria 3 – Introduction of an interim provision

This criterion is not relevant as the Amendment proposes a permanent control, subject to the expiry dates set out on the Incorporated Document. An interim provision is not required for the project.

4.1.4 Criteria 4 – The matter will raise issues of fairness or public interest

The Amendment serves the public interest as it will facilitate a project that seeks to resolve a shortfall in gas supply expected by the early to mid-2020's. The project would offset this shortfall and provide a secure source of gas within this timeframe.

4.1.5 Criteria 5 – The matter requires co-ordination to facilitate decision-making by more than one agency

The Amendment will facilitate a complex project involving a broad range of stakeholders requiring coordination with more than one agency to facilitate decision-making. This would ordinarily result in a complex regulatory setting amounting to significant administrative burden. The streamlining of planning controls for the project will ensure a consistent and coordinated approach which implements the appropriate management and compliance mechanisms to ensure successful delivery and operation of the project. It is noted that all affected parties and stakeholders will be engaged throughout the EES and Supplementary Statement process and their views will be known prior to the Amendment being submitted for approval.

Council will play an active role in the ongoing preparation and continuous review of the EES, Supplementary Statement and the Amendment before they are exhibited. Council is part of the TRG and will be offered opportunities to provide feedback on the contents of the Amendment and the project's alignment with local policies. Accordingly, a coordinated approval is required.

4.2 Incorporated Document

If approved, the planning permission as contained in the proposed Incorporated Document would allow for use and development of the project land for the purposes of the project. A copy of the draft Incorporated Document and Explanatory Report to the Amendment are included Appendix A.

The permission would be subject to a number of conditions which have been drafted on the basis that they are strategic, and outcomes focussed, proportional to the permission granted by the control and have a clear nexus between the project and the local planning context. The conditions also respond to the findings and the management actions identified by the planning permit requirements outlined in Section 3.4 and the outcomes of specialist investigations outlined in 4.1.2. The majority of mitigation measures recommended for the project through the EES and Supplementary Statement process will be addressed in the required CEMP and OEMP.

The contents of the Incorporated Document and their implications for the project are outlined in Table 7.

Table 7 Summary of Incorporated Document Inclusions

Incorporated Document Section		Implication of Section
1.0	Introduction	Sets out that the document is an Incorporated Document in the Scheme pursuant to section 6(2)(j) of the P&E Act and that the controls contained within the Incorporated Document prevail over any contrary or inconsistent provision in the Scheme.
2.0	Purpose	States that the Incorporated Document permits and facilitates use and development of land for the project, which is also described.
3.0	Land to which this incorporated document applies	Identifies that the controls contained within the Incorporated Document apply to land affected by the SCO14.
4.0 Control		
4.1 – 4.2	Exemption from Planning Scheme Requirements	Outlines that no planning permit is required for the project despite any contrary parts of the Scheme and that the Incorporated Document does not restrict other lawful activities occurring on the project land. It also outlines the uses and development allowed under the Incorporated Document.

Incorporated Document Section		Implication of Section
4.3 – 4.5	Conditions	Prefaces the range of conditions that must be discharged prior to various stages of the project occurring. It includes a condition requiring that development plans must be submitted to the Minister for Planning for approval prior to the commencement of use and development.
4.6	Environmental Management Framework	Contains the requirement for an EMF to be prepared prior to use and development of the project which must set out the processes for the preparation and approval of the CEMP and OEMP prior to construction and operation respectively.
4.7	Native vegetation	Outlines the typical requirements of Clause 52.17 (Native Vegetation) that the Project adheres to the three step approach of avoid, minimise or offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).
4.8	Flood management	Outlines that if buildings and works are required on land within the LSIO, they must be undertaken to the satisfaction of the relevant floodplain management authority.
4.9	Creating or altering access to roads	Outlines that if a planning permit would be required to create or alter access to a road in a Transport Zone, the creation or alteration of access must be undertaken to the satisfaction of the Head, Transport for Victoria.
4.10	Preparatory buildings and works	Provides for preparatory buildings and works to be undertaken prior to other Incorporated Document conditions being discharged. These are generally standard buildings and works required for site establishment and environmental testing before construction can commence.
4.11	Decommissioning	Sets out requirements for the project's decommissioning.
5.0	Expiry	<p>This section outlines the Incorporated Document's expiry dates.</p> <ul style="list-style-type: none"> The development allowed by the control is not started by 2 years of the approval date of the incorporated document. The development allowed by the control is not completed by 2 years from the date of commencement of works. The use allowed by the control is not started by 2 years of the approval date of the incorporated document. The use allowed by the control will expire 20 years from the date of commencement of operation of the Project. <p>The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.</p>

4.3 Key Considerations

4.3.1 Land Use

The project supports the overarching strategic imperatives of the Port and its surrounds and is a positive response to the relevant policy and land uses. It will support the Port's ongoing role as a key economic driver for Geelong by creating new employment opportunities and helping to secure Victoria's future energy supplies. This is achieved through an avoid, mitigate and manage approach to maintaining the environmental and amenity qualities of the project's surrounding area.

The project responds to the relevant parts of the MPS and PPF as they relate to land use planning through support of:

- Clause 02.03-1 (Settlement) as the project does not place constraints on the region's ability to provide housing for Geelong's future population, as it will not limit urban development from occurring on land planned to accommodate it.
- Clause 02.04-1 (Municipal framework plan) as the project is not located on land within the Geelong settlement boundary. The Municipal framework plan does not articulate planning aspirations for industrial areas such as the Port or Refinery, however the project will not encroach on areas planned for future urban development.
- Clause 11 (Settlement) by ensuring that the needs of existing and future communities are met through investment in Victoria's infrastructure for natural gas supply and distribution and port related industries. This is achieved without compromising the long-term continuation of existing land uses proximate to the project area and without limiting opportunities for urban growth.
- Clause 11.01-1R (Settlement – Geelong G21) by delivering employment and economic opportunities for Geelong and enhancing the Port's operating capacity. This will in turn support Geelong's continued role as a key centre for urban growth.
- Clause 13 (Environmental Risks and Amenity) as the project is located in an already highly industrialised port and industry setting with buffers separating it from sensitive land uses. This satisfies the planning objective of land use and development compatibility as the project is proximal to uses such as the adjacent Refinery and other heavy industry and is primarily located in zones designed for this type of use. While there is an existing school located to the east of the proposed the treatment facility works, these works are situated within the existing boundary of the established Geelong Refinery and therefore do not result in a reduction in the existing buffer distance between these uses. The EMF includes mitigation measures relating to monitoring and maintenance to ensure that the policy objectives for environmental risk and amenity are achieved.
- Clause 13.07-1S (Land use compatibility) as the project is compatible with its surrounding land uses. The refinery site has substantial buffer areas separating it from sensitive land uses such as Geelong Grammar School, the extension to the Refinery Pier and the treatment facility would be located within an established port and industrial area where future industrial development is expected and planned for, and the gas pipeline will have negligible impacts during operation as they are located underground with the exception of the SWP tie-in point.
- Clause 14.01-1S (Protection of agricultural land) as the project avoids impacts to agricultural land supplies by locating all works within the existing Port and the Refinery.

Table 8 provides an assessment to demonstrate that the proposal is in accordance with the relevant purposes of each zone, overlay, and particular provision that applies to the project land.

Table 8 Response to Relevant Purposes of The Applicable Planning Controls

Planning Controls	Purpose	Assessment
PZ	<p><i>To recognise the significant transport, logistics and prime maritime gateway roles of Victoria's commercial trading ports in supporting Victoria's economy.</i></p> <p><i>To provide for shipping, road and railway access and the development of each of Victoria's commercial trading ports as key areas of the State for the interchange, storage and distribution of goods.</i></p> <p><i>To provide for uses which derive direct benefit from co-establishing with a commercial trading port.</i></p> <p><i>To provide for the ongoing use and development of Victoria's commercial trading ports that support the relevant port development strategy prepared pursuant to the Port Management Act.</i></p>	<p>The Amendment will facilitate a project that enhances the Port's economic function, strengthening its role as one of Victoria's commercial trading ports. The project will:</p> <ul style="list-style-type: none"> • enhance the Port's commercial function • allow continued shipping access to the Pier and increase its annual throughput • provide for the colocation of port-related industrial activities within the Port and the Refinery • facilitate a project that is consistent with the Port Development Strategy. <p>The Amendment will extend the current extent of the PZ to include the full scope of the Pier Works and FSRU.</p> <p>A permit is required under Clause 37.09-1 for the use of land for an innominate land use (Gas Terminal) and utility installation. No permit is required for the use of land for a wharf.</p> <p>A permit is required under Clause 37.09-4 to construct a building or carry out works for an innominate land use (Gas Terminal) and utility installation. Exempt works include works which provide for a wharf or shipping container storage and other storage and handling facilities (other than tanks for bulk liquid storage), navigational beacons and aids, terminals, and associated facilities.</p>
IN2Z	<p><i>To provide for manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities.</i></p> <p><i>To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.</i></p> <p><i>To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.</i></p>	<p>The project comprises a port-related industrial use that should be located in an established industrial area so as to minimise amenity impacts to sensitive land uses.</p> <p>A permit is required under Clause 37.09-1 for the use of land for innominate land use (Gas Terminal), wharf and utility installation.</p> <p>A permit is required under Clause 33.02-4 to construct a building or carry out works.</p>

Planning Controls	Purpose	Assessment
TRZ2	<p><i>To provide for an integrated and sustainable transport system.</i></p> <p><i>To identify transport land use and land required for transport services and facilities.</i></p> <p><i>To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.</i></p> <p><i>To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.</i></p>	<p>The potential Pier Works (BOG line) subject to the TRZ2 are proposed to be located within the existing Refinery infrastructure which will pass below Wharf Road / Shell Parade so as to minimise impacts on the TRZ2.</p> <p>A permit is required under Clause 36.04-1 (Table of uses) for the use of land for an innominate land use (Gas Terminal), wharf and utility installation.</p> <p>A permit is required under Clause 36.04-2 (Permit requirement) to construct a building or carry out works.</p>
DDO20	<p><i>To improve the visual appearance and image of industrial areas through well designed site responsive developments.</i></p> <p><i>To facilitate economic development through efficient and functional industrial development.</i></p> <p><i>To provide a high level of amenity for workers and visitors to industrial areas.</i></p> <p><i>To minimise the potential for negative off-site effects to occur.</i></p> <p><i>To promote best practise storm water quality and reuse measures.</i></p>	<p>The proposed Treatment Facility is located within an established industrial area and is proposed within an existing laydown area and setback from adjacent roads. The detailed design of the Treatment Facility will respond to the objectives, ensuring that a well designed site responsive facility is delivered.</p> <p>A permit is required under Clause 43.02-2 to construct a building or carry out works.</p>
LSIO2	<p><i>To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.</i></p> <p><i>To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.</i></p> <p><i>To minimise the potential flood risk to life, health and safety associated with development.</i></p> <p><i>To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.</i></p> <p><i>To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.</i></p>	<p>The Pier Works (Seawater Transfer Pipe) subject to the LSIO are proposed to connect to the existing Refinery infrastructure to ensure development maintains existing conditions.</p> <p>A permit is required under Clause 44.04-2 to construct a building or carry out works.</p>

Planning Controls	Purpose	Assessment
	<i>To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.</i>	
ESO2	<i>To identify areas where the development of land may be affected by environmental constraints. To ensure that development is compatible with identified environmental values.</i>	The Pier Works (Seawater Transfer Pipe) subject to ESO2 are proposed to connect to the existing Refinery infrastructure to ensure development maintains existing conditions. A permit is required under Clause 42.01-2 (Permit requirement) to construct a building or carry out works. A permit is required under Clause 42.01-2 (Permit requirement) to remove, destroy or lop any vegetation, including dead vegetation
Clause 52.02 (Easements, Restrictions and Reserves)	<i>To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.</i>	The easements and restrictions will be applied appropriately to facilitate development and will be consistent with the provisions and directions of the Scheme.
Clause 52.06 (Car Parking)	<i>To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework. To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. To support sustainable transport alternatives to the motor car. To promote the efficient use of car parking spaces through the consolidation of car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality. To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.</i>	Car parking requirement rates at Clause 52.06-5 apply to the project. 2.9 car parks are required for every 100 square metres of floor area used for industry.

Planning Controls	Purpose	Assessment
Clause 52.17 (Native Vegetation)	<p><i>To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):</i></p> <ol style="list-style-type: none"> <i>1. Avoid the removal, destruction or lopping of native vegetation.</i> <i>2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.</i> <i>3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.</i> <p><i>To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.</i></p>	A permit is required under Clause 52.17-1 (Permit requirement) to remove to remove, destroy or lop native vegetation, including dead native vegetation.
Clause 52.29 (Land Adjacent to Principal Road Network)	<p><i>To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.</i></p> <p><i>To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.</i></p>	A permit is required to create or alter access to a road in a Transport Zone 2.
Clause 53.10 (Uses and Activities with Potential Adverse Impacts)	<p><i>To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.</i></p>	An application to use land for an industry, utility installation or warehouse for a purpose listed in the Table to Clause 53.10-1 must be referred to the EPA Victoria under Section 55 of the P& E Act if the threshold distance is not to be met or no threshold distance is specified. The Table specifies 'gasworks' and 'industrial gases production' both have a one-kilometre threshold distance from the uses and activities to land mentioned above. The project area is located within one kilometre of one or more of the abovementioned zones and therefore, has been referred to the EPA Victoria.

4.3.2 Landscape and Environment

The project has been designed to mitigate impacts to the landscape and environment by locating works within an established industrial area. Moreover, the EES and Supplementary Statement process allows for all environmental and landscape impacts to be considered and for mitigations to be implemented through the Incorporated Document. The Amendment's consistency with the relevant parts of the PPF and MPS that relate to landscape and environmental values are outlined below. The project:

- May result in some impacts to the natural environment. Clause 02.03-2 (Environmental and landscape values) and Clause 02.03-3 (Environmental risks and amenity) will be supported through the implementation of the mitigations recommended in the EES and Supplementary Statement should the project receive a favourable assessment through the EES and Supplementary Statement process. These will ensure that impacts to waterways, biodiversity and coastal environments are managed appropriately and that risks from climate change, flooding and bushfire are appropriately addressed.
- Supports Clause 12.01-1S (Protection of biodiversity) through the implementation of mitigation measures to minimise impacts on ecological values, and the provision of offsets to compensate biodiversity impacts. The Terrestrial Ecology Impact Assessment conducted for the EES includes mitigation measures relating to the prevention of construction impacts on retained vegetation and habitat, minimisation of disturbance, injury, or death of wildlife, control of spread and/or introduction of weeds and/or pathogens, reduction of erosion, sedimentation and contamination risk to retained vegetation and habitat, contractor/personnel awareness of ecological values, and monitoring and maintenance. These measures are included in the EMF to ensure that the policy objectives for protection of biodiversity are achieved.
- Supports Clause 12.01-2S (Native vegetation management) through the EES and Supplementary Statement process and through implementation of the Incorporated Document, which requires that offsets must be secured prior to any native vegetation removal, ensuring no net loss of Victoria's native vegetation. Ecological studies being conducted for the EES and Supplementary Statement indicate that the project is unlikely to have significant impacts on native vegetation as it is located in a highly disturbed port environment. Mitigation measures relating to native vegetation management, the prevention of construction impacts on retained vegetation, and the provision of native vegetation offsets are included in the EMF to ensure that the policy objectives for native vegetation management are achieved.
- Supports Clause 12.02-1S (Protection of marine and coastal environment) by locating the Refinery Pier extension within an established port environment and avoiding construction works in coastal areas that are not already developed with port infrastructure. The Ecological and Marine Studies conducted for the EES and Supplementary Statement include mitigation measures relating to reuse of discharge from the FRSU in the Refinery, avoiding dredging in spring growth season, monitoring of seagrass and minimisation of direct impacts to seagrass. These mitigation measures are included in the EMF to ensure that the policy objectives for protection of marine and coastal environment are achieved.
- Enhances the economic function of coastal crown land adjacent to the Port with the addition of a gas terminal, supporting the economic aspirations of Clause 12.02-2S (Marine and coastal Crown Land). Impacts to marine and coastal Crown Land will be managed through implementation of the EMF and Incorporated Document to ensure that it does not detrimentally impact upon the environmental and social values of this coastal crown land. Mitigation measures within the EMF including the development of an employment plan and social procurement plan will ensure that the policy objectives for marine and coastal Crown Land are achieved.
- Responds to the requirements of Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs) through the implementation of mitigation measures to minimise impacts on waterway systems. The Surface Water Assessment conducted for the EES includes mitigation measures relating to discharge water, runoff management, and watercourse trenching. These measures are included in the EMF to ensure that the policy objectives for waterway systems are achieved.

- Considers and responds to potential groundwater impacts in accordance with Clause 13.03-1S (Floodplain management) through the EES and Supplementary Statement process, which includes groundwater assessments for high-risk components of the project. Surface water impacts will be addressed in the CEMP and OEMP required by the Incorporated Document.
- Includes as part of an EES and Supplementary Statement an air quality assessment that will recommend mitigations to manage air quality impacts in support of Clause 13.06-1S (Air quality management). Air Quality Studies conducted for the EES and Supplementary Statement indicate that air emissions from the project are likely to be generally confined to the project site and should not have adverse effects on sensitive land uses. Mitigation measures relating to Air quality monitoring are included in the EMF to ensure that policy objectives for air quality management are achieved.
- Supports Clause 14.02-1S (Catchment planning and management) through the implementation of mitigation measures to assist the protection of waterways, water bodies, groundwater, and the marine environment. The Marine Ecology and Surface Water Assessments conducted for the EES and Supplementary Statement include mitigation measures relating to the protection of marine ecology and water quality. These measures are included in the EMF to ensure that policy objectives for catchment planning and management are achieved.
- Supports Clause 14.02-2S (Water quality) through the implementation of mitigation measures to assist the protection of water quality. The Marine Ecology and Surface Water Assessments conducted for the EES and Supplementary Statement include mitigation measures to protect water quality and are included in the EMF to ensure that policy objectives for water quality are achieved.
- Responds to Clause 15.01-1S (Urban design) through its location within an existing port where the urban design context is defined by port-related industrial development.
- Supports Clause 15.03-1S (Heritage conservation) by avoiding places of heritage significance recognised through the application of Heritage Overlays. CHMP 17816 will ensure that any interaction with places of cultural heritage significance are managed appropriately. Similarly, the project will support Clause 15.03-2S (Aboriginal cultural heritage) through the preparation and implementation of CHMP 17816 which will outline site measures to ensure that items of Aboriginal cultural heritage are managed appropriately, if encountered during construction. The Historic Heritage and Aboriginal Cultural Heritage Assessment prepared for the EES and Supplementary Statement include mitigation measures relating to the CHMP, and onshore and offshore unexpected finds protocols. These measures are included in the EMF to ensure that the policy objectives of heritage conservation are achieved.

4.3.3 Economic

The Port is recognised in a range of relevant strategic plans and policy as a critical industrial node that has historically underpinned Geelong's broader regional economy. Its location, natural environment, proximity to Geelong's working population and access to Victoria's freight network all support its ongoing function as a major hub for port related use and development. The importance of the Port's continued function has been fundamental in shaping its surrounding land uses, as well as the broader region's economic, social, and environmental qualities.

This importance of the Port is fundamental to the aims of the Geelong Region Plan, the Port Development Strategy and the Structure Plan. The project will support these strategies by increasing the Port's throughput capability, expanding the Refinery Pier and supporting the role of the Refinery as a key hub for infrastructure. This is achieved through the various employment and economic opportunities associated with construction and operation of the project. The project will also allow stakeholders to advocate for the value of the Port by introducing a new piece of energy infrastructure that addresses Victoria's gas supply vulnerabilities.

The Amendment supports those parts of the PPF and MPS that relate to economic outcomes through the following. The project:

- Supports Council's vision for Geelong as it is articulated at Clause 02.02 (Vision) by enhancing the region's prosperity through the delivery of new employment and economic opportunities associated with the construction and operation of new energy infrastructure within the region.

- Leverages land which is already set aside for industrial uses to support ongoing employment and economic development. Accordingly, the project supports Clause 02.03-7 (Economic Development) and enhances the Port's role as an infrastructure base.
- Facilitates the extension of the existing pier berths, facilitating increased throughput at the Port. In doing so, the project supports the Port's continued growth and development in accordance with Clause 02.03-8 (Transport), including having regard for the surrounding land uses which are considered compatible.
- Supports Clause 17.01-1S (Diversified economy) by facilitating employment and economic growth in the construction and energy industries. In addition, the project supports Clause 17.01-1R (Diversified economy – Geelong G21) by providing opportunities close to Central Geelong to provide employment opportunities as the region's population grows. Mitigation measures within the EMF including the development of an employment plan and social procurement plan will ensure that the policy objectives for a diversified economy are achieved.
- Will allow for industrial development in a key port-related industrial node that already benefits from generous buffers to nearby sensitive land uses in accordance with Clause 17.03-1S (Industrial land supply) and Clause 17.03-2S (Sustainable industry).
- Can be broadly characterised as comprising industrial land use and development located in an established port in accordance with Clause 18.02-6S (Ports).
- Supports Clause 19.01-1S (Energy supply) through the development of new energy infrastructure that will secure natural gas supplies for Victoria in the context of a gas shortfall forecast by the market regulator for Victoria while leveraging the Port as an existing industrial asset.
- Achieves strong consistency with the objectives of Clause 19.01-3S (Pipeline infrastructure) by proposing a solution that helps to secure Victoria's future gas supply, utilising a pipeline connected to an existing port terminal.
- Supports Clause 19.03-2S (Infrastructure design and provision) delivering infrastructure to meet community needs with regard to employment and resource security.

4.3.4 Transport and infrastructure

The project benefits from existing suitable transport connections and would not directly impact any existing major transport corridors. The Port is connected to established marine freight channels that would be utilised by LNG carriers. The Refinery benefits from direct access to Wharf Road and Shell Parade, each of which connect with Victoria's freight network.

The EES includes an assessment of transport impacts that will inform mitigations to ensure that the project will not result in long-term detrimental impacts to local transport networks. The project will further support Clause 18.01-1S (Land use and transport integration) with the preparation of a CEMP for construction. Studies conducted for the EES indicate that the volumes of traffic generated by construction and operation of the project would not have material impacts on adjacent land uses.

The project will facilitate the ongoing operation and development of the Port, being one of Victoria's key trading ports. This development is consistent with the objectives of the Port Development Strategy, which identifies the potential need to expand the capacity of the pier and support development in the Refinery. This development will occur in such a way that impacts to sensitive land uses are managed through this EES process. Accordingly, the project is supportive of Clause 18.02-6S (Ports).

4.3.5 Safety

Safety, hazard and risk are key matters to be considered and addressed in the EES and other regulatory processes. Mitigations will be recommended and implemented to ensure that the project, and the broader Gas Terminal Project, achieve compliance with the OHS Regulations to the satisfaction of WorkSafe, who are part of the TRG.

The Amendment supports those parts of the PPF and MPS that relate to safety outcomes through the following. The project:

- Supports Clause 13.05-1S (Noise management) through the implementation of mitigation measures to minimise the noise and vibration impacts on sensitive land uses. The Noise Impact Assessments prepared for the EES and Supplementary Statement include mitigation measures relating to the management of dredging noise, construction noise and vibration monitoring, and operational noise controls. These measures are included in the EMF and will ensure that the policy objectives for noise management are achieved.
- Supports Clause 13.07-2S (Major hazard facilities) and mitigates significant land use conflicts by locating the Treatment Facility within an existing MHF that currently functions with the appropriate protections and buffer areas required to minimise risks to humans and property. A safety case amendment for the Refinery would be prepared to allow for the inclusion of the Treatment Facility. The FSRU would be considered a separate MHF, however there will be no incursion to sensitive land uses as a result of the new MHF.

At the time of drafting the Report, it is understood that WorkSafe is investigating the integration of MHF inner and outer safety areas within Planning Schemes.

The requirements of Ministerial Direction 20 will be dealt with through ensuring that the project minimises human and property exposure from the risk of incidents that may occur at a MHF whilst ensuring their ongoing viability.

4.4 Summary

This assessment has demonstrated that the Amendment is consistent with the requirements of the Scheme and other policy identified at Section 3.0.

The project will support the broad policy objectives for Victoria's commercial trading ports and associated industrial areas by enhancing the annual throughput and implementing a new Gas Terminal to meet a well-documented shortfall in gas supply in Victoria expected in coming years. In doing so, the project will support Victoria's and Geelong's economic aspirations by providing growth in the energy industries and supporting future demand.

The requirements of relevant environmental policy and legislation are being considered and addressed through the EES and Supplementary Statement process to ensure that impacts are managed appropriately.

The project will leverage existing transport and infrastructure to minimise the requirement for new development and safety matters have been considered and addressed.

Accordingly, it is viewed that the Minister for Planning should exercise her powers under Section 20(4) of the P&E Act to approve the Amendment.

5.0 Conclusion

The Amendment facilitates the use and development of a project of state and regional significance proposed by Viva Energy. The Amendment facilitates a project that will support Victoria's gas security and enhance economic outcomes for a state significant commercial port, while addressing the impact to relevant matters through the EES and Supplementary Statement process.

The Amendment will:

- apply the Specific Controls Overlay to allow the use and development of land for the project in accordance with the specific controls in the Scheme
- amend the Port Zone (PZ) at Scheme Map No 26 to reflect the extended Refinery Pier
- amend the Schedule to Clause 45.12 (Specific Controls Overlay) by inserting Incorporated Document '*Viva Energy Gas Terminal Project Incorporated Document, January 2022*'
- make the Minister for Planning the responsible authority for the project by amending the schedule to Clause 72.01 (Responsible Authority for this Planning Scheme)
- amend the schedule to Clause 72.02 (What Area Is Covered By This Planning Scheme?) to reflect the extension of the area covered by the Scheme (to include the extension to Refinery Pier and water to a distance of 110 metres from the Pier)
- amend the schedule to Clause 72.03 (What Does This Scheme Consist of?) to insert Planning Scheme Map No 26SCO to apply the SCO to the project land and replace Scheme Map No 26 to reflect the amended Port Zone
- amend the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

The Incorporated Document will allow the project to be delivered in a coordinated, consistent, and timely manner under a single site-specific planning control. Overall, the Report has demonstrated that the project responds appropriately to the relevant legislation and planning policies.

Accordingly, Viva Energy requests the Minister for Planning exercise her discretion and approve the Amendment under Section 20 (4) of the P&E Act.

Appendix A

Planning Scheme Amendment Documentation

Viva Energy Gas Terminal Project

**Incorporated Document
July 2024**

1.0 INTRODUCTION

- 1.1 This document is an Incorporated Document in the Greater Geelong Planning Scheme (the planning scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (the Act).
- 1.2 The control in Clause 4.0 prevails over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

- 2.1 The purpose of the control in Clause 4.0 is to permit and facilitate the use and development of land described in Clause 3.0 for those components of the Viva Energy Gas Terminal Project (Project) that are not otherwise authorised, in accordance with the requirements of Clause 4.0.
- 2.2 The Incorporated Document involves the use and development of a Gas Terminal, including continual mooring of a Floating Storage and Regasification Unit (FSRU), pier infrastructure including non-gas piping, a diffuser for discharge of water from the FSRU, a Boil Off Gas line along the existing Refinery Pier connecting into the Refinery and a seawater transfer pipe connecting seawater discharge points on the FSRU to the existing Refinery seawater intake, a gas treatment facility located within the Geelong Refinery site and temporary marine construction facilities, comprising a temporary loadout facility and associated construction compound and laydown area at Lascelles Wharf.

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in Clause 4.0 applies to the land shown as SCO14 on the planning scheme map in the planning scheme (Project Land).

4.0 CONTROL

EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

- 4.1 Despite any provision to the contrary, or any inconsistent provision in the planning scheme, no planning permit is required for, and no provision in the planning scheme operates to prohibit, restrict or regulate the use or development of the Project Land for the purposes of, or related to,

constructing, maintaining or operating the Project, subject to compliance with this Incorporated Document.

4.2 The use and development of the Project Land for the purposes of, or related to, the Project includes, but is not limited to:

- a) A Gas Terminal, including:
 - i) continual mooring and use of a FSRU at a new berth adjacent to the Refinery Pier and the operation of the FSRU to store Liquefied Natural Gas (LNG) and convert LNG into natural gas;
 - ii) construction and use of pier infrastructure;
- b) and
 - iii) a treatment facility.
- c) Buildings and works or associated infrastructure or activities for the Project.
- d) Utility installation including substations, gas infrastructure, power upgrades and other associated utility infrastructure.
- e) Wharf including facilities for LNG carriers and the FSRU.
- f) Creation and alteration of access to roads.
- g) Other buildings or works or associated infrastructure or activities associated with the use for a Gas Terminal.
- h) Ancillary activities, to the use and development of the Project Land for the purposes of, or related to, the Project, including but not limited to:
 - i) Undertaking any preparatory works as defined in Clause 4.10
 - ii) Creating and using lay down areas and depots for construction purposes
 - iii) Stockpiling of excavation material.
 - iv) Constructing and using temporary site workshops and storage, staff car parking, administration and amenities buildings.
 - v) Removing, destroying and lopping of trees and removing vegetation, including native vegetation, seagrass and dead native vegetation.
 - vi) Demolishing and removing buildings, structures, infrastructure and works.
 - vii) Relocating, modifying and upgrading services and utilities.
 - viii) Constructing fences, temporary site barriers and site security.
 - ix) Constructing or carrying out works to create or alter roads, car parking areas, bunds, mounds, landscaping, excavate land, salvage artefacts and alter drainage.

- x) Constructing and using temporary access roads, diversion roads and vehicle parking areas, loading and unloading areas, access paths and pedestrian walkways.
- xi) Earthworks including cutting, stockpiling and removal of spoil, and formation of drainage works.
- xii) Displaying construction, directional and identification signs.
- xiii) Mooring and use of barges for construction purposes.

CONDITIONS

- 4.3 The use and development of the Project Land for the Project permitted by this document is subject to the following conditions. In these conditions, reference to 'a stage' includes any stage or part of the Project, whether for construction or operation or both.
- 4.4 The use and development of the Project must be undertaken in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning.
- 4.5 Development Plans**
- 4.5.1 Prior to the commencement of use and development (excluding preparatory buildings and works under Clause 4.10), Development Plans must be prepared generally in accordance with the plan at Attachment A and to the satisfaction of the Minister for Planning. The Development Plans must be prepared in consultation with City of Greater Geelong Council (the Council) and GeelongPort Pty Ltd (GeelongPort) as relevant. These plans must include:
- a) Site layout plan/s and elevation/s including external materials and finishes;
 - b) Construction compound plan/s;
 - c) A plan showing a designated area within which the FSRU will be moored;
 - d) Site levels showing the full extent of any proposed cut and fill;
 - e) Lighting details for the Project;
 - f) Access and car parking details;
 - g) An explanation demonstrating how the Development Plan is in accordance with the approved mitigation measures included within the Environmental Management Framework (EMF);
 - h) An explanation demonstrating how the Development Plan, specifically for the treatment facility, is in accordance with the objectives of Design and Development Overlay – Schedule 20 and that the treatment facility is site responsive.

- 4.5.2 Development Plans may be prepared and approved in stages or parts to the satisfaction of the Minister for Planning.
- 4.5.3 The plans and documentation required under Clause 4.5.1 may be amended from time to time to the satisfaction of the Minister for Planning and in consultation with the Council and GeelongPort as relevant.

4.6 ENVIRONMENTAL MANAGEMENT FRAMEWORK

- 4.6.1 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.10.1), an EMF must be prepared to the satisfaction of the Minister for Planning, in consultation with the Council.
- 4.6.2 The EMF must include the mitigation measures that are outlined within the Minister's Assessment, dated [day month 2025], applicable to the design, construction and operation of the Project and address the following areas and any other relevant matters:
- a) Aboriginal cultural heritage
 - b) Air quality
 - c) Climate change
 - d) Contamination and acid sulfate soils (onshore)
 - e) Greenhouse gas
 - f) Groundwater
 - g) Historical heritage
 - h) Landscape and visual
 - i) Light spill
 - j) Marine ecology and water quality
 - k) Noise and vibration
 - l) Safety, hazard and risk
 - m) Social and business
 - n) Surface water
 - o) Terrestrial ecology impact assessment
 - p) Transport
 - q) Underwater noise.
- 4.6.3 The EMF must set out the process and timing for development of:
- a) a Construction Environmental Management Plan (CEMP)
 - b) an Operations Environmental Management Plan (OEMP)
 - c) other plans and procedures required by the Mitigation Measures as relevant to any stage of the Project; and
 - d) an overview of the process and timing for consultation with the relevant stakeholders, including Council, the Department of Environment, Land,

Water and Planning, Energy Safe Victoria, the Roads Corporation, Melbourne Water, Heritage Victoria, First Peoples – State Relations, the Registered Aboriginal Party for the Project Land, WorkSafe Victoria, the Environment Protection Authority, Geelong Grammar School, GeelongPort and local community representatives as relevant.

4.6.4 The CEMP must be prepared to the satisfaction of the Minister for Planning and in consultation with the Council, GeelongPort and Geelong Grammar School as relevant and must include:

- a) A summary of key construction methodologies.
- b) An overarching framework for site works or specific measures to reduce and manage environmental and amenity effects during construction of the Project, including management plans in respect of:
 - i) Air quality
 - ii) Hazardous substances management, including contaminated land and waste management
 - iii) Noise and vibration
 - iv) Sediment, erosion and water quality (including surface water and groundwater)
 - v) Traffic and transport
 - vi) Acid Sulfate Soil
 - vii) Marine and terrestrial ecology.
- c) A summary of the consultation that informed the preparation of the CEMP and a summary of the proposed ongoing engagement activities with Council, Geelong Grammar School, GeelongPort, the community and other stakeholders during construction of the Project and enquiries and complaints management.
- d) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during construction of the Project.

4.6.5 The OEMP must be prepared to the satisfaction of the Minister for Planning and in consultation with the Council, GeelongPort and Geelong Grammar School as relevant and must include:

- a) An overarching framework for managing environmental and amenity effects during operation of the Project, including management plans in respect of:
 - i) Air quality
 - ii) Hazardous substances management, including contaminated land and waste management
 - iii) Noise and vibration
 - iv) Sediment, erosion and water quality (including surface water and groundwater)

- v) Marine monitoring
 - vi) Native vegetation offset management
 - vii) Traffic and transport
- b) A statement of anticipated annual LNG cargoes.
 - c) A summary of the consultation that informed the preparation of the OEMP and a summary of the proposed ongoing engagement activities with Council, Geelong Grammar School, GeelongPort, the community and other stakeholders during operation of the Project and enquiries and complaints management.
 - d) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during operation of the Project. The summary of performance monitoring and reporting processes will include the monitoring and reporting frequencies and will identify the relevant agencies to which monitoring reports will be provided.
- 4.6.6 The EMF may be amended from time to time, to the satisfaction of the Minister for Planning.
- 4.6.7 The use and development of the Project must be carried out in accordance with the approved EMF including the mitigation measures and all plans and procedures required by them.

4.7 NATIVE VEGETATION

In this clause:

- Guidelines means the *Guidelines for removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, December 2017).
 - Secretary means the Secretary to the Department of Energy, Environment and Climate Action, ~~Land, Water and Planning (DELWP)~~ (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).
- 4.7.1 Before the removal, destruction or lopping of native vegetation to enable preparatory buildings and works:
- a) Information about the native vegetation, in accordance with the application requirements of the Guidelines, must be prepared to the satisfaction of the Secretary.
 - b) The biodiversity impacts from the removal, destruction or lopping of native vegetation to enable preparatory buildings and works must be included in the total biodiversity impacts required under Clause 4.7.2 b) when determining the offset to the satisfaction of the Secretary.

- 4.7.2 Before the removal, destruction or lopping of native vegetation (other than to enable preparatory buildings and works):
- a) Information about the native vegetation in accordance with the application requirements of the Guidelines must be prepared to the satisfaction of the Secretary.
 - b) The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines to the satisfaction of the Secretary.
 - c) Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

4.7.3 The timing of the offset requirement may be varied by the Secretary. The secured offset for a project may be reconciled at the completion of a project to the satisfaction of the Secretary.

4.7.4 The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.

4.8 FLOOD MANAGEMENT

4.8.1 Where, but for this document, a planning permit would be required for buildings and works on land within the Land Subject to Inundation Overlay, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

4.9 CREATING OR ALTERING ACCESS TO ROADS

4.9.1 Where, but for this document, a planning permit would be required to create or alter access to a road in a Transport Zone, the creation or alteration of access must be undertaken to the satisfaction of the Head, Transport for Victoria.

4.10 PREPARATORY BUILDINGS AND WORKS

4.10.1 Preparatory buildings and works may be undertaken for the Project on the Project Land before the requirements of sub-clauses 4.5 to 4.9 are satisfied.

4.10.2 Despite Clause 4.10.1, the removal, destruction or lopping of native vegetation may not be undertaken to enable preparatory buildings and works until the requirement of Clause 4.7.1 has been satisfied.

4.10.3 Preparatory buildings and works for the Project includes, but is not limited to:

- a) Works, including vegetation removal, where but for this document a planning permit would not be required under the provisions of the planning scheme.

- b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys
- c) Creation and use of construction access points with the written agreement of the Head, Transport for Victoria.
- d) Creation and use of working platforms
- e) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- f) Construction, protection, modification, removal or relocation of utility services.
- g) Establishment of environment and traffic controls, including designation of 'no-go' zones.
- h) Establishment of temporary car parking.
- i) Demolition to the minimum extent necessary, to enable preparatory works.
- j) Salvage and relocation of Aboriginal cultural heritage material and other management actions required to be undertaken in compliance with a cultural heritage management plan approved under the Aboriginal Heritage Act 2006 and Regulations 2018 or otherwise in compliance with that Act.
- k) Removal, destruction or lopping of native vegetation to the minimum extent necessary to enable other preparatory buildings and works specified in Clause 4.10.3.

4.11 DECOMMISSIONING

- 4.11.1 Once the facility permanently ceases operation, the responsible authority and Geelong City Council must be notified within three months.
- 4.11.2 Once the facility permanently ceases operation, all buildings and works must be removed from the site, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development, unless otherwise agreed, subject to the written consent of the responsible authority.
- 4.11.3 Within three months of the facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority.

The DMP must include, as a minimum:

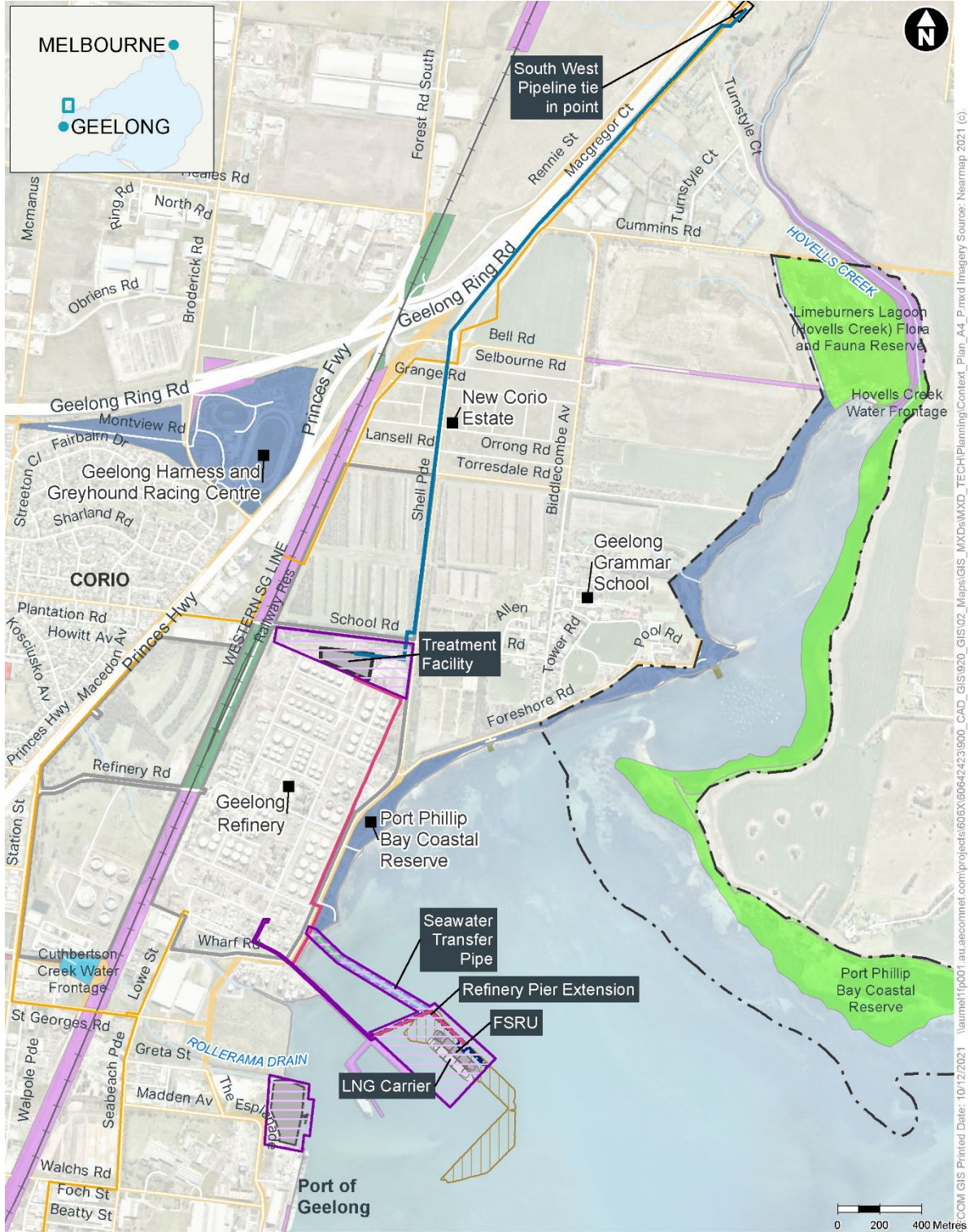
- a) Identification of infrastructure, equipment, buildings, and structures to be removed, and details of how these will be removed.
- b) Details of how the site will be rehabilitated to meet the requirements of condition 4.11.2.

- c) A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the responsible authority prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site, to the satisfaction of the responsible authority.
 - d) A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the responsible authority as soon as practicable, but no later than 12 months after the DMP is endorsed, or such other period approved by the responsible authority.
- 4.11.4 The endorsed DMP must be implemented to the satisfaction of the responsible authority.

5.0 EXPIRY

- 5.1 The control in this document expires if any of the following circumstances apply:
- a) The development allowed by the control is not started by 2 years of the approval date of this incorporated document.
 - b) The development allowed by the control is not completed by 2 years from the date of commencement of works.
 - c) The use allowed by the control is not started by 2 years of the approval date of this incorporated document.
 - d) The use allowed by the control will expire 20 years from the date of commencement of operation of the Project.
- 5.2 The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.

Attachment A – Project components



- | | | |
|-------------------------------------|------------------------------------|--------------------------------|
| Proposed Aboveground Pipeline Route | Ramsar Site | DELWP |
| Proposed Underground Pipeline Route | Viva Energy Owned Land | Dept of Education and Training |
| Seawater Transfer Pipe | Rail | Parks Victoria |
| Refinery Pier Extension | Proposed Specific Controls Overlay | Statutory Authority |
| Dredged Area | Crown Land | Water Authority |
| South West Pipeline | Commonwealth/ Other | Government Road |
| | Council | |

ECOM GIS Printed Date: 10/12/2021 | \aume11p001\au.aecomnet.com\projects\606X\60642423900_CAD_GIS\920_GIS\02_Maps\GIS_MXD\MXD_TECH\Planning\Context_Plan_A4_P.mxd Imagery Source: Nearmap 2021 (c)

GREATER GEELONG PLANNING SCHEME - LOCAL PROVISION AMENDMENT C442ggee



LEGEND

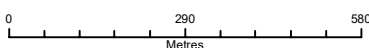
- PZ - Port Zone
- Local Government Area



Part of Planning Scheme Map 26

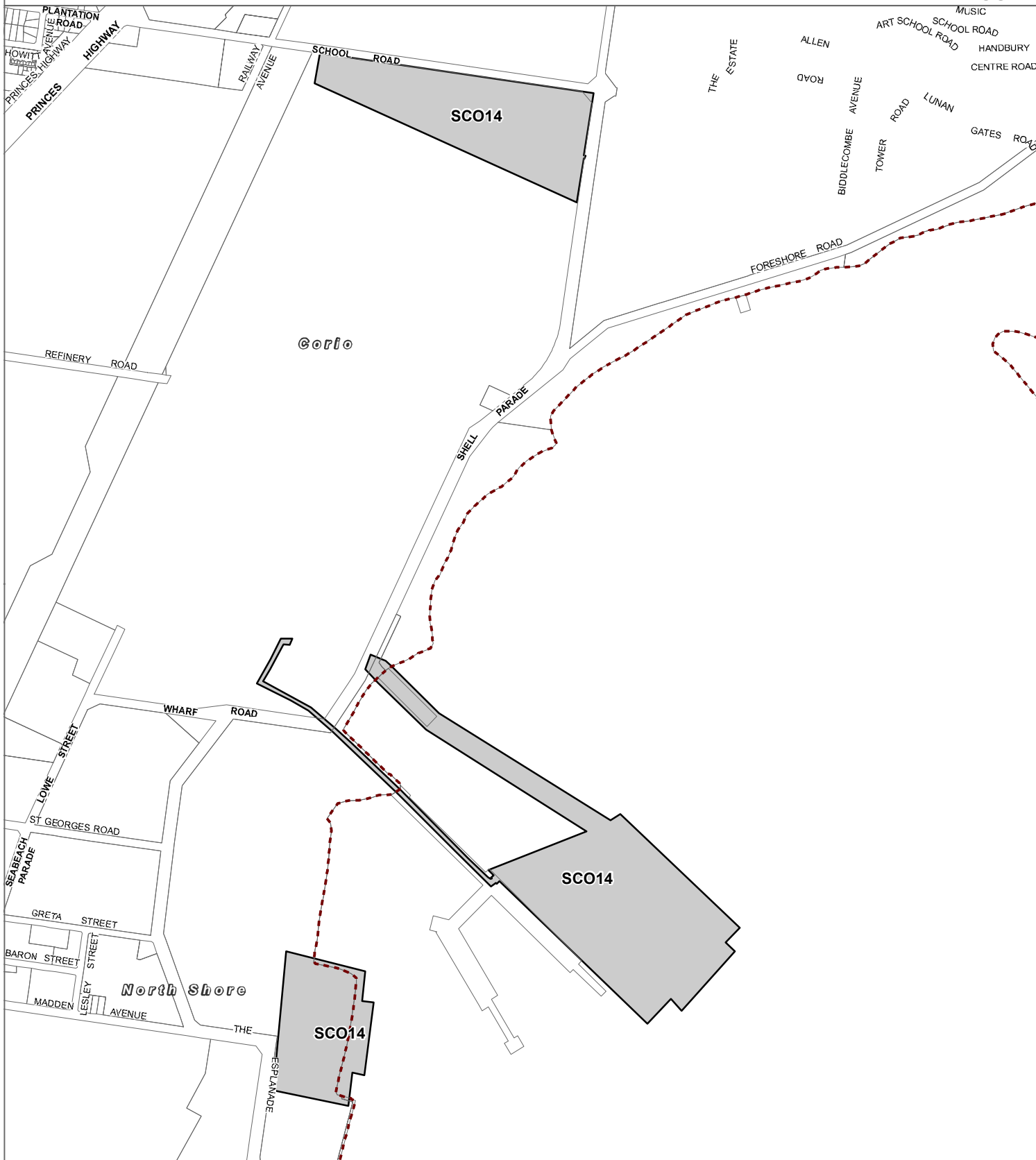
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Planning Group
Print Date: 10/02/2022
Amendment Version: 1



Environment,
Land, Water
and Planning

GREATER GEELONG PLANNING SCHEME - LOCAL PROVISION AMENDMENT C442ggee



LEGEND

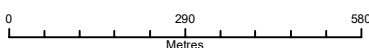
- SCO14 - Specific Controls Overlay - Schedule 14
- Local Government Area



Part of Planning Scheme Map 26SCO

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Print Date: 14/02/2022
Amendment Version: 1



Environment,
Land, Water
and Planning

GREATER GEELONG PLANNING SCHEME AMENDMENT C442GGEE

EXPLANATORY REPORT

Who is the planning authority?

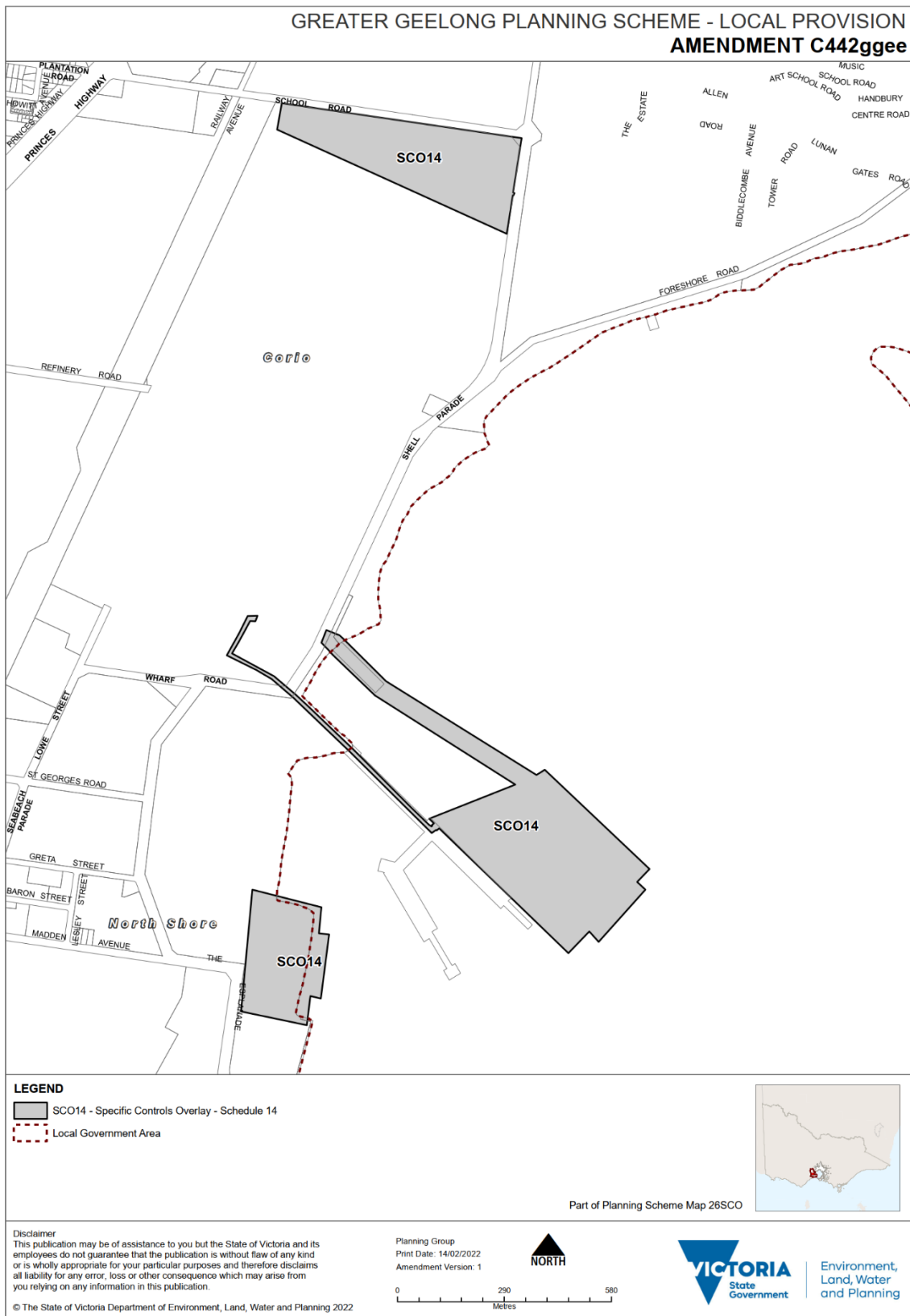
This Amendment has been prepared by CHMP Planning who is the planning authority for this amendment.

The Amendment has been made at the request of Viva Energy Gas Australia Pty Ltd as the proponent responsible for the Viva Energy Gas Terminal Project, (the Gas Terminal Project).

Land affected by the amendment

The Amendment applies to part of the land required for the Gas Terminal Project, as shown on the Greater Geelong Planning Scheme Map No. 26SCO as Specific Controls Overlay – Schedule 14 (SCO14) (Project Land). The Project Land affected by the Amendment is shown below (Map 1).

Map 1. Project Land and SCO extent



What the Amendment does

The Amendment facilitates the use and development of the Gas Terminal Project. Specifically, the Amendment:

- Inserts new Planning Scheme Map Nos. 26SCO and amends Planning Scheme Map No. 26.
- Amends the schedule to Clause 45.12 Specific Controls Overlay by inserting Incorporated Document '*Viva Energy Gas Terminal Project Incorporated Document, January 2022*' (the Incorporated Document).
- Amends the schedule to Clause 72.01 (Responsible Authority for this Planning Scheme) to make the Minister for Planning the responsible authority for the Gas Terminal Project.
- Amends the schedule to Clause 72.02 (What Area Is Covered By This Planning Scheme?) to reflect the extension of the area covered by the Scheme (to include the extension to Refinery Pier and water to a distance of 110 metres from the Pier).
- Amends the schedule to Clause 72.03 (What Does this Scheme Consist of?) to insert Planning Scheme Map No. 26SCO to apply SCO14 to the Project Land and replace Scheme Map No 26 to reflect the amended Port Zone.
- Amends the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

Strategic assessment of the Amendment

Why is the Amendment required?

The Gas Terminal Project seeks to establish a floating storage and regasification unit (FSRU), extension to Refinery Pier in the Port of Geelong (the Port), treatment facility works, and temporary marine construction facilities, on and adjacent to the existing Viva Energy Refinery in Geelong, Victoria. Specifically, the Amendment is required to facilitate Gas Terminal Project components which are not licenced via the *Pipelines Act 2005*.

The Gas Terminal Project objectives are to:

- Facilitate supply of a new source of gas for the southern-east Australian gas market where there is a forecast supply shortfall in the coming years.
- Aim to contribute to meeting peak seasonal and day demand for gas in Victoria and support Viva Energy's vision for the existing Geelong Refinery.
- Support Viva Energy's broader vision to create the Geelong Energy Hub at the Geelong Refinery to support the transition to a lower carbon energy mix.
- Establish the Geelong Energy Hub which would support the broader energy needs of Victoria, creating jobs, and fostering development and stimulus activities for many decades to come.

The main components proposed for the Gas Terminal Project are as follows:

- Pier Works comprising an extension of the existing Refinery Pier in the Port (new berth and ancillary pier infrastructure) including non-gas piping, a diffuser for discharge of water from the FSRU under certain operating scenarios, a potential Boil Off Gas (BOG) line along the existing Refinery Pier and connecting into the Geelong Refinery and a seawater transfer pipe connecting the seawater discharge points on the FSRU to the existing Geelong Refinery seawater intake.
- FSRU comprising a liquefied natural gas (LNG) import terminal consisting of a ship known as a floating storage and regasification unit continuously moored at the Pier Works.
- Treatment Facility Works comprising a treatment facility in Viva Energy's Geelong Refinery.
- Temporary marine construction facilities, comprising a temporary loadout facility and a construction compound and laydown area at Lascelles Wharf including offshore works to allow for material loadout and worker passenger transfers and onshore works comprising a range of temporary activities including use of existing wharf area for pre-staging/assembly of equipment, laydown of construction materials, fabrication and crew-change facilities.
- Gas Pipeline Works, being gas pipeline(s) connecting the FSRU to the South West Pipeline at Lara with an easement applied over it to enable access for maintenance during project operation.

Some components of the Gas Terminal Project will require a Pipeline Licence(s) under the *Pipelines Act 2005* and are not subject to planning approvals. However, the components comprising of Pier Works, FSRU, Treatment Facility and temporary marine construction facilities (the Project)) require planning approval which is now sought by this Amendment.

The Amendment will facilitate the use and development of the land for the purposes of the Project in accordance with the Incorporated Document. The Incorporated Document will provide the planning tool to ensure an appropriate and effective planning outcome by requiring further consideration by the Responsible Authority following development and detailed design of the Project, including approval of an Environmental Management Framework (EMF). Mitigation measures are included in the EMF and subsequent Construction Environment Management Plan (CEMP) and Operations Environment Management Plan (OEMP) to appropriately manage potential impacts of the Project.

The Gas Terminal Project is being assessed under the *Environment Effects Act 1978* which provides provisions for the assessment of proposed projects in Victoria that could have a significant effect on the environment. On 28 December 2020, it was determined that an Environmental Effects Statement (EES) was required for the Gas Terminal Project due to the potential for a range of significant environmental effects. In addition, the Commonwealth Minister for the Environment determined that the Gas Terminal Project required assessment and approval as a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Victorian EES will serve as the accredited assessment process for the purpose of the EPBC Act by reason of a Bilateral Assessment Agreement between the Commonwealth and Victorian governments. An EES has been prepared to investigate and document the specific matters set out in the scoping requirements issued by the Minister for Planning for the Gas Terminal Project.

The Minister for Planning appointed an Inquiry and Advisory Committee (IAC) to advise on the project and EES. The IAC conducted a public hearing from 20 June to

8 August 2022 and submitted its report to the Minister for Planning on 5 October 2022.

On 6 March 2023, the Minister for Planning directed that a Supplementary Statement was required for the Project in accordance with sections 5 and 8C(2) of the Environment Effects Act, before the Minister could complete the assessment of the Project's environmental effects. The Supplementary Statement investigates and documents the specific matters set out in the Minister's Directions and consolidated recommendations of the IAC for further work on the marine environment, noise, air quality and Aboriginal cultural heritage.

Following the Minister for Planning's assessment of the EES and Supplementary Statement, a written assessment will be issued (Minister's Assessment), which will make recommendations about whether the environmental effects of the Gas Terminal Project are acceptable, along with any modifications or further management measures the Minister considers appropriate. The Minister's Assessment will then be considered by the relevant statutory decision-makers responsible for issuing key approvals for the Gas Terminal Project.

This Amendment forms part of and was exhibited with the EES (and will also be exhibited with the Supplementary Statement), however the Amendment is a separate approval to the EES. The Amendment will be requested following a positive assessment of the EES and Supplementary Statement.

How does the amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987* (P&E Act) as follows:

(a) to provide for the fair, orderly, economic and sustainable use, and development of land

The Amendment supports positive economic outcomes by delivering employment and economic opportunities for Geelong and enhancing the Port's operating capacity by increasing its throughput capability, expanding the Refinery Pier and supporting the role of the Geelong Refinery as a key hub for infrastructure. This will in turn support Geelong's continued role as a key centre for urban growth and will provide for various employment and economic opportunities associated with construction and operation of the Project. The Project is proposed in a heavily developed port and industrial precinct, largely on land already owned/managed by Viva Energy. It is therefore considered that the use and development of the Project is fair and orderly given the existing land ownership arrangements and port context.

(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity

Potential impacts identified as part of the construction, operation and decommissioning activities associated with the Project have been considered as part of the EES and Supplementary Statement for the Gas Terminal Project, and include:

- **Terrestrial environment:** Investigations, including field surveys, have identified that the construction of the FSRU and pier extension, gas treatment facility and pipeline to the Victorian gas network are unlikely to have any adverse impacts on native vegetation including grasslands, protected or threatened species and waterbirds due to location of the Project largely within a port and industrial setting.

Potential adverse impacts on the Project's terrestrial environment would be minimal during project operation as the project components are variously offshore, within the existing refinery or underground (pipeline). Forming part of the Supplementary Statement, a supplementary assessment of the potential impact of the Project on threatened and/or migratory shorebird and seabird species determined that adverse impacts are unlikely. The supplementary assessment resulted in no changes to the overall conclusion reached by the initial Terrestrial Ecology Impact Assessment and no additional mitigation measures have been proposed. Mitigation measures are recommended to be included in the EMF and subsequent CEMP to appropriately manage any potential impacts.

- Marine environment: Detailed investigations, surveys and marine modelling indicate that there are unlikely to be adverse impacts on the marine environment. The Project involves discharge water from the FSRU being recycled and reused in the refinery as cooling water prior to discharge through the existing refinery discharge points. The discharge will have the same level of residual chlorine as the existing refinery discharge which has been occurring for more than 60 years and an improved temperature. Studies show a healthy marine environment offshore from the refinery, and as the Project discharge will be an improvement, this is expected to continue. Forming part of the Supplementary Statement, supplementary investigations, surveys and marine modelling confirmed that there are unlikely to be adverse impacts on the marine environment. The supplementary assessment outlines the anticipated marine native vegetation offsets for the Gas Terminal Project.
- Surface water: Investigations determined that construction and decommissioning activities associated with the Project would have minimal potential impacts on sensitive receiving waterbodies and watercourses with implementation of industry standard management measures. Potential adverse impacts on surface water quality would be minimal during project operation. Mitigation measures related to discharge water, runoff management and watercourse trenching are recommended to be included in the EMF and subsequent CEMP to limit/prevent adverse impacts to the surface water environment during construction.
- Groundwater: The only components of the Project to intersect groundwater are the treatment facility and gas pipeline. It was found that the pipeline construction would not intersect groundwater due to it being at depths greater than the 2 metre pipeline trench along the pipeline alignment. It was found that deep piles associated with the gas treatment facility (if included in the final detailed design) could intersect groundwater but would have minimal impact on groundwater flow and quality. A mitigation measure relating to loss of registered bores is recommended to be included in the EMF and subsequent CEMP to limit/prevent adverse impacts to the groundwater environmental values and users.
- Contamination and acid sulfate soils: With the application of industry standard mitigation measures, the Project is unlikely to have impacts on the environment or health from contamination, acid sulfate soils, waste materials generated by the Project works, and spills or other incidents during project construction and operation. Mitigation measures related to contaminated soils, contaminated groundwater, contaminant migration, unexpected finds, acid sulfate soils, drilling mud disposal, hydrotest water, and fuel and chemical leaks and spills are to be incorporated into the CEMP and OEMP to avoid, minimise and manage potential adverse impacts on human health and the environment.
- Air quality: The activities expected to produce air pollutants include construction activities and fuel combustion in the FSRU engines and boilers during the operational phase. All aspects of the Project's construction and operation could

readily comply with regulatory requirements. Forming part of the Supplementary Statement, a supplementary assessment of potential operational air quality impacts confirmed that Project operation would readily comply with regulatory requirements.

- Noise: Noise and vibration produced during construction activities have the potential to result in short term amenity effects at some sensitive receptors in the area near where the gas pipeline is proposed to connect to the Victorian Transmission Network. There would be some exceedances of noise guidelines which would require mitigation measures to be implemented during the short construction period in this area. Potential operational noise and vibration impacts would likely be associated with operation of the FSRU, LNG carrier and tugboats, pier head and the treatment facility. The noise modelling indicated that operation of the Gas Terminal Project would achieve compliance with regulatory requirements. Forming part of the Supplementary Statement, a supplementary assessment of potential operational noise impacts confirmed that Project operation would achieve compliance with regulatory requirements.

The Incorporated Document will include mitigation measures to be included within the CEMP and OEMP to appropriately avoid or minimise any potential impacts relating to the construction, operation and decommissioning activities associated with the Project, including:

- Native vegetation offset management and that native vegetation offsets must be secured prior to any native vegetation removal.
- Address matters relating to surface water, groundwater, contamination and acid sulfate soils, air quality and noise.

(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria

The Project has been designed to mitigate impacts to the landscape and environment by locating works within an established industrial area. The Refinery Pier extension will be within an established port environment, which avoids construction works in coastal areas that are not already developed with port infrastructure. Further, the Incorporated Document will require the consideration of environmental and landscape impacts and implementation of mitigations measures.

Separate approvals will be required under the *Environment Protection Act 2017*, which regulates discharges to the environment by a system of permissions, the *Gas Safety Act 1997* which regulates the safety of gas supply, and the *Occupational Health and Safety Act 2004* which provides for regulation of Major Hazard Facilities.

(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value

The Project Land does not include any sites listed on the Victorian Heritage Register (VHR) or Victorian Heritage Inventory (VHI) or any land within the Heritage Overlay in the Greater Geelong Planning Scheme.

There are no known Aboriginal places within the Project Land and construction of the project would not result in adverse direct or indirect impacts to any known Aboriginal cultural heritage places. Project operation and decommissioning is unlikely to impact Aboriginal cultural heritage places.

Forming part of the Supplementary Statement, an Underwater Aboriginal Cultural Archaeological assessment concluded that with the exception of stone artefacts in lag deposits there is a very low confidence (i.e. likelihood) that items of Aboriginal cultural heritage would be present within the Project Land. The risk of consequential impact on such artefacts is considered to be low, however management measures will be developed in consultation with Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC), the Registered Aboriginal Party for the area, and included in the Cultural Heritage Management Plan (CHMP) 17816. The Underwater Aboriginal Cultural Archaeological assessment is currently being updated and any changes to the findings will be detailed once received.

CHMP 17816 has been prepared for the Gas Terminal Project to outline site measures to ensure that items of Aboriginal cultural heritage, both onshore and offshore, are managed appropriately, if encountered during construction.

A Cultural Values Assessment (CVA) to identify intangible values relevant to the Project, both onshore and offshore, in Corio Bay has been undertaken by WTOAC. Management measures relevant to Project will be developed in consultation with WTOAC and included in CHMP 17816.

CHMP 17816 will continue to be developed in consultation with First Peoples – State Relations and WTOAC.

There are no recorded historical heritage places within the Project Land. Accordingly, no adverse impacts to known historical heritage places were predicted during construction, operation, or decommissioning. It is possible that ground disturbance during construction could result in unknown historical heritage places being found. The Incorporated Document will require the CEMP to include an unexpected finds protocol.

(e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

The Amendment will secure natural gas supplies for Victoria in the context of a gas shortfall forecast by the market regulator for Victoria, while leveraging the Port as an existing industrial asset, therefore increasing the security and stability of south-eastern Australia's energy infrastructure. The Project also represents the first stage of Viva Energy's broader vision to create the Geelong Energy Hub at the Geelong Refinery to support the transition to a lower carbon energy mix.

(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).

The Amendment will assist in facilitating the delivery of the Project which requires that potential construction or operation impacts will be managed in accordance with the Incorporated Document.

(g) to balance the present and future interests of all Victorians

The Project will support the needs of existing and future communities through investment in Victoria's infrastructure for natural gas supply and distribution and port related industries. This is achieved without compromising the long-term continuation

of existing land uses proximate to the Project Land and without limiting opportunities for urban growth.

How does the amendment address any environmental, social and economic effects?

The potential environmental, social and economic effects of the Amendment have been considered through specialist investigations, technical assessments and recommendations forming part of the EES and Supplementary Statement and in preparation of the Incorporated Document. The Incorporated Document includes various conditions to manage the effects of the Project including the requirement for a CEMP and OEMP to detail measures to avoid, mitigate and manage the potential environmental, social and economic impacts.

The Amendment addresses environmental, social and economic impacts in the following ways:

Environmental Effects

Visual Landscape

The Project has been designed to mitigate impacts to the landscape and environment by locating works within an established industrial area, with significant buffer distances from sensitive land uses. The Incorporated Document will require as part of the CEMP and OEMP that environmental and landscape impacts are to be considered and for mitigations to be implemented.

Native Vegetation

Forming part of the Supplementary Statement, supplementary seagrass mapping identified the potential removal of approximately 0.5 ha of native vegetation during installation of the seawater transfer pipe. The Incorporated Document requires that native vegetation offset management and native vegetation offsets must be secured prior to any native vegetation removal.

Heritage

The Project Land does not include any sites listed on the VHR, VHI or any land within the Heritage Overlay in the Greater Geelong Planning Scheme. The CHMP provides management measures for any Aboriginal heritage artefacts discovered within the construction footprint during works, in consultation with First Peoples – State Relations. The CHMP will also provide management measures regarding any intangible values relevant to the Project identified through the CVA undertaken by WTOAC. Air Quality

The activities expected to produce air pollutants include construction activities and fuel combustion in the FSRU engines and boilers during the operational phase. All aspects of the Project's construction and operation could readily comply with regulatory requirements. The Incorporated Document will require the CEMP and OEMP to address matters relating to air quality and provide for ongoing monitoring.

Noise

Construction activities may result in increased noise impacts over short periods. Forming part of the Supplementary Statement, a supplementary assessment of

potential operational noise impacts confirmed that project operation would achieve compliance with regulatory requirements. Potential cumulative noise impacts would be avoided through scheduling of operational activities to avoid the concurrence of all activities at night. The Incorporated Document will require the implementation of a range of mitigation measures and ongoing monitoring as part of the CEMP and OEMP.

Marine and Terrestrial Ecology

Location of the Project within a port and industrial setting and reuse of discharge water for refinery cooling water have limited potential impacts on marine and terrestrial ecology. The Incorporated Document will require the implementation of a range of mitigation measures as part of the CEMP and OEMP and will also include ongoing environmental monitoring of the discharge to the marine environment. The Marine Ecology Impact Assessment prepared for the EES concluded that construction and operation of the project is unlikely to have adverse impacts on the chemical and physical attributes of the marine environment. The results of the supplementary Marine assessments do not change the results of the original Marine Ecology Impact Assessment.

Economic Effects

The Project will have a number of positive economic effects by providing or allowing for the following:

- Employment and economic growth in the construction and energy industries.
- Industrial development in a key port-related industrial node that already benefits from generous buffers to nearby sensitive land uses.
- Development of new energy infrastructure that will secure natural gas supplies for Victoria in the context of a gas shortfall forecast by the market regulator for Victoria while leveraging the Port as an existing industrial asset.
- A solution that helps to secure Victoria's future gas supply, utilising a pipeline connected to an existing port terminal.
- Delivery of new employment and economic opportunities associated with the construction and operation of new energy infrastructure within the region.
- Leveraging land which is already set aside for industrial uses to support ongoing employment and economic development.
- The extension of the existing pier berths, facilitating increased throughput at the Port.

Social Effects

The significant majority of social infrastructure that supports the local community is not located near the Project Land as confirmed by the Social and Business Impact Assessment titled '*Technical Report L: Social and Business Impact Assessment*' prepared by AECOM dated 20 October 2021. This will ensure that the community will not experience a notable change to their day-to-day life as a result of the Project.

It is anticipated that the construction works could result in a temporary interruption to access to Geelong Grammar School which may be impacted by short term road closures and detours during the construction phase. This can be managed through a Traffic Management Plan, which will form part of the CEMP, and the impacts would be temporary.

It is also anticipated there will be some noise impacts to foreshore users in the immediate area primarily due to construction. Mitigation measures through the provision of construction schedules to interested community members and stakeholders will be provided to enable them to plan ahead or seek an alternative location.

Does the amendment address relevant bushfire risk?

The land required for the treatment facility is partially located within a designated Bushfire Prone Area but is not subject to a Bushfire Management Overlay. This designation is based on the current vegetation in this area and the potential for bushfire events. The Amendment does not propose sensitive land uses or development which would inappropriately increase the risk to life, property, community infrastructure or the natural environment from bushfire.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Section 12(2)(a) of the P&E Act requires that in preparing a planning scheme amendment, a Planning Authority must have regard to the Minister's Directions. The following Minister's Directions are relevant to this Amendment:

Direction 11 – Strategic Assessment of Amendments

The Amendment has been prepared having regard to *Direction No. 11 Strategic Assessment of Amendments* and *Planning Practice Note 46: Strategic Assessment Guidelines*.

Direction 14 – Port Environs

The Amendment has been prepared having regard to protecting the operations and development of the Port from encroachment or intensification of sensitive uses.

Direction No. 15 – The Planning Scheme Amendment Process

The Amendment follows the appropriate process and timing.

Direction No.19 – On the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health

The Amendment has been prepared having regard to *Direction No. 19 – Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the environment, amenity and human health* and *Ministerial requirement for information for authorisation or preparation of amendments that may significantly impact the environment, amenity and human health*.

This Direction requires planning authorities to seek the views of the Environment Protection Agency (EPA) in the preparation of planning scheme reviews and amendments that could result in significant impacts on the environment, amenity and human health due to pollution and waste. During preparation of the EES and Supplementary Statement for the Gas Terminal Project, the EPA was represented on Technical Reference Groups (TRG) convened by the Department of Environment, Land, Water and Planning (DELWP) / Department of Transport and Planning (DTP)

(for the Supplementary Statement) and had input to the technical studies and content of the EES and Supplementary Statement, including the Amendment.

The CEMP and OEMP will manage environmental, amenity and human health impacts in accordance with relevant EPA guidelines. The Incorporated Document requires that the CEMP and OEMP will be the subject of consultation with EPA. EPA Development Licence applications have been prepared for the Project for installation and operation of the FSRU, and the discharge of wastewater from the FSRU at the existing refinery.

Direction 20 – Major Hazard Facilities

The Direction requires planning authorities to seek the views of WorkSafe Victoria and the Minister for Economic Development in the preparation of Amendments. During preparation of the EES for the Gas Terminal Project, WorkSafe Victoria was represented on the TRG convened by DELWP and had input to the technical studies and content of the EES including the Amendment.

The Project will minimise human and property exposure from the risk of incidents that may occur at a major hazard facility whilst ensuring their ongoing viability. The treatment facility will be located within the existing Major Hazard Facility (MHF) applying to the Geelong Refinery that currently functions with the appropriate protections and buffer areas required to minimise risks to humans and property. A safety case amendment for the Geelong Refinery would be prepared to allow for the inclusion of the treatment facility. The FSRU would be considered a separate MHF, and will introduce new inner and outer safety areas, however there will be no incursion to sensitive land uses as a result of these newly defined areas.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment supports or implements the following clauses of the Planning Policy Framework (PPF):

- Clause 11 (Settlement): The Project supports this clause by ensuring that the needs of existing and future communities are met through investment in Victoria's infrastructure for natural gas supply and distribution and port related industries. This is achieved without compromising the long-term continuation of existing land uses proximate to the project area and without limiting opportunities for urban growth.
- Clause 11.01-1R (Settlement – Geelong G21): The Project supports this clause by delivering employment and economic opportunities for Geelong and enhancing the Port's operating capacity. This will in turn support Geelong's continued role as a key centre for urban growth.
- Clause 12.01-1S (Protection of biodiversity): The Project supports this clause through the implementation of mitigation measures to minimise impacts on ecological values, and the provision of offsets to compensate biodiversity impacts. The Terrestrial Ecology Impact Assessment conducted for the EES includes mitigation measures relating to the prevention of construction impacts on retained vegetation and habitat, minimisation of disturbance, injury, or death of wildlife, control of spread and/or introduction of weeds and/or pathogens, reduction of erosion, sedimentation and contamination risk to retained vegetation and habitat, contractor/personnel awareness of ecological values, and monitoring and

maintenance. These measures are included in the EMF to ensure that the policy objectives for protection of biodiversity are achieved.

- Clause 12.01-2S (Native vegetation management): The Project supports this clause through the implementation of the Incorporated Document, which requires that offsets must be secured prior to any native vegetation removal, ensuring no net loss of Victoria's native vegetation. Ecology and Marine assessments conducted for the EES and Supplementary Statement indicate that the Project is unlikely to have significant impacts on native vegetation as it is located in a highly disturbed port environment. Mitigation measures relating to native vegetation management, the prevention of construction impacts on retained vegetation, and the provision of native vegetation offsets are included in the EMF to ensure that the policy objectives for native vegetation management are achieved.
- Clause 12.02-1S (Protection of marine and coastal environment): The Project supports this clause through locating the Refinery Pier extension within an established port environment, and avoiding construction works in coastal areas that are not already developed with port infrastructure. The Ecology and Marine assessments conducted for the EES and Supplementary Statement include mitigation measures relating to reuse of discharge from the FRSU in the Refinery, avoiding dredging in spring growth season, monitoring of seagrass and minimisation of direct impacts to seagrass. These mitigation measures are included in the EMF to ensure that the policy objectives for protection of marine and coastal environment are achieved.
- Clause 12.02-2S (Marine and coastal Crown Land): The Project enhances the economic function of coastal crown land adjacent to the Port. Impacts to marine and coastal Crown Land will be managed through implementation of the EMF and Incorporated Document to ensure that it does not detrimentally impact upon the environmental and social values of this coastal crown land. Mitigation measures within the EMF, including the development of an employment plan and social procurement plan, will ensure that the policy objectives for marine and coastal Crown Land are achieved.
- Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs): The Project supports this clause through the implementation of mitigation measures to minimise impacts on waterway systems. The Surface Water assessment conducted for the EES includes mitigation measures relating to discharge water, runoff management, and watercourse trenching. These measures are included in the EMF to ensure that the policy objectives for waterway systems are achieved.
- Clause 13 (Environmental Risk and Amenity): The Project Land is in an already highly industrialised port and industry setting with buffers separating it from sensitive land uses. This satisfies the planning objective of land use and development compatibility as the Project is proximal to uses such as the adjacent Geelong Refinery and other heavy industry and is primarily located in zones designed for this type of use. While there is an existing school located to the east of the proposed the treatment facility works, these works are situated with the existing boundary of the established Geelong Refinery and therefore do not result in a reduction in the existing buffer distance between these uses. The EMF includes mitigation measures relating to monitoring and maintenance to ensure that the policy objectives for environmental risk and amenity are achieved.

- Clause 13.03-1S (Floodplain management): The Project considers and responds to potential groundwater impacts through the EES process, which includes groundwater assessments for high-risk components of the project. Surface water impacts will be addressed in the CEMP and OEMP required by the Incorporated Document.
- Clause 13.05-1S (Noise management): The Project supports this clause through the implementation of mitigation measures to minimise the noise and vibration impacts on sensitive land uses. The Noise Impact assessments prepared for the EES and Supplementary Statement include mitigation measures relating to the management of dredging noise, construction noise and vibration monitoring, and operational noise controls. These measures are included in the EMF and will ensure that the policy objectives for noise management are achieved.
- Clause 13.06-1S (Air quality management): The Project supports this clause through the implementation of mitigation measures to assist in the protection of air quality. Air Quality studies conducted for the EES and Supplementary Statement indicate that air emissions from the Project are likely to be generally confined to the Project Land and should not have adverse effects on sensitive land uses. Mitigation measures relating to air quality monitoring are included in the EMF to ensure that policy objectives for air quality management are achieved.
- Clause 13.07-1S (Land use compatibility): The Project is compatible with its surrounding land uses. The refinery site has substantial buffer areas separating it from sensitive land uses such as Geelong Grammar School, the extension to the Refinery Pier and the treatment facility would be located within an established port and industrial area where future industrial development is expected and planned for, and the gas pipeline will have negligible impacts during operation as they are located underground with the exception of the SWP tie-in point.
- Clause 14.01-1S (Protection of agricultural land): The Project avoids impacts to agricultural land supplies by locating all works within the existing Port and the Geelong Refinery.
- Clause 14.02-1S (Catchment planning and management): The Project supports this clause through the implementation of mitigation measures to assist the protection of waterways, water bodies, groundwater, and the marine environment. The Marine Ecology and Surface Water assessments conducted for the EES and Supplementary Statement include mitigation measures relating to the protection of marine ecology and water quality. These measures are included in the EMF to ensure that policy objectives for catchment planning and management are achieved.
- Clause 14.02-2S (Water quality): The Project supports this clause through the implementation of mitigation measures to assist the protection of water quality. The Marine Ecology and Surface Water assessments conducted for the EES and Supplementary Statement include mitigation measures to protect water quality and are included in the EMF to ensure that policy objectives for water quality are achieved.
- Clause 15.01-1S (Urban design): The Project responds to this clause through its location within an existing port where the urban design context is defined by port-related industrial development.
- Clause 15.03-1S (Heritage conservation): The Project supports this clause by avoiding places of heritage significance recognised through the application of

Heritage Overlays. CHMP 17816 will ensure that any interaction with places of cultural heritage significance is managed appropriately. Similarly, the Project will support Clause 15.03-2S (Aboriginal cultural heritage) through the preparation and implementation of CHMP 17816 which will outline site measures to ensure that items of Aboriginal cultural heritage are managed appropriately, if encountered during construction. The Historic Heritage and Aboriginal Cultural Heritage assessments prepared for the EES and Supplementary Statement include mitigation measures relating to the CHMP, and onshore and offshore unexpected finds protocols. These measures are included in the EMF to ensure that the policy objectives of heritage conservation are achieved.

- Clause 17.01-1S (Diversified economy): The Project supports this clause by facilitating employment and economic growth in the construction and energy industries. Mitigation measures within the EMF including the development of an employment plan and social procurement plan will ensure that the policy objectives for a diversified economy are achieved.
- Clause 17.01-1R (Diversified economy – Geelong G21): The Project supports this clause by providing opportunities close to Central Geelong to provide employment opportunities as the region's population grows. Mitigation measures within the EMF including the development of an employment plan and social procurement plan will ensure that the policy objectives for a diversified economy in Geelong are achieved.
- Clause 17.03-1S (Industrial land supply) and Clause 17.03-2S (Sustainable industry): The Project supports these clauses by allowing for industrial development in a key port-related industrial node that already benefits from generous buffers to nearby sensitive land uses.
- Clause 18.02-6S (Ports): The Project supports this clause by comprising industrial land use and development in an established port and being consistent with the objectives of the Port Development Strategy.
- Clause 19.01-1S (Energy supply): The Project supports this clause through the development of new energy infrastructure that will secure natural gas supplies for Victoria in the context of a gas shortfall forecast by the market regulator for Victoria while leveraging the Port as an existing industrial asset.
- Clause 19.01-3S (Pipeline infrastructure): The Project supports this clause by proposing a solution that helps to secure Victoria's future gas supply, utilising a pipeline connected to an existing port terminal.
- Clause 19.03-2S (Infrastructure design and provision): The Project supports this clause by delivering infrastructure to meet community needs with regard to employment and resource security.
- Clause 52.17 (Native vegetation): Supplementary seagrass mapping identified the potential removal of approximately 0.5 ha of native vegetation during excavation of a trench for installation of the seawater transfer pipe. To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, the Project adheres to the three-step approach of avoid, minimise or offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

How does the amendment support or implement the Municipal Planning Strategy?

The Amendment supports and implements the following objectives and strategies from the Municipal Planning Strategy (MPS):

- Clause 02.03-1 (Settlement): The Project does not place constraints on the region's ability to provide housing for Geelong's future population, as it will not limit urban development from occurring on land planned to accommodate it.
- Clause 02.03-2 (Environmental and landscape values): The Gas Terminal Project EES and Supplementary Statement process will ensure that environmental impacts are managed appropriately. Implementation of the recommended mitigation measures included in the EMF will ensure that policy objectives for environmental and landscape values are achieved, including the protection of biodiversity, waterways and wetlands, and coastal and marine environments..
- Clause 02.03-3 (Environmental risks and amenity): The Gas Terminal Project EES and Supplementary Statement process will ensure that potential impacts on amenity are managed appropriately. Implementation of the recommended mitigation measures included in the EMF will ensure that policy objectives associated with environmental risks and amenity are achieved, including the management of risks associated with climate change, bushfire and flooding.
- Clause 02.03-5 (Built environment and sustainability): The Project Land does not encroach upon heritage places or areas of heritage significance.
- Clause 02.03-7 (Economic Development): The Project leverages land which is already set aside for industrial uses to support ongoing employment and economic development, enhancing the Port's role as an infrastructure base.
- Clause 02.03-8 (Geelong Port): The Project facilitates the extension of the existing pier berths, facilitating increased throughput at the Port. In doing so, the Project supports the Port's continued growth and development. The EES and Supplementary Statement process will ensure that potential impacts on amenity are managed appropriately through implementation of the recommended mitigation measures included in the EMF.
- Clause 02.04-1 (Municipal framework plan): The Project Land is not within the Geelong settlement boundary. The Municipal framework plan does not articulate planning aspirations for industrial areas such as the Port or Refinery, however the Project does not encroach on areas planned for future urban development.

Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions, specifically Clause 45.12. Clause 72.01. Clause 72.02, Clause 72.03 and Clause 72.04 of the Scheme to deliver the Project.

The Amendment applies the SCO under Clause 45.12 of the Scheme. The purpose of Clause 45.12 is to provide specific controls designed to achieve a particular land use and development outcome in a manner that would otherwise be restricted under the planning scheme. The SCO also provides flexibility to amend and refine detailed

design in accordance with requirements of the Incorporated Document which includes site-specific controls and allows for the use and development of Project Land for the purposes of the Project, as of right, provided works are in accordance with the conditions outlined in the Incorporated Document. The Incorporated Document allows for a coordinated, consistent and timely approach under a single planning control.

How does the amendment address the views of any relevant agency?

During preparation of the EES for the Gas Terminal Project, a wide range of Government agencies were represented on TRGs convened by the DELWP / DTP (for the Supplementary Statement) which had input to the technical studies and content of the EES, including the Amendment.

Does the Amendment address relevant requirements of the *Pipelines Act 2005*?

The *Pipelines Act 2005* is the primary legislative framework introduced to specifically manage pipeline construction, development and operation within Victoria. Notably, Section 85 of the Pipelines Act states that if a licence is required and issued under the *Pipelines Act 2005* for the construction and operation of a pipeline, that pipeline is exempt from the statutory planning approval requirements of planning schemes under the P&E Act i.e., the P&E Act does not apply to the Pipeline Works. The Project (comprising the Pier Works, FSRU, Treatment Facility and Marine Yard Works) will require planning approval as these components of the Project are not licensed under the *Pipelines Act 2005*.

The Department of Energy, Environment and Climate Action (DEECA) has advised that there are no implications for the pipeline licence application following the Supplementary Statement, particularly with regard to the Supplementary Noise Impact Assessment.

Does the Amendment address relevant requirements of the *Marine and Coastal Act 2018*?

The *Marine and Coastal Act 2018* (the Marine and Coastal Act) is the primary legislative framework used to guide the planning and management of the marine and coastal environment. Under Section 4 (1) of the Marine and Coastal Act, marine and coastal Crown land means the following, between the outer limit of Victorian coastal waters and 200 metres inland of the high-water mark of the sea:

- a) Crown land (whether or not covered by water) to a depth of 200 metres below the surface of that land;
- b) any water covering the land referred to in paragraph (a) (above) from time to time.

Under subsection (2), and in addition to subsection (1), marine and coastal Crown land includes Crown land (whether or not covered by water) and any water covering that land to a depth of 200 metres below the surface of that land and that is:

- a) more than 200 metres inland of the high-water mark of the sea; and

b) reserved under the Crown Land (Reserves) Act 1978 for the purposes of the protection of the coastline.

The marine and coastal environment as stated at Section 5(1) means between the outer limit of Victorian coastal waters and five kilometres inland of the high-water mark of the sea and includes:

- a) the land (whether or not covered by water) to a depth of 200 m below the surface of the land;
- b) the water covering the land referred to in paragraph (a) from time to time; and
- c) the biodiversity associated with the land and water referred to in paragraphs (a) and (b).

The marine and coastal environment also includes any additional land, water or biodiversity associated with the land and water if declared by the Governor in Council.

Consent will be required for any works on marine and coastal Crown land. Section 68(3) of the Act states that if a planning permit application for use and development of, or works on, marine and coastal Crown land is referred to the Minister for Energy, Environment and Climate Change, the Secretary or the Department as a referral authority under the P&E Act, then the application is also considered an application for a consent under Section 68 of the Marine and Coastal Act.

Dredging works associated with the Gas Terminal Project, are not licensed under the *Pipelines Act 2005* and do not require planning approval under the P& E Act as approval for these works will be secured under a Marine and Coastal Act consent.

Approval for excavation of a shallow trench for installation of the seawater transfer pipe, construction and operation of an extension to Refinery Pier, and construction and operation of topside infrastructure on the pier extension and continuous mooring of the FSRU at the new pier extension berth will also be secured under Marine and Coastal Act consents.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

Based on assessment undertaken as part of the EES for the Gas Terminal Project, the Amendment is not likely to have a significant impact on the transport system and therefore an assessment against the relevant requirements of the *Transport Integration Act 2010* is not required.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The implementation of the new planning provisions will have minimal impact on the resource and administrative costs of the relevant responsible authorities.

Where you may inspect this amendment

The Amendment can be inspected free of charge at the Department of Transport and Planning website at <https://www.planning.vic.gov.au/planning-schemes/amendments/amendments-on-exhibition>

The Amendment is also available for public inspection, free of charge, during office hours at:

City of Greater Geelong Office – Belmont
163 High Street
Belmont VIC 3216

City of Greater Geelong Office – Corio Shopping Centre
Corner Bacchus Marsh and Purnell Roads
Corio VIC 3214

City of Greater Geelong Office – Drysdale
18-20 Hancock Street
Drysdale VIC 3222

City of Greater Geelong Office – Geelong West
153a Pakington Street
Geelong West VIC 3218

City of Greater Geelong Office – Geelong (Brougham Street)
100 Brougham Street
Geelong VIC 3220

City of Greater Geelong Office – Ocean Grove
The Grove Centre
66-70 The Avenue
Belmont VIC 3216

City of Greater Geelong Office – Waurin Ponds
230 Pioneer Road
Grovedale VIC 3216

GREATER GEELONG Planning Scheme

Amendment C442ggee

Instruction sheet

The planning authority for this amendment is the Minister for Planning.

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of two attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 26 in the manner shown on the two attached maps marked "Greater Geelong Planning Scheme, Amendment C442ggee".

Overlay Maps

2. Insert new Planning Scheme Map No. 26SCO in the manner shown on the two attached maps marked "Greater Geelong Planning Scheme, Amendment C442ggee".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In **Overlays** – Clause 45.12, replace Schedule with a new Schedule in the form of the attached document.
4. In **Operational Provisions** – Clause 72.01, replace the Schedule with a new Schedule in the form of the attached document.
5. In **Operational Provisions** – Clause 72.02, replace the Schedule with a new Schedule in the form of the attached document.
6. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.
7. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

29/08/2019
C389ggee**SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY****1.0****Specific controls**Xx/xx/202x
C442ggee

PS Map Ref	Name of incorporated document
SCO1	Chisholm Road Prison Project, Lara, Incorporated Document, June 2019
SCO2	Geelong Waterfront Safe Harbour Precinct Project Incorporated Document, July 2019
SCO3	Specialist Training Facility Incorporated Document, June 2019
SCO4	BUPA Aged Care Facility, Bellarine Lakes, May 2016
SCO5	Commercial Tenancies at 55, 57 & 59 Kilgour Street, Geelong, July 2017
SCO6	Warrnambool Line Upgrade - Incorporated Document, December 2019
SCO7	14 Shepherd Court, North Geelong, Cotton On Office Redevelopment, July 2011
SCO8	Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project Incorporated Document, October 2020
SCO9	3 Bridge Road, Barwon Heads, June 2020
SCO10	Waurm Ponds Train Maintenance and Stabling Facility Project Incorporated Document, May 2020
SCO11	Community Care Accommodation Facility, 120 Russells Road, Mount Duneed, Incorporated Document, September 2020
SCO12	Mental Health Beds Expansion Program Incorporated Document, November 2020
SCO13	Stage 5 GMHBA Stadium Development Kardinia Park Moorabool Street, Geelong South Incorporated Document, March 2021
SCO14	Viva Energy Gas Terminal Project, Incorporated Document, July 2024
SCO15	Part 1 / 250 Beach Road, Avalon, August 2022
SCO16	Geelong Convention and Exhibition Centre Strategic Development Site Project Incorporated Document, April 2023

31/01/2019
C376pt1ggee**SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME****1.0 Responsible authority for administering and enforcing this planning scheme:**31/07/2018
VC148

The Greater Geelong City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0 Responsible authority for administering and enforcing a provision of this planning scheme:xx/xx/202x
C442ggee

The Minister for Planning is the responsible authority for the purposes of s171 of the Planning and Environment Act 1987 for the land at 76-78 Tucker Street, Breakwater, Volume 10821 Folio 585.

The Minister for Planning is the responsible authority for administering and enforcing the Waurn Ponds Train Maintenance and Stabling Facility Project Incorporated Document, May 2020 and any other provision of the scheme as it applies to the use or development of land for the purpose of the Waurn Ponds Train Maintenance and Stabling Facility Project.

The Minister for Planning is the responsible authority for administering and enforcing the planning scheme for land in the Avalon Airport Rail Link Area shown in Clause 10.0 of Schedule 11 to Clause 37.01 (Special Use Zone).

The Minister for Planning is the responsible authority for administering and enforcing the planning scheme for land for the Victoria Police Specialist Training Facility shown in Schedule 3 of Clause 45.12 Specific Control Overlay.

The Minister for Planning is the responsible authority for administering and enforcing the Viva Energy Gas Terminal Project – Incorporated Document, July 2024 and any other provision of the scheme as it applies to the use or development of land for the purpose of the Viva Energy Gas Terminal Project.

The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Planning and Environment Act 1987 and matters required by a permit or the planning scheme to be endorsed, approved or done to the satisfaction of the responsible authority, for land within the Minister for Planning Responsible Authority Area identified in Map 1 in this schedule in relation to development of land as part of a single project or multiple related projects, if it involves:

The construction of a new building or buildings containing a total gross floor area exceeding 5,000 square metres.

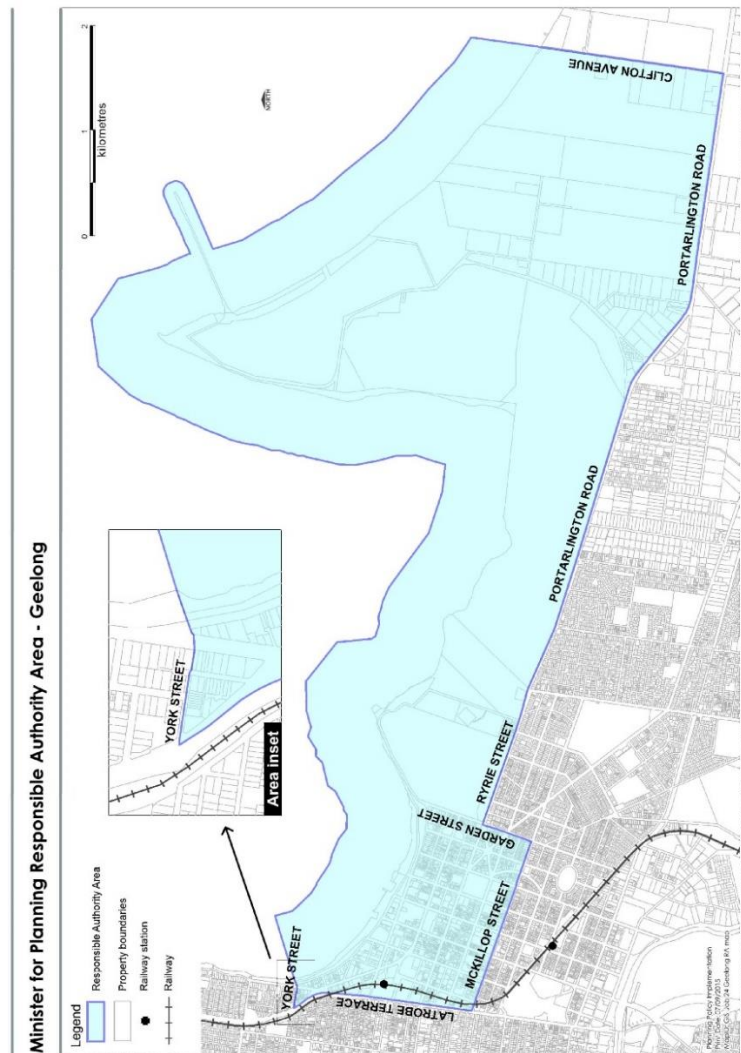
- The construction of a building or the construction or carrying out of works (including extensions, alterations or additions to an existing building or buildings) that create an additional gross floor area exceeding 5,000 square metres.
- The construction of a new building or buildings containing five or more storeys, excluding a basement.
- The construction of a building or the construction or carrying out of works (including extensions, alterations or additions to an existing building or buildings) that create additional storeys to or above an existing building containing five or more storeys or would result in a building of five or more storeys upon completion, excluding a basement.
- The construction of a building or the construction or carrying out of works for 50 or more dwellings.
- The approval and/or amendment of a development plan, and subsequent associated permit requirements pursuant to clause 43.04-4, in relation to Schedules 38 to 45 to the Development Plan Overlay.
- Any provision of this planning scheme which requires a permit to be obtained for a matter, if that matter forms part of an application that includes development within the meaning of one or more of sub-paragraphs above.

This does not apply to:

- The use or development of land that is undertaken in accordance with a building permit that was issued under the Building Act 1993 before the commencement of Amendment C419ggee to this planning scheme.
- The use or development of land that is undertaken in accordance with a planning permit that was issued before the commencement of Amendment C419ggee to this planning scheme. In such instances, the responsible authority which issued the planning permit will remain the responsible authority in relation to the use and development of the land pursuant to that permit.
- An application made before the commencement of Amendment C419ggee to this planning scheme. For applications made before the commencement of Amendment C419ggee to this planning scheme, the requirements of this schedule as they were in force immediately before the commencement of Amendment C419ggee, continue to apply.

The Minister for Planning is the responsible authority for land at 28 Malop Street, Geelong (Lot 1 TP684567) and 184-186 Ryrie Street, Geelong (Lot 1 TP958791).

Map1 to the Schedule to Clause 72.01



The Minister for Planning is the responsible authority for administering and enforcing for the life of the project:

- Clause 45.12 of the planning scheme in respect of the land affected by Stage 5 GMHBA Stadium Development Kardinia Park Moorabool Street, Geelong South Incorporated Document, March 2021.

3.0 Person or responsible authority for issuing planning certificates:

31/01/2019
C376pt1ggee

The Minister for Planning.

4.0 Responsible authority for VicSmart and other specified applications:

22/09/2023
VC243

The Chief Executive Officer of the Greater Geelong City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of the Greater Geelong City Council is the responsible authority for considering and determining applications to which Clause 53.24 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of the Greater Geelong City Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

31/07/2018
VC148

SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

1.0

Area covered by this planning scheme:

xx/xx/202x
C442ggee

This planning scheme applies to the municipal district of the City of Greater Geelong and land covered with water within the Port Phillip Coastal Area (comprising Corio and Port Phillip Bays) between the municipal boundary and Low Water Mark and 600 metres seaward of Low Water Mark, including Point Henry and water to a distance of 100 metres from the **Point Henry Pier and water to a distance of 110 metres from the Refinery Pier.**

15/11/2018
C385ggee

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0

Maps comprising part of this planning scheme:

xx/xx/202x
C442ggee

- 1, 1VPO, 1SLO, 1HO, 1BMO
- 2, 2ESO, 2VPO, 2SLO, 2HO, 2BMO
- 3, 3ESO, 3VPO, 3HO, 3LSIO-FO, 3PAO
- 4, 4ESO, 4HO, 4PAO
- 5, 5ESO, 5VPO, 5SLO, 5HO, 5BMO
- 6, 6ESO, 6VPO, 6SLO, 6HO, 6LSIO-FO
- 7, 7ESO, 7VPO, 7SLO, 7HO, 7LSIO-FO, 7PAO, 7BMO
- 8, 8ESO, 8SLO, 8HO, 8LSIO-FO, 8PAO, 8BMO
- 9, 9ESO, 9HO, 9LSIO-FO, 9SLO
- 10, 10ESO, 10HO, 10LSIO-FO
- 11, 11ESO, 11LSIO-FO, 11DCPO, 11SCO
- 12, 12ESO, 12HO, 12SLO, 12LSIO-FO, 12VPO, 12BMO, 12DCPO, 12DPO, 12SCO
- 13, 13ESO, 13SLO, 13HO, 13VPO, 13BMO, 13PAO
- 14, 14ESO, 14VPO, 14LSIO-FO, 14PAO
- 15, 15ESO, 15PAO, 15VPO, 15HO, 15LSIO-FO
- 16, 16ESO, 16HO, 16LSIO-FO, 16SLO
- 17, 17EAO, 17ESO, 17HO, 17DDO, 17VPO, 17DCPO
- 18, 18ESO, 18DDO, 18DPO, 18HO, 18LSIO-FO, 18PAO, 18EAO, 18SBO, 18DCPO, 18BMO
- 19, 19ESO, 19VPO, 19HO, 19LSIO-FO, 19DDO, 19BMO
- 20, 20ESO, 20VPO, 20DPO, 20LSIO-FO, 20DDO, 20PAO, 20SCO
- 21, 21ESO, 21DPO, 21DDO, 21LSIO-FO
- 22, 22ESO, 22PAO, 22LSIO-FO
- 23, 23ESO, 23LSIO-FO, 23SLO
- 24, 24ESO, 24HO, 24LSIO-FO, 24BMO, 24SLO
- 25, 25ESO, 25DPO, 25LSIO-FO, 25PAO, 25EAO, 25HO, 25DDO14, 25DDO, 25SBO
- 26, 26ESO, 26HO, 26SBO, 26PAO, 26EAO, 26DDO, 26RO, 26DPO, 26LSIO-FO, 26RXO, 26SCO
- 27, 27ESO, 27VPO, 27HO, 27LSIO-FO, 27EAO
- 28, 28ESO, 28DPO, 28DDO, 28LSIO-FO
- 29, 29ESO, 29DPO, 29DDO, 29LSIO-FO
- 30
- 31, 31ESO, 31HO, 31DPO, 31LSIO-FO, 31PAO, 31EAO, 31BMO, 31SLO
- 32, 32ESO, 32HO, 32DDO14, 32SBO, 32SLO, 32LSIO-FO
- 33, 33HO, 33DDO14, 33DPO, 33DDO, 33SBO, 33EAO, 33SCO
- 34, 34ESO, 34HO, 34DDO
- 35, 35DDO
- 36, 36ESO, 36HO, 36DPO, 36LSIO-FO, 36EAO, 36DDO14, 36SBO, 36SLO
- 37, 37HO, 37DDO, 37EAO, 37DDO14, 37DPO, 37SBO
- 38, 38HO, 38EAO, 38DDO, 38SBO, 38LSIO-FO

- 39
- 40, 40ESO, 40HO, 40DDO, 40LSIO-FO
- 41, 41HO, 41DDO14, 41SLO
- 42, 42ESO, 42HO, 42PAO, 42DDO14, 42DDO, 42DPO, 42SLO, 42LSIO-FO
- 43, 43ESO, 43VPO, 43HO, 43DDO14, 43DPO, 43DDO, 43SLO, 43SBO, 43BMO, 43LSIO-FO
- 44, 44VPO, 44HO, 44DDO14, 44DDO, 44SBO, 44BMO, 44LSIO-FO
- 45, 45HO, 45LSIO-FO
- 46, 46LSIO-FO, 46HO
- 47, 47SLO, 47HO, 47DDO, 47LSIO-FO, 47EAO, 47DDO14, 47DPO, 47RXO, 47SBO
- 48, 48HO, 48DDO, 48DPO, 48LSIO-FO, 48EAO, 48DDO14, 48SLO
- 49, 49SLO, 49HO, 49DDO, 49DPO, 49LSIO-FO, 49PAO, 49DDO14, 49EAO, 49RXO, 49SBO
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- 57, 57VPO, 57HO, 57DPO, 57DDO14, 57DDO, 57LSIO-FO, 57EAO
- 58, 58VPO, 58HO, 58DDO
- 59, 59VPO, 59HO, 59PAO, 59DDO14, 59DDO, 59DPO, 59DCPO, 59BMO
- 60, 60HO, 60PAO, 60DDO14, 60SLO, 60BMO
- 61, 61VPO, 61SLO
- 62, 62ESO, 62VPO, 62HO, 62DDO14, 62DDO, 62DPO, 62SLO, 62BMO, 62LSIO-FO
- 63, 63DDO, 63LSIO-FO
- 64, 64VPO, 64SLO, 64SCO, 64PAO, 64LSIO-FO
- 65, 65VPO, 65SLO, 65HO, 65DDO, 65DPO, 65PAO, 65DDO14, 65ESO, 65DCPO, 65SCO
- 66, 66VPO, 66HO, 66DPO, 66LSIO-FO, 66PAO, 66DDO14, 66ESO, 66DDO, 66DCPO, 66PO, 66SBO, 66SCO
- 67, 67VPO, 67HO, 67LSIO-FO, 67PAO, 67ESO, 67SBO, 67DDO, 67DCPO, 67SCO, 67SLO
- 68, 68ESO, 68HO, 68LSIO-FO, 68SLO, 68SCO
- 69, 69ESO, 69HO, 69LSIO-FO, 69DDO14, 69DPO, 69SLO
- 70, 70VPO, 70HO, 70LSIO-FO, 70PAO, 70SLO
- 71, 71ESO, 71VPO, 71HO, 71PAO, 71DPO, 71SLO, 71BMO
- 72, 72ESO, 72VPO, 72HO, 72SLO, 72BMO
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- 86, 86ESO, 86HO, 86LSIO-FO, 86BMO, 86DDO
- 87, 87ESO, 87HO, 87SLO, 87SBO, 87BMO, 87LSIO-FO
- 88, 88ESO, 88HO, 88LSIO-FO, 88DDO, 88SBO, 88BMO, 88SCO, 88SLO
- 89, 89ESO, 89DDO14, 89BMO, 89SLO, 89DPO

