

# AGL APA Gas import jetty and Crib Point-Pakenham pipeline project EES: Draft Scoping Requirements process

## AGL APA Gas import jetty and Crib Point-Pakenham pipeline project EES – final Scoping Requirements FAQs

February 2019

### What is the purpose of the scoping requirements?

AGL Wholesale Gas Limited (AGL) and APA Transmission Pty Limited (APA) are together preparing an environment effects statement (EES) for the Gas import jetty and Crib Point-Pakenham pipeline project. The scoping requirements for the EES set out the matters that need to be investigated and documented within the EES.

Final EES scoping requirements have been issued by the Minister for Planning and are available on the DELWP website: <https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/crib-point>

### Why is an Environment Effects Statement (EES) required for the Gas import jetty and Crib Point-Pakenham pipeline project?

An EES is the most comprehensive and robust assessment process available and will provide for an integrated and transparent examination of the proposed project and its effects, which is necessary because of the array of potential effects, the substantial public interest and the different statutory approvals required for this type of major project.

In October 2018 the Minister for Planning determined under the *Environment Effects Act 1978* that AGL and APA should prepare an EES for the Gas import jetty and Crib Point-Pakenham pipeline project. The project as proposed could have a range of significant effects relating to:

- marine and terrestrial biodiversity values, including listed threatened species and communities and the ecological character of the Western Port Ramsar site;
- potential discharge of cooled seawater, containing residual chlorine or other contaminants, due to regasification processes;
- possible emissions of wastes, including greenhouse gas emissions due to regasification processes;
- surface water and groundwater including possible disturbance of acid sulphate soils;
- existing land uses, amenity and landscape values of the project area and those associated with the broader area
- social and socio-economic values, including public safety; and
- Aboriginal and historic cultural heritage values.

The EES will need to 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 exhibited to inform the public and stakeholders and the Minister will invite public comment. An independent panel will consider the EES and any formal public submissions received and produce a report. The report will be used to inform the Minister and enable him to issue an assessment of the environmental effects of the project at the end of the process. The Minister's assessment will inform and advise statutory decision-makers responsible for the project's approvals.

### What about the Commonwealth Environment Protection and Biodiversity Conservation Act?

The project was also referred to the Australian Government under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). On 28 November 2018, the delegate for the Minister for the Environment and Energy determined both components of the project are 'controlled actions' requiring assessment and approval under the EPBC Act. The provisions for the Australian Government's controlled action decision under the EPBC Act are:

- Ramsar wetlands (sections 16 and 17B);
- listed threatened species and communities (sections 18 and 18A); and
- listed migratory species (sections 20 and 20A) (AGL gas import jetty works only).

The EES process is accredited to assess impacts on matters of national environmental significance under the EPBC Act through the Bilateral (Assessment) Agreement between the Commonwealth and the State of Victoria. The EES for the project will be undertaken in accordance with the bilateral agreement; there will be no separate assessment by the Commonwealth. The Victorian Minister's assessment will be provided to the Commonwealth to inform decisions about the approvals the project needs under the EPBC Act.

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The final scoping requirements identify matters relating to the EPBC decision, so that the EES can appropriately address them.

## **What studies are AGL and APA doing to further identify any associated risks with the project?**

In preparing the EES, AGL and APA are jointly 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, waste management and land use and amenity issues.

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 Gas import jetty and Crib Point-Pakenham pipeline EES represent a broad scope of issues that must be addressed by AGL and APA in the EES. These include any potential impacts on energy efficiency and security, biodiversity values, water (catchment and hydrology) values, and amenity values such as noise, air and water emissions. The assessment of effects must include discussion of all potential direct, indirect, on-site and off-site effects as a result of the proposed project. Social and land use values including agriculture and tourism, as well as the landscape value, and cultural heritage of the area must also be addressed in the EES.

The broad nature of the scoping requirements will ensure that the issues underpinning specific concerns raised through submissions are addressed in the EES. Refinements and editorial changes have been made to the scoping requirements to strengthen the clarity of issues and better reflect the local context. These changes include:

- clarification of EPBC Act matters;
- refinement of draft evaluation objectives; and
- clearer wording around several issues for investigation, including safety, amenity, business and recreational issues.

## **Was there public consultation about the draft scoping requirements?**

Draft scoping requirements for the EES were exhibited for a period of 15 business days which was extended due to minor technical issues, closing on 24 December 2018. Notice of the draft scoping requirements' exhibition was publicised on the DELWP website and via advertisements in major and local newspapers. AGL and APA arranged special consultation sessions while the draft scoping requirements were on exhibition. In total, 50 submissions were received on the draft scoping requirements. Submissions were received from landowners, members of the local community, councils and environmental groups. All submissions have been provided to the proponent and the TRG to inform the ongoing development of the EES.

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.

AGL and APA 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.

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## **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 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 AGL and APA 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 third quarter of 2019.