

Attachment III

Legislation and policy report

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25-Feb-2022
Viva Energy Gas Terminal Project

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25-Feb-2022

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1.0 Introduction

This chapter outlines the relevant legislation, regulations, policies, guidelines and standards for the Viva Energy Gas Terminal Project (the project).

This chapter summarises each of the environmental aspects assessed in the Environment Effects Statement (EES), presented in a series of tables. Each table describes the legislation, policies, guidelines and standards relevant to the proposed the project, and assesses specific requirements or implications. Additional legislation, policies, guidelines and standards may apply to specific components or environmental impacts or effects of the Project and the grant of the relevant approvals, particularly in respect of highly technical matters. Where applicable, these are discussed further in the relevant technical report attached to the EES.

Where relevant, each table is separated into:

- International standards
- Commonwealth legislation, regulations, policies, guidelines and standards
- State legislation, regulations, policies, guidelines and standards and local policies.

Instruments of legislation, policies, guidelines and standards are addressed under the relevant State or Commonwealth sections of the tables presented in Section 2.0.

The project is being assessed through an EES administered by the Victorian Minister for Planning (the Minister) under the Environment Effects Act 1978 (Vic) ('Environment Effects Act'). The EES process is not an approval in itself, but an assessment by the Minister as to whether the project is considered acceptable or otherwise in terms of potential environmental impacts. The EES informs regulatory authorities on whether or not the project should proceed, and if so, under what conditions. Statutory approvals for a project being assessed under the Environment Effects Act cannot be considered and issued by regulatory authorities until the Minister's Assessment of the EES is made.

Following the Victorian Minister for Planning's assessment of the EES, decisions will be made by the relevant statutory authorities regarding approval requirements. Key approvals for the project would include:

- Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ('EPBC Act')
- Consent to use, develop and undertake works on marine and coastal Crown land under the *Marine and Coastal Act 2018* (Vic) ('Marine and Coastal Act')
- Development Licence and Operating Licence under the *Environment Protection Act 2017* (Vic) ('Environment Protection Act')
- Development Licence for the refinery and modification to the existing refinery Operating Licence under the Environment Protection Act
- Planning Scheme Amendment under the Greater Geelong Planning Scheme to apply a Specific Controls Overlay and Incorporated Document in accordance with the *Planning and Environment Act 1987* (Vic) ('Planning and Environment Act')
- Pipeline Licence for the pipeline under the *Pipelines Act 2005* (Vic) ('Pipelines Act')
- Approved Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* (Vic) ('Aboriginal Heritage Act')
- Gas safety case for natural gas transmission infrastructure under the *Gas Safety Act 1997* (Vic) ('Gas Safety Act')
- Major Hazard Facility (MHF) safety case for the FSRU under the *Occupational Health and Safety Act 2004* (Vic) ('OHS Act')
- Amendment to the current refinery MHF safety case for the treatment facility under the OHS Act.

Further information on key approvals is presented in EES Chapter 5: *Legislative framework and approval requirements*.

2.0 Legislative framework for the project

This section outlines the legislation, policies, guidelines and standards relevant to the project. Section 2.1 provides a high level summary of the assessments and approvals required for the project. The subsequent Sections 2.2 to 2.16 provide further details on the regulatory requirements for each environmental aspect addressed in the EES.

In referring to legislation in this section, it is noted the Acts may have regulations, policies and/or standards relevant to the project which are not included here.

2.1 Environmental impact assessment and approvals

Table 1 Environmental impact assessment and approvals

Document	Description	Implications for the project
International		
Policy / guidelines / standards		
The Ramsar Convention on Wetlands (the domestic application of which is through the EPBC Act)	<p>The Convention on Wetlands of International Importance was the first modern treaty between nations aimed at conserving natural resources. The Convention became known as the Ramsar Convention in 1971 when it was signed in Ramsar, Iran. With the goal of stopping worldwide loss of wetlands and promoting conservation, the Convention requires international cooperation and relevant policy making.</p> <p>Wetlands of International Importance are designated sites containing representative, rare or unique wetlands or wetlands that are considered important in conserving biological diversity.</p> <p>Australia currently has 66 Wetlands of International Importance listed under the Ramsar Convention, which cover a combined approximately 8.3 million hectares.</p>	<p>In January 2021 the project was determined to be a 'controlled action' and require assessment and approval under the EPBC Act due to the potential for the project to have a significant impact on Matters of National Environmental Significance (MNES) including on the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site (a wetland of international importance). , The Point Wilson/Limeburners Bay section of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site is located along the northern shoreline of Corio Bay, approximately one km to the north-east of the project. Assessment of the project under the Environment Effects Act and the EPBC Act must consider likely impacts on the ecological character and habitat values of the Ramsar site, and identify measures to avoid or mitigate significant impacts of the project.</p>
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) ('EPBC Act')	<p>The EPBC Act is the Australian Government's principal environmental protection and biodiversity conservation legislation. It provides for the conservation of biodiversity and the protection of the environment, particularly those aspects that are among the nine Matters of National Environmental Significance (MNES), including World Heritage properties, National Heritage places, Ramsar wetlands, listed nationally threatened species and ecological communities and listed migratory species.</p> <p>The EPBC Act states that if significant impacts on MNES are likely, then an action is known as a 'controlled action' and assessment and approval under the EPBC Act is required.</p>	<p>The project was referred to the Commonwealth Government and determined to be a 'controlled action' and require assessment and approval under the EPBC Act due to the potential for the project to have a significant impact on wetlands of international importance, listed threatened species and communities, and listed migratory species.</p> <p>The EES process is the accredited environmental assessment process for the controlled action decision under the EPBC Act in accordance with the bilateral agreement between the Commonwealth and Victorian governments.</p>
Policy / guidelines / standards		
Significant Impact Guidelines 1.1 – Matters of National	The Significant Impact Guidelines provides overarching guidance on determining whether an action is likely to have a	The project would need to be assessed as to whether it has a significant impact on MNES. In particular, the assessment must consider whether it is likely to have a significant

Document	Description	Implications for the project
Environmental Significance (Significant Impact Guidelines)	significant impact on a matter protected under the EPBC Act.	impact on the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site, listed threatened species and communities and listed migratory species. The Commonwealth Government Minister for Environment has determined that the project has the potential to impact on MNES and that the project requires consideration under the EPBC Act.
Bilateral Agreement made under Section 45 of the EPBC Act relating to environmental assessment between the Commonwealth of Australia and the State of Victoria (27 October 2014)	The Bilateral Agreement specifies various classes of action that can be assessed using particular Victorian assessment processes for the purposes of the EPBC Act, to avoid duplication of Commonwealth and Victorian assessment processes. In this case, the assessment of actions under the Environment Effects Act is accredited for the purposes of the Commonwealth Government Minister for the Environment making a decision of whether to approve the action pursuant to the EPBC Act.	The Project is to be assessed under the Environment Effects Act process, pursuant to the Bilateral Agreement. The approval decision would still be made by the Commonwealth Government Minister for the Environment based on the Victorian Minister for Planning's Assessment Report.
State		
Legislation		
<i>Environment Effects Act 1978 (Vic)</i> ('Environment Effects Act')	<p>The Environment Effects Act provides a regime where projects with potentially significant environmental impacts may require the preparation of an EES for assessment by the Minister for Planning. An EES may be required for declared 'public works' or works determined by the Minister for Planning to require an EES following referral. Where an EES is required, the Minister for Planning will issue scoping requirements to guide preparation of the EES.</p> <p>Once the EES is prepared it is placed on exhibition for public comment.</p> <p>The Minister for Planning may appoint an inquiry to assess the impacts of the project, taking into account the EES studies and any public submissions. This can involve a formal hearing.</p> <p>The Minister for Planning subsequently provides an assessment (typically within 25 business days of the inquiry report being received), having considered the proponent's response, public submissions, EES documents and the inquiry report. The relevant statutory decision-makers must consider the Minister for Planning's Assessment when deciding whether to approve the project and, if so, on what conditions.</p>	<p>In December 2020, the Victorian Minister for Planning determined that an EES was required for the project. The reasons for the decision were primarily related to the potential for significant adverse effects on the marine environment of Corio Bay and the potential for contributing to greenhouse gas emissions. Secondly, the EES was required to assess the effects of the project on air quality, noise, land use, Aboriginal and historic heritage, native vegetation, groundwater, traffic and transport as well as visual amenity. In June 2021, the Minister for Planning issued the scoping requirements for the project. The EES has been prepared in accordance with these scoping requirements, which require the assessment of a range of specific environmental effects. The EES will be placed on public exhibition and an inquiry will be appointed to consider the environmental effects of the project. At the conclusion of the EES assessment process the Minister for Planning's Assessment Report will be provided to the relevant statutory decision-makers to inform their decisions whether to grant approvals for the projects.</p>

Document	Description	Implications for the project
<i>The Environment Protection Act 2017 (Vic)</i> ('Environment Protection Act')	The Environment Protection Act aims to protect Victoria's air, water and land by adopting a 'general environment duty' which imposes a broad obligation on entities and individuals to take proactive steps to minimise risks of harm to human health and the environment from pollution or waste. EPA Victoria administers the Environment Protection Act and subordinate legislation.	<p>The Environment Protection Act regulates discharge to the environment including, but not limited to, emissions to air and discharge to surface water and groundwater by a system of permissions. Any discharge into the environment during the construction or operation of the project must be in accordance with the requirements of the Environment Protection Act.</p> <p>Schedule 1 of the Environment Protection Regulations 2021 sets out prescribed permission activities. The FSRU is a prescribed development activity and a prescribed operating activity under L: Others category L01 (general discharges or emissions to atmosphere) as the emissions to air would meet the levels described, and as such will require a Development Licence and Operating Licence. In addition, the FSRU could be included in the category Utilities K01, also a prescribed development activity and prescribed operating activity.</p> <p>The Geelong Refinery will also require a Development Licence, or exemption, for A04 (Industrial wastewater treatment) which requires permission for discharging or depositing industrial wastewater generated at another site (the FSRU) exceeding a design or actual flow rate of 5000 litres per day or on any day. Reuse of the FSRU discharge water as refinery cooling water is a modification to the existing prescribed activity at the refinery (which is only for G03 - Oil or gas refining) as this would involve 'discharging or depositing industrial wastewater' generated by the FSRU. The current refinery Operating Licence would also need to be modified, subject to issue of a Development Licence, to enable the new prescribed permission activity in the A04 category to occur, however, may not need modification for discharge of the wastewater if the discharge is compliant with current licence conditions.</p>
<i>Climate Change Act 2017 (Vic)</i> ('Climate Change Act')	The Climate Change Act provides Victoria with a legislative foundation to manage climate change risks and drive the transition to a climate resilient community and economy with net zero emissions by 2050. The Act embeds the 2050 net zero emissions target and provides for the setting of five-yearly interim greenhouse gas emissions reduction targets, climate change strategies, and adaptation action	<p>A person making certain decisions or taking specified actions must have regard to—</p> <ul style="list-style-type: none"> (a) the potential impacts of climate change relevant to the decision or action (b) the potential contribution to the State's greenhouse gas emissions of the decision or action (c) any guidelines.

Document	Description	Implications for the project
	plans to ensure the 2050 target is achieved and vulnerabilities to climate change impacts are reduced while potential opportunities are realised.	The decisions listed in the Schedule to the Climate Change Act that are relevant, are the decisions by the EPA Victoria as to whether a Development Licence or Operating Licence should be granted under the Environment Protection Act.
<i>Marine and Coastal Act 2018 (Vic)</i> ('Marine and Coastal Act')	The Marine and Coastal Act aims to protect Victoria's marine and coastal environment. The Marine and Coastal Act provides an integrated and coordinated approach to planning and managing the marine and coastal environment by enabling protection of the coastline and the ability to address the long-term challenges of climate change, population growth and ageing coastal structures.	Any use or development of the Victorian marine area or coastal Crown land within 200 metres inland of the high-water mark requires consent under the Marine and Coastal Act. The project requires consent under the Marine and Coastal Act for the components of the project to which this Act applies, namely to 'use or develop, or undertake works on, marine and coastal Crown land'. Dredging works associated with the project will require consent as this requires the project to 'undertake works on marine and coastal Crown land'. Consent will also be required for the 'use and development of marine and coastal Crown land' through the installation and continuous mooring of the FSRU and construction of the new pier arm, aboveground pipeline and piping from the FSRU to the existing refinery cooling water intake.
<i>Pipelines Act 2005 (Vic)</i> ('Pipelines Act')	The Pipelines Act is the primary Act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the conveyance of gas, oil and other substances. The Minister for Energy, Environment and Climate Change (through DELWP) is responsible for administering the Pipelines Act and the Pipelines Regulations 2017. Energy Safe Victoria also has a role to play in accepting the Safety Management Plan.	The project will require a Pipeline Licence under the Pipelines Act for the construction and operation of the 7kilometre pipeline. The Pipelines Act requires licensed pipelines to be constructed and operated in accordance with Australian Standard 2885: Pipelines—Gas and liquid petroleum. It is a requirement under the Pipelines Act that a licensee must prepare a Safety Management Plan, Environment Management Plan and a Consultation Plan. The Safety Management Plan and Environment Management Plan are to be submitted to and approved by ESV and the Minister for Energy, Environment and Climate Change. Construction and operation of the pipeline cannot commence without the approval of both plans.
<i>Planning and Environment Act 1987 (Vic)</i> ('Planning and Environment Act')	The Planning and Environment Act establishes a framework for planning the use, development and protection of land in Victoria. The Planning and Environment Act provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions (VPPs) and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.	The components of the project not part of the licensed pipeline under the Pipelines Act would require planning approval under the Greater Geelong Planning Scheme. A Planning Scheme Amendment (PSA) would seek to apply a Specific Controls Overlay (SCO) which enables site specific controls to override other requirements of the Scheme and apply an Incorporated Document to the area covered by the SCO.

Document	Description	Implications for the project
<i>Aboriginal Heritage Act 2006 (Vic)</i> ('Aboriginal Heritage Act')	The Aboriginal Heritage Act provides for the protection of Aboriginal cultural heritage in Victoria. Section 49 of the Act states that a Cultural Heritage Management Plan (CHMP) must be prepared when an EES is required under the Environment Effects Act in respect of any works. The CHMP must be prepared and approved before construction works start.	The project requires a CHMP to be approved under the Aboriginal Heritage Act before construction works start. A CHMP is being prepared for the project (CHMP 17816) in consultation with First Nations – State Relations and the Wadawurrung Traditional Owners Aboriginal Corporation, the Registered Aboriginal Party for the area. The CHMP would be lodged for approval following the Minister's assessment of the EES.
Policy / guidelines / standards		
Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978	These Ministerial Guidelines for Environment Effects are made under Section 10 of the Environment Effects Act. These guidelines supplement the requirements of the Environment Effects Act by providing detail about the administration of the EES process. They apply to public and private projects. These guidelines set out the process for a proponent or decision-maker to refer projects to the Minister for Planning for a decision about the need for an EES. They also set out the process for: scoping and preparing an EES; public review of an EES; considering public submissions; requiring a supplementary statement; making the final assessment; and coordinating other statutory processes.	The Ministerial Guidelines provide guidance on the assessment process for the EES. Viva Energy has used the Guidelines to inform their approach to the environmental assessment and stakeholder engagement processes.
Marine and Coastal Policy 2020 (Note this policy replaces the 'policy for decision making' parts of the Victorian Coastal Strategy 2014)	The Marine and Coastal Policy guides the planning, management and sustainable use of the marine and coastal environment in Victoria and informs consents issued under the Marine and Coastal Act.	The project would need to align with the strategic directions and provisions of the Marine and Coastal Policy. The preparation of the Marine and Coastal Act consent applications for the project would consider this Policy.

2.2 Marine ecology and water quality

Table 2 Marine ecology and water quality key legislation and policy

Document	Description	Implications for the project
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act</i>	The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage Matters of National Environmental	The project is a 'controlled action' requiring assessment and approval under the EPBC Act due to the following relevant controlling provisions:

Document	Description	Implications for the project
1999 (Cth) (‘EPBC Act’)	Significance (MNES) including, but not limited to, World Heritage Properties, National Heritage Places, Ramsar sites, nationally listed threatened species and ecological communities and listed migratory species. The EPBC Act states that ‘controlled’ actions i.e. actions that are determined as likely to have a significant impact on a MNES are subject to assessment and approval under the EPBC Act.	<ul style="list-style-type: none"> Ramsar wetlands (Sections 16 and 17B) listed threatened species and communities (Sections 18 and 18A) listed migratory species (Sections 20 and 20A) <p>The EES process is accredited to assess impacts on MNES under the EPBC Act through the Bilateral Assessment Agreement between the Australian and Victorian governments. Therefore, the project will be assessed under the bilateral agreement.</p>
Biosecurity Act 2015 (Cth) (‘Biosecurity Act’)	The Biosecurity Act sets out the legal framework for managing biosecurity threats (pests, weeds and diseases) to plant, animal and human health, and the environment.	<p>The Biosecurity Act prescribes how ballast water should be managed within Australian seas, establishing obligations for vessels to:</p> <ul style="list-style-type: none"> manage ballast water prior to arrival in Australian seas, and between Australian ports carry a ballast water management plan, ballast water management certificate, and maintain ballast water records. <p>All vessels associated with the project, including the FSRU and LNG carriers, would need to comply with the requirements of this Act.</p>
Policy / guidelines / standards		
National Water Quality Management Strategy - Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018)	The ANZG 2018 set the water quality objectives required to sustain current environmental values for natural or semi-natural water resources in Australia and New Zealand. The document identifies limits to acceptable change in water quality that would continue to protect the associated environmental values.	<p>The ANZG 2018 provide quantitative guideline values for water and sediment quality to support the protection of community values, and the context in which they should apply.</p> <p>Regulatory authorities would have regard for these guidelines in assessing the project’s impacts on water quality</p>
National Assessment Guidelines for Dredging (NAGD)	The NAGD provides guidance on the assessment and management of dredged material to protect and preserve the marine environment from pollution related to dumping at sea.	The NAGD provides the framework in order to assess whether dredged material is suitable for disposal.
Heads of EPA Australia and New Zealand PFAS National Environmental Management Plan 2.0 (PFAS NEMP 2.0)	The PFAS NEMP 2.0 provides new and revised PFAS guidance on environmental guideline values, soil reuse, wastewater management and on-site containment. This version supersedes the first version of the NEMP published in 2018.	Although not endorsed by the Environment Minister in Victoria, the PFAS NEMP 2.0 forms part of the project’s <i>State of Knowledge</i> and should be considered as part of the guidance and standards for managing PFAS in dredged material.
National Environment Protection (Assessment of	The ASC NEPM provides a national risk-based framework for the assessment of site contamination in Australia. The legislation ensures there is adequate	The ASC NEPM should be considered as part of the offshore assessment of contamination. The Amended ASC NEPM

Document	Description	Implications for the project
Site Contamination Measure (ASC NEPM) 1999, as amended in 2013	protection of human health and the environment, where site contamination is found to exist.	provides risk-based guidelines for selected organic and inorganic chemicals in soils.
Australian Ballast Water Management Requirements	The Australian Ballast Water Management Requirements provide guidance on how vessel operators should manage ballast water when operating within Australian seas in order to comply with the Biosecurity Act 2015. They also align to the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004 (the Ballast Water Management Convention), which entered into force internationally on 8 September 2017.	This guideline should be considered as part of the operation of the FSRU. Ballast water would be taken on to the FSRU as well as discharged from FSRU to maintain vessel stability and longitudinal strength. During regasification, the FSRU would take in seawater as ballast to compensate for the reduction of LNG volume in the cargo tanks. The ballast water would then be discharged to sea during LNG transfer from the next visiting LNG Carrier.
National Biofouling Management Guidelines for Commercial Vessels	This guideline outlines operational procedures and provides information for operators of commercial vessels to follow to assist in the prevention of marine pest introductions and translocations. The vessels encompassed by these guidelines are primarily commercial trading ships, which include bulk carriers, container vessels, oil and gas tankers, livestock carriers and general cargo ships. However, cruise vessels and other passenger ships are also included because their size, operational activity and maintenance regimes are similar to commercial trading ships.	This guideline should be considered as part of the operation of the FSRU, which would see water coming into the FSRU injected with hypochlorite to reduce biofouling.
State		
Legislation		
<i>Environment Protection Act 2017 (Vic)</i> ('Environment Protection Act')	The Environment Protection Act aims to protect Victoria's air, water and land by adopting a 'general environment duty' (GED) which imposes a broad obligation on entities and individuals to take proactive steps to minimise risks of harm to human health and the environment from pollution or waste. The Environment Protection Authority administers the Environment Protection Act and subordinate legislation.	The Environment Protection Act regulates discharges to the environment by a system of permissions. With regard to the marine environment this includes the discharge of seawater from the FSRU. Given the FSRU would be a prescribed permissions activity as a result of air emissions, the FSRU would require a Development Licence and Operating Licence under the Environment Protection Act. As a result, any wastewater discharges to marine waters from the FSRU would also be regulated by EPA approvals. A Development Licence and Operating Licence modification or an exemption to a modification may also be required for Geelong Refinery relating to re-use of the FSRU seawater discharge in the refinery's cooling water system.

Document	Description	Implications for the project
<i>Flora and Fauna Guarantee Act 1988 (Vic)</i> ('FFG Act')	The FFG Act is the primary legislation that manages biodiversity conservation and sustainable use of native ecology in Victoria. The FFG Act provides a legal framework that promotes conservation of Victoria's native flora and fauna and enables the management of potentially threatening processes. Threatened species and communities of flora and fauna, as well as threatening processes, are listed under the FFG Act.	The FFG Act establishes the process for identifying, listing and managing threatened species and communities that must be considered in the impact assessments prepared to support the EES for the project. An FFG Act or <i>Fisheries Act 1995</i> permit may be required for 'taking' of fish by the operation of the FSRU.
<i>Fisheries Act 1995 (Vic)</i> ('Fisheries Act')	The Fisheries Act provides the framework for the regulation, management and conservation of Victorian fisheries including aquatic habitats.	This Act requires the protection of declared protected aquatic biota and fish and aquatic invertebrates listed under the FFG Act, some of which may occur within the project area. The Fisheries Act requires a permit to take any declared Protected Aquatic Biota.
<i>Marine and Coastal Act 2018 (Vic)</i> ('Marine and Coastal Act')	The primary objective of the Marine and Coastal Act is to protect Victoria's marine and coastal environment. It provides an integrated and coordinated approach to planning and managing the Victorian marine and coastal environment by protecting the coastline and addressing the long-term challenges of climate change, population growth and ageing coastal structures.	The project requires the Minister for Energy, Environment and Climate Change's consent under the Marine and Coastal Act for the components of the project to which this Act applies, namely to 'use or develop, or undertake works on, marine and coastal Crown land'. Dredging works associated with the project will require consent as this requires the project to 'undertake works on marine and coastal Crown land'. Consent will also be required for the 'use and development of marine and coastal Crown land' through the installation of the FSRU and construction of the new pier arm, aboveground pipeline and piping from the FSRU to the existing refinery cooling water intake.
<i>Port Management Act 1995 (Vic)</i> ('Port Management Act')	The Port Management Act includes provisions for the establishment, management and operation of commercial trading ports and local ports within Victoria.	GeelongPort's responsibility for safety, environment and hazard management within the Port of Geelong under the Port Management Act requires the preparation of the Safety and Environment Management Plan (SEMP) and Health, Safety and Environment (HSE) system. Project activities within the defined port boundary would need to comply with the SEMP.
Policy / guidelines / standards		
Environment Reference Standard	This Environment Reference Standard (ERS) is made under Section 93 of the Environment Protection Act. It sets out the environmental values of the ambient air, ambient sound, land and water environments that are sought to be achieved or maintained in Victoria and standards to support those values. Environmental values are the uses, attributes and functions of the environment	The project would seek to minimise the potential for impacts on surface water quality to ensure that existing environmental values are protected, with priority given to maintaining environmental values of areas of high conservation value (Ramsar sites). The project would seek to meet environmental quality objectives and indicators to ensure that pollutants into receiving waters are at a level that supports the maintenance or

Document	Description	Implications for the project
	that Victorians value. Standards for the environmental values are comprised of objectives for supporting different uses of the environment and indicators that can be measured to determine whether those objectives are being met.	improvement of the current condition within the bounds of natural variations.
EPA Publication 1992: Guide to Environment Reference Standard –	Provides guidance on how the ERS should be applied and how to interpret environmental values, indicators and objectives for each element of the environment.	Used as required when considering the application of the ERS for the project
Marine and Coastal Policy 2020	The Marine and Coastal Policy guides the planning, management and sustainable use of the marine and coastal environment in Victoria and informs consents issued under the Marine and Coastal Act. It provides direction to decision makers including local councils and land managers on a range of issues such as dealing with the impacts of climate change, population growth and ageing coastal structures. The Victorian Government is implementing the Policy through a Marine and Coastal Strategy. The strategy will give effect to the Policy by detailing priority actions over a 5-year period. The Policy includes a Marine Spatial Planning Framework which guides long term planning and management of Victoria's marine environment in an integrated and coordinated way. The Policy came into operation in March 2020, superseding the 'policy for decision making' parts of the Victorian Coastal Strategy 2014.	The project would need to align with the strategic directions and provisions of the Marine and Coastal Policy. The preparation of the Marine and Coastal Act consent applications for the project would consider this Policy.
Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site Management Plan (2018)	The Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site Strategic Management Plan (Parks Victoria 2003) originally established the framework for the maintenance of this site's unique ecological character through conservation and wise use. The Ramsar Site Management Plan (2018) revises the original document with the primary objective 'to maintain, and where necessary improve, the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site and promote wise and sustainable use'.	The Ramsar Site Management Plan sits within a framework for the management of aquatic ecosystems within Australia and Victoria. At the national level, the EPBC Act establishes the basis for managing Ramsar sites. In Victoria the Victorian Waterway Management Strategy (2013) guides the management of rivers, estuaries and wetlands, and the renewal of the Plan addresses Action no. 12.3 of the VWMS. No approval is required under this Plan, but it has been considered in the marine biodiversity impact assessment and would be taken into account as part of the EPBC Act approval.
Protecting Victoria's Environment– Biodiversity 37 (Biodiversity Plan)	The Biodiversity Plan is the Victorian Government's ambitious plan to stop the decline of our biodiversity and achieve overall biodiversity improvement over the next 20 years. The Biodiversity Plan	The Biodiversity Plan presents a long-term vision for Victoria's biodiversity: <ul style="list-style-type: none"> • Victorians value nature • Victoria's natural environment is healthy.

Document	Description	Implications for the project
	establishes a long-term vision and goals. Specific targets have been developed to deliver on these goals.	The plan sets out state-wide targets and contributing targets to achieve these two goals. This includes stopping the overall decline of threatened species and improving the overall extent and condition of native habitats across the land, waterways, coasts and seas. Regulatory authorities would have regard to this Strategy in assessing the Project's impacts on biodiversity

2.3 Greenhouse gas emissions

Table 3 Greenhouse gas key legislation and policy

Document	Description	Implications for the project
International		
Policy / guidelines / standards		
Paris Agreement	<p>The Paris Agreement builds upon the United Nations Framework Convention on Climate Change and aims to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low carbon future.</p> <p>The central aim of the Paris Agreement 'is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius'.</p>	<p>The Paris Agreement is a driver for setting Commonwealth and State greenhouse gas legislation, policy and targets.</p> <p>The Paris Agreement has no direct impact on the approval decisions.</p>
Greenhouse Gas Protocol by the World Business Council for Sustainable Development and the World Resources Institute (Greenhouse Gas Protocol)	The Greenhouse Gas Protocol provides guidance, standards, tools and training for government and businesses to measure and manage emissions and build effective programs to tackle climate change. The Greenhouse Gas Protocol establishes comprehensive global standardised frameworks for private and public sectors to measure and manage greenhouse gas emissions. It is a widely used international accounting tool for government and business leaders to understand, quantify and manage emissions.	The Greenhouse Gas Protocol methodology was used for the greenhouse gas impact assessment in Technical Report C: <i>Greenhouse gas impact assessment</i>
ISO 14064-1:2018: Greenhouse Gases (ISO 14064-1)	ISO 14064-1 specifies principles and requirements at the organisational level for the quantification and reporting of greenhouse gas emissions and removals. ISO 14064-1 includes requirements for the design, development, management, reporting and verification of an organisation's greenhouse gas inventory.	ISO 14064-1 was used in the greenhouse gas impact assessment methodology (refer to Technical Report C: <i>Greenhouse gas impact assessment</i>).
Commonwealth		

Document	Description	Implications for the project
Legislation		
<i>National Greenhouse and Energy Reporting Act 2007 (Cth)</i> ('NGER Act') National Greenhouse and Energy Reporting (Measurement) Determination 2008	The NGER Act establishes the legislative framework for the NGER Scheme which is a national framework for reporting greenhouse gas emissions and projects and energy consumption and production by corporations in Australia. Several legislative instruments sit under the NGER Act including this Determination. This Determination describes the methods, standards and criteria to be applied when estimating greenhouse gas emissions, energy production and energy consumption.	Methodology described in the Determination was used for the greenhouse gas impact assessment. Viva Energy is required to annually report energy use and greenhouse gas emissions under the NGER Act.
National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 (NGER Rule)	The NGER Rule is a legal mechanism aimed at preventing significant increases in emissions above business as usual from major facilities (i.e. facilities with direct (Scope 1) greenhouse gas emissions greater than 100,000 t (CO ₂ -e a year).	The proposal is for the FSRU to use the open loop regasification mode primarily. It is not expected that open loop mode greenhouse gas emissions would trigger requirements under the NGER rule, as direct (Scope 1) greenhouse gas emissions are not expected to be greater than 100,000 t (CO ₂ -e a year).
Policy / guidelines / standards		
Emissions Reduction Fund (ERF) as part of the Direct Action Plan	The ERF came into effect on 13 December 2014 and involves a 'reverse auction' mechanism, where businesses can sell their carbon abatement, with the government purchasing the lowest cost per tonne of abatement. In February 2019, the Australian Government established a Climate Solutions Fund to provide an additional \$2 billion to continue purchasing low-cost abatement.	The aim of the ERF is to encourage businesses to invest in the most cost-efficient emissions reduction methods, and while it does not have any implications for the project, it is part of the broader policy context for the project.
State		
Legislation		
<i>Environment Protection Act 2017 (Vic)</i> ('Environment Protection Act')	The Environment Protection Act aims to protect Victoria's air, water and land by adopting a 'general environment duty' (GED) which imposes a broad obligation on entities and individuals to take proactive steps to minimise risks of harm to human health and the environment from pollution or waste. The Environment Protection Authority administers the Environment Protection Act and subordinate legislation.	The Environment Protection Act regulates discharges to air, land, surface water or groundwater by a system of permissions. In making a decision relating to licences and permits for the project the Environment Protection Authority must, in accordance with the Climate Change Act, have regard to the project's greenhouse gas emissions.
<i>Pipelines Act 2005 (Vic)</i> ('Pipelines Act')	This is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the conveyance of gas, oil, and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the pipeline.

Document	Description	Implications for the project
	administering the Pipelines Act and the Pipelines Regulations 2017.	
<i>Climate Change Act 2017 (Vic)</i> ('Climate Change Act')	The Climate Change Act provides Victoria with a legislative foundation to manage climate change risks and drive the transition to a climate resilient community and economy with net zero emissions by 2050. The Act embeds the 2050 net zero emissions target and provides for the setting of five-yearly interim greenhouse gas emissions reduction targets, climate change strategies, and adaptation action plans to ensure the 2050 target is achieved and vulnerabilities to climate change impacts are reduced while potential opportunities are realised.	<p>A person making certain decisions or taking specified actions must have regard to—</p> <ul style="list-style-type: none"> (a) the potential impacts of climate change relevant to the decision or action (b) the potential contribution to the State's greenhouse gas emissions of the decision or action (c) any guidelines. <p>The decisions listed in the Schedule to the Climate Change Act that are relevant, are the decisions by the EPA Victoria as to whether a Development Licence or Operating Licence should be granted under the Environment Protection Act.</p>
Local		
Policy / guidelines / standards		
City of Greater Geelong Sustainability Framework, Action Plan 2020 - 2022	This document sets out the objectives and actions for the council and community for three key priority areas. Of relevance includes the objective to support the community and the city to reduce carbon emissions.	No permit or approval is required for the pipeline, although Section 49(g) of the Pipelines Act 2005 requires consideration of any written comments received from the Planning Minister or the relevant responsible authority on the effect of the proposed pipeline on the planning of the area through which it is to pass.
City of Greater Geelong Zero Carbon Emissions Strategy (2017 – 2020)	<p>The City of Greater Geelong has set an objective to support community sector greenhouse gas emissions reductions. The City has a goal to be carbon neutral by 2047.</p> <p>The strategy identifies that 6.2% of community emissions were from industrial processes in 2015 and is projected to decrease to 4.7% in 2035 due to planned closures of heavy manufacturing sites.</p>	No permit or approval is required for the pipeline, although Section 49(g) of the Pipelines Act 2005 requires consideration of any written comments received from the Planning Minister or the relevant responsible authority on the effect of the proposed pipeline on the planning of the area through which it is to pass.

2.4 Terrestrial and freshwater ecology

Table 4 Terrestrial ecology key legislation and policy

Document	Description	Implications for the project
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> ('EPBC Act')	The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage Matters of National Environmental Significance (MNES) including, but not limited to, World Heritage Properties,	<p>The project is a 'controlled action' requiring assessment and approval under the EPBC Act due to the following relevant controlling provisions:</p> <ul style="list-style-type: none"> • Ramsar wetlands (Sections 16 and 17B)

Document	Description	Implications for the project
	National Heritage Places, Ramsar sites, nationally listed threatened species and ecological communities and listed migratory species. The EPBC Act states that 'controlled' actions i.e. actions that are determined as likely to have a significant impact on a MNES are subject to assessment and approval under the EPBC Act.	<ul style="list-style-type: none"> listed threatened species and communities (Sections 18 and 18A) listed migratory species (Sections 20 and 20A) <p>The EES process is accredited to assess impacts on MNES under the EPBC Act through the Bilateral Assessment Agreement between the Australian and Victorian governments. Therefore, the project will be assessed under the bilateral agreement.</p>
Policy / guidelines / standards		
Weeds of National Significance (WoNS)	Species listed by the Australian Government as a current and future threat which require coordinated and strategic management involving landowners and land managers at all levels.	Although there are no statutory obligations for the project, similar to the CaLP Act, prevention of the introduction and spread of WoNS would need to be managed by the project.
State		
Legislation		
<i>Planning and Environment Act 1987 (Vic)</i> ('Planning and Environment Act')	The Planning and Environment Act establishes a framework for planning the use, development and protection of land in Victoria. The Act provides the standard provisions for planning schemes administered by local government including planning overlays and native vegetation removal regulations.	In accordance with Clause 52.17 of the VPPs, planning approval is ordinarily required for the removal of native vegetation. The project requires < 0.1 ha native vegetation removal within the pipeline corridor which triggers general unit offset prescriptions under the VPPs and Greater Geelong Planning Scheme. A planning permit under the Planning and Environment Act (Section 85 of the Pipelines Act) is not required, however, the project is still required to conform to the requirements of government policy such as the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> and the native vegetation removal regulations. Native vegetation removal and offsets are considered as part of the Pipelines Act approval.
<i>Flora and Fauna Guarantee Act 1988 (Vic)</i> ('FFG Act')	Identifies threatened species and communities and processes that require management to minimise threats to those species and communities.	A 'Permit to Take Protected Flora' would need to be sought from DELWP should vegetation containing species listed as Protected be required to be removed from public land.
<i>Flora and Fauna Guarantee Amendment Act 1999 (Vic)</i> ('FFG Amendment Act')	Introduced a Common Assessment Method (CAM) to achieve a consistent national approach to listing threatened species and identifies two categories of protected flora.	
<i>Catchment and Land Protection Act 1994 (Vic)</i> ('CaLP Act')	The CaLP Act is the main legislation governing the management of pest plants and animals in Victoria and establishes a framework for the management and protection of catchments through the management of land and water resources. The CaLP Act is administered by the Department of Jobs, precincts and	A range of CaLP Act-listed weeds are present within the project area and would need to be managed, in conjunction with other weed species, during the construction period through vehicle hygiene procedures specified in a CEMP.

Document	Description	Implications for the project
	<p>Regions. Under the CaLP Act, landowners have a responsibility to avoid causing or contributing to land degradation, including taking all reasonable steps to conserve soil, protect water resources, eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds and, where possible, eradicate established pest animals declared under the CaLP Act. The CaLP Act categorises weeds and their respective management requirements into:</p> <ul style="list-style-type: none"> • state prohibited weeds; • regionally prohibited weeds; • regionally controlled weeds; and • restricted weeds. 	
<i>Pipelines Act 2005 (Vic)</i> (‘Pipelines Act’)	This is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers ‘high transmission’ pipelines for the conveyance of gas, oil, and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for administering the Pipelines Act and the Pipelines Regulations 2017.	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the 7-kilometre pipeline. The Pipeline Licence provides the mechanism for regulation of native vegetation removal within the pipeline corridor and offset obligations through the imposition of conditions for the pipeline.
<i>Wildlife Act 1975 (Vic)</i> (‘Wildlife Act’)	Promotes protection and conservation of wildlife. Except for pest animals declared under the CaLP Act or wildlife declared to be unprotected wildlife, all fauna species indigenous to Victoria are listed as protected under the Wildlife Act. The Wildlife Act makes it an offence to hunt, take or destroy protected or threatened wildlife without authorisation.	The project may engage a suitably qualified wildlife handler holding a current management authorisation under the Wildlife Act to salvage any wildlife encountered during the construction program.
Policy / guidelines / standards		
Guidelines for the removal, destruction and lopping of native vegetation	Incorporated into the VPPs and all planning schemes in Victoria.	<p>The Guidelines define the approach to assessing and compensating for the removal of native vegetation and will need to be applied if a permit is required under Clause 52.16 or 52.17 of the Greater Geelong Planning Scheme for the project.</p> <p>The Guidelines should be applied or considered, as appropriate, in decision making under approval processes for the removal of native vegetation that fall outside planning schemes. For example, approval processes that allow exemptions from requiring a planning permit to remove native vegetation to be relied on, or approvals under the Pipelines Act.</p>
Greater Geelong Planning Scheme	Overlays within municipal planning scheme which relate to flora and fauna values	The pipeline passes through the former new Corio Estate subdivision now designated as

Document	Description	Implications for the project
Planning Policy Framework (PPF) Overlays	<p>include: Environmental Significance Overlays (ESOs), Vegetation Protection Overlays (VPOs) and Significant Landscape Overlays (SLOs).</p> <p>Approval is typically required to remove any vegetation, including dead vegetation from an area subject to an ESO unless a schedule to an ESO overlay states a permit is not required, if the table to Clause 42.01-3 specifies a permit is not required or the removal is in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.</p> <p>Approval is typically required to remove any vegetation from an area subject to a VPO unless the table to Clause 42.02-3 (VPO), 42.03-3 (SLO) specifies a permit is not required or the removal is in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16 (ESO/VPO).</p> <p>Approval is typically required to remove any vegetation from an area subject to a SLO unless the table to Clause 42.03-3 specifies a permit is not required.</p>	<p>the Corio Native Grassland Reserve within ESO2 (Grasslands within the Werribee Plains Hinterland), and through Hovells Creek Reserve and the existing foreshore compound pipe tracks within ESO4 (High value wetlands and associated habitat protection).</p> <p>Approval would be required to remove any vegetation including dead vegetation in area subject to an ESO, VPO or SLO unless an exemption applies.</p>

2.5 Surface water

Table 5 Surface water key legislation and policy

Document	Description	Implication for the project
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> ('EPBC Act').	<p>The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage Matters of National Environmental Significance (MNES) including, but not limited to, World Heritage Properties, National Heritage Places, Ramsar sites, nationally listed threatened species and ecological communities and listed migratory species. The EPBC Act states that 'controlled' actions i.e. actions that are determined as likely to have a significant impact on a MNES are subject to assessment and approval under the EPBC Act.</p>	<p>On 21 January 2021, the delegate for the Commonwealth Minister for the Environment determined the project to be a controlled action due to potential significant impact on MNES including the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site. The EES process is accredited to assess impacts on MNES under the EPBC Act through the Bilateral Assessment Agreement between the Australian and Victorian governments. Therefore, the project will be assessed under the bilateral agreement.</p> <p>Assessment of the project under the Environment Effects Act and the EPBC Act must consider likely impacts on the ecological character and habitat values of the Ramsar site, and identify measures to</p>

Document	Description	Implication for the project
		avoid or mitigate significant impacts of the project.
State		
Legislation		
<i>Water Act 1989 (Vic)</i> ('Water Act')	The Water Act provides the legal framework for the integrated management of Victoria's water resources. The main purpose of the Water Act is to promote the efficient and equitable use of water resources and ensure water resources are conserved and appropriately managed for sustainable use. The Water Act provides a formal means of protecting and enhancing waterway flow, water quality and catchment conditions.	Under the Water Act, the Corangamite Catchment Management Authority (CCMA) have been given the power to implement by-laws which apply within the catchment management authority's waterway management district. CCMA would authorise works on designated waterways via an authority permit in accordance with By-law No. 4 - Waterways Protection. Consent for minor waterway work would be required for the pipeline crossing of the artificial watercourse within Hovells Creek Reserve.
<i>Environment Protection Act 2017 (Vic)</i> ('Environment Protection Act')	The Environment Protection Act aims to protect Victoria's air, water and land by adopting a 'general environment duty' (GED) which imposes a broad obligation on entities and individuals to take proactive steps to minimise risks of harm to human health and the environment from pollution or waste. The Environment Protection Authority administers the Environment Protection Act and subordinate legislation.	The Environment Protection Act regulates discharges to land, surface water or groundwater by a system of Development and Operating Licences. Any discharge into a waterway or groundwater during the construction or operation of the project must be in accordance with the requirements of the Environment Protection Act. The GED requires all reasonably practicable steps be taken to minimise impacts from the construction and operation of the project.
<i>Pipelines Act 2005 (Vic)</i> ('Pipelines Act')	This is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the conveyance of gas, oil and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for administering the Pipelines Act and the Pipelines Regulations 2017.	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the pipeline. The Construction Environmental Management Plan (CEMP), required prior to construction of the pipeline, would include measures to minimise impacts on surface water during construction.
Policy / guidelines / standards		
Environment Reference Standard	This Environment Reference Standard (ERS) is made under section 93 of the <i>Environment Protection Act 2017</i> . It sets out the environmental values of the ambient air, ambient sound, land and water environments that are sought to be achieved or maintained in Victoria and standards to support those values. Environmental values are the uses, attributes and functions of the environment that Victorians value. Standards for the environmental values are comprised of objectives for supporting different uses of the environment and indicators that can be	The project would seek to minimise the potential for impacts on surface water quality to ensure that existing environmental values are protected, with priority given to maintaining environmental values of areas of high conservation value (Ramsar sites). The project would seek to meet environmental quality objectives and indicators to ensure that pollutants into receiving waters are at a level that supports the maintenance or improvement of the current condition within the bounds of natural variations.

Document	Description	Implication for the project
	measured to determine whether those objectives are being met.	
EPA Publication 1992: Guide to Environment Reference Standard	Provides guidance on how the ERS should be applied and how to interpret environmental values, indicators and objectives for each element of the environment	Used as required when considering the application of the ERS for the project.
EPA Publication 1834: Civil construction, building and demolition guide	Provides general information on how to avoid and minimise environmental impacts from construction activities.	The project seeks to mitigate and control potential impacts to surface waters in accordance with EPA Publication 1834.

2.6 Groundwater

Table 6 Groundwater key legislation and policy

Document	Description	Implication for the project
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> ('EPBC Act').	The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage Matters of National Environmental Significance (MNES) including, but not limited to, World Heritage Properties, National Heritage Places, Ramsar sites, nationally listed threatened species and ecological communities and listed migratory species. The EPBC Act states that 'controlled' actions i.e. actions that are determined as likely to have a significant impact on a MNES are subject to assessment and approval under the EPBC Act.	On 21 January 2021, the delegate for the Commonwealth Minister for the Environment determined the project to be a controlled action due to potential significant impact on MNES including the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site. The EES process is accredited to assess impacts on MNES under the EPBC Act through the Bilateral Assessment Agreement between the Australian and Victorian governments. Therefore, the project will be assessed under the bilateral agreement. Assessment of the project under the Environment Effects Act and the EPBC Act must consider likely impacts on the ecological character and habitat values of the Ramsar site, and identify measures to avoid or mitigate significant impacts of the project.
State		
Legislation		
<i>Water Act 1989 (Vic)</i> ('Water Act')	The Water Act provides the legal framework for the integrated management of Victoria's water resources. The main purpose of the Water Act is to promote the efficient and equitable use of water resources and ensure water resources are conserved and appropriately managed for	Bore construction licences were obtained from Southern Rural Water for the installation of monitoring wells as part of the EES assessment process (refer Technical Report F: <i>Groundwater impact assessment</i>).

Document	Description	Implication for the project
	sustainable use. The Act applies to the management of groundwater and imposes licensing requirements in relation to the dewatering of groundwater. For groundwater in southern Victoria, DELWP has delegated this responsibility to Southern Rural Water (including licensing).	
<i>Environment Protection Act 2017 (Vic)</i> ('Environment Protection Act')	The Environment Protection Act aims to protect Victoria's air, water and land by adopting a 'general environment duty' (GED) which imposes a broad obligation on entities and individuals to take proactive steps to minimise risks of harm to human health and the environment from pollution or waste. The Victorian Environment Protection Authority (EPA) administers the Environment Protection Act and subordinate legislation.	The Environment Protection Act regulates discharges to land, surface water or groundwater by a system of permissions. Any discharge into a waterway or groundwater during the construction or operation of the project must be in accordance with the requirements of the Environment Protection Act and subordinate legislation. The GED requires all reasonably practicable steps be taken to minimise impacts to human health and the environment from the construction and operation of the project.
<i>Pipelines Act 2005 (Vic)</i> ('Pipelines Act')	This is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the conveyance of gas, oil and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for administering the Pipelines Act and the Pipelines Regulations 2017.	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the pipeline. The Construction Environmental Management Plan (CEMP), required prior to construction of the pipeline, would include measures to minimise impacts on groundwater during construction.
Policy / guidelines / standards		
Environment Reference Standard (ERS)	This Environment Reference Standard (ERS) is made under section 93 of the <i>Environment Protection Act 2017</i> . It sets out the environmental values of the ambient air, ambient sound, land and water environments that are sought to be achieved or maintained in Victoria and standards to support those values. Environmental values are the uses, attributes and functions of the environment that Victorians value. Standards for the environmental values are comprised of objectives for supporting different uses of the environment and indicators that can be measured to determine whether those objectives are being met.	The project would seek to minimise the potential for impacts on groundwater to ensure that existing environmental values are protected, with priority given to maintaining environmental values of areas of high conservation value (Ramsar sites).
EPA Publication 1992: Guide to Environment Reference Standard	provides guidance on how the ERS should be applied and how to interpret environmental values, indicators and objectives for each element of the environment	Used as required when considering the application of the ERS for the project

Document	Description	Implication for the project
EPA Publication 1834: Civil construction, building and demolition guide	provides general information on how to avoid and minimise environmental impacts from construction activities.	The project seeks to mitigate and control potential impacts groundwater in accordance with EPA Publication 1834

2.7 Contamination and acid sulfate soils

Table 7 Contaminated land key legislation and policy

Document	Description	Implications for the project
Commonwealth		
Legislation		
<i>National Environment Protection Act 1994 (Cth)</i> ('National Environment Protection Act')	The National Environment Protection Act allows the National Environment Protection Council (NEPC) to issue National Environment Protection Measures (NEPMs). These measures are framework documents containing national environmental protection objectives. National Environment Protection (Assessment of Site Contamination) Measure, 1999 (ASC NEPM) as amended in 2013 ensures there is a nationally consistent approach to the assessment of contamination. In Victoria, the ASC NEPM is mainly implemented through the State policies such as the Environmental Reference Standard and guidelines	Site contamination assessment for the project must be in accordance with the amended ASC NEPM 2013.
Policy / guidelines / standards		
National Acid Sulfate Soil Sampling and Identification methods manual, 2018	This guidance provides current good practice management for acid sulfate soil investigations and sampling for management purposes.	Should be referenced for technical and practical advice on the identification and sampling of acid sulfate soil materials, both prior to undertaking contaminated land assessments and during assessments.
National Acid Sulfate Soil identification and laboratory methods manual, 2018	This guidance document covers the final two stages of an acid sulfate soil investigation process, including laboratory analysis and reporting of results.	Presents the current best practice laboratory methods for analysing and testing acid sulfate soil. Provides guidance on the interpretation of laboratory results for acid sulfate soil testing, following field investigations.
Heads of EPA Australia and New Zealand PFAS National Environmental Management Plan 2.0 (PFAS NEMP 2.0)	The PFAS NEMP 2.0 provides new and revised PFAS guidance on environmental guideline values, soil reuse, wastewater management and on-site containment. This version supersedes the first version of the NEMP published in 2018.	Although not endorsed by the Environment Minister in Victoria, the PFAS NEMP 2.0 forms part of the project's <i>State of Knowledge</i> and should be considered as part of the guidance and standards for managing PFAS in dredged material.

Document	Description	Implications for the project
Australian Standard (AS) 4482.1 – 2005: Guide to the investigation and sampling of sites with potentially contaminated soil Part 1: Non-volatile and semi-volatile compounds	Provides guidance for the reliable sampling and investigation of contaminated land in Australia.	The investigation program for the assessment of onshore contamination in the project area was developed with consideration to AS 4482.1 – 2005 and AS 4482.2 – 1999.
AS 4482.2 – 1999: Guide to the sampling and investigation of potentially contaminated soil Part 2: Volatile substances		
State		
Legislation		
<i>Environment Protection Act 2017 (Vic)</i> ('Environment Protection Act')	The Environment Protection Act aims to protect Victoria's air, water and land by adopting a 'General Environmental Duty' (GED) which imposes a broad obligation on entities and individuals to take proactive steps to minimise risks of harm to human health and the environment from pollution or waste. The Victorian Environment Protection Authority (EPA) administers the Environment Protection Act and subordinate legislation.	The Environment Protection Act regulates discharges to land, surface water or groundwater by a system of Development and Operating Licences. Any discharge into a waterway or groundwater during the construction or operation of the project must be in accordance with the requirements of the Environment Protection Act. The GED requires all reasonably practicable steps be taken to minimise impacts from the construction and operation of the project.
Environment Protection Regulations 2021 (Environment Protection Regulations)	The Environment Protection Regulations 2021 enable elements of the Environment Protection Act to function.	Regarding waste management, Environment Protection Regulations provide detail on how waste should be classified (Schedule 5) and categorised (Schedule 6) where required. Once categorised, waste can only be sent to a place authorised to receive that waste.
<i>Water Act 1989 (Vic)</i> ('Water Act')	The Water Act provides the legal framework for the integrated management of Victoria's water resources. The main purpose of the Water Act is to promote the efficient and equitable use of water resources and ensure water resources are conserved and appropriately managed for sustainable use. The Act applies to the management of groundwater and imposes licensing requirements in relation to the dewatering of groundwater.	Bore construction licences were obtained from Southern Rural Water for the installation of monitoring wells as part of the EES assessment process (refer Technical Report F: <i>Groundwater impact assessment</i>).

Document	Description	Implications for the project
	For groundwater in southern Victoria, DELWP has delegated this responsibility to Southern Rural Water (including licensing).	
<i>Pipelines Act 2005 (Vic)</i> (‘Pipelines Act’)	This is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers ‘high transmission’ pipelines for the conveyance of gas, oil and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for administering the Pipelines Act and the Pipelines Regulations 2017.	The project requires a Pipeline Licence(s) under the Pipelines Act for the construction and operation of the pipeline. The CEMP, required prior to construction of the pipeline, would include measures to minimise contamination and acid sulfate soil impacts during construction.
Policy / guidelines / standards		
Environment Reference Standard	This Environment Reference Standard (ERS) is made under section 93 of the <i>Environment Protection Act 2017</i> . It sets out the environmental values of the ambient air, ambient sound, land and water environments that are sought to be achieved or maintained in Victoria and standards to support those values. Environmental values are the uses, attributes and functions of the environment that Victorians value. Standards for the environmental values are comprised of objectives for supporting different uses of the environment and indicators that can be measured to determine whether those objectives are being met.	The project would seek to minimise the potential for impacts to land and water (including marine/surface water and groundwater) to ensure that existing environmental values are protected, with priority given to maintaining environmental values of areas of high conservation value (Ramsar sites). The ERS is made up of reference standards and contains environmental values, indicators and objectives for water land environments. Although the ERS does not describe levels that it is acceptable to pollute up to, the ERS provides a foundation for environmental monitoring and reporting in the context of contamination.
Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soil (CASS BPMG, 2010)	The BPMG provide a risk identification approach to assist in decision making for the assessment and management of coastal acid sulfate soils	Methodology used in the acid sulfate soils assessment
EPA Publication 1828 Waste Disposal Categories – Characteristics and Thresholds	EPA Publication 1828 Waste Disposal Categories – Characteristics and Thresholds supports the waste duties specified in the Environment Protection Act and Environment Protection Regulations by providing the criteria used to categorise waste spoil	Soil analytical results from the contaminated land field assessment are compared to the criteria listed in EPA Publication 1828, where applicable, to determine disposal and reuse options
EPA Publication 1669.4 Interim Position Statement on PFAS	This publication outlines EPA’s current state of knowledge regarding PFAS. It provides guidance on EPA’s current approach to the assessment and management of PFAS sources and how to approach potential contamination	EPA Publication 1669.4 Interim Position Statement on PFAS provides interim criteria for the reuse of PFAS-impacted soil, however it is noted that where there are any detections of PFAS in soil, the requirements for management of this soil should still be

Document	Description	Implications for the project
		clarified with EPA, regardless of whether or not the re-use criteria are exceeded
EPA Industrial Waste Management Policy (Waste Acid Sulfate Soils)	The Policy sets out the requirements and responsibilities for managing the disposal and reuse of waste acid sulfate soils	Acid sulfate soils must be managed in accordance with the requirements of the EPA Industrial Waste Management Policy (Waste Acid Sulfate Soils) and EPA Publication 655.1 Acid Sulfate Soil and Rock
EPA Publication 655.1 Acid Sulfate Soil and Rock.	Provides guidance on identifying, classifying and managing acid sulfate soils and rock	

2.8 Air quality

Table 8 Air quality key legislation and policy

Document	Description	Implications for the project
Commonwealth		
Legislation		
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (Cth)</i> ('Protection of the Sea Act')	<p>The International Convention for the Prevention of Pollution from Ships (MARPOL) is the primary international convention for addressing ship sourced pollution and is implemented in Australia through The Protection of the Sea Act and the <i>Navigation Act 2012</i>.</p> <p>The Protection of the Sea Act provides the legal framework to protect the environment from ship emissions.</p> <p>The Act includes a number of enforcement-related provisions derived from the United Nations Convention on the Law of the Sea.</p>	The Protection of the Sea Act prescribes a limit for sulfur content in fuel oil used by the FSRU and LNG carriers. As the FSRU and LNG carriers operate primarily on gas, it is anticipated there will be minimal sulfur content in the emissions.
<i>National Environment Protection Council Act 1994 (Cth)</i> ('NEPC Act') – National Environment Protection Measure (Ambient Air Quality) (AAQ NEPM)	<p>The NEPC Act establishes a framework for the preparation of National Environment Protection Measures (NEPMs). The NEPMs are a set of national objectives designed to assist in protecting or managing particular aspects of the environment.</p> <p>The AAQ NEPM sets national standards for the management of air emissions to the environment. It sets intervention levels, indicating levels of which air emissions would begin to be detrimental to human health on a national level.</p>	<p>The AAQ NEPM sets the standard and goals to achieve equivalent population exposure that protects the beneficial uses of the air environment.</p> <p>The assessment of the air emissions from the project will consider the AAQ NEPM for ambient air quality, in conjunction with the ERS and EPA Victoria Guideline for Assessing and Minimising Air Pollution in Victoria (May 2021).</p>
State		
Legislation		
<i>Environment Protection Act 2017 (Vic)</i>	The Environment Protection Act aims to protect Victoria's air, water and land by adopting a 'general environment duty' (GED) which imposes a broad obligation	The Environment Protection Act regulates discharges to air by a system of Development and Operating Licences. Any discharge to air during the construction or

Document	Description	Implications for the project
('Environment Protection Act')	on entities and individuals to take proactive steps to minimise risks of harm to human health and the environment from pollution or waste. The Environment Protection Authority administers the Environment Protection Act and subordinate legislation.	operation of the project must be in accordance with the requirements of the Environment Protection Act. The GED requires all reasonably practicable steps be taken to minimise impacts from the construction and operation of the project.
Environment Protection Regulations 2021 (Environment Protection Regulations)	Schedule 1 of the Environment Protection Regulations lists prescribed permission activities that require a Development and/or Operating Licence under the Environment Protection Act. Activities which exceed air emissions thresholds are included in the list of prescribed development or operating activities.	The project requires a Development Licence and Operating Licence for the FSRU.
<i>Pipelines Act 2005 (Vic)</i> ('Pipelines Act')	This is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the conveyance of gas, oil and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for administering the Pipelines Act and the Pipelines Regulations 2017.	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the pipeline. Air quality mitigation measures for the construction of the pipeline would be included in the pipeline CEMP to minimise dust and air quality impacts.
Policy / guidelines / standards		
Environment Reference Standard (ERS)	The ERS sets out the environmental values of the ambient air that are sought to be achieved or maintained in Victoria and standards to support those values. The ERS generally adopts the objectives in the AAQ NEPM with some modifications. The ERS also contains other environmental values, indicators and/or objectives that are not in the AAQ NEPM.	EPA must consider the environmental values in the ERS when deciding whether or not to issue development, operating and pilot project licences.
EPA Publication 1992: Guide to Environment Reference Standard	Provides guidance on how the ERS should be applied and how to interpret environmental values, indicators and objectives for each element of the environment	Used as required when considering the application of the ERS for the project
EPA Publication 1961: Guideline for Assessing and Minimising Air Pollution in Victoria	Provides a framework and Air Quality Assessment Criteria (AQACs) to assess and control risks associated with air pollution. The guideline addresses potential human health and environmental impacts associated with outdoor air pollution emitted from commercial, industrial, agricultural, transport, mining and extractive activities	Ground level impacts of air emissions (construction and operation) should comply with the air quality standards and objectives provided in Guideline.

2.9 Noise and vibration

Table 9 Noise and vibration key legislation and policy

Document	Description	Implications for the project
International		
Policy / guidelines / standards		
German Standard DIN 4150-3:1999 Structural Vibration in Buildings – Effects on Structures (DIN 4150-3)	DIN 4150-3 provides a method for measuring and assessing the effects of vibration on structures. The standard provides acceptable levels and thresholds of short-term and long-term vibration, taking into account any fatigue-related structure failures. The standard is directed towards preventing cosmetic damage such as crack formation in plaster, rather than damage to reinforced concrete structures.	Thresholds presented in DIN 4150:3 are generally considered to be conservative. DIN 4150:3 has been applied to the project to avoid damage to sensitive buildings and underground services where relevant during construction.
British Standard BS6472-1:2008 Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting (BS6472-1)	BS6472-1 provides guidance on vibration levels for four different sensitive uses in order to identify where vibration may cause annoyance. For residential uses, compliance with the level of perception is typically used where projects should be expected to have no adverse comments, sensations or complaints for the vast majority of persons. Acceptable vibration values are known to be dependent upon social and cultural factors, psychological attitudes and expected interference with privacy. The standard therefore provides a range of values based upon these expected variations.	BS6472-1 provides objectives for the commencement of mitigation actions and would be used to conduct measurement and review during construction and operation of the project. The standard has been applied to the project to determine where human annoyance is expected to be caused from vibration.
State		
Legislation		
<i>Environment Protection Act 2017 (Vic)</i> ('Environment Protection Act')	The Environment Protection Act aims to protect Victoria's air, water and land by adopting the 'general environment duty' (GED) which requires all individuals to take proactive steps to reduce the risk of harm to human health and the environment from pollution or waste. The Environment Protection Authority administers the Environment Protection Act and subordinate legislation.	Provisions under the Environment Protection Act include the GED and an obligation to not emit or permit to emit 'unreasonable noise'. Meeting the regulatory noise limits does not mean the GED has been met. The GED requires all reasonably practicable steps be taken to eliminate or reduce the risk from noise from the construction and operation of the project.
Environment Protection Regulations 2021 (Environment Protection Regulations)	The Environment Protection Regulations are used to further the purpose of and give effect to the Environment Protection Act. The Noise Protocol (see below) is encompassed within in full.	Even if the GED is met, the noise may be unreasonable if it exceeds the noise limits or considering the factors in the definition of unreasonable noise in Section 3(1) of the Environment Protection Act.
<i>Pipelines Act 2005 (Vic)</i> ('Pipelines Act')	The Pipelines Act is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the aboveground and underground pipeline. Mitigation measures

Document	Description	Implications for the project
	conveyance of gas, oil and other substances. DELWP and Energy Safe Victoria are responsible for administering the Act and the <i>Pipelines Regulations 2017</i> .	to manage noise and vibration impacts from the construction and operation of the pipeline would be included in the pipeline CEMP and OEMP.
Policy / guidelines / standards		
EPA Publication 1826: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues: March 2021 (Noise Protocol)	<p>The Noise Protocol explains how to determine operational noise criteria for new and existing commercial, industrial and trade premises and entertainment venues as defined by the Environment Protection Regulations.</p> <p>The Noise Protocol is a subordinate legislation document. It is required to be adhered to by law.</p>	<p>The Noise Protocol provides assessment criteria, including noise limits, for operational noise and dredging activity during construction.</p> <p>The criteria apply at all nearby sensitive receptors during the operation of the project. Meeting the regulatory noise limits does not mean the GED has been met. In addition to setting noise limits for industry, the EP Act 2021 requires that industry should take all reasonably practicable steps to eliminate or reduce the risk from noise.</p> <p>The Noise Protocol also provides guidance for the assessment and management of cumulative noise from multiple industrial premises (existing and planned).</p>
EPA Publication 1856: Reasonably Practicable (EPA Publication 1856)	EPA Publication 1856 provides an overview on how to determine and apply what is reasonably practicable under the GED.	The Project is required to determine what is reasonably practicable in order to put in proportionate controls to mitigate or minimise the risk of harm due to noise and vibration.
Environment Reference Standard (ERS)	<p>The ERS is made under section 93 of the Environment Protection Act to support the protection of human health in Victoria. It sets out the environmental values of the ambient air, ambient sound, land and water environments that are sought to be achieved or maintained in Victoria and standards to support those values.</p> <p>Environmental values are the uses, attributes and functions of the environment that Victorians value. Standards for the environmental values are comprised of objectives for supporting different uses.</p> <p>The ERS sets out objective noise levels based on Victoria's planning zones. The noise levels outlined in the ERS are objectives and are neither noise limits nor noise design criteria.</p>	<p>The ERA identifies environmental values to support the following: sleep at night, child learning and development and human tranquillity and the enjoyment of outdoors in natural areas.</p> <p>The project is required to consider residual risks from construction noise and operation on the environmental reference values regardless of its compliance with other applicable criteria. Priority should be given to maintaining environmental values of "natural areas" for human tranquillity and enjoyment outdoors.</p>
EPA Publication 1992: Guide to Environment Reference Standard	provides guidance on how the ERS should be applied and how to interpret environmental values, indicators and objectives for each element of the environment	Used as required when considering the application of the ERS for the project.

Document	Description	Implications for the project
EPA Publication 1834: Civil construction, building and demolition guide (EPA Publication 1834)	EPA Publication 1834 supports the civil construction, building and demolition industries to eliminate or reduce the risk of harm to human health and the environment through good practice. The publication provides noise level recommendations for the assessment of construction noise.	EPA Publication 1834 outlines requirements for community consultation and work scheduling, noise reduction measures, noise criteria and unavoidable works. The EPA recommends that this guideline be considered during the preparation and implementation of an environmental management plan. This publication provides noise level recommendations for construction noise.

2.10 Landscape and visual

Table 10 Landscape and visual key legislation and policy

Document	Description	Implications for the project
State		
Legislation		
<i>Marine and Coastal Act 2018 (Vic)</i> ('Marine and Coastal Act')	The primary objective of the Marine and Coastal Act is to protect Victoria's marine and coastal environment. It provides an integrated and coordinated approach to planning and managing the Victorian marine and coastal environment by protecting the coastline and addressing the long-term challenges of climate change, population growth and ageing coastal structures.	Objectives and strategies outlined in the Marine and Coastal Act are used to inform the landscape value of coastal environments. In assessing whether to grant a consent under the Act for the FSRU, pier extension, aboveground pipeline and piping from the FSRU to the existing refinery cooling water intake the Minister for Energy, Environment and Climate Change must ensure the consent is consistent with the Marine and Coastal Policy and Strategy, in particular, relating to the protection and enhancement of significant natural features and landscapes in the marine and coastal environment.
<i>Planning and Environment Act 1987 (Vic)</i> ('Planning and Environment Act')	The Planning and Environment Act establishes a framework for planning the use, development and protection of land in Victoria. The Planning and Environment Act provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions (VPPs) and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.	For works not covered under the Pipelines Act such as the temporary loadout facility, pier extension, FSRU and treatment facility planning approval under the Greater Geelong Planning Scheme will be required which would have regard to visual amenity issues. A Planning Scheme Amendment (PSA) would seek to apply a Specific Controls Overlay (SCO) which enables site specific controls to override other requirements of the Scheme and apply an Incorporated Document to the area covered by the SCO.
Policy / guidelines / legislation		

Document	Description	Implications for the project
Planning Policy Framework (PPF) (Clause 12 – Biodiversity)	<p>The PPF is common to all planning schemes and is designed to improve the operation of policy and better align state and local policy. It is based on a three-tier structure that integrates regional, state, and local policy and sets the key policy direction for state planning issues.</p> <p>Clause 12 – Biodiversity: Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental, cultural and landscape values.</p> <p>Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements.</p>	<p>The PPF would be considered in the preparation of the Planning Scheme Amendment for the project.</p> <p>The policies in the relevant planning scheme may also inform an assessment of the visual impacts of the pipeline alignment as part of the Pipeline Licence considerations under Section 49(g) of the Pipelines Act.</p> <p>Clause 12 provides direction on the protection of significant open spaces, including sensitive landscapes such as wetlands and coastal areas.</p>
Marine and Coastal Policy 2020 (Note this policy replaces the 'policy for decision making' parts of the Victorian Coastal Strategy 2014)	The Marine and Coastal Policy guides the planning, management and sustainable use of the marine and coastal environment in Victoria and informs consents issued under the Marine and Coastal Act.	The project would need to align with the strategic directions and provisions of the Marine and Coastal Policy. The preparation of the Marine and Coastal Act consent applications for the project would consider the policy.
Local		
Policy / guidelines / standards		
<p>Greater Geelong Planning Scheme (the Scheme)</p> <p>Local Planning Policy Framework (LPPF) Clause 21</p>	<p>The Scheme expresses Greater Geelong City Council's (Council's) growth aspirations in relation to land use and development and outlines strategies and objectives to be achieved in future infrastructure development.</p> <p>The Scheme contains planning controls, provisions and requirements for planning approval under various zones, overlays and particular provisions which (without a planning scheme amendment) would apply to the project.</p> <p>The Scheme also articulates Planning Policy Frameworks and Local Planning Policy Frameworks relevant to the municipality that must be considered in preparation of the Planning Scheme Amendment (PSA).</p>	<p>Clause 21.04 Municipal Framework Plan identifies key settlement areas within the municipality and identifies increased housing diversity within Corio as well as nominating northern Geelong and western Geelong as future growth areas.</p> <p>Clause 21.05 Natural Environment outlines the significance of protecting remnant vegetation, especially within the urban and rural growth areas and identifies high value natural landscapes within Environmental Significance Overlays (ESO): ESO1 and ESO2 as part of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site.</p> <p>Clause 21.12 Geelong Port identifies the economic importance of the port area and outlines objectives and strategies for continued operation of the port area whilst balancing its impact within the surrounding context.</p>

Document	Description	Implications for the project
		The LPPF Clause 21 would be considered in the preparation of the PSA for the project. The policies in the planning scheme may also inform an assessment of the visual impacts of the pipeline alignment as part of the Pipeline Licence considerations under Section 49(g) of the Pipelines Act.

2.11 Land use

Table 11 Land use and planning key legislation and policy

Document	Description	Implications for the project
State		
Legislation		
<i>Planning and Environment Act 1987 (Vic)</i> (‘Planning and Environment Act’)	The Planning and Environment Act establishes a framework for planning the use, development and protection of land in Victoria. The Act provides for the preparation of planning schemes in each municipality consistent with the Victorian Planning Provisions (VPPs) and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.	<p>The Planning and Environment Act provides the context for the land use impact assessment.</p> <p>The Pipelines Act provides that a permit is not required under the Planning and Environment Act for the use or development of land, or the doing or carrying out of any matter or thing, for the purpose of a licenced pipeline.</p> <p>The temporary loadout facility, pier extension, FSRU and treatment facility will not be subject to the provisions of the Pipelines Act and will therefore require planning approval under the Greater Geelong Planning Scheme.</p> <p>A Planning Scheme Amendment (PSA) would seek to apply a Specific Controls Overlay (SCO) which enables site specific controls to override other requirements of the Scheme and apply an Incorporated Document to the area covered by the SCO.</p>
<i>Pipelines Act 2005 (Vic)</i> (‘Pipelines Act’)	This is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers ‘high transmission’ pipelines for the conveyance of gas, oil and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for administering the Pipelines Act and the Pipelines Regulations 2017.	<p>The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the pipeline.</p> <p>In determining the application for a licence the comments must be sought and considered from the Minister for Planning or the relevant responsible authority on the effect of the proposed pipeline on the land use planning of the area through which it is to pass.</p>
<i>Marine and Coastal Act 2018</i>	The Marine and Coastal Act aims to protect and manage Victoria’s marine and coastal environment. The Act provides an	The Marine and Coastal Act applies to the development and use of coastal Crown land between the outer limit of Victorian coastal

Document	Description	Implications for the project
(Vic) ('Marine and Coastal Act')	integrated and coordinated approach to planning and managing the marine and coastal environment by enabling protection of the coastline and the ability to address the long-term challenges of climate change, population growth and ageing coastal structures.	waters and 200m inland of the high-water mark of the sea. Consent from the Minister for Energy, Environment and Climate Change under the Marine and Coastal Act will be required for any works on marine and coastal Crown land. There are no approved local marine and coastal management plans prepared under the Marine and Coastal Act that apply to the project area.
<i>Occupational Health and Safety Act 2004 (Vic)</i> ('OHS Act') Occupational Health and Safety Regulations 2017 (OHS Regulations)	The OHS Act is the main workplace health and safety law in Victoria. The OHS Act seeks to protect the health, safety and welfare of employees and other people at work. It also aims to ensure that the health and safety of the public is not put at risk by work activities. The OHS Regulations include requirements for safe operation of Major Hazard Facilities (MHF).	To operate a MHF in Victoria a licence must be granted by WorkSafe Victoria (WSV). The licensing process includes assessment, clarification and verification of a safety case (prepared as a requirement of the OHS Regulations). Operators of a MHF must reduce risk to the surrounding area so far as is reasonably practicable where it cannot be eliminated. WSV provides advice on any residual risk to planning and responsible authorities in the development and implementation of appropriate planning zones and determination of planning applications.
Policy / guidelines / standards		
WorkSafe Victoria Publication WSV1331/01/03.10 Major Hazard Facilities: Land use planning near a Major Hazard Facility	Information to assist planning and relevant authorities ensure exposure to risks from potential low frequency-high consequence incidents at existing Major Hazard Facilities (MHF) is not increased by new developments or changes in land use surrounding them.	The extent of risk areas around a MHF are presented as an Inner Planning Advisory Area and an Outer Planning Advisory Area. The Inner Planning Advisory Area has a higher level of risk from potential low frequency - high consequence events than the Outer Planning Advisory Area. WorkSafe is progressively providing maps to each authority responsible for planning. These maps show the planning advisory areas for the MHF in their area affected by low frequency-high consequence events.
Marine and Coastal Policy 2020 (Marine and Coastal Policy)	The Marine and Coastal Policy guides the planning, management and sustainable use of the marine and coastal environment in Victoria and informs consents issued under the Marine and Coastal Act.	The project will need to align with the strategic directions and provisions of the Marine and Coastal Policy. The preparation of the Marine and Coastal Act consent application for the project will consider the policy.
Local		
Policy / guidelines / standards		
Greater Geelong Planning Scheme (the Scheme)	The Scheme expresses Greater Geelong City Council's growth aspirations in relation to land use and development and outlines strategies and objectives to be achieved in future infrastructure development.	The temporary loadout facility, pier extension, FSRU and treatment facility are not part of the licensed pipeline under the Pipelines Act and will require planning approval under the Scheme. Planning approval would ordinarily be required for

Document	Description	Implications for the project
	<p>The Scheme contains planning controls, provisions and requirements for planning approval under various zones, overlays and particular provisions which (without a planning scheme amendment) would apply to the project.</p> <p>The Scheme also articulates Planning Policy Frameworks and Local Planning Policy Frameworks relevant to the municipality that must be considered in preparation of the Planning Scheme Amendment (PSA)</p>	<p>these works under the following key provisions:</p> <ul style="list-style-type: none"> • Clause 37.09 (Port Zone) (PZ) • Clause 33.02 (Industrial 2 Zone) (IN2Z) • Clause 42.01 (Environmental Significance Overlay – Schedule 2) (ESO2) • Clause 44.04 (Land Subject to Inundation Overlay – Schedule 2) (LSIO2) • Clause 43.02 (Design and Development Overlay – Schedule 20) (DDO20) • Clause 52.17 (Native Vegetation) • Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) <p>A PSA is considered the most appropriate way to facilitate this planning approval through a coordinated and integrated process. The PSA would seek to apply a Specific Controls Overlay (SCO) to the land, which enables site specific controls to override other requirements of the Scheme and apply an Incorporated Document to the area where the SCO is applied.</p> <p>The PSA would provide a single planning approval for all parts of the project that would ordinarily require a planning permit under the Scheme. It would exempt any requirement of the Scheme that would ordinarily apply.</p>
Plan Melbourne 2017-2050 (Plan Melbourne)	<p>Plan Melbourne is the Victorian Government's overarching strategic plan for metropolitan Melbourne and its surrounding areas, including the port. It sets out directions, initiatives and actions for land use, transport and infrastructure.</p> <p>Plan Melbourne is referenced in the state policies contained within the Scheme.</p>	<p>Plan Melbourne is relevant to the evaluation of the project and the PSA required to facilitate it. In particular, the PSA delivers on policies within Plan Melbourne that recognise the need to protect state-significant industrial precincts such as the existing refinery.</p>

2.12 Transport

Table 12 Transport key legislation and policy

Document	Description	Implications for the project
Commonwealth		
Policy / guidelines / standards		
AS1742.3 2009 – Manual of uniform traffic control	AS1742.3 specifies the traffic control measures and devices to be used to warn, instruct and guide road users in the safe	1742.3 sets out all matters to be considered as being essential to a Traffic Management Plan such as traffic demand, traffic routing,

Document	Description	Implications for the project
devices - traffic control for works on road	negotiation of work sites on roads including unsealed roads together with footpaths, shared paths and bicycle paths adjacent to the roadway.	traffic control, special vehicle requirements and over-dimensional vehicles which would be developed at a later stage of the project.
Austrroads – Guide to Road Design (AGRD) Part 3: Geometric Design Part 4: Intersections and Crossings	The ARGD is one of a set of comprehensive Austrroads Guides developed to provide a primary national reference for the development of safe, economical and efficient road design solutions.	<p>AGRD Part 3 provides guidance on geometric requirements for Australian Roads. This guide shall be used to determine likely impacts of changes to road profiles and characteristics resulting from the project and its associated traffic.</p> <p>AGRD Part 4 provides guidance on intersection design such as design considerations, design process, choice of design vehicle, pedestrian and cyclist crossing treatments, provision for public transport and property access. This is particularly relevant to the project as it is anticipated to potentially impact road access.</p>
State		
Legislation		
<i>Road Management Act 2004 (Vic)</i> ('Road Management Act') Associated regulations include Road Management Act (General) Regulations 2016 and Road Management Act (Works and Infrastructure) Regulations 2015.	The Road Management Act provides a statutory framework for the management of Victorian road networks and the coordination of road reserves for roadways, pathways, infrastructure and similar purposes. The Minister for Roads and Minister for Road Safety and the TAC are jointly and severally responsible for the management of roads within a Road Zone, Category 1, and local councils are responsible for all other roads.	This Act and associated Regulations must be complied with for all public roads of the Victorian road network. The Act sets out general principles and obligations for which the road authority is responsible for administering. The Road Management Act requires approval for any construction project that may impact or change access of a controlled access road. Construction of the pipeline may require road closures temporarily impacting traffic. The CEMP to be prepared in accordance with the Pipeline Licence would require the preparation of a Traffic Management Plan to mitigate impacts to traffic during construction.
<i>Transport Integration Act 2010 (Vic)</i>	The Act provides a legislative framework for transport in Victoria. The Act seeks to integrate land use and transport planning and decision-making by applying the framework to land use agencies whose decisions can significantly impact on transport. The Act requires agencies, including the Department of Transport and Planning Authorities, to consider the potential impact of land use planning proposals on transport.	<p>This Act sets out six transport system objectives and eight decision-making principles.</p> <p>These objectives include triple bottom line assessment: economic prosperity, social and economic inclusion and environmental sustainability. Other objectives include:</p> <ul style="list-style-type: none"> • Integration of transport and land use • Efficiency, coordination and reliability • Safety and health and wellbeing <p>These objectives and principles would need to be considered by decision-makers in relation to approvals for works in Road</p>

Document	Description	Implications for the project
		Reserves, alterations to roads and in approving the Traffic Management Plan (s).
<i>Road Safety Act 1986 (Vic)</i> Road Safety Road Rules, 2017.	The Road Safety Rules provide road rules that are substantially consistent across Australia. The rules also specify behaviour for all road users.	This framework is used in the transport impact assessment as the basis to assess safe and efficient traffic movements on roads.
<i>Road Safety Act 1986 (Vic)</i> Road Safety (Traffic Management) Regulations, 2009.	The Traffic Management Regulations set out the responsibilities of road authorities and related bodies in implementing traffic control devices on roads (including for traffic management at worksites).	The project would follow the requirements outlined in the Traffic Management Regulations should traffic control devices on roads be necessary. The transport impact assessment uses this framework as a reference to prescribe traffic management requirements.
Policy / guidelines / standards		
Department of Transport (VicRoads) – Road Management Plan	The VicRoads Road Management Plan details the management and maintenance of roads registered under the VicRoads register of public roads. VicRoads manages its infrastructure in five phases: development of standards and guidelines, development of a maintenance program, implementation of the management program, auditing and review. The VicRoads road management plan also details maintenance inspection and response schedules.	Ensuring site access and maintenance of the road network is to the satisfaction of the Department of Transport (VicRoads) in terms of its road assets impacted by the project.
Victorian Road Safety Strategy 2021 - 2030	This strategy commits to the ambitious target of eliminating death from Victorian roads by 2050, with the first step of halving road deaths by 2030.	Safety considerations represent a critical focus of the transport impact assessment.
Local		
Policy / guidelines / standards		
Greater Geelong Planning Scheme	Notable planning clauses relating to traffic and transport, include: <ul style="list-style-type: none"> 18.01-2S transport systems 18.02-4S car parking 52.06 car parking 	Ensuring project meets required planning scheme standards with regards to traffic and transport. This includes: <ul style="list-style-type: none"> Maintaining a safe and efficient road network Ensuring adequate supply of car parking during both construction and operational phases of the project

2.13 Social and business

Table 13 Social and business key legislation and policy

Document	Description	Implications for the project
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> ('EPBC Act')	The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage Matters of National Environmental Significance (MNES) including, but not limited to, World Heritage Properties, National Heritage Places, Ramsar sites, nationally listed threatened species and ecological communities and listed migratory species. The EPBC Act states that 'controlled' actions i.e. actions that are determined as likely to have a significant impact on a MNES are subject to assessment and approval under the EPBC Act.	On 21 January 2021, the delegate for the Commonwealth Minister for the Environment determined the project to be a controlled action due to potential significant impact on MNES including the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site (a wetland of international significance). The wetlands to the north of the project area create social benefit through activities such as bird watching, as well as walking, cycling, sailing and kayaking within and near the wetlands.
State		
Legislation		
<i>Transport Integration Act 2010 (Vic)</i> <i>Planning and Environment Act 1987 (Vic)</i> <i>Environment Protection Act 2017 (Vic)</i> <i>Pipelines Act 2005 (Vic)</i> <i>Marine and Coastal Act 2018 (Vic)</i>	State legislation sets out a planning framework and obligations required to minimise impacts on communities and businesses associated with the construction, operation and decommissioning of the project. Relevant acts cover planning and development, protecting the environment, integrating transport decision-making, and the construction and operation of pipelines.	Potential impacts of the project have been considered through 17 technical studies.
Policy / guidelines / standards		
Victorian public health and wellbeing plan 2019 - 2023	Describes the approach to delivering improved public health and wellbeing outcomes.	The plan sets out public health and well being targets and priorities for the next four years
Victoria's Climate Change Strategy (2021)	Currently in development, this Strategy outlines Victoria's pathway to achieve net zero emissions by 2050.	The project would need to consider the initiatives outlined in the Strategy.
Marine and Coastal Policy 2020	The Marine and Coastal Policy guides the planning, management and sustainable use of the marine and coastal environment in Victoria and informs consents issued under the Marine and Coastal Act.	The project would need to align with the strategic directions and provisions of the Marine and Coastal Policy.

Document	Description	Implications for the project
Local		
Policy / guidelines / standards		
Greater Geelong Planning Scheme (the Scheme)	The Scheme expresses Greater Geelong City Council's growth aspirations in relation to land use and development and outlines strategies and objectives to be achieved in future infrastructure development.	The Scheme is critical to ensuring the project meets required land use planning standards with regards to the economic and social wellbeing of society. The planning scheme sets out policies and provisions for the use, development and protection of land in Greater Geelong, whilst supporting the wider regional and State policies for development within Victoria.
Plan Melbourne 2017 – 2050 (Plan Melbourne)	Plan Melbourne is the Victorian Government's overarching strategic plan for metropolitan Melbourne and its surrounding areas, including the port. It sets out directions, initiatives and actions for land use, transport and infrastructure.	Plan Melbourne is referenced in the state policies contained within the Scheme and recognises the need to protect state-significant industrial precincts such as the Port of Geelong.
G21 Geelong Region Plan, G21 Regional Growth Plan and G21 Region Economic Development Strategy	Strategic frameworks for the Geelong Region Alliance, including Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast.	The plans identify and address key regional opportunities and challenges, including significant disadvantage in the suburbs surrounding the project site, a regional dependence on non-renewable energy, and the critical nature of port infrastructure.
Greater Geelong: A Clever and Creative Future	A Clever and Creative Future is a 30 year vision for Greater Geelong. By 2047, Greater Geelong will be internationally recognised as a clever and creative city-region that is forward looking, enterprising and adaptive and cares for its people and environment.	The plan provides a guide for all levels of government, community organisations, businesses and anyone wanting to make a genuine contribution to the city-region.
Our Community Plan 2021 - 25	Our Community Plan (the Council plan) is set by Greater Geelong City Council to outline how they will work towards making Greater Geelong a 'clever and creative' city-region.	These plans provide a guide to community values and how members of the social and business communities might perceive the project. Identified priorities include supporting the reduction of emissions and building resilience to climate change; promoting and leveraging the competitive strengths and attractiveness of the region, globally, nationally and locally; addressing the high levels of disadvantage and unemployment in parts of the region; and easy access to open space
Social Infrastructure Plan – Generation One 2020 - 23	The plan outlines investment priorities and community needs relating to social infrastructure in the city of Greater Geelong	
Geelong Environment Strategy 2020 - 30	The purpose of The City of Greater Geelong Environment Strategy 2020-2030 is to define and communicate how the City of Greater Geelong will protect and improve its regional environment	
Climate Change Response Plan 2021 - 30	This plan identifies how the City of Greater Geelong will support community and business efforts to reduce greenhouse gas emissions. The plan sets out key targets	

Document	Description	Implications for the project
	for all City-managed operations to reach net zero emissions by 2025.	

2.14 Safety, hazard and risk

Table 14 Safety, hazard and risk key legislation and policy

Document	Description	Implications for the project
Commonwealth		
Legislation		
<i>Navigation Act 2012 (Cth)</i> ('Navigation Act')	<p>The Navigation Act empowers the Australian Maritime Safety Authority (AMSA) to inspect vessels and to carry out and enforce national and international standards on the safety of life and navigation and on prevention of pollution of the marine environment.</p> <p>The Navigation Act also enables more detailed regulation by Marine Orders issued under that Act. The key applicable Marine Orders are described below.</p>	AMSA is the responsible authority for verifying that the FSRU is safe. AMSA is the responsible authority regarding international conventions giving responsibility to Australia to control ships in Australian waters so that they do not threaten safety or the environment.
Marine Order 17 (Chemical tankers and gas carriers)	Sets the certification requirements for vessels carrying liquefied gases in bulk, and safe operation of gas carriers.	The FSRU and LNG carriers must have the required certificates and comply with international convention standards about construction and equipment.
Marine Order 32 (Cargo handling equipment)	Prescribes matter for the equipment of a vessel that is used for loading and unloading cargo of the vessel.	AMSA may prohibit loading / unloading if it is likely to be unsafe and may impose conditions to ensure safety.
Marine Order 41 (Carriage of dangerous goods)	Applies to the carriage of dangerous goods (notifications and proper precautions) on a regulated Australian vessel and a foreign vessel.	AMSA may intervene if loading, stowage, carriage and unloading of dangerous goods is likely to be unsafe and may impose conditions to ensure safety.
Marine Order 58 (Safe management of vessels)	Implements the International Safety Management (ISM) Code governing the safe operation of ships and pollution prevention.	Enables AMSA to confirm that required safety management system certificates are in place, and system is in accordance with the ISM Code.
Maritime Transport and Offshore Facilities Security Act 2003 ('Maritime Transport and Offshore Facilities Security Act')	The primary purpose of the Maritime Transport and Offshore Facilities Security Act is to provide a scheme that safeguards against unlawful interference with maritime transport or offshore facilities. It provides a regulatory framework centred on the development of security plans for ships, other maritime transport operations and offshore facilities.	<p>A maritime security plan must be approved by the Aviation and Maritime Security (AMS) Division.</p> <p>Maritime industry participants are required to maintain and comply with maritime security plans.</p>
Occupational Health and Safety (Maritime Industry) Act 1993	The purpose of this Act is the protection of maritime industry employees from risks to health and safety in their occupational environment.	This legislation would apply in the event that the FSRU is deemed to be a "prescribed ship" for the purposes of the Act.

Document	Description	Implications for the project
Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008 ('Protection of the Sea Act')	The Protection of the Sea Act Gives effect to the International Convention on Civil Liability for Bunker Oil Pollution Damage.	Any ship entering or leaving a port in Australia must carry an insurance certificate in a prescribed form relating to liability for pollution damage.
State		
Legislation		
<i>Port Management Act 1995 (Vic)</i> ('Port Management Act')	The Port Management Act includes provisions for the establishment, management and operation of commercial trading ports and local ports within Victoria.	GeelongPort's responsibility for safety, environment and hazard management within the Port of Geelong under the Port Management Act requires the preparation of the Safety and Environment Management Plan (SEMP) and Health, Safety and Environment (HSE) system. Project activities within the defined port boundary would need to comply with the SEMF.
<i>Marine Safety Act 2010 (Vic)</i> ('Marine Safety Act')	The Marine Safety Act provides for safe marine operations in Victoria and imposes safety duties on various persons involved in the marine sector, including mandating the office and functions of harbour masters and regulating pilotage.	The FSRU's continuously moored operations, other operations at port and the arrival and departure of LNG carriers would be conducted within this safety framework.
<i>Occupational Health and Safety Act 2004 (Vic)</i> ('OHS Act') and Occupational Health and Safety Regulations 2017 (OHS Regulations)	<p>The OHS Act is the main workplace health and safety law in Victoria.</p> <p>It aims to protect the health, safety and welfare of employees and other people at work. This includes ensuring that the health and safety of the public is not at risk due to workplace activities.</p> <p>The objectives of the OHS Regulations are to promote occupational health and safety and to protect workers and other persons present at workplaces from work-related risks to their health, safety and well-being.</p>	<p>The primary safety obligations of employers and other duty holders owing to employees and members of the public are contained in Part 3 of the OHS Act.</p> <p>Part 5.2 and Schedules 14 to 18 inclusive of the OHS Regulations regulate the safety of Major Hazard Facilities (MHF), including requirements for the preparation of a safety case, safety management system and emergency management plan.</p> <p>The FSRU is classified as a MHF when in port for the purposes of the OHS Act. An amendment to the current refinery MHF safety case for odorant storage within the treatment facility under the OHS Act would also be required.</p>
<i>Dangerous Goods Act 1985 (Vic)</i> ('Dangerous Goods Act') and Dangerous Goods Act (Storage and Handling) Regulations 2012	<p>The purpose of the Dangerous Goods Act is the promotion of the safety of workers, site visitors, general public and property in relation to the manufacture, storage, transport, transfer, sale and use of dangerous goods and the import of explosives into Victoria. The Act requires facilities meeting certain thresholds to have a Dangerous Goods licence.</p> <p>The aim of the Regulations is to provide requirements for the safe storage and</p>	Obligations are typically captured under the MHF safety case, however any specific provisions, such as those relating to storage of liquid nitrogen, would be addressed.

Document	Description	Implications for the project
	handling of dangerous goods. In particular, the regulations deal with the general duties of manufacturers and suppliers and the specific duties of occupiers in respect to consultation, information and training, hazard identification and risk control, preparedness for incidents and emergencies.	
<i>Pipelines Act 2005 (Vic)</i> ('Pipeline Act') and <i>Pipelines Regulations 2017</i>	This is the primary act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the conveyance of gas, oil and other substances. The Department of Environment, Land, Water and Planning (DELWP) and Energy Safe Victoria (ESV) are responsible for administering the Act and Regulations.	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the pipeline. Under the Pipelines Act, a pipeline licensee has a general duty to manage any pipeline operation to minimise, as far as is reasonably practicable, hazards and risks to the safety of the public arising from pipeline operation. A Safety Management Plan must be prepared and accepted by ESV before the pipeline operations start. The pipeline licensee must ensure the operation of the pipeline is carried out in accordance with the approved Safety Management Plan.
<i>Gas Safety Act 1997 (Vic)</i> ('Gas Safety Act') and <i>Gas Safety (Safety case) Regulations 2018</i> (Gas Safety Case Regulations)	<p>The purpose of the Gas Safety Act is to regulate the safety of gas supply and use in Victoria. The Act is administered by Energy Safe Victoria (ESV) whose objective is to facilitate the safe conveyance, sale, supply, measurement, control and use of gas.</p> <p>The Gas Safety Case Regulations make provision for safety cases in relation to gas facilities, provide for the reporting of gas incidents, and prescribe safety standards for the quality of gas and the testing of natural gas conveyed through a transmission pipeline.</p>	<p>The pipeline would require acceptance of a safety case by ESV.</p> <p>The nitrogen and odorant injection facilities within the treatment facility would also be subject to regulation by ESV under the Gas Safety Act subject to the owner or operator being declared to be a "gas company" under the Act. A "gas company" must submit a safety case to ESV for a facility and may be required to obtain an independent validation of the safety case. The safety case (including the safety management system which may be the same as a Safety Management Plan required under the Pipelines Act 2005, at the discretion of ESV) would address the design, construction, commissioning and operation of the facility, and may be submitted in stages.</p> <p>Gas companies must operate in accordance with general duties including to minimise as far as practicable hazards and risks to the safety of the public and property from gas or from interruption or reinstatement to the conveyance or supply of gas.</p> <p>A safety case will be prepared in accordance with the Gas Safety Case Regulations, which must specify the safety management system to be followed in relation to the facility and would include a formal safety assessment that describes the hazards having the potential to cause a gas incident, a systematic assessment of risk and a</p>

Document	Description	Implications for the project
		description of measures undertaken to minimise that risk as far as practicable. This would be submitted to ESV for acceptance.
<i>Planning and Environment Act 1987 (Vic)</i> (‘Planning and Environment Act’)	The Planning and Environment Act establishes a framework for planning the use, development and protection of land in Victoria. The Act provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions (VPPs) and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.	<p>The VPPs include an Amenity and Safety policy at Clause 13.07. Clause 13.07-2S of the VPPs includes a Major Hazard Facility Policy which relevantly seeks to minimise the potential for human and property exposure to risk from incidents that may occur at a Major Hazard Facility (MHF) and ensure MHFs are sited, designed and operated to minimise risk to surrounding communities and the environment, including a consideration of appropriate threshold distances from sensitive land uses for new Major Hazard Facilities.</p> <p>The FSRU is classified as a MHF when in the port for the purposes of the OHS Act. The FSRU) would require approval under the Planning and Environment Act and so Clause 13.07 should be considered as part of the Planning Scheme Amendment.</p>

2.15 Aboriginal cultural heritage

Table 15 Aboriginal cultural heritage key legislation and policy

Document	Description	Implication for the Project
Commonwealth		
Legislation		
<i>Native Title Act 1993 (Cth)</i> (‘Native Title Act’)	<p>The purpose of the Native Title Act is to recognise and protect native title for Aboriginal and Torres Strait Islanders. Essentially, this Act covers:</p> <ul style="list-style-type: none"> Acts affecting native title Determining whether native title exists and compensation for actions affecting native title. <p>The kinds of acts affecting native title are:</p> <ul style="list-style-type: none"> Past acts (mainly acts done before this Act’s commencement on 1 January 1994 that were invalid because of native title); Future acts (mainly acts done after this Act’s commencement that either validly affect native title or are invalid because of native title). 	Determines whether native title exists and compensation for acts affecting native title.
<i>Environment Protection and Biodiversity Conservation Act</i>	The EPBC Act is the Australian Government’s principal environmental protection and biodiversity conservation legislation. The EPBC Act details provisions for the protection of MNES	As there are no Aboriginal cultural heritage places currently listed on the National Heritage List within the project area, no approvals are required by the project with

Document	Description	Implication for the Project
1999 (Cth) (‘EPBC Act’)	<p>including Aboriginal and non-Aboriginal cultural heritage places with national heritage value. Places protected under the Act are registered on the National Heritage List, Commonwealth Heritage List or the World Heritage List and include natural, historical and Aboriginal places of outstanding heritage value.</p> <p>The EPBC Act states that if significant impacts on MNES are likely, then an action is known as a ‘controlled action’ and assessment and approval under the EPBC Act is required.</p>	regard to Aboriginal cultural heritage under the EPBC Act.
National Heritage List	The National Heritage List is administered by the Australian Government’s Department of the Environment. It includes natural, historic and Aboriginal places of outstanding heritage significance to Australia. Places on the list are protected under the EPBC Act, which requires that approval be obtained before any action takes place that could have a significant impact on the national heritage values of a listed place.	As there are no Aboriginal cultural heritage places currently listed on the National Heritage List within the project area, no approvals are required by the project with regard to Aboriginal cultural heritage under the EPBC Act.
State		
Legislation		
<i>Aboriginal Heritage Act 2006 (Vic)</i> (‘Aboriginal Heritage Act’) and Aboriginal Heritage Regulations 2018	<p>The Aboriginal Heritage Act forms the framework within which Aboriginal heritage assessment is undertaken in Victoria. The Act provides for the protection and management of Victoria’s Aboriginal heritage with processes linked to the Victorian planning system. Cultural Heritage Management Plans (CHMPs) and Cultural Heritage Permits (CHPs) are processes to manage activities that may harm Aboriginal cultural heritage. The Aboriginal Heritage Regulations 2018 set out the circumstances in which a CHMP is required to be prepared, and the standards for the preparation of a CHMP. The regulations also prescribe standards and set fees and charges for CHMP evaluation.</p> <p>The Aboriginal Heritage Act recognises Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage. Registered Aboriginal Parties (RAPs) are Aboriginal organisations recognised under the Act with responsibilities for the management and protection of Aboriginal cultural heritage. At the time of writing, there is one RAP appointed for the study area,</p>	Section 49 of the Aboriginal Heritage Act states that a CHMP must be prepared when an EES is required under the Environment Effects Act in respect of any works. A CHMP is being prepared for the project (CHMP 17816) in consultation with First Nations – State Relations and the Wadawurrung Traditional Owners Aboriginal Corporation. The CHMP would be lodged for approval following the Minister’s assessment of the EES.

Document	Description	Implication for the Project
	Wadawurrung Traditional Owners Aboriginal Corporation.	
Victorian Aboriginal Heritage Register (VAHR)	The VAHR has been established under the Aboriginal Heritage Act and holds the details of all registered Aboriginal cultural heritage places and objects within Victoria, including their location and description. The Register also holds information of each RAP, their area of responsibility and contact details.	No registered Aboriginal places were identified within the project area, however one new Aboriginal place was identified. This place comprises a sub-surface artefact scatter. The registration process for the newly identified Aboriginal place is ongoing, however the Aboriginal place will be registered as: <u>Lara City Gate AS (7721-1455 [VAHR])</u>
<i>Traditional Owner Settlement Act 2010 (Vic)</i> ('Traditional owner Settlement Act')	The purpose of the Traditional Owner Settlement Act is to advance reconciliation and promote good relations between the State and traditional owners and to recognise traditional owner groups based on their traditional and cultural associations to certain land in Victoria. This includes recognising traditional owner rights and conferring rights on traditional owner groups in relation to access to, ownership or management of certain public land. Additionally, the act provides for decision making rights and other rights that may be exercised in relation to the use and development of land or natural resources on land.	Determines whether the project intersects with any registered Recognition and Settlement Agreements, Land Agreements, Land Use Activity Agreements, Funding Agreements or Natural Resource Agreements.
<i>Pipelines Act 2005 (Vic)</i> ('Pipelines Act')	The Pipelines Act is the primary Act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers 'high transmission' pipelines for the conveyance of gas, oil and other substances. The Minister for Energy, Environment and Climate Change (through DELWP) is responsible for administering the Pipelines Act and the Pipelines Regulations 2017. Energy Safe Victoria also has a role to play in accepting the Safety Management Plan.	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the pipeline. The Minister for Energy, Environment and Climate Change must consider proposed impacts on cultural heritage including Indigenous cultural heritage when considering a Pipeline Licence application.

2.16 Historic heritage

Table 16 Historic heritage key legislation and policy

Document	Description	Implication for project
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act</i>	The EPBC Act is the Australian Government's principal environmental protection and biodiversity conservation legislation. The EPBC Act details provisions for the protection of MNES	Where a National Heritage place is identified, approval may be required. However, as no National Heritage places have been identified within the project area,

Document	Description	Implication for project
<i>1999 (Cth)</i> (‘EPBC Act’)	including Aboriginal and non-Aboriginal cultural heritage places with national heritage value. Places protected under the Act are registered on the National Heritage List, Commonwealth Heritage List or the World Heritage List and include natural, historical and Aboriginal places of outstanding heritage value. The EPBC Act states that if significant impacts on MNES are likely, then an action is known as a ‘controlled action’ and assessment and approval under the EPBC Act is required	no approval is required with regard to historic heritage under the EPBC Act.
National Heritage List Commonwealth Heritage List World Heritage List	The National Heritage List is administered by the Australian Government’s Department of the Environment. It includes natural, historic and Aboriginal places of outstanding heritage significance to Australia. Places on the list are protected under the EPBC Act, which requires that approval be obtained before any action takes place that could have a significant impact on the national heritage values of a listed place.	Where a National Heritage place is identified, approval may be required. However, as no National Heritage places have been identified within the project area, no approval is required with regard to historic heritage under the EPBC Act
<i>Underwater Cultural Heritage Act 2018 (Cth)</i> (‘UCH Act’)	The UCH Act came into effect on 1 July 2019 replacing the <i>Historic Shipwrecks Act 1976</i> . The new UCH Act continues to provide protection for historic shipwrecks in Australian waters, expands protection to historic aircraft wrecks within Commonwealth waters, and establishes a register of underwater cultural heritage.	Provides protection for underwater cultural heritage and determines whether the project intersects with any historic shipwrecks or aircraft wrecks.
State		
Legislation		
<i>Pipelines Act 2005 (Vic)</i> (‘Pipelines Act’)	The Pipelines Act is the primary Act governing the construction and operation of pipelines in Victoria. The Pipelines Act covers ‘high transmission’ pipelines for the conveyance of gas, oil and other substances. The Minister for Energy, Environment and Climate Change (through DELWP) is responsible for administering the Pipelines Act and the Pipelines Regulations 2017. Energy Safe Victoria also has a role to play in accepting the Safety Management Plan.	The project requires a Pipeline Licence under the Pipelines Act for the construction and operation of the pipeline. The Minister for Energy, Environment and Climate Change must consider proposed impacts on cultural heritage when considering a Pipeline Licence application
<i>Heritage Act 2017 (Vic)</i> (‘Heritage Act’)	The Heritage Act, administered by Heritage Victoria, a system to protect and conserve places and objects of cultural heritage significance in Victoria. The Heritage Act provides for the registration of such places and objects through two registers, i.e. the Victorian Heritage Register (VHR) and the	Determines whether the project intersects with any listed heritage places. Where previously unrecorded places or archaeological sites are identified, registration is required. Where listed places

Document	Description	Implication for project
	Victorian Heritage Inventory (VHI). The Heritage Regulations 2017 and the Heritage (Underwater Cultural Heritage) Regulations 2018 set out the requirements for the operation of the Heritage Act.	<p>or archaeological sites are identified, the following approval may be required:</p> <ul style="list-style-type: none"> consent for Victorian Heritage Inventory sites permit for Victorian Heritage Register places from Heritage Victoria. <p>No consents or permits under the Heritage Act are required for the project.</p>
<i>Planning and Environment Act 1987 (Vic)</i> ('Planning and Environment Act')	The Planning and Environment Act establishes a framework for planning the use, development and protection of land in Victoria. The Planning and Environment Act provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions (VPPs) and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.	The purpose of Heritage Overlays (HO) under the relevant Planning Scheme is to conserve and enhance heritage places of cultural significance in Victoria. Planning schemes under the Planning and Environment Act require approval for any works in the HO. The location of the project does not interfere with any places subject to a HO.