

DECISION ON PROJECT

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

Hazelwood Rehabilitation Project

(REFERRAL 2021-R06)

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 document investigations of potential environmental effects of the proposed project, including for any relevant alternatives, as well as feasible avoidance, environmental mitigation and management measures, in particular for:
 - a. potential effects on surface water and groundwater resources, including hydrology, water quality, availability and associated environmental values;
 - b. existing land uses and landscape values;
 - c. the Gippsland Lakes Ramsar site;
 - d. native vegetation, ecological communities and species of flora and fauna listed under the *Flora and Fauna Guarantee Act 1988* and the *Environment Protection and Biodiversity Conservation Act 1999*; and
 - e. Aboriginal and non-Aboriginal heritage 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 an adequate draft EES study program to inform the preparation of scoping requirements.
- (iv) The level of detail of investigation for the EES studies should be consistent with the approach set out in the scoping requirements and be adequate to inform a robust assessment of the significance and acceptability of its potential environmental effects, including for any feasible relevant alternatives, in the context of the Ministerial Guidelines.
- (v) DELWP will convene an inter-agency Technical Reference Group (TRG) to advise the Department 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 consulting the public and engaging with 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 draft scoping requirements. This is to enable effective management of the EES process and EES' development based on agreed alignment of the proponent's and DELWP's timeframes, including for TRG review of technical studies for the EES and the main EES documentation.
- (viii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies to a satisfactory standard.
- (ix) The EES is to be exhibited for a period of 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)(a) of the *Environment Effects Act 1978*, as appropriate:

- ENGIE Hazelwood
- Minister for Resources
- Minister for Energy, Environment and Climate Change
- Minister for Water
- Southern Rural Water
- Environment Protection Authority
- Secretary of the Department of Environment, Land, Water and Planning
- Secretary for the Department of Jobs, Precincts and Regions
- West Gippsland Catchment Management Authority
- Heritage Victoria
- Latrobe City Council
- First People – State Relations
- Gunaikurnai Land and Waters Aboriginal Corporation



HON RICHARD WYNNE MP
Minister for Planning

Date:

3/2/22