

## DECISION ON PROJECT

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

#### Vopak Victoria Energy Terminal Project (Referral Number 2022-R11)

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, 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 and avoidance of potential environmental effects of the proposed project, project alternatives and their effects, as well as the feasibility of associated environmental mitigation and management measures.
- (ii) The EES is to incorporate an integrated assessment, and characterisation of associated uncertainties, of the project's potential effects on
  - a. the marine environment and ecosystem of Port Phillip Bay, the Werribee River / Avalon sector of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula RAMSAR Site from mobilisation of sediment and associated impacts from the subsea and terrestrial pipeline construction;
  - b. the marine environment and ecosystem of Port Phillip Bay from seawater intake to and cold water/residual chlorine discharges from the floating storage and gasification unit (FSRU);
  - c. threatened terrestrial and aquatic species and communities listed in the *Flora and Fauna Guarantee Act 1988* and *Environmental Protection and Biodiversity Conservation Act 1999*;
  - d. biodiversity, including through loss, degradation or fragmentation of habitat, native vegetation and ecological communities;
  - e. effects on Aboriginal cultural heritage; and
  - f. the broader environmental effects of greenhouse gas emissions from FSRU operation.
- (iii) The EES is to incorporate a risk-based, integrated assessment of the project's potential environmental effects on air quality, noise, agriculture, land use, historic heritage values, landscape and visual amenity, and transport.
- (iv) The matters to be investigated and documented in the EES will be set out more fully in scoping requirements. Draft scoping requirements will be exhibited for 15 business days for public comment, before final scoping requirements are issued by the Minister for Planning.
- (v) The proponent is to prepare and submit to the Department of Transport and Planning (DTP) an adequate EES study program to inform the preparation of scoping requirements.
- (vi) 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 an assessment

of the significance and acceptability of its potential environmental effects, in the context of the Ministerial Guidelines.

- (vii) DTP 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.
- (viii) The proponent is to prepare and submit to DTP its proposed EES Consultation Plan for engaging with the public and stakeholders during the preparation of the EES. Once completed to the satisfaction of DTP, the EES consultation plan is to be implemented by the proponent, having regard to advice from DTP and the TRG.
- (ix) The proponent is also to prepare and submit to DTP its proposed schedule for the completion of studies, preparation and exhibition of the EES, following confirmation of the scoping requirements. This schedule will be finalised in consultation with DTP and is intended to facilitate the alignment of the proponent's and DTP's timeframes, including for TRG review of technical studies and main report.
- (x) 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.
- (xi) 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.
- (xii) 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)(i) of the *Environment Effects Act 1978*, as appropriate:

- Minister for Energy and Resources
- Minister for Environment
- Minister for Ports and Freight
- City of Greater Geelong;
- Secretary of the Department of Environment, Energy and Climate Action;
- Wadawurrung Traditional Owners Aboriginal Corporation
- Bunurong Land Council Aboriginal Corporation
- Environment Protection Authority;
- Parks Victoria
- First Peoples – State Relations, Department of Premier and Cabinet;
- Heritage Victoria;
- Melbourne Water; and
- Corangamite Catchment Management Authority.

**HON SONYA KILKENNY MP**  
**Minister for Planning**

Date:

*S/K*  
 1/8/2023

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