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| Viva Energy Gas Terminal Project:  Draft Scoping Requirements process |

**Viva Energy Gas Terminal Project – draft Scoping Requirements Q&As**

April 2021

**What is the purpose of environment effects statement scoping requirements?**

Viva Energy Pty Ltd is preparing an environment effects statement (EES) for the Viva Energy Gas Terminal project. The draft scoping requirements set out the matters to be investigated and documented within the EES.

**Why have the draft scoping requirements been advertised?**

Under the *Ministerial guidelines for the assessment of environmental effects under the Environment Effects Act 1978*, draft scoping requirements for an EES are advertised for public comment for a period of at least fifteen business days. The Department of Environment, Land, Water and Planning (DELWP) will consider comments received in finalising the scoping requirements for the EES.

**Where can I see the draft scoping requirements?**

The document is available on the Engage Victoria website.

**When is the public comment period?**

DELWP will accept public submissions on the draft scoping requirements from 26 April until 17 May 2021.

**How do I make a submission?**

Any comments received will be considered during the finalisation of the scoping requirements. Please note that any submissions on the draft scoping requirements will be treated as public documents.

The draft scoping requirements are available on the Engage Victoria website. Submissions on the draft scoping requirements can be made via: <https://engage.vic.gov.au/viva-energy-gas-terminal-project-ees-draft-scoping-requirements> .

**What happens next?**

After the public comment period finishes on 17 May, DELWP will amend the scoping requirements in light of the comments received. The Minister for Planning will issue final scoping requirements which will be published on the planning website: <https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/viva-energy-gas-terminal-project>.

**Why is an environment effects statement required for the Viva Energy Gas Terminal project?**

An EES is the most comprehensive and robust assessment process available in Victoria. The EES will provide an integrated and transparent examination of the proposed project and its environmental effects.

In December 2020 the Minister for Planning determined under the *Environment Effects Act 1978* that Viva Energy Gas Australia Pty Ltd should prepare an EES for the Viva Energy Gas Terminal Project. The project as proposed could have a range of significant effects on the marine environment of Corio Bay including marine water quality. Sediment mobilisation and water discharges may impact on the marine ecosystem, including seagrass and other habitat for listed fauna species, some of which are listed under the *Flora and Fauna Guarantee Act 1995* and *Environment Protection and Biodiversity Conservation Act 1999*. The potentially significant effects from construction and operation of the floating storage and regasification unit (FSRU) will occur within Corio Bay and potentially the Port Phillip Bay (Western Shoreline) and Bellarine Peninsular Ramsar site

The EES will include a detailed description of the proposed project and rigorous assessment of its potential effects on the environment and approaches to mitigation. When completed the EES will be placed on public exhibition and the Minister for Planning will invite public comments on the EES. At the end of the process, the Minister will issue an assessment of the environmental effects of the project. The Minister’s assessment will inform statutory decision-makers responsible for the project’s approvals.

**What about the Commonwealth Environment Protection and Biodiversity Conservation Act?**

The project was also referred to the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A delegate for the Commonwealth Minister for the Environment determined on 21 January 2021 that the project is a controlled action (EPBC 2020/8838) as it is likely to have a significant effect on the following matters of national environmental significance (MNES), which are protected under Part 3 of the EPBC Act:

* 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. The state has applied the Bilateral agreement for this project (‘controlled action’). Note that what are generally termed ‘effects’ in the EES process correspond to ‘impacts’ defined in section 82 of the EPBC Act.

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 EE Act.

**What happens after the Minister issues the final scoping requirements?**

The proponent will proceed with the necessary information-gathering and investigations to inform the EES. This is expected to take a number of months. The proponent will conduct its studies and prepare the EES in close consultation with DELWP and the Technical Reference Group (TRG) DELWP has put in place for this EES.

The proponent will also need to finalise and implement its EES consultation plan to engage with the public and stakeholders about the EES process and its associated investigations, ensuring it provides opportunities for input and feedback on its investigations. The consultation plan is reviewed and amended in consultation with DELWP and the TRG prior to being published on the DELWP website.

When the proponent believes the EES is ready, it will be reviewed by DELWP, and the Minister for Planning will decide whether to authorise the EES to be exhibited. If authorised, the EES will be advertised for public comment for no less than 30 business days.

The EES and the submissions received will be referred to an inquiry to be appointed under the *Environment Effects Act 1978.* The inquiry will consider all the information before it and will report to the Minister, who will then make an assessment and provide it to decision-makers.

After the Minister has made his assessment, the report of the inquiry and the Minister’s assessment will be published on the DELWP website.