

DECISION ON PROJECT: Marinus Link

Decision under section 8B(3)(a) of the *Environment Effects Act 1978*

Assessment through an environment effects statement (EES) under the *Environment Effects Act 1978* **is required** for the reasons set out in the attached Notice of Reasons for Decision.

Procedures and requirements under section 8B(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 investigate and document the potential environmental effects (direct and/or indirect) of the proposed project, including for any relevant alternatives, as well as associated environmental avoidance, mitigation and management measures. In particular, the EES needs to address:
 - a. effects on biodiversity and ecological values within and near the project area including native vegetation, listed threatened communities and species (flora and fauna) under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*, such as through clearance, degradation or fragmentation of habitat;
 - b. effects on freshwater and marine environments and related environmental values, including any changes to stream flows, water quality or sedimentation due to waterway crossings or installation of subsea cables;
 - c. effects on Aboriginal cultural heritage values;
 - d. effects on the socioeconomic environment including land use, at local and regional scales; and
 - e. effects on existing landscape values.
- (ii) The matters to be investigated and documented in the EES will be set out more fully in scoping requirements prepared by the Department of Environment, Land, Water and Planning (DELWP). Draft scoping requirements will be exhibited for 15 business days for public comment, before final scoping requirements are issued by the Minister for Planning.
- (iii) The proponent is to prepare and submit to DELWP a draft EES study program adequate to inform the preparation of scoping requirements.
- (iv) The level of detail of investigation for the EES studies should be consistent with the scoping requirements and be adequate to inform an assessment of the significance and acceptability of environmental effects of the proposal and any relevant alternatives, in the context of the Ministerial Guidelines.
- (v) DELWP will convene an inter-agency technical reference group (TRG) to advise DELWP and the proponent, as appropriate, during the preparation of the EES 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 DELWP its proposed EES consultation plan for engaging with the public and stakeholders during the preparation of the EES. Once completed to the satisfaction of DELWP, the EES consultation plan is to be implemented by the proponent, having regard to advice from DELWP and the TRG.

- (vii) The proponent is also to prepare and submit to DELWP its proposed schedule for the completion of studies, preparation and exhibition of the EES, following confirmation of the scoping requirements. This schedule is intended to facilitate the alignment of the proponent's and DELWP's timeframes, including for TRG review of EES 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 a satisfactory standard.
- (ix) The EES is to be exhibited for a period of not less than 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.

Notification

The following parties (proponent and relevant decision-makers) are to be notified of this decision in accordance with sections 8A and 8B(4) of the *Environment Effects Act 1978*:

- Marinus Link Pty Ltd (proponent);
- Minister for Energy, Environment and Climate Change;
- Minister for Water;
- Secretary of the Department of Environment, Land, Water and Planning;
- Mayor of Latrobe City Council;
- Mayor of South Gippsland Shire Council;
- CEO of the West Gippsland Catchment Management Authority;
- CEO of the Environment Protection Authority;
- Executive Director of First Peoples – State Relations;
- Executive Director of Heritage Victoria;
- CEO of Gurnaikurnai Land and Waters Aboriginal Corporation; and
- CEO of Bunurong Land Council Aboriginal Corporation.



HON RICHARD WYNNE MP
Minister for Planning

Date: 12 / 12 / 2021