MINISTER'S DIRECTIONS FOR VIVA ENERGY GAS TERMINAL PROJECT SUPPLEMENTARY ENVIRONMENT EFFECTS STATEMENT

A supplementary statement is to be prepared by Viva Energy Australia Pty Ltd (Viva Energy), in accordance with sections 5 and 8C(2) of the *Environment Effects Act 1978*, for its proposed Gas Terminal Project at Geelong. The supplementary statement is required to complete the assessment of the project's environmental effects and inform decision making.

This document sets out the Minister's directions for the preparation of the Viva Energy Gas Terminal Project Supplementary Environment Effects Statement (EES).

The results of further investigations to be documented in the supplementary EES will need to be integrated with the previous EES studies. Some components of the EES, including exhibited draft approvals or applications, may also need to be updated or revised and re-exhibited with the supplementary EES. It is Viva Energy's responsibility to investigate and document relevant matters, including those that emerge during preparation of the supplementary EES.

Purpose of the supplementary EES

The purpose of the supplementary EES is to provide a clearly documented body of analysis to inform an assessment by the Minister for Planning of the Viva Energy Gas Terminal Project under the Environment Effects Act. The Minister's assessment will also be informed by public submissions on the EES and the supplementary EES, the inquiry and advisory committee (IAC) report dated 5 October 2022, and the report of an inquiry to be appointed under the Act in relation to the supplementary EES.

The Minister's assessment will, in turn, inform decision-making under legislation including the *Marine and Coastal Act 2018*, *Environment Protection and Biodiversity Conservation Act 1999*, *Pipelines Act 2005*, *Planning and Environment Act 1987*, *Environment Protection Act 2017* and the *Aboriginal Heritage Act 2006*.

Objectives of the supplementary EES

The specific objectives of the supplementary EES, as part of the extended assessment process under the Environment Effects Act, are to:

- provide an assessment of the environmental effects of the project on the marine environment, noise, air quality and Aboriginal cultural heritage necessary for the making of the Minister's assessment, especially with respect to the consolidated recommendations for further work outlined in the IAC report dated 5 October 2022 and extracted herein (Table 1)
- consolidate and integrate the results of the supplementary EES studies with the key outcomes of the EES studies, having regard to relevant legislative and policy provisions
- facilitate third party involvement in the process.

Procedures to be applied to the supplementary EES

The preparation of a supplementary EES by Viva Energy is intended to build upon the original EES studies, as well as the review undertaken by the IAC, as documented in its report. The following outlines the process required for the supplementary EES to inform the Minister's assessment under the Environment Effects Act.

1. Viva Energy will develop a draft study program to inform the supplementary EES outlining how it plans to undertake the environmental assessments required to address gaps and further work highlighted in Table 1.

Table 1: IAC consolidated recommendations for further work.

Rec	Further work to be undertaken
1	Undertake further survey work to better establish the existing environment and the impacts of existing wastewater discharges from the refinery to enable better understanding of project impacts. The survey work should: a. cover intertidal, littoral and subtidal habitats that could potentially be affected by the project, including the Ramsar site b. update seagrass mapping to include the intertidal zone and information on the different seagrass species c. be carried out over a period of at least 12 months before construction or dredging starts, with a minimum of four sampling runs (one in each season) to address seasonal variability d. establish a better baseline for monitoring during and after the project to confirm predicted outcomes on shoreline and benthic communities, including seagrasses and macroalgae.
2	Refine the calibration of the regional hydrodynamic model so that it more accurately reproduces observed water levels, currents, tidal range and tidal exchange in Corio Bay. Consider: a. the selection of the most appropriate wind data b. more detailed horizontal resolution to represent the Hopetoun and North Channels more accurately c. more detailed vertical resolution to represent discharge plumes in shallow waters more accurately d. the effects of the presence of the FSRU on currents e. peer review of the model calibration.
3	Re-run the wastewater discharge modelling with revised inputs based on the refined hydrodynamic model. Consider: a. revising the nearfield modelling of discharges from the diffuser to address the matters raised by Dr McCowan in his written evidence (D75) b. the IAC's recommended default guideline values for chlorine discharges (7.2 microgram per litre in Corio Bay generally, including the project area; 2.2 microgram per litre at the Ramsar site).
4	Consider undertaking further targeted investigations into the effects of existing chlorine discharges from the refinery to confirm likely project impacts resulting from chlorination by-products, including measurement of chlorination by-product concentrations in: a. seawater b. biota that have high susceptibility to contamination.
5	Re-run the entrainment modelling with revised inputs based on the refined hydrodynamic model.
6	Re-run the sediment transport modelling with revised inputs based on the refined hydrodynamic model. Consider including a 'worst case' scenario for sediment fractions and settling rates which includes the largest expected proportions of fine and very fine materials that have the slowest expected settling velocities.
7	Undertake further assessment of dredging impacts on seagrass based on: a. the revised sediment transport modelling b. revised light thresholds of 10 percent to 20 percent surface irradiance (20 percent surface irradiance should be applied to any sediment plumes that extend to the Port Phillip Bay (western shoreline) and Bellarine Peninsular Ramsar Site) c. the updated seagrass mapping (Rec. 1b).
8	Confirm the EES conclusion that dredging will not impact the Ramsar site after considering: a. the revised marine modelling b. the revised assessment of impacts on seagrass.
9	Undertake further assessment of impacts on threatened and migratory bird species by: a. establishing a complete list of threatened and migratory bird species that could potentially be affected by the project (and consider including the black swan) b. having the list peer reviewed c. undertaking further analysis of the targeted shorebird surveys, to determine whether the surveyed sites individually or collectively support enough individuals of any particular migratory bird species to be an important site for that species in Australia or the East Asian-Australasian Flyway d. considering the revised marine modelling.
10	Undertake the further assessment of noise impacts set out in mitigation measure MM-NV05.

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Table 1 (cont.): IAC consolidated recommendations for further work.

Rec.	Further work to be undertaken
11	Undertake sensitivity testing on the air quality modelling to confirm that operational impacts on air quality would be acceptable. Consider: a. the significance of the wake effects of the floating storage and regasification unit b. a 'worst case' scenario for air emissions (but based on the use of best available technology) c. the implications of bubble limits and stack specific limits for sensitive receptors.
12	Undertake a cultural values assessment to identify intangible values relevant to the project (both onshore and offshore in Corio Bay) and an underwater Aboriginal cultural archaeological assessment for the proposed dredging areas to inform an updated cultural heritage management plan. Review and update the mitigation measures and incorporated document to include any necessary changes to implement the updated cultural heritage management plan when approved.

2. Viva Energy will submit the draft study program to DTP for review.

3. DTP will engage an independent peer reviewer(s), at Viva Energy's cost, to review and provide advice to DTP and the proponent on the technical adequacy of Viva Energy's study program and supplementary EES documentation. The independent peer reviewer(s) will be engaged up until and throughout the public hearing phase of the supplementary EES (refer to point 11, below) to respond to queries from the IAC.

4. DTP will convene a targeted inter-agency technical reference group (TRG) to review and provide advice to DTP and the proponent on the technical adequacy of Viva Energy's study program. The TRG will also provide technical advice to DTP and Viva Energy on the draft and final supplementary EES and any necessary clarification regarding the matters to be investigated and documented in relation to the existing scoping requirements dated 28 December 2020 and the Minister's Directions issued for the supplementary EES.

5. DTP will consider the advice of the independent peer reviewer(s) and the TRG and will provide feedback to Viva Energy on the adequacy of the draft study program.

6. Viva Energy will develop and submit to DTP a final study program after considering advice from DTP, the TRG and the independent peer reviewer(s).

7. The supplementary EES will be prepared by Viva Energy to address the Minister's Directions, the scoping requirements (to the extent the scoping requirements are relevant to the matters to be covered under the supplementary EES) and the final study program. The supplementary EES will need to address the environmental effects of any project modifications resulting from the supplementary EES assessments, including updated associated draft approvals applications. The supplementary EES will need to integrate the findings of the previous EES studies to achieve a sound and effectively integrated body of analysis.

8. The independent peer reviewer(s) will advise DTP, the TRG and Viva Energy on the technical adequacy of study outputs during preparation of the supplementary EES. In addition, where required the independent peer reviewer(s) may advise on the need for and scope of any additional independent peer reviews of studies outside its specialist expertise or any other matters referred to it by DTP.

9. DTP, based on advice from the targeted TRG and independent peer reviewer(s), will determine the suitability of the supplementary EES for public exhibition, pursuant to the study program, scoping requirements and the Minister's Directions, before the Minister for Planning authorises the supplementary EES for public exhibition.

10. The supplementary EES will be exhibited for public comment for a period of 30 business days.

11. An inquiry will be appointed under the Environment Effects Act and its scope will be set out in specific terms of reference for the supplementary EES, which will include consideration of public submissions on the supplementary EES. The inquiry will provide a report to the Minister for Planning to consider public submissions on the supplementary EES and provide a report to the Minister for Planning in response to its terms of reference.

12. The Minister for Planning will prepare an assessment of the Viva Energy Gas Terminal Project under the Environment Effects Act and provide this to decision-makers.

HON SONYA KILKENNY MP

Minister for Planning

Date: 6/3/2023