

# Draft Scoping Requirements Viva Energy Gas Terminal Environment Effects Statement

Environment Effects Act 1978

APRIL 2021

OFFICIAL



Environment,  
Land, Water  
and Planning

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# Public comments invited

Public comments are invited on these draft scoping requirements in relation to matters that should be investigated and documented as part of the environment effects statement (EES) process for the proposed Viva Energy Gas Terminal Project.

Draft scoping requirements for this EES are on public exhibition from 26 April to 17 May 2021. You can view the draft scoping requirements and make a submission at Engage Victoria <https://engage.vic.gov.au/viva-energy-gas-terminal-project-ees-draft-scoping-requirements>.

Any comments received will be considered by DELWP during the finalisation of the scoping requirements and will be treated as public documents. Your comments also will be considered by the proponent in the preparation of the EES. Personal details and identifying features (e.g. names, addresses and contact details) will be removed before your submission is shared with the proponent. You must provide written consent for DELWP to provide your name and address to Viva Energy Gas Australia Pty Ltd.

Queries about the Viva Energy Gas Terminal Project itself should be directed to the proponent:  
Viva Energy Gas Australia Pty Ltd  
Telephone: 1800 515 093  
Email: [energyhub@vivaenergy.com.au](mailto:energyhub@vivaenergy.com.au)  
Website: <https://www.vivaenergy.com.au/gas-terminal>

Queries about the EES process and draft scoping requirements should be directed to the department:  
Impact Assessment Unit  
Telephone: (03) 8392 5503  
Email: [environment.assessment@delwp.vic.gov.au](mailto:environment.assessment@delwp.vic.gov.au)

# List of abbreviations

CHMP	Cultural Heritage Management Plan
DELWP	Department of Environment, Land, Water and Planning
EES	Environment effects statement
EMF	Environmental management framework
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FSRU	Floating storage and regasification unit
km	Kilometres
LNG	Liquefied natural gas
MNES	Matters of national environmental significance
TRG	Technical reference group

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# 1. Introduction

In light of the potential for significant environmental effects, on 28 December 2020 the Minister for Planning determined under the *Environment Effects Act 1978* that Viva Energy Gas Australia Pty Ltd is to prepare an environment effects statement (EES) for the proposed Viva Energy Gas Terminal Project. The purpose of the EES is to provide a sufficiently detailed description of the project, assess its potential effects on the environment<sup>1</sup> and assess alternative project layouts, designs and approaches to avoid and mitigate effects. The EES will inform and seek feedback from the public and stakeholders. The Minister will issue an assessment of the project's environmental effects under the Environment Effects Act to conclude the EES process. The Minister's assessment will then inform statutory decision-makers responsible for the project's approvals.

These *Draft Scoping Requirements for the Viva Energy Gas Terminal Project* set out the proposed specific matters to be investigated and documented in the EES for the project. The draft scoping requirements presented here are for public review and comment. The Minister will issue the final scoping requirements for the EES following consideration of public comments received on this draft, which is available for public comment over a three-week period.

While the scoping requirements are intended to cover all relevant matters, the EES will also need to address other issues that emerge during the EES investigations, especially those relevant to statutory decisions that will be informed by the assessment.

## 1.1 The project

The project is located adjacent to, the Geelong Refinery and Refinery Pier in the City of Greater Geelong, around 75 kilometres (km) south-west of Melbourne (Figure 1). The project comprises a gas terminal with continuous mooring of a floating storage and regasification unit (FSRU), extension to the existing Refinery Pier to support a jetty arm and other ancillaries infrastructure, construction of nitrogen and odorant injection facilities and a 6.5km gas pipeline connecting to the South West Pipeline at Lara (Figure 2). The FSRU would store liquified natural gas (LNG) received from visiting LNG carriers (that would moor alongside the FSRU), and regasify the LNG as required to meet south-eastern Australian gas market demand.

The gas terminal would leverage potential synergies between the Viva Energy's Geelong Refinery such as reuse of the FSRU seawater discharge within the refinery operations. The project life is anticipated to be a minimum of 20 years.

## 1.2 Minister's requirements for this EES

The Minister published procedures and requirements applicable to the preparation of the EES, in accordance with section 8B(5) of the Environment Effects Act (see Appendix A). In the procedures and requirements, the Minister noted that the primary environmental risks to be examined, and the focus of the EES, are related to the project's potential effects on the marine environment and ecosystem of Corio Bay, namely from:

- a. dredging works;
- b. mobilisation of sediment and associated contaminants, such as arsenic and zinc;
- c. construction at, and around, Refinery Pier;
- d. seawater intake to and cold water/residual chlorine discharges from the FSRU, and
- e. re-use of FSRU intake seawater within the refinery and warm water/residual chlorine discharges from the refinery.

The procedures and requirements also note that there are other secondary matters to address and that the EES should use a risk-based approach to identify and examine (commensurate with degree of environmental risk) other potential environmental effects, such as on air quality, noise, agriculture, land use, native vegetation, habitat for listed threatened species, groundwater, Aboriginal and historic cultural heritage,

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1. For assessment of environmental effects under the Environment Effects Act, the meaning of 'environment' includes physical, biological, heritage, cultural, social, health, safety and economic aspects (Ministerial Guidelines, p. 2).

landscape and visual amenity, and transport. The EES is also to incorporate an integrated assessment of the broader environmental effects of greenhouse gas emissions from FSRU operation.

These draft scoping requirements provide further detail on the matters to be investigated in the EES as required by the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Ministerial Guidelines).



Figure 1: Project location (source: Viva Energy Pty Ltd).



Figure 2: Project components (source: Viva Energy Pty Ltd).

## 2. Assessment process and required approvals

### 2.1 What is an EES?

An EES describes a project and its potential environmental effects. It needs to enable stakeholders and decision-makers to understand how the project is proposed to be implemented and the likely environmental effects of doing so. An EES has two main components.

1. The EES main report – an integrated, plain English document that assesses the potential impacts of the project and examines avoidance, mitigation or other measures to reduce the environmental effects. The main report draws on technical studies, data and statutory requirements such as specific limits for surface water and groundwater quality and waste discharge to the environment and should clearly identify which components of the scope are being addressed throughout.
2. The EES technical reports – specialist studies, investigations and analyses that provide the basis for the EES main report. These reports will be exhibited in full, as appendices to the main report.

### 2.2 The EES process

The proponent is responsible for preparing an EES, including conducting technical studies and undertaking stakeholder consultation. The Department of Environment, Land, Water and Planning (DELWP) is responsible for managing the EES process.<sup>2</sup> The EES process has the following steps:

- preparation of a draft study program and draft schedule by the proponent;
- preparation and exhibition of draft scoping requirements by DELWP on behalf of the Minister with public comments received during the advertised exhibition period;
- finalisation and issuing of scoping requirements by the Minister;
- review of the proponent's EES studies and draft documentation by DELWP and a technical reference group;<sup>3</sup>
- completion of the EES by the proponent;
- review of the complete EES by DELWP to establish its adequacy for public exhibition;
- exhibition of the proponent's EES and invitation for public comment by DELWP on behalf of the Minister;
- appointment of an inquiry panel by the Minister to review the EES and public submissions received, conduct public hearings and provide a report to the Minister; and finally
- following receipt of the inquiry report, preparation of an assessment on whether the project's environmental effects are acceptable by the Minister for the consideration of statutory decision-makers.

#### Technical reference group

DELWP has convened a technical reference group (TRG) of state government agencies and City of Greater Geelong. The TRG will advise DELWP and the proponent on:

- applicable policies, strategies and statutory provisions;
- the scoping requirements for the EES;
- the design and adequacy of technical studies for the EES;
- the proponent's public information and stakeholder consultation program for the EES;
- responses to issues arising from the EES investigations;
- the technical adequacy and completeness of draft EES documentation; and
- coordination of statutory processes.

#### Consultation plan

The proponent is responsible for informing and engaging the public and stakeholders to identify and respond to their issues and keep them informed of the EES studies, including those required as part of the *Pipelines Act 2005*. Stakeholders include potentially affected parties, interested community organisations and government bodies. Under its consultation plan the proponent informs the public and stakeholders about the

2. Further information on the EES process can be found at [planning.vic.gov.au/environment-assessment](http://planning.vic.gov.au/environment-assessment).

3. For critical components of the EES studies, peer review by an external, independent expert may be appropriate.

EES investigations and provides opportunities for input and engagement during the EES investigations. The consultation plan is reviewed and amended in consultation with DELWP and the TRG before it is published on the planning website.<sup>4</sup> The final consultation plan will:

- identify stakeholders;
- characterise public and stakeholders' interests, concerns and consultation needs, local knowledge and inputs;
- describe consultation methods and schedule; and
- outline how public and stakeholder inputs will be recorded, considered and/or addressed in the preparation of the EES.

### **Statutory approvals and the EES process**

The project will require a range of approvals under Victorian legislation if it is to proceed. DELWP coordinates the EES process as closely as practicable with the approvals procedures, consultation and public notice requirements.

To facilitate the integrated consideration of issues assessed within the EES and the timely completion of required approval processes, the EES is expected to include a draft planning scheme amendment that is consistent with the requirements of *Planning and Environment Act 1987*.

The planning and environmental approvals processes will be aligned with the EES process to remove duplication and ensure efficacy of public review. The key approvals required under Victorian legislation are a Development Licence under the *Environment Protection Act 2017*,<sup>5</sup> a pipeline licence under the *Pipelines Act 2005*, an approved cultural heritage management plan (CHMP) under the *Aboriginal Heritage Act 2006* and consents required under the *Marine and Coastal Act 2018*. Other approvals may also be required exact approvals requirements will be clarified through the course of the EES

### **2.3 Accreditation of the EES process under the EPBC Act**

The project was also referred to the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A delegate for the Commonwealth Minister for the Environment determined on 21 January 2021 that the project is a controlled action (EPBC 2020/8838) as it is likely to have a significant effect on the following matters of national environmental significance (MNES), which are protected under Part 3 of the EPBC Act:

- Ramsar wetlands (sections 16 and 17B);
- listed threatened species and communities (sections 18 and 18a);
- listed migratory species (sections 20 and 20A).

The EES process is accredited to assess impacts on MNES under the EPBC Act through the Bilateral Assessment Agreement between the Commonwealth and the State of Victoria. Note that what are generally termed 'effects' in the EES process correspond to 'impacts' defined in section 82 of the EPBC Act.

The Commonwealth Minister or delegate will decide whether the project is approved, approved with conditions or refused under the EPBC Act, after having considered the Minister for Planning's assessment under the Environment Effects Act.

4. <https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/viva-energy-gas-terminal-project>

5 From 1 July 2021 the *Environment Protection Act 2017* (as amended by the *Environment Protection Amendment Act 2018*) will come into effect. The Environment Protection Act 2017 and Environment Protection Regulations EPA will introduce a new permissions scheme that includes three broad tiers of permissions, including a Development Licence.

## 3. Matters to be addressed in the EES

### 3.1 General approach

Preparation of the EES should be consistent with the principles of a systems approach and a risk-based approach. The EES should put forward a sound rationale for the level of assessment and analysis undertaken for any environmental effect or combination of environmental effects<sup>6</sup> arising from all components and stages of the project. The EES should provide an analysis of the significance of the potential effects of the project, with consideration of:

- the potential effects on individual environmental assets – magnitude, extent and duration of change in the values of each asset – having regard to intended avoidance and mitigation measures;
- the likelihood of adverse effects, including those caused indirectly as a result of proposed activities, and associated uncertainty of available predictions or estimates;
- further management measures that are proposed where avoidance and mitigation measures do not adequately address effects on environmental assets, including specific details of how the measures address relevant policies;
- likely residual effects, including significant residual impacts on MNES, that are likely to occur assuming the proposed measures to avoid and mitigate environmental effects are implemented; and
- the approach to managing and monitoring environmental performance and contingency planning.

### 3.2 Content and style

The content of the EES and related investigations is to be guided by these scoping requirements, together with both the Minister's published procedures and requirements for this EES and the Ministerial Guidelines. To facilitate and coordinate decisions on required approvals, the EES should address statutory requirements associated with the key approvals, which will be informed by the Minister's assessment, in particular decision-making under the EPBC Act, Planning and Environment Act, Environment Protection Act, Marine and Coastal Act, Pipeline Act and Aboriginal Heritage Act. The EES should also address any other significant issues that emerge during the investigations.

Ultimately, it is the proponent's responsibility to ensure that sufficient studies are undertaken and reported to support an adequate assessment of environmental effects and that effective internal quality assurance has been applied during the preparation of the EES. Close consultation with DELWP and the TRG during the investigations and preparation of the EES will be necessary to minimise the need for revisions prior to authorisation of the EES for public exhibition.

The EES needs to provide a clear, objective and well-integrated analysis of the potential effects of the proposed project, including proposed avoidance, mitigation and management measures, as well as feasible alternatives. Overall, the main report needs to include:

- an executive summary of the potential environmental effects of the project, including potential effects on identified MNES;
- a description of the entire project, including its objectives, rationale, key elements, associated requirements for new infrastructure, resource use and use of existing infrastructure;
- a description of the approvals required for the project to proceed, and their relationship to relevant laws, policies, strategies, guidelines and standards;
- a description of feasible alternatives capable of substantially meeting the project's objectives that may also offer environmental or other benefits (as well as the basis for the choice where a preferred alternative is nominated);
- descriptions of the existing environment and future climate change scenarios, where these are relevant to the assessment of potential effects;
- appropriately detailed assessments<sup>7</sup> of potential effects of the project (and feasible alternatives) on environmental assets and values, relative to the "no project" scenario, together with an estimation of likelihood and degree of uncertainty associated with predictions;

6. Effects include direct, indirect, combined, facilitated, consequential, short and long-term, beneficial and adverse effects.

7. Assessments of assets, values and potential effects must be adequately timed to ensure they are accurately representative of seasonal weather patterns of the area.

- clear, active measures for avoiding, minimising, managing and monitoring effects, including a statement of commitment to implement these measures;
- predictions of residual effects of the project assuming implementation of proposed environmental management measures;
- any proposed offset measures where avoidance and other mitigation measures will not adequately address effects on environmental values, including the identified MNES;
- assessment of cumulative impacts with other existing and proposed developments in the region (including other approved and proposed mineral sand mines);
- documentation of the process and results of the consultation undertaken by the proponent during the preparation of the EES, including the issues raised by stakeholders or the public and the proponent's responses to these issues, in the context of the EES studies and the associated consideration of mitigation measures;
- evaluation of the implications for the project and feasible alternatives from the implementation of legislation and policy;
- evaluation against the principles and objectives of ecologically sustainable development; and
- conclusions on the significance of impacts on local, regional, state and national matters.

The EES should also include an outline of a program for community consultation, stakeholder engagement and communications proposed for implementation during the construction and operation of the project, including opportunities for local stakeholders to engage with the proponent to seek responses to issues that might arise during project implementation.

The proponent may choose to prepare a website with interactive functionality to provide an alternative, digital form of access to EES information, which may compliment the conventional EES chapters and technical documents. Such a digital approach to presentation of the EES should be discussed with DELWP Impact Assessment Unit and should be integrated with the preparation of the EES package, including review by the TRG. Any digital content for the EES must comply with Web Content Accessibility Guidelines.<sup>8</sup>

The proponent also needs to prepare a concise, graphical-based non-technical summary document (hard copy A4, no more than 25 pages) for free distribution to interested parties. The EES summary document should include details of the EES exhibition, public submission process and availability of the EES documentation.

### **3.3 Project description**

The EES is to describe the project in sufficient detail both to allow an understanding of all components, processes and development stages, and to enable assessment of their likely potential environmental effects. The project description should cover the following.

- An overview of the proponent and their environmental performance credentials, including experience in developing and operating projects and their health, safety and environmental policies.
- Contextual information on the project, including its objectives and rationale, its relationship to statutory policies, plans and strategies, including the basis for selecting the proposed project location and implications of the project not proceeding.
- Land use activities (including beneficial and sensitive uses) in the project area and vicinity, supported by plans and maps drawn at an appropriate scale that show:
  - the location of relevant sensitive receptors; and
  - the extent of Crown and private lands, existing land uses and waterways.
- Information on the project's operational life and decommissioning and rehabilitation arrangements.
- Other necessary works directly associated with the project, such as road upgrades and/or connections, and infrastructure and services relocation.
- Details of all the project components, to the extent practicable, including:
  - location, footprint, layout and access arrangements, including laydown areas;

<sup>8</sup> <https://www.vic.gov.au/make-content-accessible>.

- equipment/machinery storage and stockpiling areas, during construction and operation;
  - proposed or foreseeable marine activities that may be necessitated by the project;
  - seawater intakes and discharges and mixing zones;
  - design and expected construction staging and scheduling for the project;
  - proposed construction methods (to the extent relevant and practicable);
  - temporary occupation of land, extent of areas to be disturbed during construction and infrastructure and service relocation;
  - solid waste, wastewater and hazardous material generation and management during construction, operation and rehabilitation, including transportation and storage of hazardous material on-site and off-site;
  - lighting, safety and security requirements during construction and operation; and
  - hours of construction work and operational activity.
- Information on the project's operational life and any decommissioning and rehabilitation arrangements.
  - Other necessary works directly associated with the project, such as road upgrades or connections, and infrastructure and services relocation.

### **3.4 Project alternatives**

The EES should document the proponent's consideration of feasible alternatives and include an explanation of how specific alternatives were shortlisted for evaluation within the EES. The EES should investigate and document the likely environmental, social and economic effects of the alternatives, particularly where these offer a potential to minimise and/or avoid significant environmental effects whilst meeting the objectives of the project. The assessment of feasible alternatives and their effects needs to encompass:

- the selection of the FSRU approach in preference to a land-based alternative;
- the selection of the proposed site for the FSRU;
- the selection of the proposed mode of regasification from the range of available options including variations in the FSRU design and potential to use a combination of both closed and open loop systems;
- the selection of the proposed pipeline route;
- identification and evaluation of design alternatives for any components of the project;
- environmental considerations, including a comparative description of the effects of each alternative on MNES; and
- discussion of short, medium and long-term advantages and disadvantages of different alternatives.

The effects of the preferred form of the project should be compared to those of other alternatives or to a "no project" base case. Where appropriate, the assessment of environmental effects of feasible design alternatives are to address the matters set out in the subsequent sections of this document. The depth of investigation of alternatives should be proportionate to their potential to minimise potential adverse effects as well as meet project objectives.

### **3.5 Applicable legislation, policies and strategies**

In addition to the Environment Effects Act and the EPBC Act, the EES will need to identify relevant legislation, policies, guidelines and standards, and assess their specific requirements or implications for the project, particularly in relation to required approvals. Particular attention is drawn to the recent changes in the Environment Protection Act which are expected come into effect on 1 July 2021, and any subsequent updates to subordinate legislation.

The proponent will also need to identify and address other relevant policies, strategies, subordinate legislation and related management or planning processes that may be relevant to the assessment of the project. These include but are not limited to EPBC Act policy statements, conservation advices, threat abatement plans and recovery plans for nationally listed threatened species and communities and nationally listed migratory species.

### **3.6 Evaluation objectives**

Evaluation objectives are provided in Section 4 for each of the topics to be addressed in the EES. The evaluation objectives identify desired outcomes in the context of key legislative and statutory policies, as well as the principles and objectives of ecologically sustainable development and environment protection, including net community benefit. In accordance with the Ministerial Guidelines, they provide a framework to guide an integrated assessment of environmental effects and for evaluating the overall implications of the project.

### **3.7 Environmental management framework**

Competent management of environmental effects during project construction, operation and rehabilitation is required to meet statutory requirements, achieve necessary environmental outcomes, protect environmental values and sustain stakeholder confidence. Hence, the proponent is to provide an environmental management framework (EMF) for this project in the EES. The EMF will provide a transparent framework with clear accountabilities for managing and monitoring the environmental effects and hazards associated with the construction and operational phases of the project. The entity responsible for approval of management/ environmental plans will be identified.

Legislation provides the management framework for most environmental effects of the project. However, potentially significant effects, as outlined in the Minister's Decision, require further assessment (Section 4). In addition to these, there will be localised impacts realised during construction and operation. Therefore, the EMF must outline how potential adverse effects on community, businesses and land uses from changes in air quality and noise, traffic, landscape and visual amenity will be avoided, minimised or mitigated.

The EMF should describe the baseline environmental conditions to allow evaluation of the residual environmental effects of the project, as well as the efficacy of applied environmental management and contingency measures. The EMF should include:

- an environmental management system, with organisational responsibilities, accountabilities and governance arrangements;
- an environmental risk register that is maintained during project implementation; and
- environmental management measures proposed in the EES to address specific issues, including commitments to mitigate adverse effects and enhance environmental outcomes.

An important aspect of the EMF is community consultation, stakeholder engagement and communications during the construction and operation of the project. As the project proceeds it will largely be the EMF that outlines opportunities for local stakeholders to engage with Viva Energy to seek responses to issues that might arise during construction or operation. To this end the EMF will set out procedures for:

- complaints recording and resolution;
- auditing and reporting of performance including compliance with relevant statutory conditions and standards; and
- review of the effectiveness of the environmental management framework for continuous improvement.

Management measures proposed in the EES to address specific issues, including commitments to mitigate adverse effects and enhance environmental outcomes should be clearly described in the EMF. The EMF should describe proposed objectives, indicators and monitoring requirements, including for (but not limited to) managing or addressing:

- biodiversity values (including MNES and offsets);
- marine sediment and water quality, and protection of marine environmental values;
- landscape and visual values;
- social outcomes and community engagement;
- safety outcomes;
- maintenance of the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site;
- groundwater and surface water quality, surface water flow and groundwater regimes;

- solid and liquid waste, including recycling and handling of potentially hazardous or contaminated waste, potential acid sulphate soils and other excavated spoil;
- noise and emissions to air including greenhouse gases particularly with respect to managing impacts on amenity during construction;
- Aboriginal and historic cultural heritage values;
- transport management including managing temporary disruption and changed accessibility during construction;
- emergency management; and
- site reinstatement.

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## 4. Assessment of specific environmental effects

The Minister determined an EES was required for the project primarily due to the potential effects on the marine environment associated with pier construction, dredging, disposal of dredged material and marine discharges during operations. These works have the potential for significant environmental effects, posing risk to the nearby Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site and other biodiversity and environmental values (Section 1.2). Therefore, the EES studies should focus largely on the investigation of these matters.

However, the EES should also examine any other potential adverse environmental effects of the project such as on community amenity and include appropriate environmental management and performance measures (see Section 3.7). The Minister's procedures and requirements for this EES noted these secondary matters to address in the EES and that the proponent should use a risk-based approach to identify and examine other potential environmental effects (such as on air quality, noise, agriculture, land use, native vegetation, habitat for listed threatened species, groundwater, Aboriginal and historic cultural heritage, landscape and visual amenity, and transport).

The risk-based approach adopted during the EES studies, should help ensure that a greater level of effort is directed at investigating and managing those matters that pose relatively higher risk of adverse effects as described above, consistent with the Minister for Planning's decision (Appendix 1). Viva Energy should consult closely with DELWP and the TRG throughout the preparation of the EES to ensure that the investigation of issues is both thorough and targeted.

The following structure sets out how the EES could document its assessment of effects for each evaluation objective.

1. **Identify key issues or risks** that the project poses to the achievement of the evaluation objective. In addition to addressing the key issues identified, the proponent should undertake an environmental risk assessment covering all potentially significant risks.
2. **Characterise the existing environment** to underpin impact assessments having regard to the level of risk. The environmental risk assessment by the proponent could guide the necessary data acquisition.
3. **Assess the likely effects** of the project on the existing environment and evaluate their significance.
4. **Present design and mitigation measures** that could substantially reduce and/or mitigate the likelihood, extent and/or duration of potential effects. All design and mitigation measures must apply the mitigation hierarchy with justification of why higher order measures cannot be applied.
  - a. **Avoidance:** measures taken to avoid creating adverse effects on native vegetation and biodiversity values from the outset, such as careful spatial or temporal placement of infrastructure or disturbance.
  - b. **Minimisation:** measures taken to reduce the duration, intensity and extent of impacts that cannot be completely avoided.
  - c. **Rehabilitation/restoration:** measures taken to improve degraded or removed ecosystems following exposure to impacts that cannot be completely avoided or minimised.
  - d. **Offsets:** measures taken to compensate for any residual, adverse impacts after full implementation of the previous three steps of the mitigation hierarchy.Note that an assessment of residual effects (post mitigation) and their significance will be required to illustrate the likely effectiveness of the proposed mitigation measures.
5. **Propose performance criteria and management** to evaluate whether the project's effects are maintained within permissible levels and propose contingency approaches if they are not.

The description and assessment of effects must not be confined to the immediate area of the project but must also consider the potential of the project to impact on nearby environmental values, including areas potentially impacted by offsite components of the project. In addition, the cumulative effect of the project in combination with other activities in the broader area/region should be assessed for all significant adverse effects.

It is likely that the primary areas of assessment will require individual chapters in the EES while secondary assessment areas may be grouped and addressed in chapters focused on a common theme which align with the proposed assessment objectives which are described in more detail below.

## **4.1 Energy efficiency, security, affordability and safety**

### **Evaluation objective**

To provide for safe and cost-effective augmentation of Victoria's natural gas supply having regard to projected demand and supply in context of the State's energy needs.

### **Key issues**

- Workforce, nearby operations and public safety risks associated with the construction or operation of the project, including risks associated with or compounded by potential external threats.
- The rationale for the project in the context of energy security, efficiency and affordability.
- The capacity of the project to exert a beneficial influence on Victoria's energy security and costs over the anticipated life of the project, relative to established legislative and policy imperatives.

### **Existing environment**

- Characterise the human environment near the project relative to safety buffer standards for surrounding current land uses and reasonably foreseeable future land uses.
- Characterise Victoria's existing and anticipated demand for natural gas relative to existing anticipated and emerging supply scenarios.

### **Likely effects**

- Assess the project's compliance with standards, including the FSRU.

### **Mitigation measures**

- Describe proposed measures to minimise risk and ensure safety for workforce, nearby operations and the public during construction and operation of the project.
- Describe proposed measures to ensure the security and affordability of gas supply.
- Describe proposed measures to manage the potential impacts of treating the imported gas to meet local utility standards.

### **Performance criteria**

- Describe the monitoring program to form part of the EMF to identify any potential hazards in time for corrective action to be taken.
- Describe the framework for emergency response, including contingency planning for foreseeable possible public safety or environmental emergencies.
- Outline an operational monitoring regime to enable the project's contribution to gas supply security and affordability, to be measured relative to forecasts.

## **4.2 Biodiversity**

### **Evaluation objective**

To avoid, minimise or offset potential adverse effects on native flora and fauna and their habitats, especially listed threatened or migratory species and listed threatened communities as well as on the marine environment, including intertidal and marine species and habitat values.

### **Key issues**

- Potential for adverse effects on the ecological character and biodiversity values of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site including, but not limited to, the listed threatened species and terrestrial and marine conservation reserves.
- Potential for indirect effects on biodiversity values including but not limited to those effects associated with changes in hydrodynamics and coastal processes, water quality (i.e. on water dependent ecosystems).

- Potential for significant short and long-term impacts on marine biota due to entrainment of organisms in seawater for regasification or due to variable water temperature discharges and other pollutants, including chlorine, after use for regasification, including impacts resulting from reduced availability of food for other species, resultant hydrodynamic changes and other impacts such as long-term changes to populations and distribution.
- Potential for adverse effects on the marine environment from dredging and sediment mobilisation, including increased turbidity and contaminant disturbance.
- Potential for impacts resulting from increased shipping activity on marine species, including acoustic impacts and potential collisions.
- Potential for significant impacts on the marine environment resulting from accidental or unintended leaks or spills arising from construction works or operational activities, including unintended introduction of exotic species (e.g. through ballast water).

### Existing environment

- Characterise the distribution and quality of native vegetation and terrestrial, aquatic, intertidal and marine habitat and any wildlife movement in the area that could be impacted by the project or associated works. This must include the quality and type of habitat impacted and quantification of the total impact area and areas indirectly impacted from the proposed action and must be informed as appropriate by targeted surveys undertaken in accordance with the appropriate Commonwealth or DELWP survey guidelines.
- Identify the existing or likely presence of any protected species, and especially species listed under the *Flora and Fauna Guarantee Act 1988* and DELWP advisory lists, as well as environmental weeds, pathogens and pest animals.
- Characterise the listed threatened and migratory species, other protected species, ecological communities and potentially threatening processes that are likely to be present, in the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site or in other wetlands nearby. This characterisation is to be informed by the literature and suitable available data (especially, where relevant, data <5 years old) and supported by seasonal or targeted surveys where necessary. Details of the scope, timing and method for studies or surveys used to provide information on the ecological values at the site (and in other areas that may be impacted by the project) should be outlined. Records and other data from local sources should also be gathered and considered as appropriate.
- As appropriate, identify the different uses which significant species may make of different habitat areas that could be affected by the project at different times or life-cycle stages.
- Identify the marine or intertidal fauna and flora that could be affected directly or indirectly by the FSRU, including but not limited to entrainment through pumping system, susceptibility to changed water temperature or susceptibility to discharges containing chlorine or other pollutants.
- Identify exotic marine organisms that are already present or established near the project.
- Identify flora and fauna that could be affected by the project's potential effects on air quality, noise or vibration, or could be disoriented or otherwise impacted by project lighting.
- Describe the biodiversity values that could be affected by the project, including:
  - native vegetation and any ecological communities listed under the EPBC Act or Flora and Fauna Guarantee Act;
  - presence of, or suitable habitats for, native flora and fauna species, especially those listed under the EPBC Act, Flora and Fauna Guarantee Act, and DELWP advisory lists; and
  - use of the site and its environs for movement by EPBC Act, Flora and Fauna Guarantee Act, and DELWP advisory list listed fauna species, including migratory species, and other protected species.
- Describe the existing threats present to biodiversity values, including:
  - direct removal of individuals or destruction of habitat;
  - disturbance or alteration of habitat conditions (e.g. habitat fragmentation, changes to water quantity or quality, fire hazards, etc.);
  - threats of mortality of listed threatened fauna;
  - presence of or risk of introduction of any declared weeds, pathogens and pest animals within and near the project area; and

- initiating or exacerbating potentially threatening processes under the EPBC Act or Flora and Fauna Guarantee Act.

### Likely effects

- Assess likely direct and indirect effects of the project and alternatives on native vegetation, ecological communities and habitats for protected fauna and flora species, known or likely to occur in or adjacent to the project works, in particular any species listed under the EPBC Act, Flora and Fauna Guarantee Act or DELWP advisory lists, including but not limited to the following species and communities:
  - Spiny Rice-flower (*Pimelea spinescens* subsp. *spinescens*);
  - Large-fruit Fireweed (*Senecio macrocarpus*);
  - Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP);
  - Golden Sun Moth (*Synemon plana*);
  - Striped Legless Lizard (*Delma impar*);
  - Eastern Curlew (*Numenius madagascariensis*) – Critically endangered, migratory;
  - Curlew Sandpiper (*Calidris ferruginea*) – Critically endangered, migratory; and
  - Red Knot (*Calidris canutus*) – Endangered, migratory.
- Indirect loss of vegetation or habitat quality, that may support any listed species or other protected fauna, resulting from changes to the local hydrology (terrestrial) or hydrodynamics (marine), edge effects, habitat fragmentation, loss of connectivity, or other disturbance impacts arising from construction or operation, including noise, vibration and lights.
- Assess likely direct and indirect effects of the project on the ecological character and habitat values of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site, including but not limited to effects of entrainment, dredging and sediment mobilisation, potential introduction of exotic organisms, wastewater discharges, other waste streams, noise, vibration and light.
- Assess likely direct and indirect effects of the project and alternatives on protected fauna and their habitat, including threatened or migratory species listed under the EPBC Act, Flora and Fauna Guarantee Act or DELWP advisory lists, relative to existing hazards and risks and with regard to conservation or listing advices, action statements, recovery plans and threat abatement plans.
- Assess likely cumulative effects on biodiversity-related values that might result from the project in combination with other projects or actions taking place or proposed nearby.

### Mitigation measures

- Identify potential and proposed design options and measures that could avoid, minimise, mitigate or manage significant direct and indirect effects on native vegetation and any listed ecological communities or flora and fauna species and their habitat including the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site and habitat values within or adjacent to the pipeline alignment.
- Best practice guidelines and standards must be considered when designing mitigations.

### Performance criteria

- Describe and evaluate proposed measures to manage the residual effects of the project on biodiversity values, including an outline of an offset strategy that sets out and includes evidence of the offsets that can be secured or are proposed to satisfy Commonwealth and Victorian offset policy or guideline requirements.
- Describe and evaluate the approach to monitoring and the proposed contingency measures to be implemented in the event of adverse residual effects on flora, fauna and ecological community values requiring further management.
- Identify any further methods proposed to manage risks and effects on other biodiversity values and native vegetation, to form part of the EMF (see Section 3.7).
- Prepare an offset strategy that sets out and includes evidence of the offsets that can be secured or are proposed to satisfy Commonwealth and Victorian offset policy or guideline requirements.
- As part of the offset strategy, describe how the offset/s will be secured, managed and monitored, including thresholds for management actions, responsibility, timing, performance measures and the

specific environmental outcomes to be achieved (e.g. as part of offset management plans to be prepared).

- Proposed EPBC Act offsets must meet the requirements of the *EPBC Act Environmental Offsets Policy* (October 2012)<sup>9</sup>.

### 4.3 Water and catchment values

#### Evaluation objective

To minimise adverse effects on water (in particular wetland, estuarine, intertidal and marine) quality and movement, and the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site.

#### Key issues

- The potential for adverse effects on the functions and environmental values of surface water environments, such as interception or diversion of flows or changed water quality in downstream water environments due to the project, in the context of climate change projections.
- The potential for adverse effects on the functions, environmental values and the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site.
- The potential for adverse impacts on water quality and environmental values due to dredging and sediment mobilisation, spills or other incidents during construction or operation.

#### Existing environment

- Describe marine, estuarine, intertidal and freshwater waters and their environmental values that could be affected from changed water quality, sediment or water movement, due to the project.
- Describe the ecological character of the Ramsar site, and related hydrological and environmental values protected under the EPBC Act, including their acceptable limits for change.
- Characterise the interaction between surface water and marine waters within the project and broader area.
- Characterise the area's hydrodynamics and coastal processes and modelling techniques utilised to do so.

#### Likely effects

- Identify and evaluate effects of the project on groundwater, surface water, waterways and wetlands near the project works, including the likely extent, magnitude and duration (short and long term) of changes to water quality, water level, temperature or flow paths during construction and operation, considering appropriate climate change scenarios and possible cumulative effects resulting in combination with other existing or proposed projects of actions.
- Assess the impacts of the construction and operation of the project on the Ramsar site, particularly potential substantial and/or measurable changes to the hydrological regime, in the context of ecological character description and acceptable limits for change.
- Ensure a systems-based assessment with marine water quality, hydrodynamics and marine ecology studies undertaken together.

#### Mitigation measures

- Identify and evaluate aspects of project works and operations, and proposed design refinement options or measures, that could avoid or minimise significant effects on water, wetlands and marine environments.
- Describe further potential and proposed design options and measures that could avoid or minimise significant effects on environmental values<sup>10</sup> of surface water, groundwater and downstream water environments during the project's construction and operation, including response measures for environmental incidents.

<sup>9</sup> [environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy](http://environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy)

<sup>10</sup> The *Environment Protection Act 2017* refers to environmental values rather than beneficial uses. Note change throughout.

### **Performance criteria**

- Describe any further methods that are proposed to manage risks of effects on groundwater and surface water and catchment values, as well as water quality, to form part of the EMF (see Section 3.7).
- Describe methods proposed to manage the cumulative risks of the project, in combination with existing projects, that may impact on water environments and catchment values.
- Describe and evaluate the approach to monitoring and the proposed contingency measures to be implemented in the event of adverse residual effects on water quality and catchment values requiring further management.
- Describe and evaluate the approach to monitoring and the proposed ongoing management measures to be implemented to avoid adverse residual effects on the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site.

## **4.4 Cultural heritage**

### **Evaluation objective**

To avoid or minimise adverse effects on Aboriginal and historic cultural heritage.

### **Key issues**

- Potential for adverse effects on Aboriginal and historic (including underwater cultural heritage and archaeology and underwater Aboriginal cultural heritage) cultural heritage values.
- Potential for permanent loss of significant heritage values.

### **Existing environment**

- Review land use history, previous studies and registers to identify areas prospective for Aboriginal and historical cultural heritage values.
- Identify Aboriginal cultural heritage sites and values (including intangible cultural heritage values) that could be affected by the project, in consultation with the Registered Aboriginal Party (Wadawurrung Traditional Owners Aboriginal Corporation).
- Identify areas of Aboriginal cultural heritage sensitivity relevant to the project, including consideration of submerged Aboriginal cultural heritage within Corio Bay.
- Investigate the condition and sensitivity of identified sites and precincts.
- Document known and previously unidentified places and sites of historic cultural heritage significance within and adjoining the project area, in accordance with Heritage Victoria guidelines.

### **Likely effects**

- Assess potential effects on Aboriginal cultural heritage resulting from the project and alternatives.
- Assess the potential effects on sites and places of historic and cultural heritage significance, having regard to Heritage Victoria guidelines.

### **Mitigation measures**

- Describe and evaluate potential and proposed design and construction mitigation methods to address effects on Aboriginal and historic cultural heritage.

### **Performance criteria**

- Identify further methods proposed to manage risks of effects on Aboriginal and historic cultural heritage values as part of the EMF (see Section 3.7)
- Prepare a cultural heritage management plan (CHMP).
- Outline and evaluate proposed additional measures to manage risks of effects on sites and places of Aboriginal cultural heritage significance, within the framework of a CHMP, and on sites and places of historic cultural heritage significance, as part of the EMF.

## **4.5 Social, economic, amenity and land use**

### **Evaluation objective**

To minimise potential adverse social, economic, amenity and land use effects at local and regional scales.

### **Key issues**

- Potential for project works and operations to affect business operations or other existing or approved facilities or land uses.
- Potential for public safety risks associated with the construction or operation of the project, including risks associated with or compounded by potential external threats.
- Potential for dust emissions resulting from construction works and activities, including dust from potentially contaminated soil.
- Potential for increases in noise and vibration levels during project construction or operation to affect amenity adversely in adjacent residential and parkland areas.
- Potential for project construction or operation to affect local air quality adversely.
- Potential for temporary or permanent changes to use of or access to existing infrastructure in the project area and in its vicinity.
- Potential for impacts on recreational boating and other recreational activities from the project.
- Potential for adverse impacts on visual or landscape values.

### **Existing environment**

- Describe the demographic and social character of residential communities near the project.
- Identify dwellings and any other potentially sensitive receptors (e.g. community centres, open spaces, etc.) that could be affected by the project's potential effects on air quality, noise or vibration levels, especially vulnerable receptors including children and the elderly.
- Monitor and characterise background levels of air quality (e.g. dust and other pollutants), noise and vibration near the project, including established residential areas and other sensitive receptors.
- Identify existing and reasonably foreseeable land uses and businesses occupying land to be traversed by, adjacent to, or otherwise affected by impacts from the project.
- Identify strategic plans specifying or encouraging land use outcomes for land to be occupied by the project.
- Identify existing levels of recreational boating and other recreational activities in the vicinity of the project and the channels used by commercial shipping to move to and from the jetty.
- Identify visual and landscape values near the project, including public and private vantage points from which elements of the project may be visible.

### **Likely effects**

- Identify implications for communities, current land uses and businesses and immediately foreseeable changes in land use.
- Predict likely atmospheric concentrations of dust and other air pollution indicators during project construction at sensitive receptors near the FSRU or along the pipeline corridor, and assess the potential impacts to human health, giving consideration to the Environmental Reference Standard (ERS) under the Environment Protection Act 2017.
- Assess likely noise, vibration, traffic, lighting and visual impacts at sensitive receptors adjacent to the project during project construction and operation (both with and in the absence of the proposed mitigation measures), relative to standards.
- Describe the likely extent and duration of temporary disruption to existing land uses arising from project construction.
- Describe potential impacts on public infrastructure including roads resulting from construction or operations activities.
- Describe potential impacts on recreational activities resulting from the project.
- Assess potential safety hazards to the public arising from project construction and operation.

### **Mitigation measures**

- Identify potential and proposed design responses and/or other mitigation measures to avoid, reduce and/or manage any significant effects for sensitive receptors during project construction and operation arising from specified air pollution indicators, noise, vibration, traffic and lighting, in the context of applicable policy and standards and the anticipated increase in shipping traffic in Corio Bay resulting from the project.

- Identify options for mitigating impacts from project construction or operation on potentially affected businesses and community facilities including open space.
- Identify options for mitigating or managing visual or landscape impacts of the project.

#### **Performance criteria**

- Measures to manage other potentially significant effects on amenity, environmental quality and social wellbeing (including access to open spaces) should also be addressed in the EES, including a framework for identifying and responding to emerging issues, as part of the EMF (Section 3.7).
- Describe any further measures that are proposed to enhance social outcomes, and either manage risks to landscape and recreational values, or enhance visual amenity outcomes both for residents living near the project and for visitors to the locality, to form part of the EMF (see Section 3.7).

### **4.6 Waste management**

#### **Evaluation objective**

To minimise generation of wastes by or resulting from the project during construction and operation, including dredging and accounting for direct and indirect greenhouse gas emissions.

#### **Key issues**

- Potential for adverse environmental or health effects from waste materials/streams generated from project works including dredging.
- Potential for emissions of greenhouse gases to result from the project, including embedded emissions due to construction materials and processes as well as direct and indirect emissions from construction and operation.
- Potential for discharge of variable water temperature or other pollutants including chlorine resulting from regasification.
- Potential for unplanned spills of product or other pollutants including bilge or ballast water that could contain exotic organisms.
- Potential for disturbance of contaminated soil or acid sulphate soil particularly during dredging.

#### **Existing environment**

- Identify the sensitivity of receiving waters to variable water temperature discharges or other polluting or toxic constituents of discharged water, including determining the geographical extent over which changed temperatures and contaminants may cause adverse environmental effects.
- Identify the potential occurrence of contaminated groundwater, contaminated soil/sediment, or potential acid sulfate soils within the area where project works may occur.

#### **Likely effects**

- Identify potential environmental effects resulting from the generation, storage, treatment, transport and disposal of solid waste, including contaminated or potential acid sulphate soil and contaminated sediment from project construction and operation.
- Quantify anticipated greenhouse gas emissions from the project relative to time.
- Identify potential impacts resulting from contaminants or water temperature change due to discharge of seawater used for regasification, regarding the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site, for example due to effects on plankton and larvae productivity and resultant changes in bird food resources.

#### **Mitigation measures**

- Describe available options for treatment or disposal of solid and liquid wastes generated by the project.
- Describe how the waste hierarchy will be applied to control and manage waste.
- Identify suitable off-site disposal options for waste materials.
- Describe measures proposed to be implemented to treat discharge seawater and to minimise the extent of the mixing zone.
- Identify options for reducing direct and indirect greenhouse gas emissions resulting from the construction and operation of the project.

- Describe measures to minimise the risk of spills including of water from vessels which might contain contaminants or exotic organisms.

**Performance criteria**

- Describe proposed management approach for solid waste.
- Describe proposed measures to reduce, monitor and audit greenhouse gas emissions from the project.
- Describe proposed measures to reduce, monitor and audit discharges to water from the project.
- Describe measures for emergency and spill response.
- Describe contingency measures for responding to unexpected impacts resulting from waste management or discharges.

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# Appendix A

## **Procedures and requirements under section 8B(5) of the *Environment Effects Act 1978***

The procedures and requirements applying to the EES, in accordance with both section 8B(5) of the Act and the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Ministerial Guidelines), are as follows.

- (i) The EES is to document investigations and avoidance of potential environmental effects of the proposed project, project alternatives and their effects, as well as the feasibility of associated environmental mitigation and management measures.
  
- (ii) Primarily, the EES is to incorporate an integrated assessment, and characterisation of associated uncertainties, of the project's potential effects on the marine environment and ecosystem of Corio Bay from:
  - a. dredging works;
  - b. mobilisation of sediment and associated contaminants, such as arsenic and zinc;
  - c. construction at, and around, Refinery Pier;
  - d. seawater intake to and cold water/residual chlorine discharges from the floating storage and gasification unit (FSRU), and
  - e. re-use of FSRU intake seawater within the refinery and warm water/residual chlorine discharges from the refinery.The EES is also to incorporate an integrated assessment of the broader environmental effects of greenhouse gas emissions from FSRU operation.
  
- (iii) Secondly, the EES is to incorporate a risk-based, integrated assessment of the project's potential environmental effects on air quality, noise, agriculture, land use, native vegetation, habitat for listed threatened species, groundwater, Aboriginal and historic cultural heritage, landscape and visual amenity, and transport.
  
- (iv) The matters to be investigated and documented in the EES will be set out more fully in scoping requirements. Draft scoping requirements will be exhibited for 15 business days, for public comment, before final scoping requirements are issued by the Minister for Planning.

- (v) The level of detail of investigation for the EES studies should be consistent with the approach set out in the scoping requirements and be adequate to inform an assessment of the significance and acceptability of its potential environmental effects, in the context of the Ministerial Guidelines.
- (vi) The proponent is to prepare and submit to the Department of Environment, Land, Water and Planning (DELWP) a draft EES study program to inform the preparation of scoping requirements.
- (vii) DELWP will convene an inter-agency technical reference group (TRG) to advise DELWP and the proponent during the preparation of the EES on the scoping requirements, the design and adequacy of the EES studies, and coordination with statutory approval processes.
- (viii) The proponent is to prepare and submit to DELWP its proposed EES consultation plan for consulting the public and engaging with stakeholders during the preparation of the EES. Once completed to the satisfaction of DELWP, the EES consultation plan is to be implemented (and updated as appropriate) by the proponent, having regard to advice from DELWP and the TRG.
- (ix) The proponent is also to prepare and submit to DELWP its proposed schedule for the completion of studies, preparation and exhibition of the EES, following confirmation of the draft scoping requirements.
- (x) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies to a satisfactory standard.
- (xi) The EES is to be exhibited for a period of not less than 30 business days for public comment, unless the exhibition period spans the Christmas/New Year period, in which case 40 business days will apply.
- (xii) An inquiry will be appointed under the *Environment Effects Act 1978* to consider the environmental effects of the proposal.

## Notification

The following parties are to be notified of this decision in accordance with sections 8A and 8B(4)(a)(i) of the *Environment Effects Act 1978*:

- Viva Energy Gas Australia Pty Ltd (proponent);

- Minister for Energy, Environment and Climate Change;
- Minister for Water;
- Secretary of the Department of Environment, Land, Water and Planning;
- Mayor of City of Greater Geelong;
- CEO of the Corangamite Catchment Management Authority;
- CEO of the Environment Protection Authority;
- Executive Director of Aboriginal Victoria;
- Executive Director of Heritage Victoria; and
- CEO of Wadawurrung Traditional Owners Aboriginal Corporation.

**HON RICHARD WYNNE MP**  
**Minister for Planning**

Date: 28/12/2020