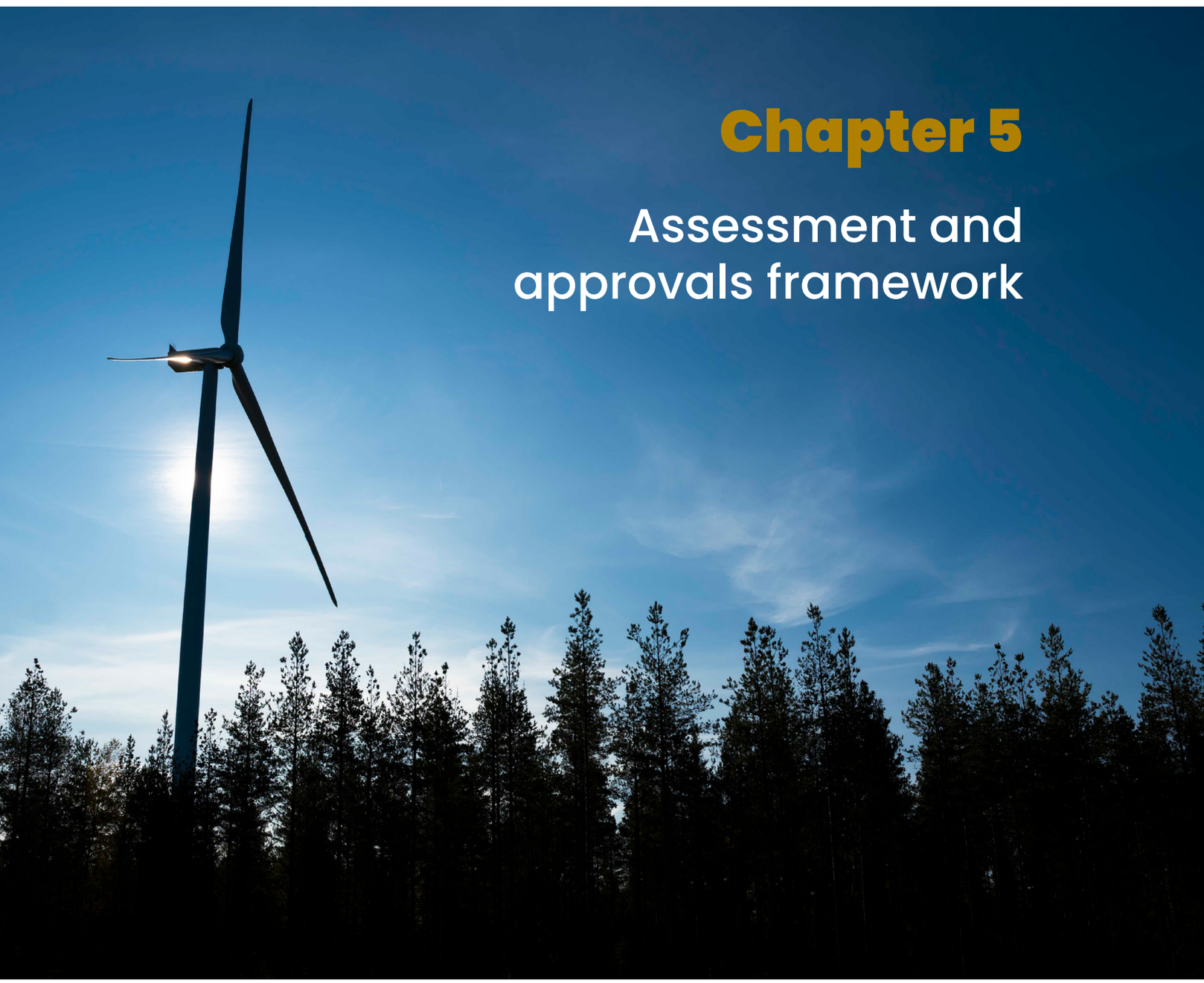


Chapter 5

Assessment and approvals framework

Acknowledgement of Country

Neoen Australia acknowledges the traditional custodians of the land in which we live, and pays its respects to their elders, past and present. The Gunditjmara are the original custodians of the Country on which the Project is located and we acknowledge them as the original custodians. We are committed to Aboriginal engagement and reconciliation and aim to bring Aboriginal and Torres Strait Islander people, local communities and the councils along for the journey to strengthen relationships and enhance local community outcomes.

Disclaimer

5 Assessment and approvals framework

5.1 Introduction

This chapter outlines the legislative framework and key approvals required for the Project, as well as the assessment framework used to facilitate a consistent approach across the technical studies undertaken for this Environmental Effects Statement (EES).

Assessment of the Project is being undertaken through an EES, administered by the Victorian Minister for Planning (The Minister) under the *Environment Effects Act 1978* (EE Act) due to the Project's potential for significant environmental effects. The EES process is not an approvals process but a method that enables ministers, local government and statutory authorities to make informed decisions about whether the Project should be approved.

The Project requires approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), *Planning and Environment Act 1987* (Vic) (P&E Act), *Aboriginal Heritage Act 2006* (Vic) (AH Act) and the *Mineral Resources (Sustainable Development) Act 1990* (Vic) (MRSD Act).These key approval processes have been underway in parallel with the preparation of this EES, including the Planning Scheme Amendment (PSA), and Cultural Heritage Management Plan (CHMP).

There are several other approvals, permits and licences that would also need to be obtained for the Project, as outlined in this chapter.

5.1.1 *Environment Effects Act 1978*

The EE Act establishes a process for the assessment of environmental effects of a project. It enables statutory decision makers (ministers, local government, and statutory authorities) to consider whether a project should or should not proceed, based on potentially significant environmental effects (DTP, 2023).

The EE Act is supported by the *Ministerial Guidelines for Assessment of Environmental Effects* (Ministerial Guidelines) (DTP, 2023) which provides details about administration and implementation of the EES process.

Neoen Australia Pty Ltd (the Proponent) submitted an EES referral for the Project on 24 July 2019. On 25 August 2019, the Minister determined that an EES is required for the Project due to the potential for a range of significant environmental effects, including on threatened fauna and ecological communities, Aboriginal cultural heritage values, landscape values, and surface water and groundwater. The matters to be assessed are specified in the *Scoping Requirements for Kentbruck Green Power Hub Environment Effects Statement* (Scoping Requirements).

This EES and accompanying technical reports provide an assessment of the potential environmental effects of the Project.

5.1.2 *Environment Protection and Biodiversity Conservation Act 1999*

The EPBC Act is Australia's primary environmental legislation. It prescribes a national legal framework to protect and manage matters of national environmental significance (MNES) (DoE, 2013).

Actions that will have, or are likely to have, a significant impact on one or more MNES must be referred to the Commonwealth Minister for the Environment (the Commonwealth Minister) for a decision on whether assessment and approval is required under the EPBC Act. If there is potential for a significant impact, the Commonwealth Minister f will determine the action to be a "controlled action", thereby requiring the action to be assessed and approved under the EPBC Act.

In addition to protecting MNES, the EPBC Act also regulates actions that may impact on the environment of Commonwealth land, or which are proposed by a Commonwealth agency.

The Project was referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) (known as the Department of Environment and Energy at the time of referral) on 13 September 2019. The Project was determined to be a controlled action on 7 November 2019 due to the potential for significant impacts on the following MNES:

- Listed threatened species and communities (protected under Sections 18 and 18A of the EPBC Act)
- Listed migratory species (Sections 20 and 20A)
- Wetlands of international importance (Sections 16 and 17B).

Chapter 7 *Biodiversity* summarises the outcomes of the biodiversity impact assessment in relation to listed threatened species and communities and listed migratory species. Potential impacts on Wetlands of international importance are assessed in **Chapter 7 *Biodiversity*** and **Chapter 9 *Surface water, groundwater and groundwater dependent ecosystems.*** Potential impacts on all three controlling provisions are summarised in the **MNES Report (Appendix X).**

The Victorian EES is the accredited environmental assessment process for the purpose of the EPBC Act under a Bilateral Assessment Agreement between the Commonwealth and Victorian governments[1]. The Commonwealth and Victorian statutory authorities will make separate approval decisions based on the same environmental assessment documentation. As shown in **Figure 5.1**, the Minister's assessment under the EE Act will be provided to DCCEEW for the Commonwealth Minister for the Environment to make a decision whether to approve the Project under the EPBC Act, as well as on any conditions that might be attached to an approval.

5.1.3 EES process

This EES describes the Project and its potential environmental effects to enable the Minister to make an assessment as to the acceptability of the Project's potential impacts. The EES process is designed to be rigorous and transparent, with opportunities provided for input from stakeholders and the wider community.

Following the Minster's decision that an EES is required, draft Scoping Requirements were exhibited by the Victorian Department of Environment, Land, Water and Planning (DELWP) (now Victorian Department of Transport and Planning (DTP)) for public comment in December 2019. The Minister issued final Scoping Requirements in February 2020 following consideration of public submissions received. These Scoping Requirements are outlined in Section **1.5.2 in Chapter 1 *Introduction*** and discussed further in **Section 5.3.1**. This EES has been prepared in accordance with the final Scoping Requirements.

A total of 20 technical studies have been undertaken to assess the potential impacts of the Project and to inform this EES. DELWP (now DTP) convened a Technical Reference Group (TRG) to provide guidance to the Proponent throughout the EES preparation process. The TRG comprises the following organisations:

- DTP – Impact Assessment Unit (IAU) (formerly DELWP)
- Victorian Department of Energy, Environment and Climate Action (DEECA) – Barwon Southwest Region (biodiversity) (formerly DELWP)
- DTP – Renewable Energy (Planning) (formerly DELWP)
- First Peoples - State Relations (formerly Aboriginal Victoria)
- Heritage Victoria
- Parks Victoria
- Glenelg Shire Council (GSC)
- Glenelg Hopkins Catchment Management Authority (GHCMA)
- Southern Rural Water
- Regional Roads Victoria
- Environment Protection Authority (EPA Victoria)
- Country Fire Authority (CFA)
- Earth Resources Regulation.

DTP IAU has been responsible for managing the EES process including ensuring this EES is adequate for public exhibition.

As required by the Minister's Procedures and Requirements, issued to the Proponent on 25 August 2019, this EES will be publicly exhibited for a minimum of 30 business days. During this time, the public can read this EES and make written submissions about matters presented within it. The public will also have the opportunity to read and make submissions on the draft PSA, which will be exhibited at the same time as this EES (see **Section 5.2.1**).

Following the EES public exhibition period, a joint inquiry and advisory committee in a form agreed to by the Minister will be convened to consider the effects of the Project having regard to this EES, the exhibited draft PSA application and public submissions. At the conclusion of the inquiry, the panel will prepare a report including recommendations for the Minister to consider in making an assessment. The Minister will consider this report prior to issuing a written assessment of the Project. The assessment, called the 'Minister's Assessment', then informs statutory decision-makers responsible for issuing environmental approvals for the Project. The main steps in the EES process and the statutory approvals required for the Project are shown in **Figure 5.1**.

[1] https://www.dcceew.gov.au/environment/epbc/approvals/state-assessments/vic

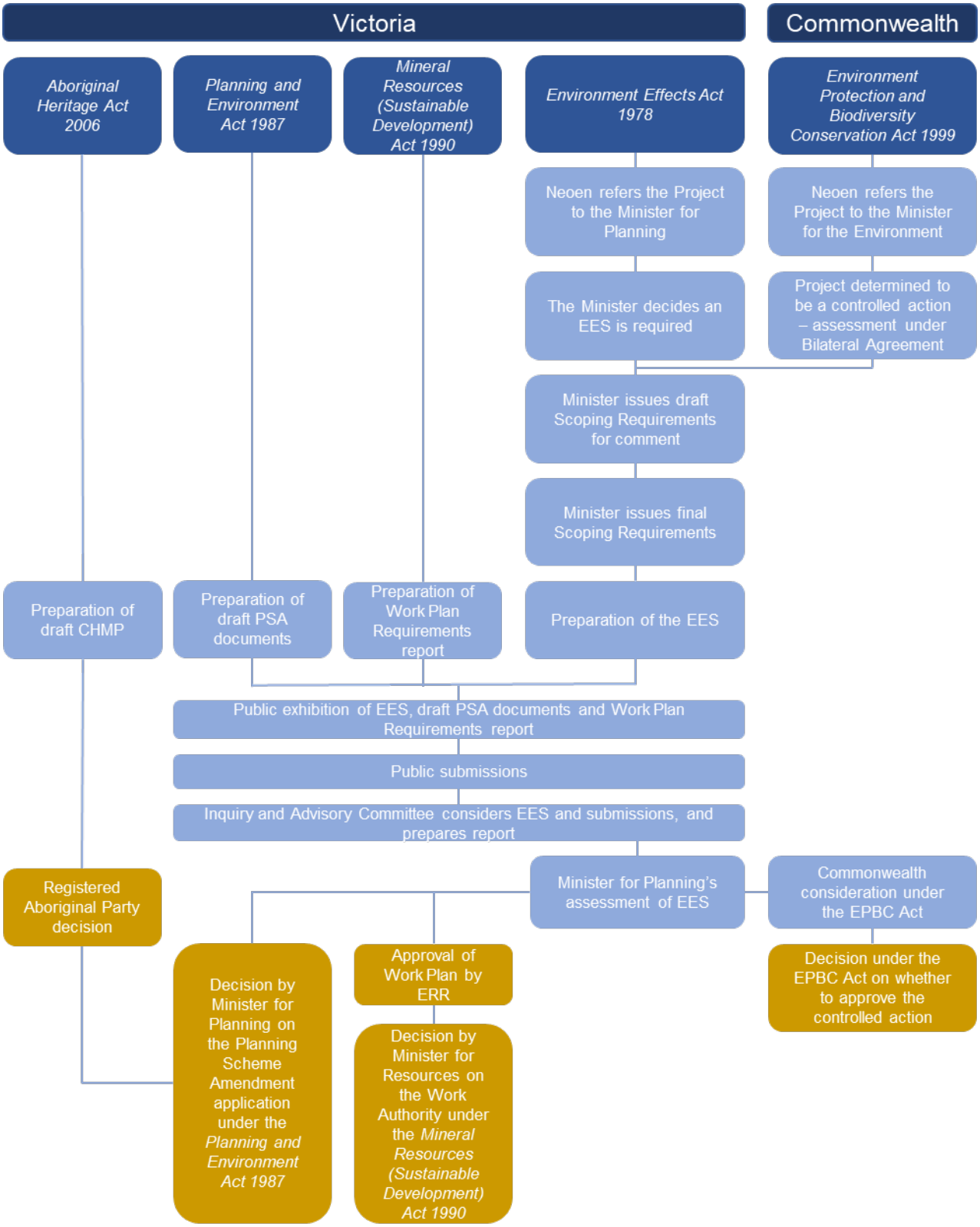


Figure 5.1: EES process and key approvals required

5.2 Key approvals

5.2.1 *Planning and Environment Act 1987*

The P&E Act establishes a framework for the use, development, and protection of land in Victoria. Primary functions of the P&E Act are to:

- Establish broad objectives for Planning in Victoria.
- Establish rules and principles in which the Victorian planning system will operate.
- Develop key planning procedures and legal instruments for the operation of the Victorian planning system.
- Define the roles and responsibilities of relevant planning stakeholders, including the Minister, councils, government departments, and local communities.

The P&E Act sets out the processes associated with seeking development permits under planning schemes and settling disputes, as well as planning compliance and administrative procedures. The planning framework is detailed within planning instruments established under the P&E Act, including planning provisions, planning schemes, regulations and ministerial directions.

A planning scheme provides a single instrument of planning control for each municipality in Victoria. Each planning scheme contains state and local planning policies, zones, overlays and other provisions that affect how land can be used and developed, setting out the objectives, policies and provisions relating to the use, development, protection and conservation of land in the area to which it applies. The Glenelg Planning Scheme (the Planning Scheme) applies to the Project Area.

Planning schemes regulate the use and development of land. One way they do this is by requiring that certain types of use or development can only be carried out if a planning permit is granted. A planning permit is a legal document that allows a certain use or development to proceed on a specified parcel of land. It is the most common form of planning approval in Victoria and can be used to permit use and development of wind farms.

However, development approval in Victoria can also be obtained in other ways under the P&E Act. For this Project, the Proponent is seeking planning approval for the use and development of the Project through an amendment to the Planning Scheme (a PSA). The PSA provides several benefits compared to a planning permit and is considered the most appropriate approval mechanism for the Project for the following reasons:

- Provides a transparent, consistent, and cohesive approach to authorise and regulate the use and development of land associated with the Project.
- Reduces administration burden on approval authorities by removing the need to address numerous individual planning permit triggers through a typical planning permit application process.
- Delivers a greater level of certainty and enables the Proponent to meet commercial offtake objectives, including the Portland Aluminium Smelter's future electricity demands.

A draft PSA has been prepared for the Project with regard to Direction No. 11 Strategic Assessment of Amendments[2] and Planning Practice Note 46: Strategic Assessment Guidelines[3]. It seeks to apply a Specific Controls Overlay to the Project Area and insert an Incorporated Document into the Planning Scheme.

The PSA is being prepared pursuant to Section 20(4) of the P&E Act. Section 20(4) of the P&E Act enables the Minister to amend a planning scheme with exemption from statutory notice requirements. The Minister must ensure that any PSAs serve the public interest despite the exemption of third parties from statutory notice and the opportunity for third parties to make a submission or be heard by a panel appointed under Part 8 of the P&E Act in relation to the amendment. These effects are significantly mitigated as third parties who may be affected by the PSA will be provided with the opportunity to make a submission and be heard at the public hearing as part of the Inquiry and Advisory Committee process, including the opportunity to make submissions on the PSA. The draft PSA will be available for the public to view and provide submissions on at the same time as this EES is on public exhibition.

The Minister will assess this EES (and make a recommendation) under the EE Act concurrently with their assessment and determination on whether to approve the PSA in accordance with the P&E Act. The Minister is responsible for approving PSAs.

Details about planning and land use in relation to the Project are provided in **Chapter 16 *Land use and planning***. The **Draft PSA** is at **Appendix Y**.

[2] https://www.planning.vic.gov.au/__data/assets/pdf_file/0017/632600/Ministerial-Direction-11_Strategic-Assessment-of-Amendments.pdf
[3] https://www.planning.vic.gov.au/__data/assets/pdf_file/0035/97298/46-Strategic-Assessment-Guidelines.pdf

5.2.2 *Native Title Act 1993*

The *Native Title Act 1993 (Cth)* provides a national system for the recognition and protection of native title for Aboriginal and Torres Strait Islanders and for its coexistence with the national land management system. Native title is the legal recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. Native title is not granted by government; rather, it is recognised through a determination made by the Federal Court of Australia. If native title is found to exist, then the claimant group is recognised as the registered native title body corporate and will have prescribed functions under the *Native Title Act 1993 (Cth)*.

Crown land in the Project Area is subject to Native Title Determination VCD2007/001 – Gunditjmara – Part A. This determination recognises the Gunditjmara People's native title rights and interests across almost 140,000 ha of land in south-west Victoria. It applies to approximately 14% of land in the Project Area, most of which is within the underground transmission line corridor (see **Figure 5.2**).

The Traditional Owners of the native title land in the Project Area are represented by the Gunditj Mirring Traditional Owners Aboriginal Coproration (GMTOAC). The Proponent has presented a Future Act Notification to the GMTOAC containing a commitment to sponsor a Cultural Values Assessment (CVA). GMTOAC has commenced the CVA and feedback is being made available in relation to the Indigenous Land Use Agreement (ILUA) and CHMP (see **Section 5.2.3**). The CVA is being undertaken in line with the ICOMOS Charter (ICOMOS, 2003), the United Nations Free Prior and Informed Consent manual (FAO, 2016), the AIATSIS *Code of Ethics for Aboriginal and Torres Strait Islander Research* (AIATSIS, 2020), and the *Victorian Traditional Owner Cultural Landscapes Strategy* (Traditional Owners et. al., 2021).

An ILUA is a voluntary agreement between native title parties and other people or bodies about the use and management of areas of land and/or waters. While registered, ILUAs bind all native title holders to the terms of the agreement. ILUAs also operate as a contract between the parties.

5.2.3 *Aboriginal Heritage Act 2006*

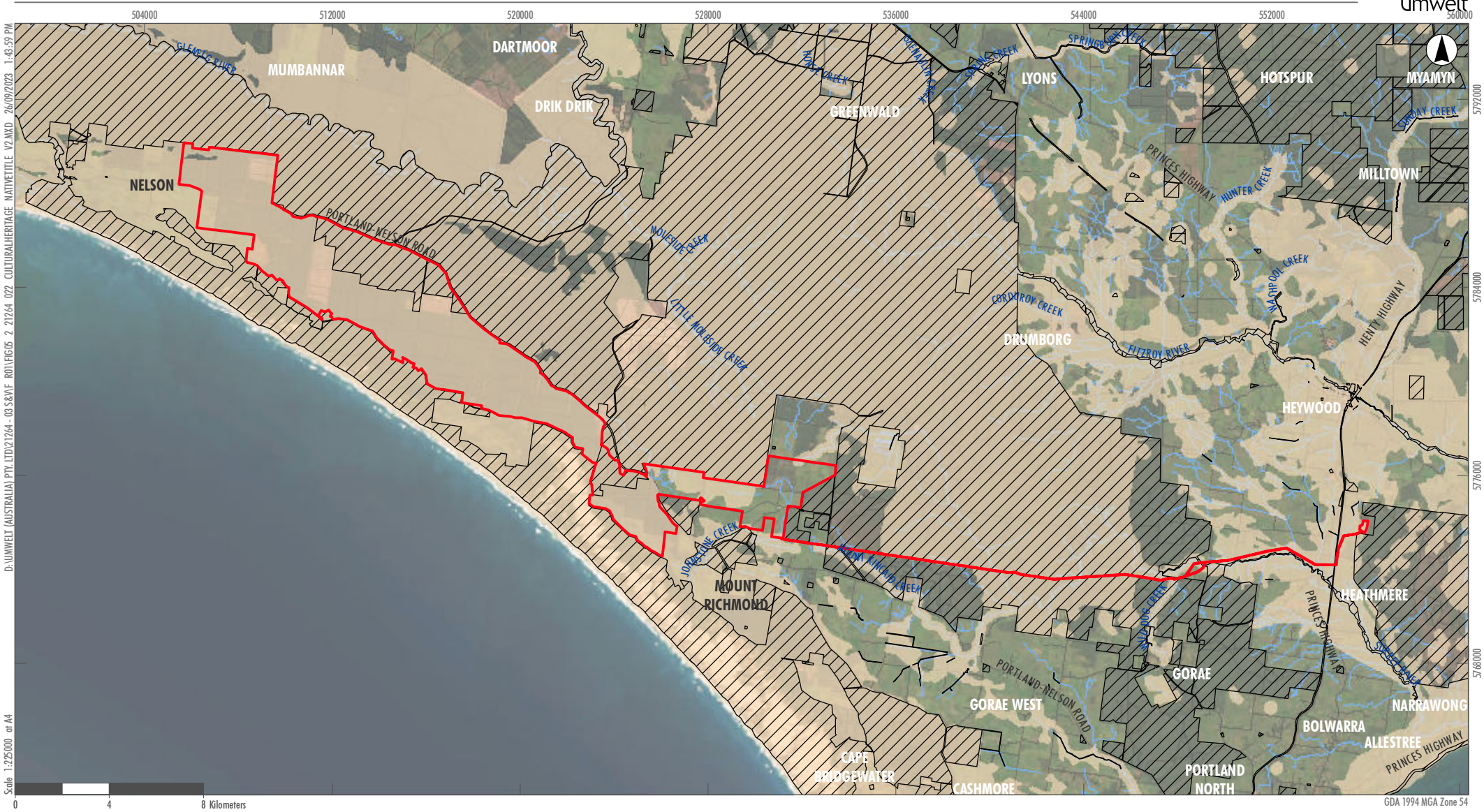
The AH Act provides for the protection of Aboriginal cultural and intangible heritage and affords appropriate status to traditional owners, including the appointment of traditional owner bodies corporate as Registered Aboriginal Parties (RAPs). The AH Act is supported and given effect by the *Aboriginal Heritage Regulations 2018* (Vic) (AH Regulations), which prescribe standards and criteria for CHMPs. The AH Regulations define 'high impact activities' and 'areas of cultural heritage sensitivity' and require that a CHMP be prepared to assess the likelihood of, and manage harm to, any Aboriginal cultural heritage caused by a high impact activity in an area of cultural heritage sensitivity.

The Aboriginal Cultural Heritage Register and Information System (ACHRIS) indicates that most of the Project Area is located within areas of cultural heritage sensitivity (see **Figure 5.2**). The wind farm, transmission line and quarry components of the Project are considered high impact activities as defined in Division 5, Part 2 of the AH Regulations (Sections 46 and 51). A CHMP is therefore required to address potential impacts on Aboriginal cultural heritage arising from the Project. In addition, Section 49 of the AH Act states that a CHMP is required to be prepared when an EES under the EE Act is required irrespective of the proposed works.

GMTOAC is recognised as a RAP under the AH Act and has been engaged throughout the CHMP process to identify Aboriginal heritage values within and near the Project Area.

The Project's CHMP is currently being prepared. Approval of the CHMP by the RAP is being deferred until after the Minister's Assessment of this EES has been released. The CHMP is required as a condition of the Incorporated Document as part of the PSA to be approved prior to construction commencing and implemented during construction.

Details about Aboriginal heritage values in the Project Area and potential impacts from the Project are provided in **Chapter 11 *Cultural Heritage***. This cultural heritage impact assessment is based on activities undertaken to date as part of the CHMP, including desktop and standard (ground survey) assessments. Complex assessments are scheduled to commence in 2024.



Legend

- Project Area
- Land Subject to Native Title Determination VCD2007/001 - Gunditjmara - Part A
- Areas of Cultural Heritage Sensitivity
- Watercourses

FIGURE 5.2

Areas of Cultural Heritage Sensitivity and Land Subject to Native Title

Data source: NTTT (2020), Victorian Government (2022)

5.2.4 Mineral Resources (Sustainable Development) Act 1990

The purpose of the MRSD Act is to encourage mineral exploration and mining and extraction, while ensuring resources are extracted in a way that is compatible with the economic, social and environmental objectives of the State.

The Project would involve the construction of a limestone quarry in the central part of the wind farm site within the plantation (see Figure 3.2 in **Chapter 3 *Project description***). Section 8AB of the MRSD Act specifies that an extractive industry work authority is needed before an extractive industry, such as a quarry, can be carried out on any land. Under Section 77G of the MRSD Act, a work plan must be prepared to obtain work authority from the Victorian Minister for Resources to carry out an extractive industry.

Typically, a work authority cannot be granted until a planning permit is issued for the extractive industry. However, Section 77T of the MRSD Act states that a planning permit is not required if an EES has been prepared for the proposed extractive activities and the work authority has been granted by the Minister for Resources following their consideration of the Minister's Assessment of this EES. This EES includes the assessment of potential environmental impacts of the proposed quarry works, thereby exempting the Project from requiring a planning permit for the quarry. The quarry will be excluded from the proposed Specific Controls Overlay area within the PSA.

A Work Plan will be prepared following the Minister's Assessment of this EES, addressing the outcomes and recommendations from the EES process. For the purposes of this EES, a **Quarry Work Plan Requirements Report (Appendix W)** has been prepared which integrates the findings from the environmental assessments of the quarry undertaken in the various EES technical reports.

5.2.5 Other Project approval requirements

Several other approvals will also be required for the Project. The following approvals would be sought following the Minister's Assessment of this EES:

- Consent from Parks Victoria pursuant to Section 27 of the *National Parks Act 1975* (Vic) (NP Act), to allow for construction and operation of the transmission line within Cobboboonee National Park. A **draft consent application** is included at **Appendix Z** of this EES.
- A licence from DEECA pursuant to Section 52(1C)(f) of the *Forests Act 1958* (Vic) to for the transmission line within Cobboboonee Forest Park.
- A permit from DEECA, to remove listed flora from public land (such as road reserves) pursuant to Section 48 of the *Flora and Fauna Guarantee Act 1988* (Vic) (FFG Act).
- Authorisation under the *Wildlife Act 1975* (Vic) for taking of wildlife.
- A permit for the taking or use of water from a waterway or groundwater from bores, pursuant to Section 51 of the *Water Act 1989* (Vic).
- A permit to undertake works on a waterway or to a bore, in accordance with Section 67 of the *Water Act 1989* (Vic).
- Consents under Section 63 of the *Road Management Act 2004* (Vic), to conduct works in, on, or under roads. The coordinating road authority is DTP for Portland-Nelson Road, Bridgewater Road, Madeira Packet Road, and Henty Highway. DEECA is the road authority for Boiler Swamp Road (under which the transmission line would be buried in Cobboboonee National Park and Forest Park (the Parks), and the GSC is the road authority for most other roads that could be impacted on by the Project.

5.3 Assessment framework

This section provides an overview of the framework used to facilitate a consistent approach across the various specialist studies to identify and assess potential impacts of the Project on the environment.

Integral to this assessment framework are the evaluation objectives provided in the Scoping Requirements and the statutory approval requirements, policies and guidelines applicable to the Project. The development of the Project (and this EES) has been informed by specialist studies and consultation with stakeholders and the community, and as new information is gathered, the Project is refined to avoid and reduce impacts.

5.3.1 Regulatory framework

The Scoping Requirements provide draft evaluation objectives that describe the desired outcomes to be achieved for each of the topics to be addressed in this EES. These objectives are framed in the context of legislation and policy. The key legislation relevant to the evaluation objectives is outlined in **Table 5.1**. This provides the regulatory framework which underpins the assessment presented in this EES.

A complete list and description of all applicable legislation, policy and guidelines considered for this EES is provided in the **Legislation and Policy Report (Appendix B).**

Table 5.1: Draft evaluation objectives and corresponding key legislation

Draft evaluation objective	Key legislation	Relevant EES chapter
Biodiversity and habitat To avoid or minimise potential adverse effects on biodiversity values within the project site and its environs, including native vegetation, listed species and ecological communities other protected species and habitat for these species	*Environment and Biodiversity Protection Act 1999* (Cth) *Planning and Environment Act 1987* (Vic) *Flora and Fauna Guarantee Act 1988* (Vic) *Wildlife Act 1975* (Vic) *Catchment and Land Protection Act 1994* (Vic) *National Parks Act 1975* (Vic) *Forests Act 1958* (Vic) *Marine and Coastal Act 2018* (Vic)	**Chapter 7 *Biodiversity*** **Chapter 9 *Surface water, groundwater and groundwater dependent ecosystems***
Cultural heritage To avoid or minimise adverse effects on Aboriginal and historic cultural heritage and associated values	*Aboriginal Heritage Act 2006* (Vic) *Heritage Act 1995* (Vic) *Planning and Environment Act 1987* (Vic)	**Chapter 11*Cultural heritage***
Catchment values and hydrology To maintain the functions and values of aquatic environments, surface water and groundwater quality and stream flows and prevent adverse effects on protected beneficial uses	*Environment Protection and Biodiversity Conservation Act 1999* (Cth) *Water Act 1989* (Vic) *Environment Protection Act 2017* (Vic) *Marine and Coastal Act 2018* (Vic)	**Chapter 9 *Surface water, groundwater and groundwater dependent ecosystems*** **Chapter 10 *Soil contamination and acid sulfate soils***
Landscape and visual To minimise and manage potential adverse effects on landscape and visual amenity	*Planning and Environment Act 1987* (Vic) *Marine and Coastal Act 2018* (Vic)	**Chapter 12 *Landscape character and visual amenity***
Land use and socio-economic To avoid and minimise adverse effects on land use, social fabric of the community, local infrastructure, aviation safety and to neighbouring landowners during construction, operation and decommissioning of the project	*Planning and Environment Act 1987* (Vic) *Public Health and Wellbeing Act 2008* (Vic)	**Chapter 16 *Land use and planning*** **Chapter 17 *Socio-economic*** **Chapter 18 *Safety, hazard and risk***
Community amenity, safety, roads and transport To avoid and minimise adverse effects for community amenity and safety, with regard to construction noise, vibration, dust, traffic and transport, operational turbine noise and fire risk management	*Environment Protection Act 2017* (Vic) *Planning and Environment Act 1987* (Vic) *Road Management Act 2004* (Vic) *Transport Integration Act 2010* (Vic) *Road Safety Act 1986* (Vic) *Country Fire Authority Act 1958* (Vic) *Emergency Management Act 2013* (Vic)	**Chapter 13 *Air quality*** **Chapter 14 *Noise and vibration*** **Chapter 15 *Transport*** **Chapter 18 *Safety, hazard and risk***

5.3.2 Impact assessment approach

The assessment framework used in this EES is a systematic risk-based approach to understand the existing environment within the Project Area and surrounds, identifying potential impacts of the Project on the environment, and evaluating the effectiveness of mitigation measures to avoid, minimise and manage potential impacts.

Impact assessments were undertaken for the Project as part of 20 different technical studies. The impact assessment process adopted in these studies involved the following steps:

- establishing the existing conditions or baseline conditions
- considering the Project design, construction and operational activities in the context of the existing conditions
- identifying potential impact pathways between Project elements and sensitive receptors
- assessing potential impacts of the Project on receptors and evaluating their significance
- identifying measures to avoid, minimise and manage potential impacts
- assessing the residual impact with mitigation measures in place.

An overview of the Project's impact assessment approach is provided in **Figure 5.3**.

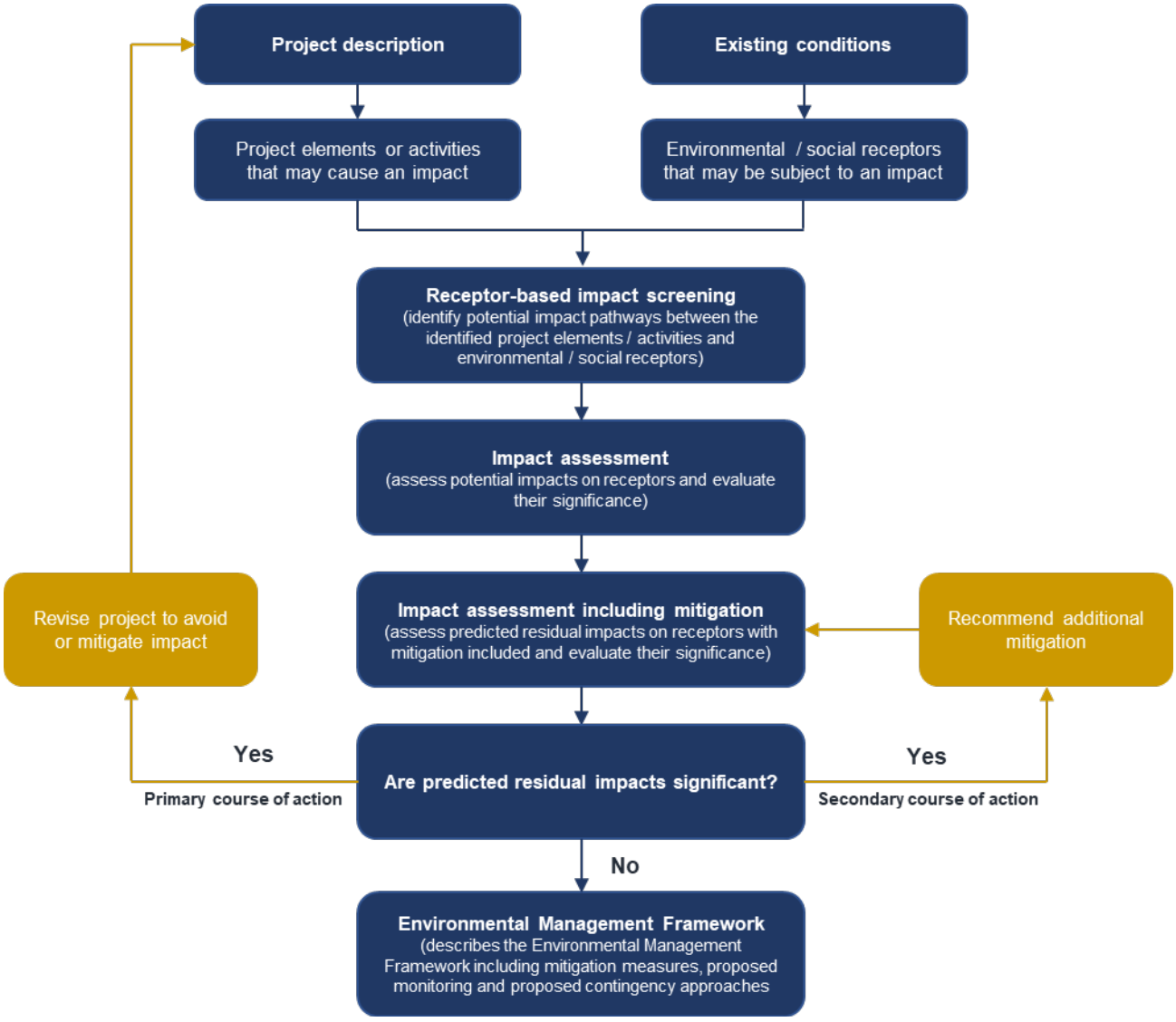


Figure 5.3: The Project's impact assessment approach

Where there is potential for the Project to give rise to risks of harm to human health or the environment from pollution or waste, those risks have been minimised so far as reasonably practicable at this stage of the Project. This is required by the general environmental duty within the *Environment Protection Act 2017* (Vic) (EP Act) to meet the environmental protection duties and to manage environmental risks.

Some technical specialists have elected to adopt a risk screening tool as part of their impact assessment to prioritise issues for assessment. Where this has been adopted, the results are presented within the relevant technical report. As noted in DTP's Impact Assessment Guidance Advisory Note *Use of impact assessment and risk assessment in environment effects statement* (DTP, 2024), the purpose of an EES is to identify, assess, and clearly characterise/describe likely environmental impacts, rather than environmental risks. While an environmental risk assessment is not required in an EES, it can be used as a tool to identify and prioritise potential environmental impacts (DTP, 2024).

Where possible, changes to the Project design or elements were made as the primary course of action to remove an impact and avoid the need for mitigation. Ongoing refinement has been a key feature of the Project as new information has become available through consultation and technical assessment, and as modifications to the design are found to assist in the mitigation of environmental impacts. Project refinement has involved activities such as consideration of Project alternatives, development of the Project design, and the selection of appropriate construction methods. These activities have occurred in parallel with the EES assessment process and are described in **Chapter 4: *Project development.***

Where further refinement of the Project is not possible, additional mitigation measures have been applied with the aim of reducing the potential residual impact to an acceptable level and to meet the relevant evaluation objectives.

5.3.2.1 Existing conditions

An existing conditions assessment involves characterising the current condition of the environment. It identifies the environmental context of the Project and provides the baseline on which to assess potential impacts.

Each technical study undertook an existing conditions assessment, involving the identification and characterisation of the significance of existing assets, values and uses within the environment that could be affected by the Project. These collectively define the environmental context for the Project.

A 'study area' was defined for each technical study, which is the area within which potential effects could occur. For some studies, the study area is larger than the Project Area to ensure that any impacts outside the Project boundary are assessed. For example, the **Groundwater Impact Assessment (Appendix G)** study area considered the Project components with a buffer zone to capture existing conditions outside of the Project Area that may be affected by changes to groundwater levels and flow.

5.3.2.2 Impact assessment

An impact is any change to an environmental asset, value or use that would occur as a result of the Project's construction, operation or decommissioning. An impact assessment involves measuring the nature and extent of any impact against the existing conditions.

After determining the existing conditions and defining a study area, each technical study undertook an impact assessment. Potential impacts were identified, either beneficial or adverse, and assessed against the existing conditions.

The following factors were considered when determining the significance of potential environmental impacts of the Project:

- magnitude, extent and duration of impact on the environment
- the relationship between different impacts on the environment and potential cumulative impacts
- the likely effectiveness of measures to avoid, minimise and manage impacts
- the likelihood that any given environmental impact would occur
- benchmarks and standards set by statutory requirements and environmental approvals
- the policies and guidelines that apply to the Project
- the principles of ecologically sustainable development as defined in the Ministerial Guidelines (DTP, 2023).

In the first instance and where possible, the Project design was amended to avoid impacts. If impacts were unavoidable, mitigation measures were identified to reduce the potential impacts. This process was repeated until the impacts were reduced to as low as practically possible. Following this, the residual impacts of the Project were assessed and evaluated against the relevant draft evaluation objectives.

Potential cumulative impacts (a combination of impacts from this Project and other projects which have the potential to impact on the same sensitive receptors) have also been assessed where relevant. The scope of projects considered as part of the cumulative impact assessment was tailored to each discipline. Potential cumulative impacts are also discussed holistically in the integrated assessment and net community benefit assessment, which are summarised in

Chapter 16 *Land use and planning* and set out in full in the Planning Report that forms part of the **Draft PSA (Appendix Y).**

To holistically identify and assess potential impacts, this EES has considered the existing conditions and potential impacts relevant to each aspect of the environment in isolation, as well as impacts that may result when various aspects of the environment are considered together. Consultation between technical specialists ensured that relationships between the different studies were identified and the outcomes integrated. Therefore, some key technical studies have informed and/or been informed by other technical studies undertaken for the Project.

5.3.2.3 Mitigation

Mitigation measures have been developed in each of the specialist studies to address the identified impacts of the Project, adopting the hierarchy of avoid, minimise, and offset (see **Figure 5.4**). At first, the impact is avoided if feasible and practical, then the severity of the impact over spatial extent and time is minimised, followed by management of the impact during construction and operation, and compensation for any significant residual impacts such as through biodiversity offsets. The purpose of the mitigation measures is to protect identified environmental or social values and meet the EES evaluation objectives. Measures can be implemented through Project design, construction methods and/or operating procedures.

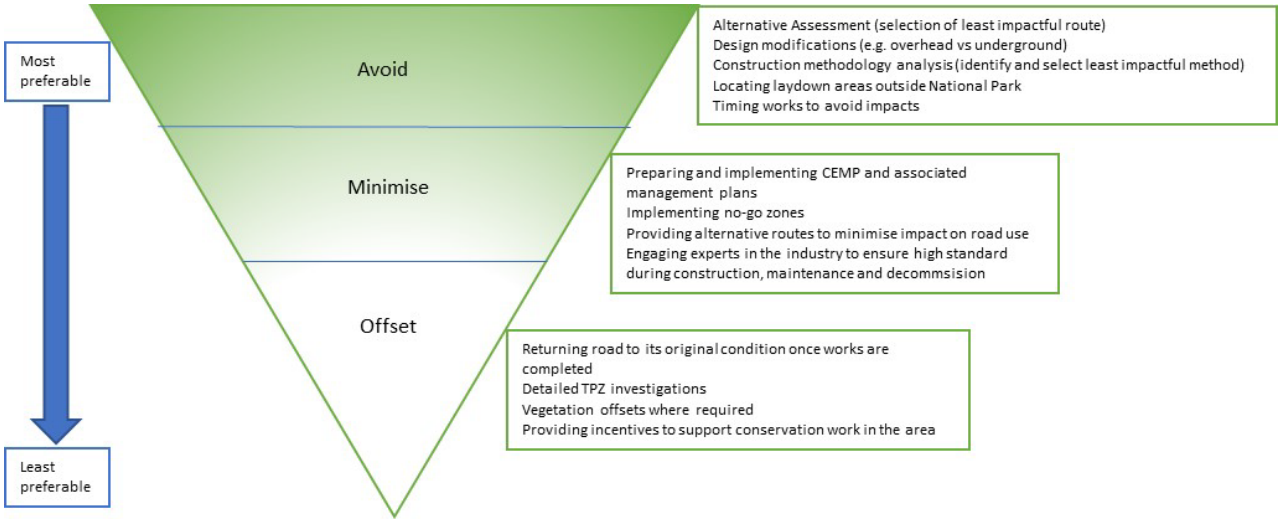


Figure 5.4 Avoidance, minimise and Oofset hierarchy

5.3.2.4 Environmental management framework

The Environmental Management Framework (EMF) provides a transparent framework for managing environmental effects associated with the construction, operation and decommissioning phases of the Project, with the aim of achieving acceptable environmental outcomes. A complete list of the mitigation measures adopted for the Project is set out in **Chapter 19 *Environmental management framework.***

The mitigation measures set out in the EMF describe the Proponent's environmental commitments for the Project and would be given effect through the relevant statutory approvals. These commitments would also be included in management plans such as the CHMP, construction and operational environmental management plans and subordinate management plans such as a traffic management plan.

These mitigation measures would inform the conditions administered by relevant statutory authorities and would be implemented by the Proponent and its contractors. The EMF identifies clear roles and accountabilities for the implementation of the conditions.

Contractual arrangements with contractors responsible for construction, operation and decommissioning of the Project will include requirements for contractors to adhere to the specified mitigation measures.

NEOEN

Melbourne

Level 7
99 King Street
Melbourne, VIC 3000

P. 1800 966 206
E. contact@kentbruckgreenpowerhub.com.au

umwelt
Environmental & Social Consultants

Melbourne

Suite 2, Level 27
530 Collins Street
Melbourne 3000

P. 1300 793 267
E. info@umwelt.com.au
W. umwelt.com.au