

DECISION ON PROJECT: Gippsland Regional Port

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 needs to document investigations and avoidance of potential environmental effects of the proposed project to acceptable levels, including any relevant alternatives and their effects, as well as the feasibility of associated environmental mitigation and management measures. It is to incorporate a well-integrated assessment of potential environmental effects and associated uncertainties, to sufficiently address:
 - a. effects on biodiversity and ecological values within and near the project area, including potential impacts associated with the loss of native vegetation, indirect and direct impacts on listed 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 the loss, degradation or fragmentation of habitat;
 - b. effects on the marine and coastal environments and related natural processes, including as a result of dredging, the placement of dredged material in onshore and offshore sites and pile driving, as well as from operation of the proposed port;
 - c. effects on environmental values associated with the area's marine national parks, marine parks, coastal reserves and conservation areas (e.g. Corner Inlet, Nooramunga, Wilsons Promontory, Port Franklin – Port Welshpool), as well as the ecological character of the Corner Inlet Ramsar site;
 - d. risks to other ecosystem services of parks and conservation areas in proximity to the proposal;
 - e. effects on surface water environments, including local waterways and the broader catchment, as well as groundwater (hydrology, quality, uses and dependent ecosystems);
 - f. effects on Aboriginal and historic cultural heritage values, including maritime archaeology;
 - g. effects of project construction and operation on air quality and noise on nearby sensitive receptors (particularly residences);
 - h. effects on the socioeconomic environment, at local and regional scales, including commercial and recreational fishing, and traffic movement;
 - i. effects on existing landscape values; and
 - j. effects of waste (solid and liquid) that might be generated by the project during construction and operation.
- (ii) 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.
- (iii) The proponent is to prepare and submit to the Department of Environment, Land, Water and Planning (DELWP) a 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 scoping requirements issued for this project and be adequate to inform an assessment of the potential environmental effects (and their acceptability) of the project 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 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 (and updated as appropriate) 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 on the basis of an agreed alignment of the proponent's and DELWP's schedules, including for TRG review of technical studies for the EES and the main draft 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 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 project.

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*:

- Qube Energy Pty Ltd (proponent);
- Commonwealth Minister for Environment;
- Minister for Ports and Freight;
- Minister for Water;
- Minister for Planning;
- Secretary of the Department of Environment, Land, Water and Planning;
- CEO of the South Gippsland Shire Council;
- CEO of the West Gippsland Catchment Management Authority;
- CEO of the Environment Protection Authority;
- Executive Director of Aboriginal Victoria;
- Executive Director of Heritage Victoria;
- CEO of Gunaikurnai Land and Waters Aboriginal Corporation; and
- CEO of Bunurong Land Council Aboriginal Corporation.



HON RICHARD WYNNE MP
Minister for Planning

Date: 03 / 08 / 2020