



Suburban Rail Loop Ministerial Guidelines for Assessment of Environmental Effects

Environment Effects Act 1978

September 2020

Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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1. Introduction

These ministerial guidelines are made under s.10 of the *Environment Effects Act 1978* and apply to works proposed as part of the Suburban Rail Loop (SRL). These guidelines supplement the requirements of the Environment Effects Act as it concerns works proposed as part of the SRL program.

The guidelines set out the process for:

- determining the need for an EES;
- scoping an EES;
- preparing an EES;
- public review of an EES;
- considering public submissions; and
- making a final assessment of the environmental effects of SRL works.

The guidelines incorporate the following principles:

- a systems approach to identifying, assessing and managing potential effects of SRL works on interacting environmental elements and processes to ensure that interdependent responses are considered;
- a risk-based approach to ensure the assessment of the effects of SRL works, including the extent of investigations, is proportionate to the significance of effects;
- an integrated perspective of the relationship between and significance of different effects to inform decision-making; and
- the need to assess the consistency of proposed works with principles and objectives of ecologically sustainable development.

1.1 Suburban Rail Loop

Announced by the Victorian Government in August 2018, the SRL is conceived as a new orbital rail line that will connect the existing radial rail network from the Frankston Line in the east to the Werribee Line in the west (Figure 1, overleaf). The SRL program of investments and policy initiatives will underpin Victoria's growth trajectory for future generations and catalyse a transformational shift in Melbourne's urban structure – from a monocentric city to a polycentric network of major precincts. The precincts will present distinct identities and diverse residential and employment opportunities.

Due to its large scale and mix of integrated transport and precinct planning and development objectives, the SRL program will be comprised of a series of discrete but related projects. Works will be designed, assessed, and constructed over an extended timeframe. This program of delivery has practical implications for the administration of the Environment Effects Act:

- an EES for the entire suite of SRL works is impractical because the selection, design and assessment of individual SRL projects will be determined over a long period;
- when works in an early SRL project are subject to an EES, in accordance with these guidelines, there is likely to be limited information about the design, location or effects of later SRL project works; and
- the potential environmental effects of SRL works are likely to vary widely.

Program stages

The SRL program will be staged over many years. The announced first stage is the south-east segment from Cheltenham to Box Hill. Government has publicly committed to commence construction of Stage One in 2022.

While the SRL concept comprises a complete orbital rail solution (Figure 1, overleaf), the SRLA is responsible for delivery of the eastern section between Cheltenham and Melbourne Airport. These guidelines apply only to the SRLA delivered works. The timing, staging approach, route and construction method for the eastern section of SRL north of Box Hill will be determined by SRLA in due course, in accordance with prevailing government policies and priorities.

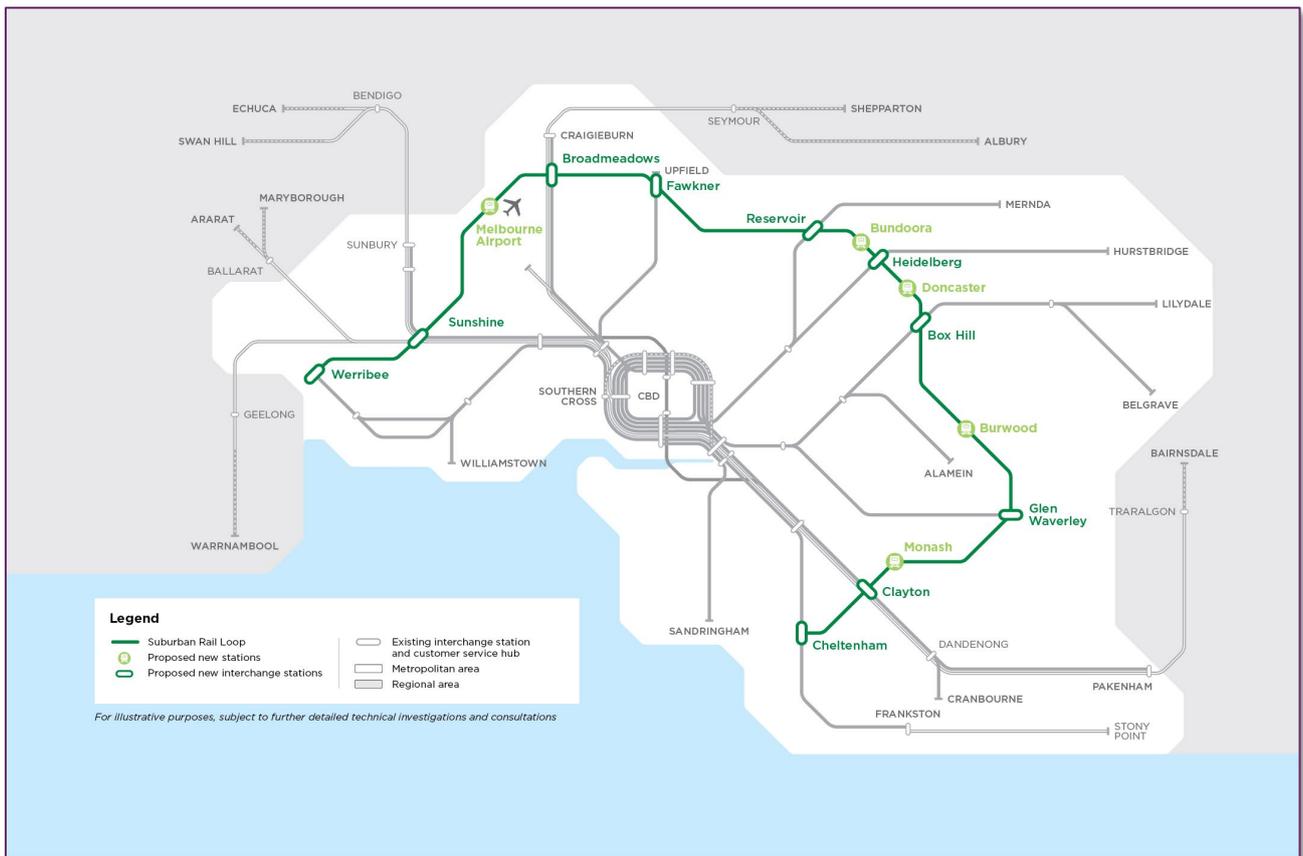


Figure 1: Suburban Rail Loop.

SRL works

The SRL program will likely require flexibility for some works to proceed ahead of the bulk of an SRL project's works. This may be the case even where the potential environmental effects of SRL works are being or could be assessed in an EES.

Initial works

Initial works are defined as works that may proceed independent of an SRL project's primary planning approval. Initial works might include relocating or upgrading utilities, site clearance or remediation, building demolition and ground improvement. Approval for initial works does not infer approval of works subject to assessment through an EES.

If the proponent of an SRL project wishes to seek approvals for initial works independently of a potential EES, the initial works need to be excluded from the works that the Minister determines require an EES. The Minister will typically make this determination in circumstances where the Minister is satisfied that:

1. the environmental effects of the initial works alone are not significant; and
2. the cumulative effects of the initial works and the balance of works are capable of being assessed in an EES.

Balance of works

The balance of works for an SRL project declared by the Minister as 'public works' will need to be assessed in an EES. These works may be commenced only after the primary planning approval for the SRL project has been obtained.

1.2 SRL environment effects statements

The Environment Effects Act provides for assessment of proposed works capable of significant effect on the environment. The EES process provides for the analysis of potential effects and the means of avoiding, minimising and managing adverse effects. An EES will be an integrated response to SRL works that provides for public scrutiny of the project and its potential effects.

EES objectives and principles

The general objective of the assessment process is to provide for the transparent, integrated and timely assessment of the environmental effects of works capable of having a significant effect on the environment.

Specific objectives are to provide:

- transparent assessment of potential environmental effects of SRL works, in the context of applicable legislation and policy, including principles and objectives of ecologically sustainable development;
- timely and integrated assessments of SRL works to inform relevant decisions, in the context of coordinated statutory processes;
- proponent accountability for investigating potential environmental and related effects of SRL works, as well as for implementing effective environmental management measures;
- public access to information regarding potential environmental effects as well as fair opportunities for participation in assessment processes by stakeholders and the public; and
- a basis for monitoring and evaluating the effects of SRL works to inform environmental management of the works and improve environmental knowledge.

1.3 Other statutory processes

To facilitate timely decision-making, the EES process and related statutory approval procedures are often coordinated. This may include:

- seeking accreditation of the EES as the required assessment of a controlled action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*;
- coordinating public notification of statutory applications in conjunction with advertising and exhibition of the EES;
- coordinating inquiry procedures under the Environment Effects Act with equivalent procedures under other Victorian legislation; and
- providing specific advice in the Minister's assessment to inform relevant statutory and other decisions, under other Victorian legislation.

2. Determining the need for an EES

Prior to the commencement of an SRL project, an SRL proponent must provide the Minister an SRL project outline. Under s.3 of the Environment Effects Act, the Minister may declare an SRL project public works when the Minister is satisfied that the SRL project could reasonably be considered to have, or to be capable of having, a significant effect on the environment. If declared public works, the proponent must prepare an EES for the SRL project. If the Minister does not declare the SRL project public works, other statutory processes will apply.

2.1 SRL project outline

The SRL project outline should provide enough information to inform the Minister's consideration of whether to declare the SRL works as public works. An SRL project should be described in its entirety wherever possible, including initial works and interaction with previous SRL projects. The rationale for excluding initial works from the public works declaration and the potential interaction of the works with future SRL projects (to the extent that early planning of future SRL stages allows) should also be included.

General aspects of project

- Particulars of the proponent: including the name and contact details of the key contact person and the industry and environmental expertise available to the proponent.
- Description of the project: including its name, objectives, components, site layout, construction and operational activities. Initial works that are directly related to the current project should be documented.
- Description of the proposed site or area of investigation: including location (identified on a map).
- Land availability: proponent's current and intended tenure over or access to the proposed project area.
- Alternatives: key locational, scale or design alternatives already investigated or to be considered as part of the investigation of the project.
- Required approvals: known or potential approvals required under state legislation as well as under Commonwealth legislation, and names of agency personnel with whom the project has been discussed.
- Project implementation: including the intended timeframe and proposed staging.

Preliminary environmental information

- Existing environment: overview of the project setting (topography, drainage, vegetation, land use and physical features) and its environmental assets, as well as the sources and accuracy of this information.
- Potential effects: identification of potential environmental effects (adverse and beneficial), including
 - brief description of potential environmental effects resulting from the SRL works;
 - brief description of potential cumulative environmental effects resulting from the SRL works and SRL works undertaken in other projects, as understood at the time of preparing the SRL project outline;
 - a precis of the available information on, and a preliminary assessment of, the significance of potential environmental effects; and
 - the sources and uncertainties of this information.

Investigation program

- Study program: environmental studies conducted to date by the proponent and any proposed future study program.
- Consultation plan: consultation conducted to date (including activities and stakeholders) by the proponent and any proposed future plan.

2.2 Procedures and requirements

If declared, the project will be listed on the [planning website](#) and the Minister will issue specific procedures and requirements for the EES as part of the public works order. The procedures and requirements will include (as appropriate):

- potential environmental effects that should be subject to in-depth investigation as part of the EES;
- scoping procedures that are to apply;
- quality assurance procedures to be adopted, including the need for expert peer review, if required;

- a requirement for a consultation plan to be prepared and implemented; and
- requirements for advertising and exhibiting scoping requirements, the EES, as well as other information relating to the assessment process.

The Minister may also specify initial works that do not require investigation as part of the EES.

3. Scoping and delivering an EES

The detailed matters to be investigated and documented in an SRL EES will be set out in 'scoping requirements' issued by the Minister.

3.1 Study program

To assist scoping, the SRL proponent should provide a preliminary list of issues to be investigated and a draft study program. The draft study program should be predicated on knowledge of the existing environment in the project area, the project's general design, the likely interaction of the works with the environment and the level of uncertainty associated with potential impacts or application of controls.

3.2 Stakeholder consultation

As part of the preparation of an EES, the SRL proponent has responsibility for informing the public and consulting with stakeholders. Stakeholders include potentially affected and interested parties.

The proponent is required to prepare and implement a consultation plan. A draft plan, together with a preliminary listing of stakeholder issues, should be provided to DELWP for consideration. DELWP will advise the proponent on the refinement of the plan so that it provides for effective consultation. Once the plan is finalised, it will be published on the [planning website](#). There may be a need for the SRL proponent to provide access to information (in a summary form) in languages other than English, depending on the cultural backgrounds of social groups potentially affected by SRL works.

Where SRL works may affect Aboriginal cultural heritage or other interests, the proponent should make early contact with the registered Aboriginal party and Aboriginal Victoria to identify matters of interest and discuss opportunities for their involvement.

3.3 Technical reference group

DELWP will establish a technical reference group (TRG) to assist in EES preparation. A TRG's membership will be drawn from government agencies, regional authorities, registered Aboriginal parties or municipal councils that have a statutory or policy interest in the SRL project. The proponent will participate in TRG meetings, by providing information and discussing relevant issues.

The primary role of a TRG is to:

- advise DELWP on matters that should be included in the scoping requirements for an EES;
- advise the proponent on the need for and adequacy of technical EES studies in terms of their consistency with good practice standards of method and analysis; and
- advise DELWP on the technical adequacy of the proposed EES and its response to the scoping requirements.

The TRG will provide advice and assistance to the proponent on:

- required statutory approvals and coordination of procedures;
- applicable policy provisions and related information requirements;
- study briefs and methods for key studies;
- availability of data and research findings;
- conformity of the SRL works and EES studies with policy and statutory requirements;
- design and implementation of the proponent's consultation plan; and
- adequacy of EES specialist study reports.

Agencies and authorities participating in a TRG are expected to provide accurate and timely advice regarding matters for which their organisations have specific responsibility.

3.4 Scoping requirements

The Minister will consider the draft study program and consultation plan in preparing draft scoping requirements. Comments and advice will then be sought from the government agencies and authorities represented by the TRG. The scoping requirements will require the EES to be consistent with the principles of a systems and risk-based approach.

The draft scoping requirements will be prepared within 20 business days of receiving the required information from the proponent or the establishment of the TRG whichever is later. The draft scoping requirements will then be exhibited for comment by interested parties for 15 business days. The SRL proponent will give notice in the daily metro newspapers.

Scoping requirements will be finalised within 15 business days of the close of the public comment period and made publicly available on the [planning website](#).

3.5 Coordinating delivery

To enable coordinated and timely management of the EES preparation, the proponent and DELWP should seek to coordinate their roles through (at least) an agreed schedule noting:

- dates for delivery of the proponent's proposed consultation plan, draft EES study reports and draft EES, for review by DELWP and the TRG;
- timeframes for TRG feedback on draft documents as well as for quality review of the proposed final EES;
- timeframes for the proponent to respond to feedback; and
- protocols for giving advance notice of any delays and for revising the agreed schedule.

Agencies and authorities represented on the TRG will be asked to confirm their commitment to provide feedback within agreed timeframes.

4. Preparing an EES

The content of an EES will be guided by the scoping requirements and should be prepared in the context of the principles of a systems approach and proportionality to risk.

A systems approach involves the consideration of potentially affected environmental systems and interacting environmental elements and processes. This will enable potential interdependencies to be identified, helping to focus investigations and identify opportunities to avoid, minimise, mitigate or manage adverse effects.

A risk-based approach should be adopted in the assessment of environmental effects so that suitably intensive methods can be applied to accurately assess matters that pose relatively high levels of risk of significant adverse effects and to guide the design of strategies to manage those risks. Simpler or less comprehensive methods of investigation may be applied to matters that can be shown to involve lower levels of risk.

4.1 Matters to be examined

Description of the project

A clear and sufficiently detailed description of the SRL works is needed to enable the effective assessment of potential environmental effects. The description should set out (as appropriate):

- project rationale and objectives;
- location, technology and design of project components;
- site characteristics and surrounding area;
- communities, properties and/or residences that may be affected by the proposal, including a description of the way that they may be affected;
- proposed methods for mitigating adverse environmental effects;
- proposed schedule for project implementation; and
- proposed method for delivering the project, including responsibility for construction, operation and where relevant, decommissioning.

The EES is to describe the project in sufficient detail to allow an understanding of all relevant components, processes and development stages and to enable assessment of their likely potential environmental effects. The EES may assess the effects of a concept or reference design for the project with the ultimate design to be developed later.

Reference project

The EES may adopt a performance-based approach and assess a reference project. The reference project may not be the final design for the SRL works but must demonstrate the technical feasibility of delivering the SRL to meet the Victorian Government's objectives and achieve acceptable environmental outcomes.

The reference project should nominate a project boundary; articulate the location and configuration of major civil works, track alignment and station architecture; and propose construction methods. The design must allow the potential environmental effects of the works to be assessed and demonstrate the effects can be managed.

Project alternatives

The concept of the SRL has clear public policy support. As such, an EES will not need to justify the selection of the SRL as a means of addressing Melbourne's transport needs and providing appropriate transport infrastructure (i.e. by comparison with road, or other, infrastructure). An EES should, however, provide a rationale for the works proposed to deliver the SRL project. In doing so, an EES should include a description of the proponent's process of screening different works or ways of delivering the SRL project and the planning and design refinements undertaken to arrive at the proposed SRL works subject to assessment in the EES.

Environmental effects

SRL works may give rise to environmental effects through relatively direct cause-effect pathways, or through more complex, indirect pathways. An EES should provide an assessment of an SRL project's potential effects on the following matters, including their interactions, where relevant. In addition, the cumulative effect of a project in combination with other activities may need to be assessed to identify the potential for significant adverse effects from the combined works. Assessment of effects must be consistent with the approved scoping requirements.

Abiotic systems

A priority for an EES is to identify and assess potential changes to physical systems (e.g. the water cycle) resulting from the SRL works. An EES should incorporate accurate modelling of potential system changes, where there is a potential for significant adverse effects.

Ecosystems

Assessment of potential effects on ecosystems is a fundamental aspect of an EES. An EES should provide an inventory of existing ecological conditions, as well as an analysis of ecosystem relationships that might be affected by SRL works.

Social systems

An EES needs to assess the social effects of SRL works on communities. Because of the complexity of human behaviour and perceptions, this assessment may need to assess likely scenarios for change and implications of this change, rather than attempting accurate predictions. An EES may therefore need to use a combination of recognised quantitative and qualitative methods to meaningfully assess potential social effects.

Hazards or statutory compliance issues related to human health and amenity that might arise from SRL works, such as noise or air emissions, must also be assessed. Where there may be high levels of risk to health, the EES will need to propose risk avoidance, minimisation, mitigation and management measures, including contingency responses, monitoring and reporting processes.

An EES will need to identify and assess the potential effects of a project on Aboriginal and historical cultural heritage.

Economic systems

An EES will need to assess the SRL works' potential effects on existing land uses and infrastructure that support current patterns of economic and social activity. Potential project effects on land uses, urban settlements and infrastructure will need to be evaluated in light of relevant planning scheme provisions. Links with other physical, ecological and social and economic effects will also need to be described.

The financial implications of SRL works, such as influence on specific businesses or compensation, will not normally need to be assessed as part of an EES but an EES needs to assess the potential for significant effects on the economic well-being of local areas, the regional and national economies, as well as for key industry sectors.

Types of environmental effects

Cumulative effects

An EES should identify the potential for cumulative effects where SRL works, or project activity, in combination with other proposed projects, including initial SRL works or existing activities in an area, may have an overall significant effect on the same environmental asset. A regional perspective can be helpful in this regard, by putting the potential effects of an SRL project in the wider SRL program context.

The assessment of cumulative impacts from proposed SRL works in combination with future SRL works will necessarily remain at a high level where future works are expressed in conceptual, rather than detailed, terms. However, where it can be ascertained at the time of preparing the EES that potential cumulative effects of multiple SRL projects (built or proposed) may be significant, the potential cumulative effects must be addressed within the EES.

Indirect effects

Indirect effects are separated in space or time from the direct effects of SRL works. Such effects may arise from inputs (e.g. source materials) to, or consequences of, SRL works. The extent to which assessment of indirect effects is needed as part of an EES will depend on:

- whether the effects are reasonably foreseeable;
- the nexus between the project and the effects of concern;
- the capacity to quantify or assess the effects; and
- the significance of the effects.

Significance of environmental effects

An EES should provide an analysis of the significance of potential effects. This analysis may require the integration of several aspects:

- potential magnitude, extent and duration of changes in the environment;

- how sensitive environmental assets are to change;
- relationships/interactions between different effects; and
- design or management measures available to avoid or minimise impacts.

4.2 Integrated assessment of environmental performance

An EES will need to provide an integrated assessment of the likely effects of SRL works, with respect to:

- key requirements or objectives under statutory provisions, including policy;
- best practice techniques and technologies, available within relevant sectors of activity; and
- objectives and principles of ecologically sustainable development and environmental protection.

This assessment might involve the use of environmental performance criteria to address particular effects. While some criteria will be available under applicable statutory provisions, criteria for other matters may need to be developed in the specific context of the SRL and its likely effects. Environmental performance criteria will help guide studies and provide a clear framework for management of environmental effects.

An EES should incorporate an environmental management framework for managing the environmental effects of a project, including:

- the framework of statutory approvals and agreements that will underpin environmental management plans and measures;
- proposed environmental performance requirements to set environmental monitoring and management actions;
- the environmental management system to be adopted (e.g. based on ISO 14001), including organisational responsibilities and accountabilities;
- an overview of environmental management plans for the construction and operational phases;
- the proposed program for auditing and reporting of environmental performance; and
- arrangements for management of and access to baseline and monitoring data, to ensure the transparency and accountability of environmental management as well as to contribute to the improvement of environmental knowledge.

4.3 Consistency with existing provisions

Scoping requirements will indicate the relevant provisions of legislation and regulations, associated public policies, strategies, plans and guidelines, as well as government agreements. More comprehensive identification of relevant aspects is essential in the course of preparing the EES. Matters that are the respective responsibility of state, local or Commonwealth governments should be clearly identified. The EES will need to document consistency with applicable legislation, regulations, statutory policies, strategies, plans, guidelines and agreements.

4.4 EES presentation

It is expected that an EES will comprise: a short, hardcopy summary of the EES; a main report providing a comprehensive response to the scoping requirements; and technical appendices providing details of the study investigations underpinning the main report.

The main EES report should be concise, clear and relevant to the issues and decisions that need to be addressed. It should be analytical rather than encyclopaedic in approach, addressing issues in a depth proportionate to the environmental risk. The report should make extensive use of maps, photographs, diagrams and other graphical methods to illustrate key environmental features, project alternatives, potential effects and proposed responses.

The EES may be supported by an online adaptation that allows readers to interact with the SRL through virtual space and time. The online, digital EES, would enable users to appreciate the project area's existing environment, the project's design and the interaction of the two to demonstrate the potential environmental effects of the works and proposed environmental management responses.

Technical appendices should provide details of literature reviews; methods and results of field and laboratory investigations; methods and results of impact assessment studies (e.g. air quality modelling, user surveys), including estimates of the reliability of results; and description of sources of uncertainty. There should be cross-referencing between the main report (and online version, if created) and the supporting appendices.

The proponent must prepare the EES in a format and in places that will enable ready access by interested parties.

4.5 Adequacy of EES for exhibition

The proponent is responsible for preparing an EES that adequately addresses the matters in the scoping requirements and any other relevant issues. These matters need to be sufficiently investigated and clearly documented to enable informed responses by the public and agencies. The EES should provide as full a statement of the proponent's case as possible.

There are three basic steps for ensuring the adequacy of an EES for exhibition:

1. the proponent and its consultants should adopt internal quality assurance procedures;
2. the TRG will review the draft technical studies and draft EES documentation and provide advice to the proponent; and
3. the proponent should seek authorisation from the Minister before the EES is exhibited.

In special circumstances, additional steps may be necessary to address quality issues. The Minister may direct DELWP to appoint expert peer reviewers to provide advice during the development of critical EES studies. The final written advice of expert peer reviewers appointed by DELWP will be made available during the exhibition of the EES and provided to the inquiry.

5. Public review of an EES

In specifying the procedures and requirements for an EES, the Minister will determine the form and extent of the public review for an EES. The public review process may include:

- public notice of the EES;
- exhibition of the EES for a specified period no less than 30 business days;
- receipt of public submissions; and
- an inquiry by public hearing.

5.1 Exhibition

The EES will be exhibited for a period of no less than 30 business days. In exceptional circumstances the Minister may decide that a longer period of exhibition is warranted.

Public notice of the EES exhibition will be required:

- in the daily metropolitan newspapers;
- in a national newspaper, if the works are subject to Commonwealth legislation; and
- to be posted on the [planning website](#).

The notice must be in a form acceptable to the Minister and include details of:

- the proponent;
- the scope of the project;
- the location of exhibited material and the availability of documents for purchase;
- the timeframe for submissions; and
- where submissions should be sent.

The proponent will place the advertisements and pay for the costs of advertising.

Exhibition of an EES should allow for access to documentation by interested members of the public. The proponent should at least:

- ensure the EES is downloadable from the proponent's website;
- ensure a readable EES online version is linked from the proponent's website; and
- make printed and/or electronic versions of the EES available for purchase.

Prices for copies of the EES main report and appendices should be set at a level to enable effective access by interested parties. Copies of the EES Summary are to be made available by the proponent free-of-charge to interested parties.

If advertising of the EES coincides with applications for statutory approvals, joint advertising will be coordinated. The form of any joint notice, as well as the period and locations of document exhibition, should satisfy the requirements of the EES process.

5.2 Submissions

Submissions should be received by the advertised closing date. They will normally be treated as public documents and uploaded to a publicly accessible web site by Planning Panels Victoria. They will be available to be inspected and used by DELWP officers, persons responsible for the conduct of an inquiry process, the proponent and other interested parties.

In exceptional circumstances, submitters may request their submission or parts of their submission to be treated on a confidential basis (for instance, for reasons of commercial confidentiality or cultural sensitivity).

If statutory approvals applications have been jointly advertised with the EES, DELWP will put in place arrangements for coordinated receipt and circulation of submissions with the relevant agencies.

Proponent response to public submissions

To assist the resolution of issues raised in public review, the proponent should produce a document responding to issues raised. The response should be distributed as part of the inquiry's exchange of documents. In some circumstances a proponent may seek to negotiate a resolution to particular issues (for example, mitigation measures) with submitters. It is advisable that negotiation take place prior to the commencement of the inquiry.

5.3 Inquiry

The Minister may appoint one or more persons, nominated by Planning Panels Victoria, to conduct an inquiry into the SRL works' potential environmental effects. The inquiry will be subject to terms of reference issued by the Minister. The proponent is responsible for the costs of an inquiry and public hearing.

The inquiry may conduct formal hearings to allow proponents to speak about their proposal and submitters to speak about their submissions in-depth. Expert witnesses may make presentations and questions of clarification may be asked of all parties.

The inquiry's terms of reference will require it to:

- review and consider the EES and public submissions received in relation to the environmental effects of the project;
- conduct a public hearing to hear from the proponent and any submitters that wish to be heard;
- draw conclusions on the potential environmental effects of the project, their significance and acceptability, having regard to the evaluation objectives in the EES scoping requirements and prevailing policy and legislation;
- identify any measures it considers necessary and effective to avoid, mitigate or manage the environmental effects of the project within acceptable limits; and
- report its findings and recommendations to the Minister, for consideration by the Minister in making an assessment of the SRL project's environmental effects.

Where appropriate, an inquiry may:

- convene special sessions of parties to seek agreement about the nature of disputed issues or preferred responses; and
- convene special sessions of expert witnesses to establish a shared understanding of complex scientific or technical matters.

An inquiry may be appointed where a similar process is required under another act (such as the *Planning and Environment Act 1987*) for the SRL project being assessed. In that case, a combined panel/inquiry process will be followed. If necessary, the procedures for the inquiry under the Environment Effects Act will be adjusted to avoid conflict with the statutory requirements of the other process.

The inquiry will normally provide its report to the Minister within 30 business days from the close of public hearings. The inquiry's report will be publicly released at the same time as the Minister's assessment.

6. Making the final assessment

An assessment of the environmental effects of the SRL works is the final EES step. Referred to as the 'Minister's assessment', this step determines whether the likely environmental effects of SRL works are acceptable.

The Minister's assessment will consider:

- the EES and any supplementary statement;
- public submissions, the proponent's response to submissions, and supporting information from the proponent or submitters;
- the inquiry report; and
- the objectives and principles of ecologically sustainable development, as well as prevailing legislation, policy, strategies and guidelines.

The Minister's assessment may provide:

- findings on the potential magnitude, likelihood and significance of adverse and beneficial environmental effects of the SRL works;
- conclusions regarding any modifications to an SRL project or any environmental management measures that are needed to address likely adverse effects or environmental risks; and
- evaluation of the overall acceptability of the environmental effects of the SRL works, within the context of applicable legislation, policy, strategies and guidelines.

The Minister's assessment may advise on:

- opportunities for incorporating necessary measures in conditions of statutory approvals or in binding agreements;
- recommended environmental performance requirements;
- recommended approaches to environmental monitoring and management, including further public involvement; and
- the acceptability of the SRL works' effects.

The Minister's assessment is normally provided to decision-makers and the proponent within 25 business days of receiving the report of an inquiry. As soon as practicable after the assessment is provided to decision-makers and the proponent, the Minister's assessment and the inquiry report will be published on the [planning website](#).

6.1 Supplementary statements

The Minister may ask the proponent to provide additional information, if this is needed to complete an assessment. Where the required information will involve extensive investigations, the Minister may formally call for a supplementary statement to be prepared. The proponent may be directed to prepare a supplementary statement at any point between the exhibition of the EES and the making of an assessment. The Minister can specify the procedures to be applied to a supplementary statement and any requirements regarding the scope of the statement. The Minister will exercise discretion in determining whether the public is invited to provide comments on a supplementary statement.

6.2 Environmental management framework

An EES will normally outline an environmental management framework for managing and monitoring the SRL works' environmental performance. The Minister's assessment will provide advice about the appropriateness of this framework, the project's performance measures along with requirements for auditing and reporting against the framework. Statutory approvals can then incorporate provisions for managing, monitoring and reporting environmental performance.

The Minister's assessment may suggest the establishment of a committee comprising representatives of relevant departments, statutory authorities and possibly stakeholders to provide a forum for communication about the implementation of an assessed project.

6.3 Statutory decisions

Statutory decision-makers are required to consider the Minister's assessment, but the Minister's recommendations are not binding on the decision-maker. To assist in the transparency of the EES process,

decision-makers should advise the Minister of the outcome of their decision. Where the decision-maker proposes not to adopt part of the assessment, the decision-maker should consult with the Minister.

6.4 Project variations

Variations to an SRL project during its delivery will likely occur from time to time. The nature and scale of variations to an SRL project, and hence appropriate responses, may vary considerably. Where a proposed variation could give rise to significant 'new' effects on the environment (i.e. effects not consistent with those assessed through the EES), the SRLA will consult with the Minister on whether further assessment is required.