

DECISION ON PROJECT

Decision under section 8B(3)(a) of the *Environment Effects Act 1978*

Victorian Renewable Energy Terminal Project (Referral Number 2023-R006)

Assessment through an environment effects statement (EES) under the *Environment Effects Act 1978* **is required** for the reasons set out in the attached Notice of Reasons for Decision.

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 of potential environmental effects of the proposed project, including feasible alternatives and associated environmental mitigation and management measures, in particular for:
 - a) potential effects on biodiversity and ecological values within and near the proposed facility at Port of Hastings, including potential impacts associated with the loss of native vegetation, indirect and direct impacts on the habitat for listed threatened species of flora and fauna, and risks to other ecological values and ecosystem services of conservation areas, nature parks, marine reserves and Ramsar sites in proximity to the proposal;
 - b) potential effects from construction, dredging and waste management on the ecology of Western Port associated with changes to seawater quality and direct/indirect impact to marine species and benthic communities (threatened and non-threatened), including from sedimentation, direct loss of habitat and underwater noise;
 - c) potential effects on tangible and intangible Aboriginal and historic cultural heritage values;
 - d) potential effects from construction on surface water environments, as well as groundwater (hydrology, quality, uses and dependent ecosystems), including risks associated with potential acid sulphate soils;
 - e) potential effects of project construction and operation on air quality and noise on nearby sensitive receptors (in particular residences);
 - f) potential effects on land-uses and socio-economic values, at local and regional scales, as well as landscape and visual impacts, increased traffic movement and other amenity impacts; and
 - g) potential effects of waste (solid, liquid and gas), other pollutants and potential acid sulphate soil disturbance that might be generated by the project during construction and operation.
- (ii) 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, before final scoping requirements are issued by the Minister for Planning.
- (iii) The proponent is to prepare and submit to the Department of Transport and Planning (DTP) an adequate draft EES study program to inform the preparation of scoping requirements.

- (iv) 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.
- (v) DTP will convene an inter-agency technical reference group (TRG) to advise DTP and the proponent on the scoping requirements, the design and adequacy of the EES studies, and coordination with statutory approval processes.
- (vi) The proponent is to prepare and submit to DTP its proposed EES Consultation Plan for engaging with the public and stakeholders during the preparation of the EES. Once completed to the satisfaction of DTP, the EES consultation plan is to be implemented by the proponent, having regard to advice from DTP and the TRG.
- (vii) The proponent is also to prepare and submit to DTP its proposed schedule for the completion of studies, preparation and exhibition of the EES, following confirmation of the scoping requirements. This schedule will be finalised in consultation with DTP and is intended to facilitate the alignment of the proponent's and DTP's timeframes, including for TRG review of technical studies and main report.
- (viii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies and documentation to a satisfactory standard.
- (ix) The EES is to be exhibited for a period of 30 business days for public comment, unless the exhibition period spans the Christmas–New Year period, in which case 40 business days will apply.
- (x) An inquiry will be appointed under the *Environment Effects Act 1978* to consider environmental effects of the proposal.

Notification

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

- Port of Hastings Corporation (proponent)
- Minister for Environment
- Minister for Planning
- Mornington Peninsula Shire Council
- Environment Protection Authority
- Bunurong Land Council Aboriginal Corporation (BLCAC)
- Director First Peoples-State Relations
- Executive Director Heritage Victoria
- Secretary of Department of Energy, Environment and Climate Action
- Commonwealth Minister for the Environment and Water


HON SONYA KILKENNY MP
Minister for Planning

Date: 11/10/23