

# Draft Scoping Requirements Victorian Renewable Energy Terminal Environment Effects Statement

*Environment Effects Act 1978*

November 2024

## Acknowledgement



The Victorian Government acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land and acknowledges and pays respect to their Elders, past and present.

### **Queries about the Victorian Renewable Energy Terminal should be directed to the proponent:**

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Website: <https://renewableenergyterminal.com.au>

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## List of abbreviations

CHMP	Cultural heritage management plan
DTP	Department of Transport and Planning
DEECA	Department of Energy, Environment and Climate Action
EE Act	<i>Environment Effects Act 1978</i> (Vic)
EES	Environment effects statement
EMF	Environmental management framework
EP Act	<i>Environment Protection Act 2017</i> (Vic)
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FFG Act	<i>Flora and Fauna Guarantee Act 1988</i> (Vic)
ha	Hectares
P&E Act	<i>Planning and Environment Act 1987</i> (Vic)
PoHC	Port of Hastings Corporation
RAP	Registered Aboriginal Party
TRG	Technical reference group



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# 1 Introduction

In light of the potential for significant environmental effects, on 11 October 2023 the Minister for Planning determined under the *Environment Effects Act 1978* (EE Act) that Port of Hastings Corporation (the proponent) is to prepare an environment effects statement (EES) for the proposed Victorian Renewable Energy Terminal project (the 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 for Planning (the Minister) will issue an assessment of the project's environmental effects under the EE Act to conclude the EES process. The Minister's assessment will then inform statutory decision-makers for the project.

These *Draft Scoping Requirements for the Victorian Renewable Energy Terminal - Environment Effects Statement* set out the proposed specific matters to be investigated and documented in the EES. 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.

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 potential impacts and environmental issues relevant to statutory decisions that will be informed by the assessment.

## 1.1 The project and setting

The Port of Hastings Corporation proposes to develop the Victorian Renewable Energy Terminal as a facility to serve as a base of operations for the construction of offshore wind infrastructure in the Commonwealth waters adjacent to Victoria. Longer term, the facility may be used to support maintenance, repowering and decommissioning activities of the offshore wind infrastructure.

The site is situated within the Port of Hastings. It is located to the southeast of Melbourne, approximately 72 km from the Melbourne CBD, and 2.6 km northeast of the centre of Hastings (Figure 1). The terminal is proposed to be situated between BlueScope's steel manufacturing plant, Esso's Long Island Point fractionation plant, at the Old Tyabb Reclamation Area (OTRA) and the adjoining Western Port Bay.

The onshore component of the site borders the Western Port Ramsar site, an area identified to be of international importance, in particular to waterfowl habitat. The Ramsar site extends across the Western Port area which is connected to Bass Strait by a wide channel between French and Phillip Islands, and a narrow channel between San Remo and Phillip Island (Figure 1 – Project Location).

The project would include landside development, land reclamation, construction of a berth and dredging to allow for ship access (Figure 2).

The proposed terminal would be approximately 40ha, comprised of two key areas:

- the operational area, approximately 34ha (the existing 22ha OTRA site and 12ha of new reclamation); and
- the quay apron, approximately 6ha of new reclamation.

The proposed terminal would therefore require 18ha of land reclamation.

The operational area would be designed to accommodate the transport, fit out and storage of large numbers of the foundation units (FOUs), wind turbine generators (WTGs) and electrical components needed for the development of offshore wind energy.

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

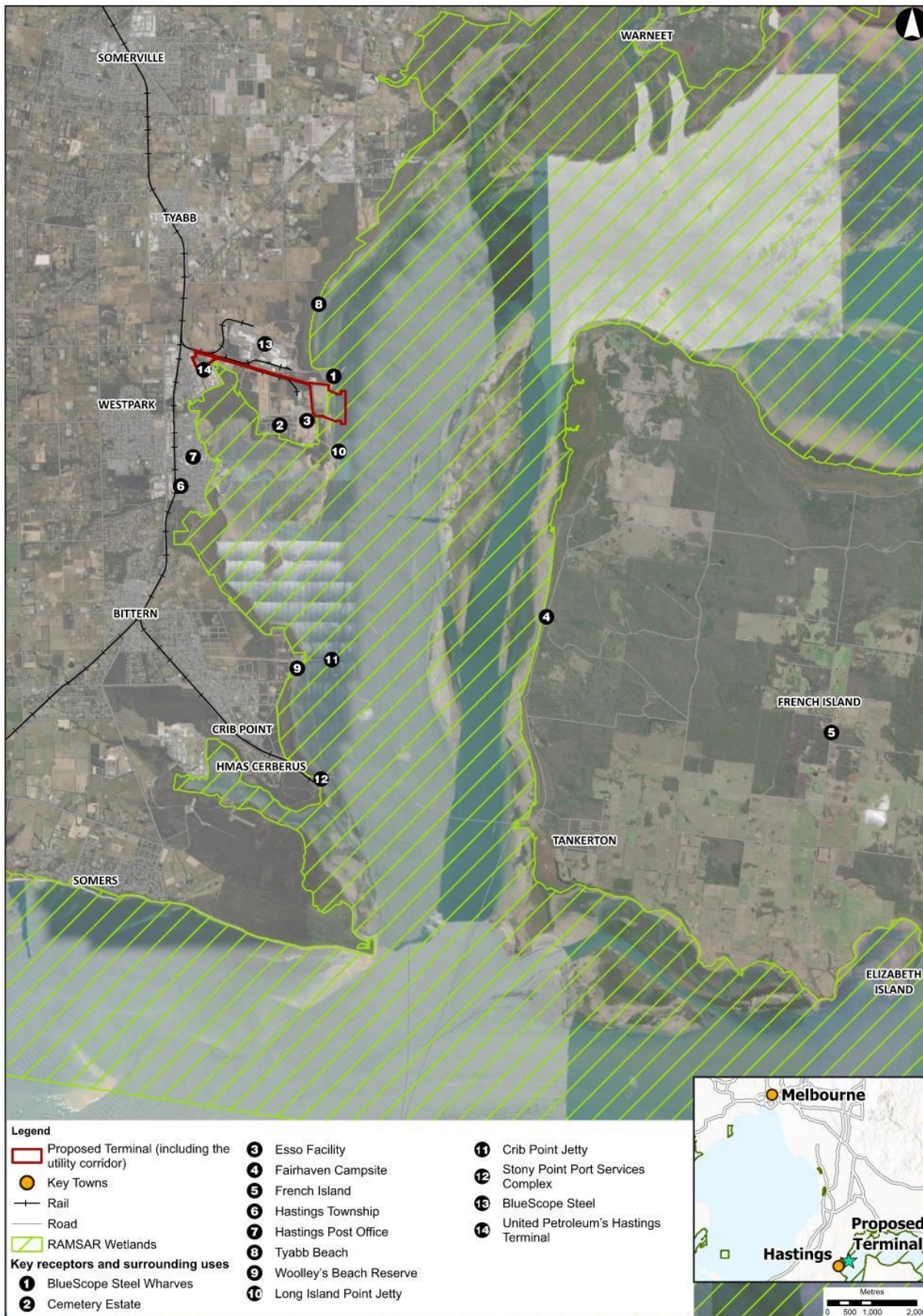


Figure 1. Project Location – Regional Setting (Port of Hastings Corporation).

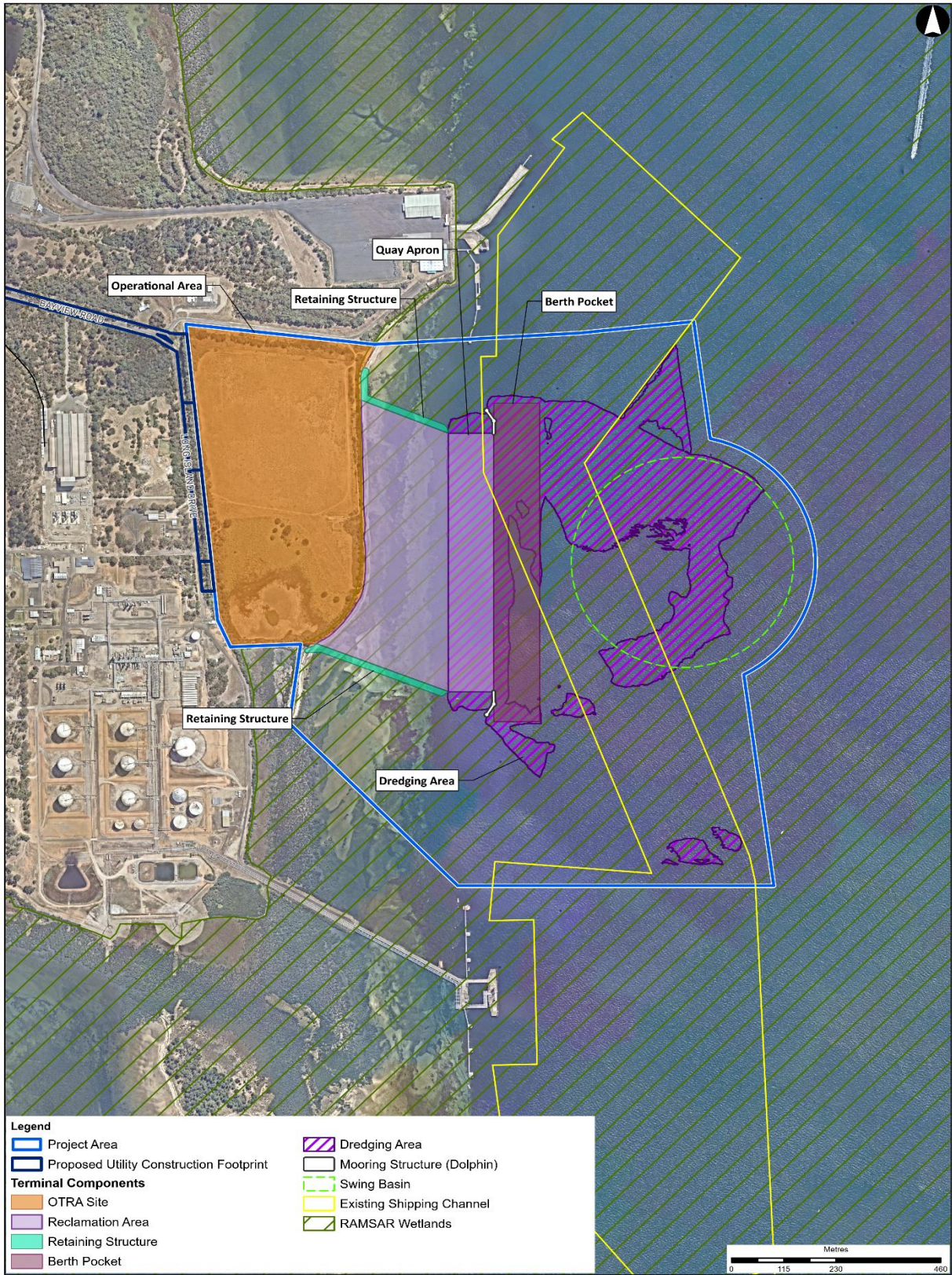


Figure 2. Site Location Plan (Port of Hastings Corporation).



The quay apron would primarily be used for loading and unloading of components to and from ships. The quay apron would consist of a quay wall overlain by heavy-duty pavements or concrete decking. The quay apron would be subjected to very large loads from turbine components being unloaded from (or loaded onto) vessels. Loading and unloading would be facilitated by cranes directly on the quay, or components would be driven directly onto vessels by large purpose-built vehicles and off-loaded. The quay apron may also be used to unload occasional oversize, over mass items, however the primary use of the facility is for offshore wind.

Dredging of the seabed would be required as part of the project. Dredging of the approach channel and swing basin would allow the import supply ships to approach and manoeuvre near the berths prior to berthing. Deepening of the berth pocket and removal of soft soils down to a firm stratum would allow for the placement of rock onto a strong soil layer, so that the jack-up legs of the offshore installation vessels could be used in port. A layer of scour protection rock would be installed after dredging to prevent seabed disturbance caused by vessel bow and side thrusters. Dredging of the substrate below the quay may also be required to ensure adequate footing capacity for the quay wall structure.

Outside the facility, there may be potential extensions and/or upgrades required to electrical, communications, water and sewer services, and road infrastructure.

Construction activities are scheduled to commence in late 2027, with the terminal expected to be operational by 2030.

## 1.2 Minister's requirements for this EES

In light of the potential for significant environmental effects, on 11 October 2023, the Minister for Planning decided that an EES is required to assess the potential environmental effects of the project. The Minister published procedures and requirements applicable to the preparation of the EES, in accordance with section 8B(5) of the EE Act (refer to Appendix A). 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:

- 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;
- 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;
- potential effects on tangible and intangible Aboriginal and historic cultural heritage values;
- 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;
- potential effects of project construction and operation on air quality and noise on nearby sensitive receptors (in particular residences);
- 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
- 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.

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).



## 2 Assessment process and required approvals

### 2.1 What is an EES?

An EES describes a project, its rationale/benefit and its potential environmental effects. It should 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 describes and assesses the potential impacts of the project. It examines avoidance, mitigation or other measures to reduce the environmental effects and assesses residual effects. The main report draws on technical studies, data and statutory requirements for the protection of marine and coastal water, 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 appropriate stakeholder consultation. The Department of Transport and Planning (DTP) 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 DTP on behalf of the Minister with public comments received during the advertised exhibition period (this document);
- finalisation and issuing of scoping requirements by the Minister;
- review of the proponent's EES studies and draft documentation by DTP, a technical reference group and an external, independent expert group;
- completion of the EES by the proponent;
- review of the complete EES by DTP to establish its adequacy for public exhibition;
- exhibition of the proponent's EES and invitation for public comment by DTP 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.

It is the proponent's responsibility to ensure that adequate studies are undertaken and reported to support the assessment of environmental effects arising from the project and that it implements effective internal quality assurance for EES documentation.

#### Technical reference group

DTP has convened a technical reference group (TRG) of state government agencies, registered Aboriginal parties and local councils for this EES process to advise DTP and the proponent on:

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

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

- coordination of statutory processes.

### **Independent expert group**

An independent expert group (IEG) is being appointed to provide advice to DTP in relation to critical components of the assessment of the VRET Project under the EE Act and related statutory matters.

The IEG will have members with knowledge of the Western Port environment and expertise in the fields of:

- coastal processes and hydrodynamics; and
- marine and coastal ecology, including waterbirds.

### **EES consultation**

The proponent is responsible for informing and engaging the public and stakeholders during the EES process, to inform them about the project, the EES process and EES studies. The proponent's EES consultation should enable feedback to be inputted on the project and its potential environmental effects, as well as respond to issues raised. Stakeholders include potentially affected parties, Traditional Owner groups, any interested community organisations/groups and government bodies.

Through its EES consultation plan, the proponent is to undertake effective engagement that enables the public and stakeholders to understand where there are opportunities for engagement. The proponent needs to provide appropriate opportunities for input and feedback from different stakeholders on the project and EES investigations. The proponent is responsible for preparing and implementing an EES consultation plan that sets out the approach to engagement. This plan is reviewed and amended in consultation with DTP and the TRG before it is published on the Planning website.<sup>3</sup> The 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.

### **Traditional Owner engagement**

The EES should be developed with acknowledgement of and respect for Traditional Owners' care for and connection to Country. Through the EES, the proponent should seek to understand the direct and indirect ways in which the project could affect these interests. To this end, the EES should be informed by engagement with Traditional Owners.

The proponent should support and enable culturally appropriate, informed and meaningful engagement with Traditional Owners, including by:

- asking Traditional Owner groups about the engagement processes that would be suitable;
- endeavouring to develop good working relationships;
- taking into account and respecting the cultural and communication needs and protocols of communities;
- engaging early and providing appropriate timeframes to consider and respond to information; and
- genuinely seeking input and expertise.

The EES consultation plan should set out the mechanisms to be established by the proponent to support and enable Traditional Owner engagement as well as outline how the views and expertise offered by Traditional Owners will be integrated into the EES.

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3. [Victorian renewable energy terminal \(planning.vic.gov.au\)](http://www.planning.vic.gov.au)



## Statutory approvals and the EES process

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

The key approvals required under Victorian legislation are planning approval under the *Planning and Environment Act 1987*; an approved Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*, a consent to use and develop marine and coastal Crown Land under the *Marine and Coastal Act 2018* and a permit to take, keep or move protected flora and fauna (including fish) under the *Flora and Fauna Guarantee Act 1988*. Other approvals may be required and will be determined throughout the course of the EES.

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

When an *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) referral is submitted for any project, the Commonwealth Minister will determine whether it is a 'controlled action' requiring assessment and approval under the EPBC Act.

Should the proposed project be a controlled action due to significant impacts on a matter of national environmental significance (such as the Western Port Ramsar site and, or listed threatened species or communities), the Victorian EES process can address those matters, as it is an accredited process under the Bilateral Agreement in place between the Commonwealth and Victorian Governments.

## 3 Preparing the EES

### 3.1 General approach

Preparation of the EES should be consistent with a systems approach and a risk-based approach when identifying issues for assessment. The EES needs to put forward a sound rationale for the level of assessment and analysis undertaken for any environmental effect or combination of environmental effects<sup>4</sup> arising from all components and stages of the project. The EES needs to document the analysis of the significance of the potential effects of the project, with consideration of the following approach.

1. **Characterise the existing environment** and identify relevant environmental values to underpin impact assessments, having regard to the systems and risk-based approach.
2. **Identify the potential effects** of the project on the environment (pre-mitigation), including those caused indirectly as a result of proposed activities, considering aspects such as magnitude, extent, duration, likelihood and significance of change in the values of each asset.
3. **Present design refinement and mitigation measures** that could achieve avoidance, substantial reduction and/or mitigation of the potential effects and in doing so, apply the mitigation hierarchy with justification of why higher order measures cannot be applied.
  - a. **Avoidance:** measures taken to avoid creating adverse effects 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 stabilise or restore an area after disturbance to achieve previous, improved or future land uses such as ecosystems following exposure to impacts that cannot be completely avoided or minimised.
  - d. **Offsets<sup>5</sup>:** measures taken to compensate for any residual, adverse impacts after full implementation of the previous three steps of the mitigation hierarchy.
4. **Assess the likely residual effects** of the project on the environment (for all project phases, including construction, operation and decommissioning) and evaluate the significance of each effect taking into account the likely effectiveness of the design and mitigation measures. Significance of residual effects should consider local, regional, state and federal matters.

Residual environmental effects need to be clearly described for each project phase, including construction, operation and decommissioning. The description and assessment of effects must also consider the potential of the project to impact on nearby environmental values beyond the immediate project area, including areas downstream. In addition, the cumulative effects of the project in combination with other existing and planned activities in the broader area/region should be assessed for all residual adverse effects and considered in design of mitigation measures and monitoring programs.

5. **Propose an approach to managing performance** that should include criteria, monitoring and evaluation to check that predicted outcomes are being achieved during project implementation, as well as contingency approaches if monitoring demonstrates adverse effects more than predicted or permitted.

### 3.2 Content and format of the EES

Together with the Minister's reasons for decision, the published procedures and requirements and the Ministerial Guidelines, the content of the EES and related investigations are to be guided by these scoping requirements. To

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4. Effects include direct, indirect, combined, cumulative, short- and long-term, beneficial and adverse effects.

5. The proponent is encouraged to identify opportunities to engage with Traditional Owner groups to develop and deliver rehabilitation/restoration measures as well as environmental offsets.



facilitate decisions on required approvals, the EES should address statutory requirements associated with approvals that will be informed by the Minister's assessment, including decision-making under other applicable legislation.

The EES should 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 should include:

- an executive summary;
- a description of the project, including its objectives, rationale, key elements, resource use, associated requirements for new infrastructure 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 including the basis for any nomination of a preferred alternative;
- a description of the scope, timing<sup>6</sup> and method for studies or surveys used to provide information on the values of the project areas, as well as any records and other data from local sources gathered and considered as appropriate;
- descriptions of the existing environment and the predicted future environment (such as projected climate change scenarios), where this is relevant to the assessment of potential effects;
- appropriately detailed assessments of potential effects of the project (and feasible alternatives) on environmental values and assets, relative to the "no project" scenario, together with an estimation of likelihood and degree of uncertainty associated with predictions;
- 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 (i.e. habitat restoration) where avoidance and other mitigation measures will not adequately address effects on environmental values, including for relevant MNES;
- assessment of cumulative impacts with other existing and proposed developments in the region;
- 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 of legislation and policy for the project and feasible alternatives;
- evaluation against the principles and objectives of ecologically sustainable development<sup>7</sup>; and
- conclusions on the significance of impacts on local, regional and state matters.

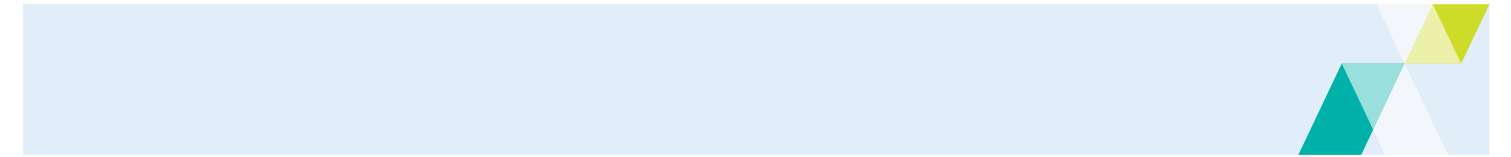
The EES should also include an outline of a program for community consultation, stakeholder engagement and communications proposed for implementation during the construction and operation of the project, including opportunities for local stakeholders to engage with the proponent to seek responses to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

The proponent may choose to prepare a website with interactive functionality to provide an alternative way of accessing EES information, which may complement the conventional EES main report and technical reports. Such an approach should be discussed with DTP Impact Assessment Unit and if integrated with the EES documentation, the digital information should be provided to the TRG for review.

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6. Surveys of assets, values and potential effects must be timed to ensure they take account of seasonal weather patterns and natural variability of the area.

7. Ecologically sustainable development is defined within the Ministerial Guidelines, page 9.



The proponent must also 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 also include details of the EES exhibition, public submission process and availability of the EES documentation and any digital information.

### 3.3 Project description and rationale

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 canvass the following:

- contextual information on the project, including the proponent's objectives and rationale, their relationship to statutory policies, plans and strategies, including the basis for selecting the proposed project locations and implications of the project not proceeding;
- the project areas and vicinity, supported by plans and maps that show:
  - the location of relevant sensitive receivers;
  - the extent of Crown land (including marine and coastal Crown land) and private land, existing and planned land uses and waterways; and
  - the general layout of the proposed infrastructure and areas of disturbance, including access tracks, containment banks, laydown areas and quarries/borrow pits, proposed exclusion and buffer zones
- the proposed operational life and possible alterations in usage of the project and planned timing of project phases;
- other necessary works directly associated with the project, such as road upgrades and/or connections, and infrastructure and services relocation, ;
- predictions of energy use and greenhouse gas emissions associated with the project;
- risks associated with projected climate change and resilience to these risks including consideration of the *Climate Change Act 2017*'s principles of risk management and standards for risk assessment e.g., AS/NZS ISO 31000:2009;
- description of the project's components (supported by visuals and diagrams), including:
  - applicable standards and adopted specifications for infrastructure;
  - location, footprint, layout and access arrangements during construction and operation;
  - clearing or lopping of native vegetation for construction or operation;
  - design and expected construction staging and scheduling;
  - proposed construction methods and materials, and extent of areas to be disturbed during construction;
  - solid waste, wastewater and hazardous material generation and management during construction and operation;
  - rehabilitation of site works areas following construction;
  - proposed tenure arrangements to provide for access for maintenance or other operational purposes;
  - lighting, safety, security, and noise requirements during construction and operation;
  - hours of construction work, workforce requirements and a description of the expected duration of project components, including which components are temporary and which are permanent;
  - approach to incorporate sustainability principles and practices into project development and delivery;
  - operational requirements including maintenance activities such as maintenance dredging and dredged material management; and
  - decommissioning requirements.

### 3.4 Project development and alternatives

The EES is to document the development process for the project, including methods for the identification and evaluation of alternatives, and the basis for selecting the preferred alternative(s) examined in detail within the EES<sup>8</sup>. The EES needs to describe the process for identification and evaluation of project alternatives, including:

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8. The assessment of alternatives does not include evaluating alternatives to the project (such as development of other Ports to service the offshore wind industry), but rather alternatives for the project which would allow project objectives to be met.



- alternatives considered in the project development and design process;
- methods and environmental criteria for identifying and comparing feasible alternatives, and for selecting preferred alternatives;
- assessment and comparison of the technical feasibility and environmental implications of alternatives, including alternative construction methods;
- the basis for selecting the preferred project layout and design, particularly where the project footprint/alignments are located in proximity to environmentally sensitive areas; and
- how information gathered during the EES process, including from consultation with stakeholders and Traditional Owner groups, was used to consider alternatives and refine the project.

The EES is to document the assessment of environmental effects of feasible alternatives, particularly where these offer a potential to avoid and/or minimise significant environmental effects whilst meeting the objectives of the project. In doing so, the assessment of environmental effects of relevant feasible alternatives (e.g., engineering structures, refinements and designs) needs to address the matters set out in section 4 of these scoping requirements, as appropriate.

Key aspects of the project for which the EES will need to demonstrate consideration, and where relevant, assessment of feasible alternatives, include (but is not limited to):

- terminal layout;
- design of retaining structures for the reclamation process;
- siting of project related infrastructure such as anchorage sites;
- selection of construction methods and proposed technology (including the proposed dredging campaign and selection of dredge plant); and
- dredged material management options.

The depth of investigation of alternatives should be proportionate to their potential to avoid or minimise potentially significant adverse effects and to meet project objectives.

The implications of the “no project” option also need to be outlined.

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

In addition to the *Environment Effects 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.

The proponent will also need to identify and address any other relevant policies, strategies, standards, subordinate legislation and related management or planning processes, including Traditional Owner Country Plans, values and priorities, that are relevant to the assessment of potential effects of the project.

### **3.6 Environmental management framework**

Competent management of environmental performance during project design, construction and operation is required to meet statutory requirements, achieve environmental outcomes, protect environmental values and sustain stakeholder confidence. Hence, the proposed environmental management framework (EMF) in the EES should describe a transparent governance framework with clear accountabilities for complying with approvals and managing and monitoring the environmental effects and risks associated with the design, construction and operational phases. The EMF will set the scope for later development and review of environmental management plans for all project phases. The entities responsible for development, approval, implementation and review of environmental management plans should be specified, including relevant consultation requirements.

The EMF should reference or address the source baseline environmental conditions against which the evaluation of the residual environmental effects of the project will occur, as well as the efficacy of applied environmental management and contingency measures. The framework should include:



- regulatory context and required approvals and consents, including any anticipated requirements for related environmental management plans, whether for project phases or elements;
- how the Project will be integrated into the existing site environmental management system and procedures;
- organisational responsibilities and accountabilities for environmental management;
- an approach to environmental risk assessment and management, and register of environmental risks to be maintained during project implementation;
- change management process;
- environmental management measures proposed in the EES to address specific issues, including commitments to mitigate adverse effects and enhance environmental outcomes with regard for the general environmental duty under the *Environment Protection Act 2017* (EP Act);
- management, monitoring and reporting measures that seek to maintain the ecological character of the Western Port Ramsar site for the proposed use;
- arrangements for management of, and access to, baseline and monitoring data, to ensure transparency and accountability and to contribute to the improvement of environmental knowledge;
- a proposed monitoring program including monitoring objectives, indicators and requirements (e.g., parameters, standards, methods, locations and frequency), and justification for any aspects where monitoring is not proposed;
- complaints recording and resolution;
- environmental incident management;
- emergency preparedness and response planning;
- auditing and public reporting of performance, including compliance with relevant statutory conditions and standards; and
- review of the effectiveness of mitigation measures and continuous improvement.

Commitments in the EES to avoid and mitigate adverse effects and achieve environmental outcomes should be clearly described in the EMF. The EMF should describe proposed objectives, indicators and monitoring requirements, where relevant, for the range of potential environmental effects identified through the EES.

The EMF will propose a program for community consultation, stakeholder engagement and communications for all stages of the project, including outlining relevant roles and responsibilities. This will include opportunities for local stakeholders to engage with the proponent to seek responses to issues that might arise during project implementation and a process for complaints recording and resolution.



## 4 Assessment of specific environmental effects

### 4.1 Risk-based approach

Preparation of the EES and the necessary investigation of effects should be proportional to the environmental risks posed by the project, as outlined in the Ministerial Guidelines (p. 25). Adopting a systems and risk-based approach to the design and depth of each of the EES studies ensures that a greater level of effort is focused on investigating and managing issues posing higher risk of adverse environmental effects, whereas approaches to examining potential impacts and issues that pose a lower level of environmental risk should involve less depth and effort. Some matters with minimal risk won't need to be analysed and can be addressed in the EES through environmental management. The EES needs to put forward a sound rationale for the level of assessment and analysis undertaken for potential environmental effects or combination of effects arising from the project. The EES should also address any other significant issues that emerge during the investigations. Further, the EES needs to put forward an assessment framework and criteria by which the project's effects can be assessed.

Scoping requirements do not set the specific approaches or effort to be adopted by a proponent for investigating different effects for their EES. These scoping requirements do, however, provide clarity on the risk-based approach to environmental assessment for the EES, and what the potentially significant effects and priority themes for investigations are. This helps the proponent (in consultation with the department and TRG) tailor their approach to EES studies, investigations and integration, to concentrate primarily on the potentially significant effects and priority themes, which are most important for an adequate EES and subsequent decision-making.

The Minister's decision requiring an EES (Appendix A) and published reasons articulates the rationale for the EES, including primary matters and potentially significant effects that need to be examined. This in combination with key statutory decision-making known for the project, establishes a framework that informs the necessary scope, depth, and desired outcomes of the assessment of environmental effects via the EES. The scope of environmental matters needing to be investigated and documented within the EES are set out below in the subsequent sections.

The table below is informed by the Minister's decision and reasons for an EES, organised by investigation theme. Importantly, it also points to pertinent legislation associated with the key statutory decision-making known for the project and the effects and matters that relate to each of those.

**Table 1. Investigation themes, potentially significant effects and key statutory decision-making.**

Theme	Minister's reasons and decision	Relevant statutory decisions (and associated legislation)
<b>Key matters with potentially significant effects</b>		
Biodiversity and habitat	Potential effects on biodiversity and ecological values including the ecological character of the Western Port Ramsar site, native vegetation, listed flora, fauna, and communities.	Planning approval under the <i>Planning and Environment Act 1987</i> . Approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> . Consent under the <i>Marine and Coastal Act 2018</i> . Permits and authorisations under the <i>Flora and Fauna Guarantee Act 1988</i> and <i>Wildlife Act 1975</i> .
Cultural heritage	Potential effects on Aboriginal and historic cultural heritage values.	Approval of Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i> . Permit and/or consent under <i>Heritage Act 2017</i> to interfere with a heritage place or object listed on the Victorian Heritage Register, Victorian



Theme	Minister's reasons and decision	Relevant statutory decisions (and associated legislation)
		Heritage Inventory or an archaeological site not listed on the Victorian Heritage Inventory.
Marine and catchment values	Potential effects on water environments, environmental values, and catchment values, including on the Western Port Ramsar site, as a result of changes to hydrodynamics, coastal processes, increased sedimentation and potential for disturbance of acid sulphate soils.	Permits under the <i>Flora and Fauna Guarantee Act 1988</i> . Approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> . Consent under the <i>Marine and Coastal Act 2018</i> . Permit or consents under the <i>Water Act 1987</i> . Permits under the <i>Environment Protection (Sea Dumping) Act 1981</i> .
<b>Other matters</b>		
Cumulative effects of the project (particularly on biodiversity, catchment, social and landscape values)		Approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> . Planning approval under the <i>Planning and Environment Act 1987</i> .
Amenity issues, including landscape and visual	Potential effects of noise, vibration, and air quality on amenity and sensitive receptors, as well as landscape and visual impacts.	Planning approval under the <i>Planning and Environment Act 1987</i> .
Safety, roads/ transport and land management issues		Consents or agreements under <i>Road Management Act 2004</i> to undertake works in, on or under a road. Planning approval under the <i>Planning and Environment Act 1987</i> . Lease or licence under <i>Crown Land (Reserves) Act 1978</i> and/or <i>Land Act 1958</i> .
Land use and socioeconomic	Potential effects on the socioeconomic values, including marine infrastructure, tourism and the community.	Planning approval under the <i>Planning and Environment Act 1987</i> .

## 4.2 Water and catchment values

### Key issues

- The potential for adverse effects on freshwater, coastal and marine ecosystems, especially the Western Port Ramsar site, including changes to marine and coastal processes as a result of construction and operation of infrastructure.
- The potential for adverse effects on the functions, and environmental values of water environments, such as nutrient cycling, interception or diversion of flows or changed water quality or flow regimes.
- The potential for adverse effects from disturbance of the seabed.

- The potential for adverse effects on nearby and downstream water environments due to changed flow regimes, floodplain storage, stormwater/ wastewater discharges, run-off rates, water quality changes, or other waterway conditions, including in the context of climate change projections.
- Potential effects to environmental values through spills and the disturbance of contaminated materials.

#### Existing environment

- Describe marine, estuarine and freshwater waters and their environmental values that could be affected by the project, such as from changed water quality, or water movement.
- Characterise the area's hydrodynamics and coastal processes (erosion, accretion patterns).
- Characterise the local groundwater quality and behaviour, including the environmental values and any groundwater dependent ecosystems that might be affected by the project.
- Characterise geology, geomorphology, landforms and soils in the project area and identify potential locations where dispersive, acid sulphate, saline or potentially contaminated soils, or soils with other special characteristics that could be disturbed by the project.

#### Likely effects

- Apply a systems-based assessment where appropriate, for example, integrated marine water quality, hydrodynamics, marine ecology and resource use studies.
- Identify and evaluate potential effects of the project on groundwater, waterway, wetland, marine waters, and sedimentary processes (erosion, accretion patterns) including with appropriate consideration of climate change scenarios and cumulative effects.
- Assess the project's alignment with the principles and objectives of the *Western Port Ramsar Site Management Plan*, including the development of criteria to assess the potential impacts on the ecological character of the Western Port Ramsar site.
- Identify and assess potential effects of the project on flooding and drainage, soil stability, erosion and the exposure and disposal of contaminated or hazardous soils (e.g., acid sulphate soils).
- Identify potential effects resulting from the generation, storage, treatment, transport and disposal of solid and liquid wastes.

#### Mitigation

- Identify and evaluate aspects of project works and operations, and proposed design refinement options or measures and construction methods, that could avoid or minimise significant effects on groundwater, waterway, wetland, estuarine, intertidal and marine waters, including response measures for environmental incidents.
- Describe potential and proposed design options and measures that could avoid or minimise significant effects on soil and land stability and rehabilitation.
- Describe available options for the management of the various categories of solid and liquid wastes generated by the project including in relation to the waste hierarchy, that is avoidance, reuse, and then treatment and disposal.

#### Performance

- Describe the framework for monitoring and evaluating the measures implemented to mitigate impacts on water, soils and landforms and contingencies.
- Describe any further methods (if any) that are proposed to manage risks of effects as a result of nearby projects and/or operations impacting on water and catchment values.
- Describe and evaluate the approach to monitoring, proposed contingency measures and ongoing management measures to be implemented in the event of adverse residual effects on water quality, the Western Port Ramsar site and catchment values requiring further management.

### 4.3 Biodiversity and ecological values

#### Key issues

- Potential adverse impacts on the ecological character, ecosystem resilience, environmental values, and biodiversity values of the Western Port Ramsar site, including, but not limited to its ongoing habitat for water birds, especially migratory wading birds.
- Loss or degradation of native vegetation or other habitat values due to construction or operational requirements.



- Direct or indirect loss, disturbance and/or degradation of listed or other protected species and nearby habitat that may support listed or other protected flora, fauna or ecological communities.
- Potential initiation or exacerbation of listed potentially threatening processes under the FFG Act.
- Potential for indirect effects on biodiversity values including those effects associated with changes in hydrodynamics, coastal processes, noise, vibration, reduced availability of food for other species, artificial lighting, vessel movements and water quality.
- Potential for significant short and long-term impacts on marine biota, including benthic communities and habitats, due to changes in water quality (e.g., sedimentation, turbidity, resuspension of bed sediment, light climate) and coastal erosion/accretion caused by construction (e.g., capital dredging, reclamation) and operational activities (e.g., spills, maintenance dredging).
- Potential cumulative effects on listed threatened flora and fauna species, and their habitats, from the project in combination with other projects.
- The availability of suitable offsets for the loss of current condition of ecological character of the Western Port Ramsar site, native vegetation and habitat for listed threatened species under the EPBC and FFG Act.

### Existing environment

- Characterise the type, distribution and condition of biodiversity values within a suitable study area, comprising the project site and its environs, including native vegetation, terrestrial, aquatic and marine habitat and habitat corridors, linkages or known migratory pathways that could be impacted by the project.
- Characterise the listed threatened and migratory species, other protected species, ecological communities and potentially threatening processes that are likely to be present, in the Western Port Ramsar site or in 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.
- 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 planted or recovered vegetation established through environmental programs.
- Describe the biodiversity values that could be directly or indirectly affected by the project, including:
  - native vegetation and any ecological communities listed under the EPBC Act and the FFG Act; and
  - presence of, or suitable habitats for, protected flora and fauna species, in particular species listed under the EPBC and the FFG Act.
- Describe any existing threats to biodiversity values, including:
  - historical or ongoing disturbance or alteration of habitat conditions (e.g., habitat fragmentation, severance of wildlife corridors or habitat linkages, changes to water quantity or quality, fire hazards, etc.);
  - potentially threatening processes listed under the FFG Act; and
  - the presence of any declared weeds, pathogens and pest animals within and in the vicinity of the project area.
- Describe any trends observed in existing biodiversity values, including historical or ongoing increases or declines in populations or communities, including their reasons where known.
- Inform characterisation of the existing environment by relevant databases, literature (and published data), community observations (including citizen science and information from residents and landholders in or adjacent to the area of interest), appropriate targeted and/or seasonal surveys and modelling of the potential and actual presence of threatened species and communities consistent with Department of Energy, Environment and Climate Action (DEECA) (formerly DELWP) survey guidelines, conservation advices and threatened species recovery plans or action statements. Where surveys do not identify a listed species or community, but past records and/or habitat analysis suggest that it may occur, a precautionary approach to the further investigation and assessment of its occurrence should be applied.

### Likely effects

- Assess the likely and potential impacts of the project through:

- disturbance or alteration of habitat conditions (e.g., habitat fragmentation, severance of wildlife corridors or habitat linkages, displacement due to avoidance of project infrastructure, changes to water quantity or quality, etc);
- disturbance through noise and vibration including underwater, lighting and other human activity, especially but not limited to shorebird roosting sites;
- disturbance through changed shipping activities due to the project, including potential for impacts resulting from increased shipping activity on cetaceans and other marine animals, such as acoustic impacts and potential collisions
- direct removal of individuals or destruction of habitat;
- threats of mortality of listed threatened or other protected fauna (including site and species specific risk-factors); and
- the presence and potential spread of any National Introduced Marine Species (NIMS), declared weeds, pathogens and pest animals within and in the vicinity of the project area.
- Assess likely direct and indirect effects of the project on:
  - the ecological character, ecosystem resilience, environmental values, and habitat values of the Western Port Ramsar wetland site, including but not limited to effects of dredging, stormwater/wastewater discharges, other waste streams, changed hydrology and coastal processes, noise, vibration, light, changed shipping activities or other disturbance impacts arising from construction or operation;
  - listed threatened and other protected fauna species under the EPBC and the FFG Act and their habitats, including migratory species;
  - habitats within protected areas, such as the Commonwealth marine area, state parks or other conservation reserves; and
  - any trends observed in existing biodiversity values.
- Assess the potential for significant impacts resulting from accidental or unintended leaks or spills arising from construction works or operational activities, including unintended introduction of waste and exotic species (e.g., through biofouling or ballast water, washdown water, wastewater discharges).
- Assess the direct and indirect effects of the project including transport route upgrades and other ancillary activities, on native vegetation, listed ecological communities, and listed threatened and other protected flora species.
- Assess the potential cumulative effects on listed threatened or other protected flora and fauna species, and their habitats, from the project in combination with other projects that might have similar types of impacts.

### Mitigation

- Identify and describe potential alternatives, proposed design options, construction methods, and mitigation measures and their expected effectiveness in avoiding or reducing significant effects on any flora, fauna and ecological communities listed under the EPBC and the FFG Act or other protected species or protected area estate.
- Identify staging or timing options for works that could help to avoid or minimise adverse effects on seasonal values (e.g., migratory species, breeding behaviour).
- Describe the application of the three-step approach to avoiding the removal of native vegetation, minimising impacts from removal of native vegetation that cannot be avoided and providing offsets to compensate for the biodiversity impact from the removal of native vegetation.
- Include an offset strategy and draft plan that sets out how the ecological character of the Western Port Ramsar site will be maintained and state offset requirements will be satisfied, including evidence of the offsets proposed to be secured. Describe how the offset/s will be secured, managed and monitored, including management actions, responsibility, timing, performance measures and the specific environmental outcomes to be achieved.

### Performance

- Describe the approach to monitoring and evaluating the measures implemented to mitigate impacts on biodiversity, ecology and related environmental values and contingencies.

- 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.

## 4.4 Cultural heritage

### Key issues

- Potential for adverse effects on Aboriginal cultural heritage, including submerged Aboriginal cultural heritage, tangible and intangible, both known and unknown.
- Potential for adverse effects on historic cultural heritage values including underwater cultural heritage and archaeology, both known and unknown.
- Potential to protect and preserve historic heritage values, tangible and intangible Aboriginal cultural heritage values in partnership with Traditional Owners.

### Existing environment

- Review land use history, previous studies and relevant registers to identify areas with known or potential Aboriginal cultural heritage (including submerged Aboriginal cultural heritage, tangible and/or intangible).
- Characterise the potential for submerged cultural landscapes to be present within the study area and the likely preservation conditions of these places (e.g., via multi-disciplinary analysis: marine geophysics, geo technical, geo archaeology, underwater archaeology, etc.).
- Informed by meaningful engagement with Registered Aboriginal Parties (RAPs) and Traditional Owner groups, and having regard to the Aboriginal Heritage Regulations 2018, determine the significance or sensitivity of any Aboriginal places, both tangible and intangible in both a terrestrial and submerged context.
- Review land and sea use history, previous studies, relevant registers and available seafloor survey data to identify and document known, potential and previously unidentified places, sites, objects and/or artifacts of historic cultural heritage significance potentially impacted by the project, including any areas of significant archaeological potential or value on land and underwater, in accordance with Heritage Victoria guidelines.

### Likely effects

- Assess the potential direct and indirect effects on Aboriginal cultural heritage in both terrestrial and submerged contexts (e.g., via multi-disciplinary analysis: marine geophysics, geo technical, geo archaeology, underwater archaeology, etc.).
- Assess the potential direct and indirect effects on any intangible Aboriginal cultural heritage associated with the project area.
- Assess the potential direct and indirect effects on sites and places of historic cultural heritage significance (including underwater heritage and archaeology) including mapping site extents in relation to proposed works. Assessments are to be undertaken in accordance with the *Heritage Act 2017*, the *Commonwealth Underwater Cultural Heritage Act 2018*, the *Commonwealth Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters (2024)*, Heritage Victoria's *Guidelines for Conducting Archaeological Surveys (2020)* or updates and other guidance documents.

### Mitigation

- Describe any plan(s) or partnerships with Traditional Owners, including any opportunities to respond to values and priorities and to protect tangible and intangible cultural heritage.
- Describe and evaluate proposed design, management or site protection measures that could avoid or mitigate potential adverse effects on known or unknown Aboriginal or historical cultural heritage values, including underwater.
- Describe management and contingency measures, in accordance with the requirements for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* where relevant, and via other necessary processes as required for intangible values.

- Describe management and contingency measures, including preparation of an Archaeology Management Plan in accordance with the *Heritage Act 2017* and Commonwealth *Underwater Cultural Heritage Act 2018* and,
  - undertaking a survey of all areas of proposed works to identify currently unrecorded sites;
  - recommendations for any required site avoidance, mitigation or site investigation processes; and the
  - development of an Unexpected Finds Protocol, conducted by a qualified and experienced historical archaeologist for the land components and maritime archaeologist for the coastal and underwater components.

#### Performance

- Describe the framework for monitoring and evaluating the measures implemented to mitigate Aboriginal cultural heritage and historic heritage effects and contingencies.
- Describe the approach to supporting ongoing Traditional Owner participation in project development and implementation.
- Describe the framework to protect and preserve tangible and intangible values, where opportunities are available, in partnership with Traditional Owners.

## 4.5 Other matters

### Key issues

- Potential disruption to existing and/or proposed land uses, with associated economic and social effects on households and businesses.
- Potential effects on social cohesion resulting from disruption of existing networks or effects on community services or facilities and recreational activities.
- Potential economic and social effects from the project, such as through disruption of business, industry (including agriculture, forestry, shipping and fishing) or tourism.
- Biosecurity issues relating to the potential effects of biofouling and the transfer of National Introduced Marine Species (NIMS).
- Engagement with landowners and land managers.
- Disruption to commercial and recreational users of the marine environment, including commercial shipping, fishing and boating.
- Potential economic and social benefits from the project.
- Potential for adverse effects resulting from project-related noise, vibration, light and air emissions at nearby sensitive receivers during construction and operation.
- Managing transport disruptions and increased traffic volumes and their effects on residents, businesses and travellers.
- Potential damage to local and regional road surfaces along transport routes and increased risk to road safety on transport routes.
- Implications of the project for fire risk, including bushfire risk, that may result from any changes to fire management activities and fire ignition risks arising from the project.
- Implications of the project for aviation and marine safety risk.
- Potential effects on significant landscape values and landforms in the vicinity of the project, especially national parks, state parks, listed wetlands or other reserves and areas identified for their landscape values, such as within the Mornington Peninsula Shire planning scheme.
- Potential for nearby residents or communities to experience significant effects on visual amenity from project infrastructure and operations, including from the transportation of erect towers and lighting during night-time operations.

### Existing environment

- Describe the project area and its surroundings in terms of land use (existing and proposed), demographics, residences, zoning and overlays, public and private land, including any land subject to native title and Indigenous



Land Use Agreements, properties affected and infrastructure that supports current and strategic patterns of economic and social activity.

- 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.
- Describe the local community and social setting, including community services and facilities, recreational activities, businesses and industry within the area, such as agriculture, forestry, shipping and fishing.
- Describe regional planning and economic development strategies.
- Identify strategic plans specifying or encouraging land use outcomes for land to be occupied by the project.
- Characterise tourism and recreational use of the project area and its surroundings, including water bodies, national parks and reserves.
- Describe relevant commercial and recreational uses of the marine environment.
- Describe the existing approved or planned transport network in and around the project, including proposed construction transport route options, in terms of capacity, condition, accessibility and potentially sensitive users.
- Characterise background air quality, ambient noise and vibration near the project in established residential, farming, commercial and open space areas and at other sensitive land use and high amenity locations.
- Identify sensitive receptors that could be affected by noise, vibration or air emissions.
- Characterise the fire risks, including bushfire risk, and existing fire management activities in the project area and its surroundings.
- Characterise the aviation and marine safety risks in the project area and its surroundings.
- Characterise the landscape character, features and values of the project area and its surroundings.
- Identify public and private view sheds to and from the project and characterise visual values of the area, including dark skies.
- Identify viewsheds in which the project site is visible, including from nearby residences (where permitted), public lookouts, tourist attractions, roads and key vantage points.
- Identify existing built features within the landscape and their contribution to the existing landscape and visual setting relevant to the project.

#### Likely effects

- Identify implications for current land uses and immediately foreseeable changes in land use.
- Assess the potential social impacts of the project, including through interference with current use of private and public land including roads and community services and facilities in the area.
- Assess the potential long and short-term effects of the project on existing and potential infrastructure and land uses, including other ports and boating infrastructure required to support the proposal.
- Assess the potential economic benefits and effects of the project, considering direct and indirect consequences on employment, local and regional economy and industries in the area, such as altered operational requirements (i.e. dredging) for other marine infrastructure and facilities.
- Assess the potential impacts of workforce requirements such as additional demand on housing, public services and facilities in the area, and the supply of and demand for education, training, research services, and apprenticeships.
- Demonstrate whether the project is consistent with relevant planning scheme provisions and other relevant policies, including Victoria's *Marine and Coastal Policy (2020)* and outline the Project's contribution to meeting legislated renewable energy targets.
- Assess the potential impacts on tourism and tourist attractions within the project area and surrounding natural reserves.
- Assess the potential effects of construction and operational activities on the transport network, including on safety, amenity and accessibility.
- Assess the potential effects of road upgrades and/or connections, and infrastructure and services relocation.
- Predict likely air pollutant concentrations using an air quality assessment approach in accordance with EP Act and its regulations and associated publications.



- Predict the greenhouse gas emissions associated with the project.
- Assess the potential effects of noise, vibration, and air quality on amenity and sensitive receivers, in accordance with the EP Act, its Regulations and subordinate legislation, and associated publications.
- Assess the risk of the project causing a fire that affects land, water, and assets.
- Assess the implications of the project for fire and bushfire risk management or bushfire suppression activities.
- Assess the potential effects on aviation safety, and the amenity impacts on surrounding townships due to changes in flight paths, as appropriate.
- Assess the potential effects on marine safety due to changed shipping activities.
- Assess the potential for operational emissions (including marine vessels) on the local airshed.
- Assess the landscape and visual effects of the project and its operations, including public and private views, considering visual changes and viewer perceptions of wind turbine towers. Use photomontages and other visual techniques to support the assessment.
- Assess the potential effects of the project on recreational values in the vicinity of the project area.
- Assess the potential lighting effects of the project on nearby sensitive receptors.
- Assess the potential for cumulative impacts in the context of existing built infrastructure, as well as proposed or approved developments.

### **Mitigation**

- Outline measures to minimise potential adverse effects of the project and enhance benefits to the community, business, industry, tourism and land uses.
- Outline measures to engage with relevant stakeholders during design, construction and operation to minimise disruption.
- Outline any required transport infrastructure works or upgrades required to address adverse impacts of the project construction and operation, including impacts on accessibility (e.g., access road construction and upgrades).
- Describe and evaluate the proposed transport management and safety principles to address changed traffic conditions.
- Describe and propose siting, design, mitigation and management measures to control air pollutants from construction and operation activities.
- Describe approaches and measures to minimise greenhouse gas emissions associated with the project.
- Describe and evaluate both potential and proposed design responses and/or other mitigation measures (e.g., staging/scheduling of works) that could minimise noise and vibration.
- Identify measures for avoiding, minimising and managing fire and bushfire risks arising from the project, having regard to planning and other policy provisions.
- Identify measures for avoiding, minimising and managing aviation and marine safety risks arising from the project.
- Outline and evaluate any potential mitigation options that could avoid and minimise potential effects on landscape and visual amenity of neighbouring residences and communities and additional management strategies that may further minimise potential effects on landscape values, visual amenity and recreational, scenic, and open space values, including cumulative impacts.

### **Performance**

- Describe the framework for monitoring and evaluating the measures implemented to mitigate socio-economic and land use effects.
- Describe the proposed measures to manage and monitor effects on amenity values and identify likely residual effects, including meeting standards and proposed trigger levels for initiating contingency measures.
- Describe the framework for monitoring and evaluating the measures implemented to mitigate environmental amenity, human health, transport and safety effects and greenhouse gas emissions and contingencies.
- Describe the framework for monitoring and evaluating the measures implemented to mitigate landscape and visual effects and contingencies.



## Appendix A Procedures and Requirements

### Procedures and requirements under section 88(5) of the Environment Effects Act 1978

The procedures and requirements applying to the EES process, 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 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.