Scoping Requirements
Vopak Victoria Energy Terminal
Environment Effects Statement

Environment Effects Act 1978

July 2025

VICTORIA State Government | Department of Transport and Planning

Acknowledgement




The Victorian Government acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land and acknowledges and pays respect to their Elders, past and present.

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List of abbreviations

CHMP	Cultural heritage management plan
DTP	Department of Transport and Planning
EES	Environment effects statement
EMF	Environmental management framework
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EES	Environment Effects Statement
FFG Act	*Flora and Fauna Guarantee Act 1988*
FSRU	Floating Storage Regasification Unit
GRS	Gas receiving station
LNG	Liquefied natural gas
MNES	Matters of national environmental significance
TRG	Technical reference group

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1 Introduction

In light of the potential for significant environmental effects, on 1 August 2023 the Minister for Planning (the Minister) determined under the *Environment Effects Act 1978* that Vopak Victoria Energy Terminal Pty Ltd (the proponent) is to prepare an environment effects statement (EES) for the proposed Vopak Victoria Energy Terminal Project (the project).

The purpose of the EES is to provide a sufficiently detailed description of the project, assess its potential effects on the environment[1] and assess relevant feasible alternatives (e.g., project alignments, layouts, designs) and approaches to avoid and mitigate effects. The EES will inform and seek feedback from the public and stakeholders. The Minister will issue an assessment of the project's environmental effects under the Environment Effects Act to conclude the EES process. The Minister's assessment will then inform statutory decision-makers for the project.

These Final *Scoping Requirements for the Vopak Victoria Energy Terminal EES* set out the proposed specific matters to be investigated and documented in the EES and are intended for public review and comment.

While the scoping requirements are intended to cover all relevant matters, especially potentially significant impacts and environmental issues relevant to statutory decisions that will be informed by the Minister's assessment, the EES will also need to address other relevant issues that emerge during the EES investigations.

These final scoping requirements provide clarity on the risk-based approach to environmental assessment for the EES, and what the potentially significant effects and priority themes are for investigations. This helps the proponent, in consultation with the Department of Transport and Planning (DTP) and Technical Reference Group (TRG), tailor its approach to EES studies, investigations and integration, to concentrate primarily on the potentially significant effects and priority matters most important for an adequate EES and subsequent decision-making.

1.1 The project and setting

The proponent is proposing to build and operate a floating liquefied natural gas (LNG) import terminal in Port Phillip Bay, approximately 19 kilometres east from Avalon (Figure 1). It would process LNG and feed it into the existing onshore gas supply system using an underwater pipeline. The aim of the Project is to provide Victorians access to a reliable supply of natural gas from the global market that can scale up and down to meet Victorian's energy needs. Key components of the project include:

- Offshore facilities; including a marine berth for the Floating Storage Regasification Unit (FSRU) vessel, and marine platforms.
- The subsea high pressure gas pipeline (approximately 19 kilometres in length), and two 19-kilometre-high voltage cables that connect the offshore facilities to the onshore pipeline and high voltage cables. This component includes a 1.5-kilometre trenchless shore crossing for both the pipeline and cables to approximately 500 metres inland.
- Onshore facilities; including a gas receiving station (GRS) and associated infrastructure including nitrogen generation plant, 7.5-kilometre onshore gas pipeline and tie-in station to the Victorian gas transmission system, high voltage cables from the trenchless exit site to the GRS site.
- Onshore underground transmission line, including 14 to 19 kilometres in existing road reserves between a new terminal station, to be located adjacent to the existing transmission line corridor north of Lara, and a new substation, to be located either next to the GRS or on Beach Road.

The proponent is currently investigating:

- The preferred location of the new substation with three options being considered; being either co-located with the GRS or at one of two sites identified on Beach Road.

1. For assessment of environmental effects under the EE Act, the meaning of 'environment' includes physical, biological, heritage, cultural, social, health, safety and economic aspects (Ministerial Guidelines, p. 2).

- The preferred location of the terminal station site north of Lara with a broad investigation area being considered between Windermere and Peak School Roads.
- Depending on the outcomes of those investigations, the power transmission line alignment, with four options being considered following the road reserves along either Windermere or Peak School Roads.
- Whether to progress on the basis of open or closed loop operation for the regasification process on the FSRU.
- The construction method to lay the gas pipeline and electricity cable within the Port Phillip Bay seabed.

In response to stakeholder feedback, the project description has changed since the referral to avoid the need for overhead transmission lines. The proposed underground transmission connection would travel within the road reserve along either Windermere Road or Peak School Road and would not traverse private landholdings.

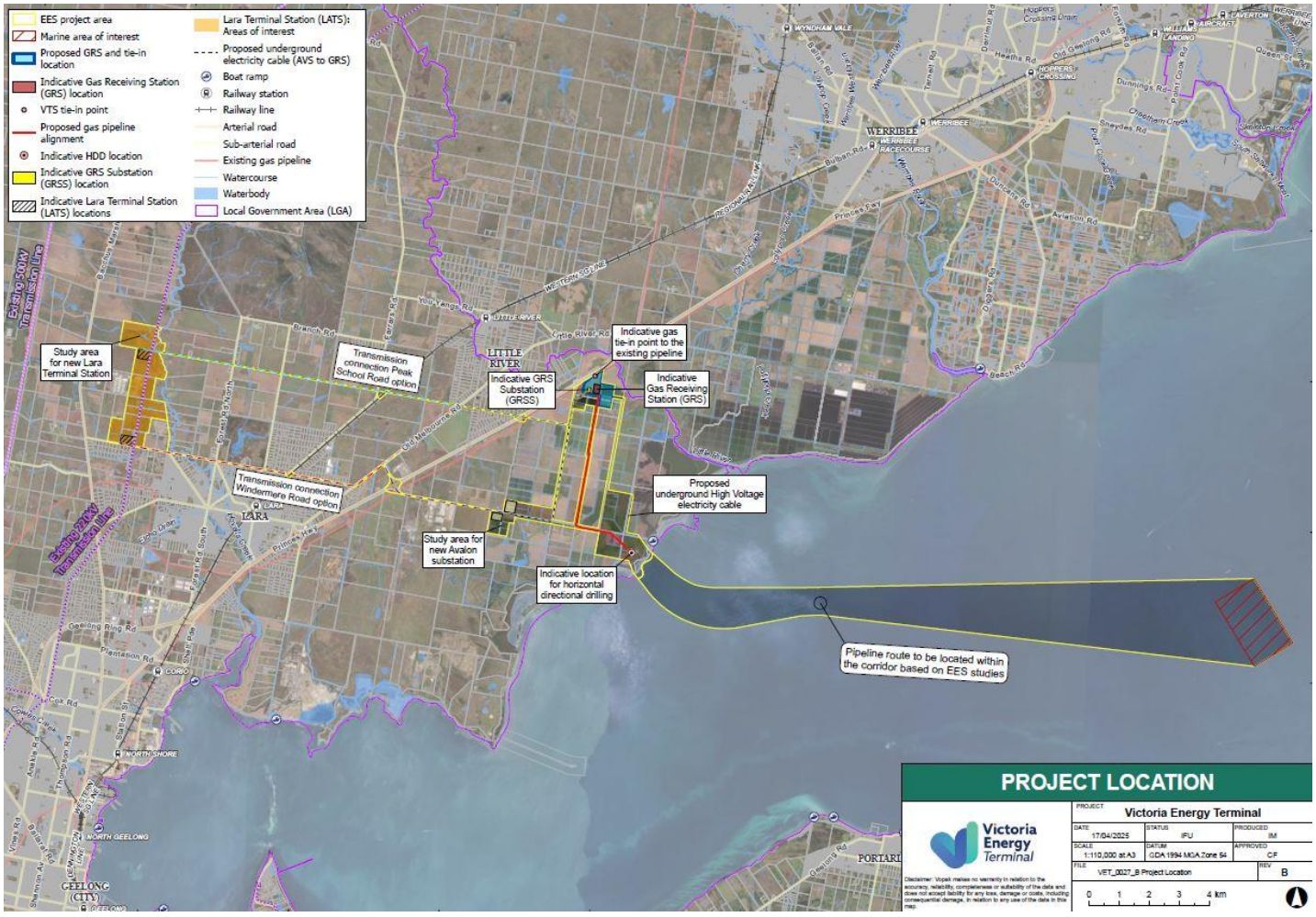


Figure 1: *Project location.*

Source: Vopak Victoria Energy Terminal Pty Ltd

1.2 Minister's requirements for this EES

In light of the potential for significant environmental effects, the Minister decided that an EES is required to assess the potential environmental effects of the project. The Minister published procedures and requirements applicable to the preparation of the EES, in accordance with section 8B(5) of the Environment Effects Act (see Appendix A). The investigations and assessments are to include feasible project alternatives and design refinements (e.g. alternative project layouts, siting of infrastructure, management measures, project staging and timing) to avoid, minimise, and manage effects, particularly for[2]:

- 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;
- the marine environment and ecosystem of Port Phillip Bay from seawater intake to and cold water/residual chlorine discharges from the FSRU;
- threatened terrestrial and aquatic species and communities listed in the *Flora and Fauna Guarantee Act 1988* (FFG Act) and *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act)*;*
- biodiversity, including through loss, degradation or fragmentation of habitat, native vegetation and ecological communities;
- effects on Aboriginal cultural heritage; and
- the broader environmental effects of greenhouse gas emissions from FSRU operation.

These final scoping requirements provide further detail on the matters to be investigated in the EES as required by the *Ministerial guidelines for assessment of environmental effects under the Environment Effects 1978* (Ministerial Guidelines) and are informed by the proponent's study program and its initial risk screening.

2 Assessment process and required approvals

2.1 What is an EES?

An EES describes a project, it's rationale and benefits and its potential environmental effects. It should enable stakeholders and decision-makers to understand how the project is proposed to be implemented and the likely environmental effects of doing so. An EES has two main components:

- The EES main report – an integrated, plain English document that assesses the potential impacts of the project and examines avoidance, mitigation or other measures to reduce the environmental effects and assesses residual effects. The main report draws on technical studies, data and statutory requirements such as specific limits for surface water and groundwater quality and waste discharge to the environment and should clearly identify which components of the scope are being addressed throughout.
- The EES technical reports – specialist studies, investigations and analyses that provide the basis for the EES main report. These reports will be exhibited in full, as appendices to the main report.

The documentation of potential effects in the EES main report and the necessary investigation of potential effects included within the technical reports, should be objective and proportionate to the environmental risks posed by the project, as outlined in the Ministerial Guidelines (p. 23). Further explanation of this is covered in Section 4.

2.2 The EES process

The proponent is responsible for preparing an EES, including conducting technical studies and undertaking appropriate stakeholder consultation. DTP is responsible for managing the EES process[3]. The EES process has the following steps:

- preparation of a draft study program and draft schedule by the proponent;
- preparation and exhibition of draft scoping requirements by DTP on behalf of the Minister with public comments received during the advertised exhibition period (this document);
- finalisation and issuing of scoping requirements by the Minister or delegate;

[2] Procedures and requirements under section 8B(5) of the *Environment Effects Act 1978* for the Vopak Victoria energy terminal found at: https://www.planning.vic.gov.au/environmental-assessments/browse-projects/referrals/Vopak-Victoria-Energy-Terminal

3. Further information on the EES process can be found at https://www.planning.vic.gov.au/environmental-assessments/environmental-assessment-guides/environment-effects-statements-in-victoria.

- review of the proponent's EES studies and draft documentation by DTP and a TRG;[4]
- completion of the EES by the proponent;
- review of the complete EES by DTP to establish its adequacy for public exhibition;
- exhibition of the proponent's EES and invitation for public comment by DTP on behalf of the Minister;
- appointment of an inquiry by the Minister to review the EES and public submissions received, conduct public hearings and provide a report to the Minister; and finally
- following receipt of the inquiry report, preparation of an assessment on whether the project's environmental effects are acceptable by the Minister for the consideration of statutory decision-makers.

It is the proponent's responsibility to ensure that adequate studies are undertaken and reported to support robust assessment of potential effects arising from the project and that it implements effective internal quality assurance to produce quality EES documentation.

2.2.1 Technical reference group

DTP has convened a TRG of state and commonwealth government agencies, registered Aboriginal parties and local councils for this EES process to advise DTP and the proponent on:

- applicable policies, strategies and statutory provisions;
- EES scoping requirements;
- the design and adequacy of EES technical studies;
- the proponent's public information and stakeholder consultation program for the EES process;
- responses to issues arising from the EES investigations;
- the technical adequacy and completeness of draft EES documentation; and
- coordination of statutory processes.

2.2.2 EES consultation

The proponent is responsible for informing and engaging the public and stakeholders during the EES process, to inform them about the project, the EES process and EES studies. The proponent's EES consultation should enable feedback to be inputted on the project and its potential environmental effects, as well as respond to issues raised. Stakeholders include potentially affected parties, Traditional Owner groups, any interested community organisations/groups and government bodies.

The proponent is responsible for preparing and implementing an EES consultation plan that sets out the approach to engagement. This plan is reviewed and amended in consultation with DTP and the TRG before it is published on the Planning website.[5] The consultation plan will:

- identify stakeholders;
- characterise public and stakeholders' interests, concerns and consultation needs, local knowledge and inputs;
- describe consultation methods and schedule; and
- outline how public and stakeholder inputs will be recorded, considered and/or addressed in the preparation of the EES.

4. For critical components of the EES studies, peer review by an external, independent expert (or panel of experts) may be appropriate.
5. https://www.planning.vic.gov.au/environmental-assessments/browse-projects/referrals/Vopak-Victoria-Energy-Terminal

2.2.3 Traditional Owner engagement

The EES should be developed with acknowledgement of and respect for Traditional Owners' care for and connection to Country. Through the EES, the proponent should seek to understand the direct and indirect ways in which the project could affect these interests. To this end, the EES should be informed by engagement with Traditional Owners.

The proponent should support and enable culturally appropriate, informed and meaningful engagement with Traditional Owners, including by:

- asking Traditional Owner groups about the engagement processes that would be suitable;
- endeavouring to develop good working relationships;
- taking into account and respecting the cultural and communication needs and protocols of communities;
- engaging early and providing appropriate timeframes to consider and respond to information; and
- genuinely seeking input and expertise.

The EES consultation plan should set out the mechanisms to be established by the proponent to support and enable Traditional Owner engagement as well as outline how the views and expertise offered by Traditional Owners will be integrated into the EES.

2.2.4 Statutory approvals and the EES process

The project will require a range of approvals under Victorian legislation if they are to proceed. DTP coordinates the EES process as closely as practicable with the approval's procedures, consultation and public notice requirements.

To facilitate informed and efficient decision-making on required key approvals following the EES process, it is recommended that the EES documentation address relevant information and requirements associated with those key approvals that will be informed by the EES and Minister's assessment.

Principal approvals required for the project are planning approval via a planning scheme amendment under the *Planning and Environment Act 1987*, a pipeline licence under the *Pipelines Act 2005*, consent to use and develop marine and coastal Crown Land under the *Marine and Coastal Act 2018*, and an approved cultural heritage management plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Other key secondary approvals under Victorian legislation, that are relevant to these scoping requirements include; Development and Operating Licence under the *Environment Protection Act 2017,* works on waterways permits under the Water Act 1989; permit to take, keep or move protected flora and fauna (including fish) under the Flora and Fauna Guarantee Act 1988; consent to interfere with a heritage place or object under the Heritage Act 2017; permission to undertake proposed works in, on, under or over a road under the Road Management Act 2004, authorisation to handle, relocate or care for wildlife under the Wildlife Act 1975; Major Hazard Facility (MHF) licence under the Occupational Health and Safety Act 2004; and a Gas Safety Case under the Gas Safety Act 1997.

Other approvals are likely to be required and will be determined throughout the course of the EES.

Statutory decision-makers of approvals required for the project to proceed must consider the Minister's assessment (the final output of the EES process) prior to making a decision.

2.3 Accreditation of the EES process under the EPBC Act

The project has been referred to the Commonwealth under the EPBC Act. A delegate for the Commonwealth Minister for the Environment and Water determined on 21 June 2022 that the project is a controlled action (EPBC 2023/09507), as it is likely to have a significant impact[6] on the following matters of national environmental significance (MNES), which are protected under Part 3 of the EPBC Act:

6. Note that 'relevant impacts' defined in section 82 of the EPBC Act correspond to what are generally termed 'effects' in the EES process.

- Ramsar wetlands (sections 16 & 17B);
- Listed threatened species and communities (sections 18 & 18A);
- Listed migratory species (sections 20 & 20A).

The EES process is accredited to assess impacts on MNES under the EPBC Act through the Bilateral (Assessment) Agreement between the Commonwealth and the State of Victoria. This removes duplication, enabling a single assessment process to examine the project's likely impacts and inform statutory decisions.

The Commonwealth Minister or delegate will decide whether the project is approved, approved with conditions or refused under the EPBC Act, after having considered the Minister for Planning's assessment under the *Environment Effects Act 1978* at the conclusion of the EES process.

3 Matters to be addressed in the EES

3.1 General approach

The EES should be prepared in the context of a systems approach, proportionality to risk and ecologically sustainable development. A sound rationale for the level of assessment and analysis undertaken for environmental effects[7] arising from all components and stages of the project, needs to be put forward. The assessment of effects should not be confined to the immediate area of the project but also consider the potential of the project to impact on nearby environmental values, including areas potentially impacted downstream or offsite by components of the project. The EES needs to document the analysis of the significance of the potential effects of the project, with consideration of the following approach:

1. **Characterise the existing environment** and identify relevant environmental values to underpin impact assessments, having regard to the systems[8] and risk-based approach[9].

   Characterisation of the existing environment is to be informed by relevant databases and registers, literature (and published data), previous studies, land use history, overlays in relevant planning schemes, community observations (including citizen science and information from residents and landholders in or adjacent to the area of interest), appropriate targeted and/or seasonal surveys and modelling of the potential and actual presence of sensitivities consistent with Commonwealth and state guidelines, conservation advices and threatened species recovery plans or action statements. Where surveys do not identify a sensitivity, but past records and/or modelling analysis suggest that it may occur, a risk-based, precautionary approach to the further investigation and assessment of its occurrence should be adopted.

2. **Identify the potential effects** of the project on the environment (pre-mitigation), including those caused indirectly as a result of proposed activities, considering aspects such as magnitude, extent, duration, likelihood and significance of change in the values of each asset.

3. **Consider** associated uncertainty of available predictions or estimates.

4. **Present design refinement and mitigation measures** that could achieve avoidance, reduction and/or mitigation of the potential effects and in doing so, apply the mitigation hierarchy with justification of why higher order measures cannot be applied.

   i. Avoidance: measures taken to avoid creating adverse effects, such as careful spatial or temporal placement of infrastructure or disturbance.

   ii. Minimisation: measures taken to reduce the duration, intensity and/or extent of effects that cannot be avoided.

   iii. Rehabilitation/restoration[10]: measures taken to stabilise or restore an area after disturbance to achieve previous, improved or future land uses following exposure to impacts.

   iv. Offsets[11]: measures taken to compensate for residual, adverse effects following implementation of the previous three steps of the mitigation hierarchy.

[8] A systems approach considers potentially affected environmental systems and interacting environmental elements and processes. Assessing systems, rather than their components separately, enables potential interdependencies to be identified, helping to focus investigations and tailor opportunities to avoid, minimise, mitigate or manage adverse effects.

[9] A risk-based approach ensures the level of effort for investigations informing the impact assessments is relative to the level of risk of significant adverse effects, with higher risk being subject to more intensive investigations.

[10] and [11] The proponent is encouraged to identify opportunities to engage with Traditional Owner groups to develop and deliver rehabilitation/restoration measures as well as environmental offsets.

5. **Assess the likely residual effects** of the project on the environment and evaluate the significance of each effect considering the likely effectiveness of the design and mitigation measures. Significance of residual effects should consider local, regional, state and federal matters.

   Residual environmental effects need to be clearly described for each project phase, i.e., construction, operation and decommissioning. The description and assessment of effects must consider the potential of the project to impact on environmental values beyond the immediate project area, including areas downstream.

   In addition, the cumulative effects of the project in combination with other planned and approved activities in the broader area / region should be assessed and considered in the proposed design and mitigation measures.

6. **Propose an approach to managing performance** that should include criteria, monitoring and evaluation to check that predicted outcomes are being achieved during project implementation, as well as contingency approaches if monitoring demonstrates adverse effects exceed those predicted or permitted and justification for any aspects where monitoring is not proposed.

3.2 Content and style

Overall, the main report should include:

- an executive summary;
- a description of the project, including its objectives, evolution, rationale, key elements, resource use, associated requirements for new infrastructure and use of existing infrastructure;
- an overview of the proponent's environmental performance and track record, including experience in delivering similar projects, organisation health, safety, environmental and community engagement policies, ability to build trusted relationships with stakeholders and Traditional Owner groups and whether the proponent has been subject to any past or present proceedings under a Commonwealth, state or territory law for the protection of the environment or the conservation and sustainable use of natural resources
- a description of the approvals required for the project to proceed, and their relationship to relevant laws, policies, strategies, guidelines and standards;
- a description of feasible alternatives (design, construction and operational) capable of substantially meeting the project's objectives that may also offer environmental or other benefits including the basis for any nomination of preferred alternatives;
- a description of the scope, timing[12] and method for studies or surveys used to provide information on the values of the project areas, as well as any records and other data from local sources gathered and considered as appropriate;
- descriptions of the existing environment and the predicted future environment (such as projected climate change scenarios), where this is relevant to the assessment of potential effects;
- appropriately detailed assessments of potential effects of the project (and feasible alternatives) on environmental assets and values, relative to the "no project" scenario, together with an estimation of likelihood and degree of uncertainty associated with predictions;
- clear, active measures for avoiding, minimising, managing and monitoring effects, including a statement of commitment to implement these measures;
- predictions of residual effects of the project (including detailed description of those effects and their relative significance) assuming implementation of proposed environmental management measures;
- any proposed offset measures where avoidance and other mitigation measures will not adequately address effects on environmental values, including for relevant MNES;

[12] Surveys of assets, values and potential effects must be timed to ensure they take account of seasonal weather patterns of the area.

- documentation of the process and results of the consultation undertaken by the proponent during the preparation of the EES, including the issues raised by stakeholders or the public and the proponent's responses to these issues, in the context of the EES studies and the associated consideration of mitigation measures;
- evaluation of the implications of legislation and policy for the project and feasible alternatives;
- evaluation against the principles and objectives of ecologically sustainable development[13]; and
- conclusions on the significance of impacts on local, regional, state and federal matters.

The EES should also include an outline of a program for community consultation, stakeholder engagement and communications proposed for implementation during the construction and operation of the project, including opportunities for local stakeholders to engage with the proponent to seek responses to issues that might arise during project implementation. The EES should also outline an approach to furthering Traditional Owner engagement and partnerships during project implementation including, as appropriate, in the management of Country.

The proponent may choose to prepare a website with interactive functionality to provide an alternative way of accessing EES information, which may complement the conventional EES main report and technical reports. Such an approach should be discussed with DTP Impact Assessment Unit and if integrated with the EES documentation, the digital information should be provided to the TRG for review.

The proponent must also prepare a concise, graphical-based non-technical summary document (hard copy A4, no more than 25 pages) for free distribution to interested parties. The EES summary document should also include details of the EES exhibition, public submission process and availability of the EES documentation and any digital information.

3.3 Project description and rationale

The EES is to describe the project in sufficient detail both to allow an understanding of all components, processes and development stages, and to enable assessment of their likely potential environmental effects. The project description should canvass the following:

- contextual information on the project, including the proponent's objectives and rationale (including in the context of energy security, efficiency and affordability), their relationship to statutory policies, plans and strategies, including the basis for selecting the proposed project locations and implications of the project not proceeding;
- the project areas and vicinity, supported by plans and maps that show:
  - the location of relevant sensitive receivers;
  - the location of transport routes, including shipping channels;
  - the extent of Crown and private land, existing and planned land uses and waterways; and
  - the extent of native vegetation, and other biodiversity assets; and
  - the general layout of the proposed infrastructure and all areas of disturbance, including access tracks, laydown areas, drill pads, protected areas, and restricted areas.
- the proposed operational life of the project and planned timing of project phases;
- other necessary works directly associated with the project, such as road upgrades and/or connections, and upgrades and/or relocation of existing infrastructure and services;
- predictions of energy use (including source), modes of operation and greenhouse gas emissions associated with the project;
- in the context of projected climate change - risks associated with climate change and resilience to these risks including consideration of the principles of risk management and standards for risk assessment in the *Climate Action Act 2017* e.g. AS/NZS ISO 31000:2009;
- description of the project's components (supported by visuals and diagrams), including:
  - applicable standards and adopted specifications for infrastructure;

[13] Ecologically sustainable development is defined within the Ministerial Guidelines, page 3.

- location, footprint, layout and access arrangements, including laydown areas, equipment/machinery storage and stockpiling areas;
- extent of clearing or lopping of native vegetation;
- design and expected construction staging and scheduling;
- proposed construction methods and materials, and extent of areas to be disturbed during construction;
- the visual appearance of proposed materials and finishes;
- proposed or foreseeable marine activities that may be necessitated by the project, such as seawater intakes and discharges and mixing zones;
- solid waste, wastewater and hazardous material generation and management;
- rehabilitation of site works areas following construction as well as during decommissioning;
- proposed tenure arrangements to provide for land access;
- lighting, safety, security, and noise requirements;
- hours of construction work, workforce requirements and a description of the expected duration of project components, including which components are temporary and which are permanent;
- approach to incorporate sustainability principles and practices into project development and delivery;
- operational requirements including maintenance activities; and
- decommissioning requirements.

3.4 Project development and alternatives

The EES is to document the development process for the project, including methods for the identification and evaluation of alternatives, and the basis for selecting the preferred alternative(s) examined in detail within the EES[14]. The EES needs to describe the process for identification and evaluation of project alternatives, including:

- alternatives considered in the project development and design process;
- methods and environmental criteria for identifying and comparing feasible alternatives, and for selecting preferred alternatives,
- assessment and comparison of the technical feasibility and environmental implications of alternatives, including construction methods, land based regassification, and modes of regasification;
- the basis for selecting the preferred project layout and design, particularly where the project infrastructure and alignments are located in proximity to environmentally sensitive areas; and
- how information gathered during the EES process, including from consultation with stakeholders and Traditional Owner groups, was used to consider alternatives and refine the project.

The EES is to document the assessment of environmental effects of feasible alternatives, particularly where these offer a potential to avoid and/or minimise significant environmental effects whilst meeting the objectives of the project. In doing so, the assessment of environmental effects of relevant feasible alternatives (e.g. alignments, siting locations, refinements and designs) needs to address the matters set out in section 4 of these scoping requirements, as appropriate.

The depth of investigation of alternatives should be proportionate to their potential to avoid or minimise potentially significant adverse effects and to meet project objectives.

Key aspects of the project for which the EES will need to demonstrate consideration, and where relevant assessment, of feasible alternatives, include (but is not limited to):

- potential corridors and alignments for the onshore and offshore gas pipeline and high voltage cable route, including criteria for excluding corridors and alignments from further consideration

[14] The assessment of alternatives does not include evaluating alternatives *to* the project (such as other forms of energy generation), but rather alternatives *for* the project which would allow project objectives to be met.

- siting of the new gas receiving station at the Western Treatment Plant and the extent to which selection of that site influences the choice of preferred alignment in either direction;
- potential location of the electrical substation on Melbourne Water land and terminal station sites;
- potential corridors and alignments for electricity transmission lines from the substation site to the terminal station site, including criteria for excluding corridors and alignments from further consideration, and above and below ground alternatives;
- the extent to which siting of the electrical substation and terminal station site influences the alignment of the transmission line and vice versa;
- siting of the Floating Storage Regasification Unit (FSRU) and associated marine infrastructure, including the siting of the shore crossing;
- selection of construction methods and proposed technology (including where cable trenching and drilling is proposed); and
- the source of energy to power the FSRU.

The implications of the “no project” alternative also need to be outlined, including in the context of potential climate change scenarios.

3.5 Applicable legislation, policies and strategies

In addition to the Environment Effects Act, the EES will need to identify relevant state or Commonwealth legislation, policies, guidelines and standards, and assess their specific requirements or implications for the project, particularly in relation to required approvals.

The proponent will also need to identify and address any other relevant policies, strategies, standards, subordinate legislation and related management or planning processes, including Traditional Owner Country Plans, that are relevant to the assessment of potential effects of the project.

3.6 Environmental management framework

Competent management of environmental performance during project design, construction and operation is required to meet statutory requirements, achieve environmental outcomes, protect environmental values and sustain stakeholder confidence. Hence, the proposed environmental management framework (EMF) in the EES should describe a transparent governance framework with clear accountabilities for complying with approvals and managing and monitoring the environmental effects associated with the design, construction and operational phases.

The EMF will set the scope for later development and review of environmental management plans for all project phases. The entities responsible for development, approval, implementation and review of environmental management plans should be specified, including relevant consultation requirements.

The EMF should reference or address the source baseline environmental conditions against which the evaluation of the residual environmental effects of the project will occur, as well as the efficacy of applied environmental management and contingency measures. The framework should include:

- regulatory context and required approvals and consents, including any anticipated requirements for related environmental management plans, whether for project phases or elements;
- environmental management system to be adopted;
- organisational responsibilities and accountabilities for environmental management;
- an approach to environmental risk assessment and management;
- change management process;
- compilation of environmental management measures proposed in the EES;

- environmental incident management;
- arrangements for management of, and access to, baseline and monitoring data, to ensure transparency and accountability and to contribute to the improvement of environmental knowledge; and
- a proposed monitoring program including monitoring objectives, indicators and requirements (e.g. parameters, standards, methods, locations and frequency).

An important aspect of the EMF is community consultation, stakeholder engagement and communications during the construction and operation of the project. As the project proceeds it will largely be the EMF that outlines roles, responsibilities and opportunities for local stakeholders to engage with the proponent to seek responses to issues that might arise during construction or operation. To this end the EMF will set out procedures for:

- complaints recording and resolution;
- emergency preparedness and response planning;
- auditing and public reporting of performance, including compliance with relevant statutory conditions and standards; and
- review of the effectiveness of mitigation measures and continuous improvement.

Certain aspects requiring assessment in the EES are included primarily due to their relevance or implications for key statutory approval decisions (see Section 4). In these cases, well established legislation, policy or standard practice provides the management framework for these environmental effects of the project. Mitigation and management of these aspects should be included within the EMF in the form consistent with statutory approvals.

4 Assessment of specific environmental effects

Preparation of the EES and the necessary investigation of potential effects should be proportionate to the environmental risks posed by the project, as outlined in the Ministerial Guidelines (p. 23). Adopting a systems and risk-based approach to the design and depth of each of the EES studies ensures that a greater level of effort is focused on investigating and managing issues posing higher risk of adverse environmental effects, whereas approaches to examining potential impacts and issues that pose a lower level of environmental risk should involve less depth and effort. Some matters with minimal risk won't need to be analysed and can be addressed in the EES through environmental management.

The EES needs to put forward a sound rationale for the level of assessment and analysis undertaken for potential environmental effects or combination of effects arising from the project. The EES should also address any other significant issues that emerge during the investigations.

Scoping requirements do not set the specific approaches, methods or effort to be adopted by a proponent for investigating different effects for their EES. These scoping requirements do, however, provide clarity on the risk-based approach to environmental assessment for the EES, and what the potentially significant effects are set out as priority themes in the table below. This helps the proponent (in consultation with the department and TRG) tailor their approach to concentrate primarily on the potentially significant effects and priority themes, which are most important for an adequate EES and subsequent decision-making. This scope identifies the issues for each theme for investigation to be assessed through the application of the general approach for assessment outlined in Section 3.1.

The Minister's published reasons for decision (Appendix A) articulates the rationale for the EES, including key matters and potentially significant effects that need to be examined. This in combination with key statutory decision-making known for the project, establishes a framework that informs the necessary scope, depth, and desired outcomes of the assessment of environmental effects via the EES. The scope of specific environmental matters needing to be investigated and documented within the EES are set out below in the subsequent sections.

Categorisation of themes in Table 1 below has been informed by the Minister's decision and reasons, information provided by the proponent through the EES referral and proposed study program, feedback from agencies on the TRG and assessment by DTP.

In some cases, there will be other matters that are important for assessment in the EES primarily due to their relevance or implications for key statutory approval decisions, rather than a potentially significant effect. While these matters may not directly connect or overlap with potentially significant effects, they could be important considerations for the integrated assessment of effects that will inform key statutory approval decisions as noted in Table 1.

***Table 1**. Investigation themes, potentially significant effects and key statutory decision-making known for the project*

Theme	Minister's reasons and decision	Relevant statutory decisions
High Priority		
Marine environment (incorporating marine ecology, marine hydrodynamic modelling and underwater noise and vibration)	Potential effects on the marine environment of Port Phillip Bay including marine water quality.	Consents under the *Marine and Coastal Act 2018* Development and Operating Licence under the *Environment Protection Act 2017* Approval under the *Pipelines Act 2005* Permits/consents under the *Flora and Fauna Guarantee Act 1988*. Approval under *Environment Protection and Biodiversity Conservation Act 1999*
Terrestrial biodiversity (including avifauna)	Potential effects on terrestrial ecology including to listed flora, fauna and communities under the *Flora and Fauna Guarantee Act 1995* and *Environment Protection and Biodiversity Conservation Act 1999.* Potential impacts to the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site.	Planning approval under the *Planning and Environment Act 1987* Approval under the *Pipelines Act 2005* Approval under *Environment Protection and Biodiversity Conservation Act 1999* Permits/consents under the *Flora and Fauna Guarantee Act 1988* and *Wildlife Act 1975*.
Aboriginal cultural heritage	Potential effects on Aboriginal cultural heritage landscape both onshore and submerged within Port Phillip Bay.	Approval of Cultural Heritage Management Plans under the *Aboriginal Heritage Act 2006*
Medium Priority		
Climate change and greenhouse gas	Potential to contribute to greenhouse gas emissions	Development and Operating Licences under the *Environment Protection Act 2017*
Visual amenity	Potential effects on visual amenity.	Planning approval under the *Planning and Environment Act 1987* Consents under the *Marine and Coastal Act 2018*

Theme	Minister's reasons and decision	Relevant statutory decisions
Maritime navigation	Potential effects of the project on transport	Consents under the *Marine and Coastal Act 2018* *Marine Safety Act 2010*
Air quality	Potential effects of the project on amenity	Development and Operating Licence under the *Environment Protection Act 2017*
Other matters		
Noise and vibration	Potential effects on amenity.	Development and Operating Licence under the *Environment Protection Act 2017*
Traffic and transport	Potential effects of the project on traffic and transport.	Consents or agreements under *Road Management Act 2004* to undertake works in, on or under a road
Water and catchment values	Potential effects of the project on groundwater and surface water.	Development and Operating Licence under the *Environment Protection Act 2017* Permit or consents under the Water Act 1989 Approval under *Environment Protection and Biodiversity Conservation Act 1999*
Land and water use, planning and agriculture	Potential effects of the project on land use.	Planning approval under the *Planning and Environment Act 1987*
Historic and maritime heritage	Potential effects of the project on historic heritage.	Permit and/or consent under *Heritage Act 2017*.
Safety, hazard and risk		Consents under the *Marine and Coastal Act 2018* A Major Hazard Facility (MHF) licence under the *Occupational Health and Safety Act 2004* (OHS Act) is required for the operation of the FSRU. Approval under the *Pipelines Act 2005*

Theme	Minister's reasons and decision	Relevant statutory decisions
		Development and Operating Licence under the *Environment Protection Act 2017*
Contaminated land		Development and Operating Licence under the *Environment Protection Act 2017* Consents under the *Marine and Coastal Act 2018*

4.1 High priority matters

4.1.1 Marine environment

Marine environment is a high priority for technical investigation of potential effects due to offshore project components such as the mooring and operation of an FSRU, marine berths, pipelines, and associated infrastructure affecting hydrodynamic conditions, underwater acoustics and marine ecology, including critical marine habitats and biodiversity values.

Issues

- Potential effects on the ecological character and biodiversity values of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site including, but not limited to, the listed threatened species and terrestrial and marine conservation reserves.
- Direct or indirect loss, disturbance and/or degradation of the hydrodynamic environment, including impacts to marine biota, habitats, as well as benthic, intertidal and any estuarine ecosystems.
- Potential effects on the marine environment from disturbance of the seabed and construction of underwater mooring system, power cables and pipeline, including sediment mobilisation, contaminant disturbance, increased turbidity and shading effects.
- Potential for indirect effects on biodiversity values including but not limited to those effects associated with changes in hydrodynamics and coastal processes, water temperature, and water quality.
- Potential for significant short and long-term impacts on marine biota due to entrainment of organisms in seawater for regasification, including impacts resulting from reduced availability of food for other species.
- Potential for effects associated with discharges of variable water temperature or pollutants, including chlorine, resulting from regasification, resultant hydrodynamic changes and other impacts such as long-term changes to populations and distribution.
- Potential impacts on marine flora and fauna due to light pollution, light availability, and underwater noise and vibration, including temporary or permanent hearing loss and physiological and behavioural impacts.
- Potential for impacts resulting from increased shipping activity on marine species, including acoustic impacts and potential collisions with marine fauna.
- Potential for significant impacts on the marine environment from introduction of biohazards and exotic species from colonisation of project infrastructure, vessel biofouling, accidental or unintended introduction of waste, ballast water, washdown water and wastewater discharges.
- The availability of suitable offsets for the loss of marine biodiversity and habitat.

4.1.2 Terrestrial biodiversity

Terrestrial biodiversity is a high priority for technical investigation of potential impacts due to physical disturbance and effects from the project to terrestrial ecology, threatened and listed species and communities under the Commonwealth

EPBC Act and state FFG Act from loss, disruption and fragmentation of habitat and vegetation, sedimentation into adjacent waterways and drains, light spill, noise and vibration, and introduction of weeds and pathogens.

Issues

- Potential for significant effects including direct or indirect loss, disturbance and/or degradation of terrestrial and freshwater biodiversity values, including native vegetation, threatened ecological communities, threatened and protected flora and fauna species (including migratory species) and habitat, listed under the EPBC Act and/or FFG Act.
- Potential impact on the ecological character and limits of acceptable change of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site, including habitat disturbance of species that form critical components of the ecological character of the Ramsar site, and potential impacts due to interception, impediment, or diversion of flows or changed water quality or flow regimes, including in the context of climate change projections.
- Potential for impacts to listed migratory species from habitat disturbance, including from sedimentation of intertidal feeding zones, light pollution, and disturbance of roosting or feeding birds.
- Potential for indirect effects on biodiversity values, including those effects associated with changes in coastal processes, hydrological changes, edge effects, disruption to fauna movement, noise, vibration, electromagnetic fields, heat, artificial lighting, water quality, and the introduction of weeds/ pathogens.
- Potential initiation or exacerbation of listed potentially threatening processes under the FFG Act.
- Potential impact on groundwater dependent ecosystems caused by change in groundwater level, change or obstruction to groundwater flows, and contamination of groundwater.
- The availability of suitable offsets for the loss of native vegetation, and habitat for listed threatened species under the EPBC Act and/or FFG Act.

4.1.3 Aboriginal cultural heritage

Aboriginal cultural heritage is a high priority due to the potential for physical disturbance and effects from the project on tangible and intangible Aboriginal cultural heritage values, including submerged Aboriginal landscapes.

Issues

- Potential direct or indirect impacts on or loss of areas of known Aboriginal cultural heritage and modelled areas with the potential to contain Aboriginal cultural heritage and any known or unknown tangible and intangible First Nations values associated with the project area on both Land and Sea Country.
- Meaningful engagement with registered Aboriginal parties and other Traditional Owner groups or representatives having regard to *Aboriginal Heritage Regulations 2018* to determine extent, nature and significance of any Aboriginal cultural heritage places, both tangible and intangible, or areas of sensitivity.
- Protection and preservation of tangible and intangible cultural heritage, where opportunities are available, in partnership with Traditional Owners.
- Implementation of management and contingency measures, in accordance with the requirements for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.
- Supporting ongoing Traditional Owner participation in project development and implementation.

4.2 Medium priority matters

4.2.1 Climate change, greenhouse gas

Climate Change and Greenhouse Gas is a priority due to the project's potential to increase greenhouse gas emissions. Additionally, the project must account for climate change implications to enhance the resilience and durability of infrastructure and minimize potential failures.

Issues

- Potential for direct and indirect greenhouse gas emissions to result from all stages and modes of operation of the project, and the implications of these emissions in the context of the targets outlined in the *Climate Action Act 2017*.

- Energy use during construction, including the use of fuels within construction plant and equipment and associated greenhouse gas emissions.
- Energy use and upstream greenhouse gas emissions (including fugitive emissions) resulting from all modes of project operations.
- Potential for interaction between the project's environmental effects and the impacts of climate change.
- Potential risks to the project's ongoing sustainability, and to the environment, including susceptibility to extreme weather events in the context of modelled climate change scenarios.

4.2.2 Visual amenity

Visual amenity is a priority due to the potential for project infrastructure to affect onshore and offshore visual amenity across the surrounding landscape and seascape in both private and public realms.

Issues

- Potential effects on landscape values (such as landscape character and features) and landforms in the vicinity of the project area of interest, especially areas identified for their landscape value significance, such as within Greater Geelong and Wyndham planning schemes.
- Potential for nearby landowners, residents and communities to be exposed to significant visual effects, both in public and private viewsheds, from project infrastructure.
- Potential effects of coastal views and sightlines to the seascape.
- Potential lighting effects of the project on nearby sensitive receptors (excluding marine and terrestrial biodiversity addressed separately).

4.2.3 Maritime navigation

Maritime navigation is a priority as there is the potential for the project to create a navigational hazard that affects commercial and recreational users of Port Phillip Bay.

Issues

- Potential for temporary or permanent changes to use of, or access to marine and coastal areas in the project area and in its vicinity.
- Potential disruption to commercial and recreational users of the marine and coastal environment, including ferry commuters, shipping operators and fisheries.

4.2.4 Air quality

Air Quality is a priority due to the potential for dust, odour and other air emissions to affect amenity for sensitive receptors from the project, including its different modes of operation and potential powering modes.

Issues

- Potential for adverse effects to local air quality at sensitive receptors and on other sensitive land uses during construction, operation and decommissioning of the project.
- Potential for dust emissions resulting from construction works and activities, including dust from potentially contaminated soil.

4.3 Other matters

The other matters presented below are relevant primarily due to their relevance or implications for key statutory approval decisions, rather than potentially significant effects. These other matters are more likely to cause only localised impacts during construction and operation. So, the effort apportioned to understand and assess these lower order matters should be risk-based, and where appropriate, considered largely through environmental management. The EMF in the EES would need to set out how such potential adverse effects will be avoided, minimised or mitigated.

4.3.1 Noise and vibration

Noise and vibration impacts are a priority due to the potential for the project to affect amenity for sensitive receptors in the local area.

Issues

- Potential for adverse effects on amenity at sensitive receptors (excluding marine and terrestrial biodiversity), including residential, farming, commercial, open space and parkland areas, as well as marine and coastal areas.

4.3.2 Traffic and transport

There is the potential for the project to affect the traffic network from increased vehicle movements, road closures, and redistribution of traffic.

Issues

- Potential traffic disruptions for residents, businesses and travellers during the construction of the project.
- Potential damage to local and regional road surfaces along transport routes and increased risk to road safety on transport routes.
- Alterations in traffic conditions during construction of the project, including potential safety implications and required traffic management measures.
- Capability for existing infrastructure to accommodate project traffic, including any road works required to accommodate project traffic and subsequent proposed road maintenance or rectification regime to address potential impacts from the project.

4.3.3 Water and catchment values

The project area and surrounding environments include valuable surface water bodies and are characterised by shallow groundwater which supports a number of groundwater dependent ecosystems. The potential for the project to affect these ground water dependant ecosystems, groundwater and surface water quality, ground stability, and impede waterways, flow paths and/or flood plain functions needs further investigation.

Issues

- Potential for adverse effects on the functions, values and environmental values of groundwater due to construction activities including water extraction/dewatering, intersection and impeding flows from construction of the project's shore crossing, pipeline and cable burial, and other infrastructure.
- Potential effects on Ramsar and associated biodiversity values is captured in marine and terrestrial biodiversity.
- Potential effects to water and catchment values, including through spills, disturbance of contaminated materials, uncontrolled release of hazardous materials, and introduction of or spread of invasive species.

4.3.4 Land and water use, planning and agriculture

The project has the potential to temporarily or permanently affect existing land and marine use activities and infrastructure; including public infrastructure such as Princes Highway and the Western Treatment Plant. In light of the desire for planning approval documentation to be exhibited with the EES, the impact assessment should also address the strategic justification for the planning approval and pathway chosen, including how environmental, social and economic effects will be addressed.

Issues

- Potential significant disruption, both long and short-term, to existing and/or proposed public and private land and marine uses and users, public land (i.e. Crown land reserves) and existing public infrastructure (including any planned upgrades).
- Potential for adverse effects to agricultural land and infrastructure, including soil disturbance, loss of access and licensing rights.

- Potential for adverse effects to aquaculture, commercial and recreational fishing grounds, including sediment disturbance, variable nutrient loads, shading, reduced water quality, electromagnetic fields, loss of access, value of licensing rights, attraction of predatory species, and the introduction and spread of biohazards.
- Potential for direct and indirect effects to healthy populations of species targeted or cultivated by commercial fishing operators and recreational fishers, and the ecosystems that support these species.
- Potential impact on tourism and tourist attractions within and around the project area of interest, including recreational boating and fishing, and visitors to the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site.

4.3.5 Historic and maritime heritage

The project has the potential to directly or indirectly affect historic heritage places, archaeological sites or artefacts on land or underwater.

Issues

- Identification and documentation of any known and previously unidentified places, objects and sites of historic heritage significance within the project area and its vicinity in accordance with the *Heritage Act 2017* and Heritage Victoria's Guidelines for Conducting Archaeological Surveys (2024) or updates.
- Potential direct and indirect effects of the project on sites and places of historical cultural heritage significance, having regard to the *Guidelines for Investigating Historical Archaeological Artefacts and Sites* (Heritage Victoria, 2015) or updates.
- Management of historic heritage investigation/excavation during construction and operation through a management plan, and implement an unexpected finds protocol, consistent with the *Heritage Act 2017* and relevant protocols.

4.3.6 Safety, hazard and risk

The project has the potential to pose health, safety, hazard and risks. The project also has the potential to affect soil, waterbodies, watercourses from accidental spills or incidents.

Key issues

- Potential for workforce, nearby operations and public safety risks associated with the construction, operation and decommissioning of the project, including risks associated with or compounded by potential external threats.
- Implications of the project for fire, explosion risk, and emergency management, including from any changes to fire management activities and fire ignition risks arising from the project.
- Risks to human health, associated with potential exposure to electromagnetic fields or other radiation emissions from project construction or operation of FSRU, pipeline, gas receiving station, powerlines and substation.
- Potential electromagnetic interference with communication or infrastructure systems.
- Potential effects resulting from the generation, storage, treatment, transport and disposal of solid and liquid wastes, including soil and spoil.

4.3.7 Contaminated land

The project has the potential to affect human health or the environment due to disturbance of contaminated soils, acid sulfate soils, and shallow groundwater.

Key issues

- Potential for disturbance of contaminated, saline, dispersive or acid sulfate soils, particularly the coastal development areas within proximity to soils classified as having 'high probability/ low confidence' for acid sulfate soils.
- Potential for project activities to disturb and exacerbate soils already vulnerable to salinity and erosion.

Appendix A Procedures and Requirements

Procedures and requirements under section 88(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 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.