

Viva Energy Gas Terminal Project: Final Scoping Requirements process

Viva Energy Gas Terminal Project – draft Scoping Requirements Q&As

July 2021

What is the purpose of environment effects statement scoping requirements?

Viva Energy Pty Ltd is preparing an environment effects statement (EES) for the Viva Energy Gas Terminal project. The draft scoping requirements set out the matters to be investigated and documented within the EES.

Why is an environment effects statement required for the Viva Energy Gas Terminal project?

An EES is the most comprehensive and robust assessment process available in Victoria. The EES will provide an integrated and transparent examination of the proposed project and its environmental effects.

In December 2020 the Minister for Planning determined under the *Environment Effects Act 1978* that Viva Energy Gas Australia Pty Ltd should prepare an EES for the Viva Energy Gas Terminal Project. The project as proposed could have a range of significant effects on the marine environment of Corio Bay including marine water quality. Sediment mobilisation and water discharges may impact on the marine ecosystem, including seagrass and other habitat for listed fauna species, some of which are listed under the *Flora and Fauna Guarantee Act 1995* and *Environment Protection and Biodiversity Conservation Act 1999*. The potentially significant effects from construction and operation of the floating storage and regasification unit (FSRU) will occur within Corio Bay and potentially the Port Phillip Bay (Western Shoreline) and Bellarine Peninsular Ramsar site

The EES will include a detailed description of the proposed project and rigorous assessment of its potential effects on the environment and approaches to mitigation. When completed the EES will be placed on public exhibition and the Minister for Planning will invite public comments on the EES. At the end of the process, the Minister will issue an assessment of the environmental effects of the project. The Minister's assessment will inform statutory decision-makers responsible for the project's approvals.

What is the Geelong Energy Hub?

Viva Energy are exploring project options at the Geelong Refinery in order to move towards more sustainable operations. This may include a solar energy farm, projects to transform energies such as hydrogen as well as strategic storage to improve fuel supply security. The Viva Energy Gas Terminal project is the subject of the EES, and any other projects proposed by Viva Energy will be required to go through separate approval processes once they are confirmed to progress into the future. The Viva Energy Gas Terminal Project has no inter-relationship with, or reliance on any of the other potential projects, however Viva Energy proposes to consider any potential cumulative impacts of other potential projects in the EES as appropriate (e.g. traffic, air, noise).

What about the Commonwealth Environment Protection and Biodiversity Conservation 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 & 17B);
- Listed threatened species and communities (sections 18 & 18A);
- Listed migratory species (sections 20 & 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. The state has applied the Bilateral agreement for this project ('controlled action'). 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 EE Act.

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What studies are Viva Energy doing to further identify any associated risks with the project?

In preparing the EES, Viva Energy undertaking a range of technical investigations to assess the potential impacts of the project. These investigations include energy efficiency and security, public safety, biodiversity, water quality and hydrology and waste management.

These studies will inform strategies to avoid, minimise or mitigate potential impacts which will form an important part of the EES documentation.

What are the final Scoping Requirements?

The set of matters to be investigated and documented in each EES are tailored to the project and its environmental risks. Draft scoping requirements for a project are prepared by DELWP on behalf of the Minister and then exhibited for 15 business days for comment by interested parties. The draft scoping requirements for the EES were informed by the proponent's referral and draft EES study program, as well as advice from lead statutory agencies and relevant local councils represented on the technical reference group (TRG).

Consistent with the Minister's decision for requiring an EES, the scoping requirements for the Viva Energy Gas Terminal EES emphasis the need for assessment largely on the investigation of these matters in the Ministers decision. 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:

- dredging works;
- mobilisation of sediment and associated contaminants, such as arsenic and zinc;
- construction at, and around, Refinery Pier;
- seawater intake to and cold water/residual chlorine discharges from the FSRU, and
- 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, 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

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. Refinements and editorial changes have been made to the scoping requirements to strengthen the clarity of issues and better reflect the local context in response to submissions. These changes include:

- Reference to case study examples in the EES;
- Inclusion of assessing climate change extreme risks/events impacting on project infrastructure;
- Clarifying cumulative impact of the project on waters of Corio Bay including cumulative impact discussion on refinery operations;
- Clarifying an assessment of spills and accidents and safety exclusion zone around LNG carriers and proximity to residents;
- Clearer wording in the environment management framework requirements around issues such as hazards, safety, and landscape values.

Was there public consultation about the draft scoping requirements?

Draft scoping requirements for the EES were exhibited for a period of 15 business days from 26 April to 17 May 2021. Notice of the draft scoping requirements' exhibition was publicised on the DELWP website and via advertisements in major and local newspapers. Viva Energy arranged special consultation sessions while the draft scoping requirements were on exhibition. In total, 13 submissions were received on the draft scoping requirements. Submissions were received from landowners, members of the local community, local schools and environmental groups. All submissions have been provided to the proponent and the TRG to inform the ongoing development of the EES.

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An integral part of the EES process is the proponent engaging the public and stakeholders to identify and respond to their issues in conjunction with their EES studies.

Viva Energy have already commenced consultation with stakeholders and the community on the EES, in accordance with a consultation plan they have been preparing for this EES process. The plan will soon be publicly available (on the DELWP website) and the program for consultation will be kept up to date. Under its EES consultation plan the proponent needs to inform the public and stakeholders about the EES process and its associated investigations, ensuring it provides opportunities for input and engagement on these investigations. The consultation plan has been reviewed and amended in consultation with DELWP and the TRG prior to being published on the DELWP website.

What happens now the Minister has issued the final scoping requirements?

The proponent will proceed with the necessary information-gathering, investigations and assessments to inform the EES. This is expected to take at least several months. It will conduct its studies and prepare the EES in close consultation with DELWP and the TRG.

The proponent will also need to implement its EES consultation plan to engage the public and stakeholders about the EES process and its associated investigations, ensuring it provides opportunities for input and feedback on these investigations.

When the proponent believes that the EES is ready, it will be reviewed by DELWP and the Minister for Planning will decide whether to authorise the EES to be exhibited. If authorised, the EES will be advertised for public comment for a period of 30 business days. This will be the key opportunity for public comment and submission on the project's environmental effects.

The EES and the submissions received, together with applications for key environmental approvals such as EPA works approval, consents required under the *Marine and Coastal Act 2018* and a licence under the *Pipelines Act 2005*, will be referred to an inquiry to be appointed under the *Environment Effects Act 1978*.

An inquiry will consider all the information before it, hold public hearings and will report to the Minister. The Minister will make an assessment of the environmental effects of the project and provide it to decision-makers (including Environment Protection Authority Victoria, Pipeline Regulations in DELWP, Aboriginal Victoria and the Commonwealth with regard to the required approvals under the *Environment Protection Act 1970*, *Pipelines Act 2005*, *Aboriginal Heritage Act 2006* and EPBC Act, respectively).

After the Minister has made an assessment, the inquiry report and the Minister's assessment will be published on the DELWP website.

When does Viva Energy expect to have an EES released?

The most recent timeline for the EES provided by the proponents to DELWP indicates that the EES is expected to be ready for public exhibition during the first quarter of 2022.