

## Additional Q&A

The Department of Environment, Land, Water and Planning Impact Assessment Unit provided written responses to unanswered questions that were submitted during **Community Session 1: Understanding the Environmental Effects Statement (EES) process** held online on Wednesday 23 September 2020.

**Q1: In reviewing both the Draft Scoping doc for the Golden Plains Project, and the Scoping Requirements and EES docs for the Dundonnell Windfarm projects, there appears to be a lot of superficial 'box ticking' inherent in the process, with any resultant changes and 'alternative solutions' being relatively minor, eg micrositing. Can you please be frank about the real power of community voice in this process? – Anonymous**

A: The Scoping Requirements are not prescriptive about how matters are to be investigated; they specify the matters that require investigation and documentation within the EES. The proponent is responsible for preparing an EES that responds adequately to the scoping requirements. The review phase when the EES is advertised for public comment (“exhibited”) is the formal opportunity for all other stakeholders who may or may not agree with what is presented in the EES to have their say. The proponent must consult the community and stakeholders during the EES investigations. The proponent must prepare an EES Consultation Plan which sets out its approach and consultation program.

**Q2: Can the period for public comment be extended, given the limitations imposed by Covid-19? – Anonymous**

A: Given the relatively modest scale of the Scoping Requirements as a document, I think it is unlikely that an extension of time beyond the 15 business days would be granted.

**Q3: Can you please elaborate on how the Technical Reference Group is appointed? – Jim**

A: DELWP invites statutory decision-makers, State government departments and agencies, affected local government authorities and other public sector bodies with relevant expertise to nominate a representative. DELWP selects the organisations to invite on the basis of their responsibility for approvals that the project would require if it is to proceed, or their specialist expertise in legislative and technical matters that is likely to assist DELWP or the proponent in the scoping and preparation of an adequate EES.

**Q4: How many projects have been refused or SIGNIFICANTLY changed as a result of EES assessments in the last 10 years? – Anonymous**

A: Just as examples, the proposed Big Hill open cut gold mine proposal at Stawell was not approved and did not proceed following an unfavourable Minister’s assessment in 2014. The EES process led to the identification of the approved alignment for the Wallan-Kilmore Bypass (the exhibited EES presented three alternative alignments with no preferred alignment specified). Golden Plains wind farm footprint for installation of turbines was reduced by about 20% in line with the Minister’s assessment. The Mountain View Quarry Extension that was approved was reduced in extent and depth, based on the findings and

recommendations of the Minister's Assessment under the EE Act.

Many of the other projects that have undergone the EES process have also changed to greater or lesser degrees from how the project was described at the referral stage to what was found acceptable in the Minister's assessment. A comprehensive answer to the question would entail reviewing some dozens of projects to compare the referrals, EESs, Minister's assessment and approvals, where granted.

**Q5: *Can I be assured that the approved EES will be a complete document and not a redacted document?* – John**

A: The EES will not be "approved". It will be authorised for exhibition and public comment if the Minister is satisfied that it represents an adequate response to the scoping requirements (which does not imply any views on the part of the Minister about the merits of the project and/or acceptability of the impacts). The EES Main Report is the proponent's document and the proponent's responsibility. On exhibition, the proponent's EES "Main Report" will be accompanied by the final and complete specialist consultants reports in the various disciplines, as "technical appendices". In their final, exhibited form those reports will include the specialists' response to feedback from the TRG.

**Q6: *Who tests the assumptions of the proponent? As mentioned the term environmental is broad so who can challenge any assumptions made as part of the process be they financial etc.***

– Anonymous

All of the elements of the EES will be reviewed by the Technical Reference Group (TRG) and the proponent is required to give mature consideration to feedback from the TRG. However, the TRG does not give direction to the proponent – the final EES is the proponent's responsibility. When the EES is exhibited, all of its content - the views, assumptions and analysis expressed in the documentation – may be interrogated or contested in public submissions. The proponent must also communicate and engage with community and other stakeholders on the EES studies and findings that will inform the development of the EES as it is prepared for exhibition.

**Q7: *Do we have to permit access? (Is access to identified properties of interest something that Ausnet will require.)* – Anonymous**

A: It is best that all of the information presented in the EES is based on comprehensive fieldwork as far as practicable and relevant. If lack of access to land within the study area restricts the proponent's environmental investigations, important information may be overlooked, which could affect the engagement or understanding of other stakeholders. As the process is intended to enable informed decision-making, barriers to the gathering of relevant information are not likely to be helpful for the process.

**Q8: *Given that the 15 business days for exhibiting the draft Scope is the minimum required, why has such a project that has a huge area of interest and minimum detail and will potentially affect 10s of 100s of people not been given a longer period of time, particularly considering that we are in 'unprecedented' time with the effects of coronavirus. This is not a 'standard' project in any way.* – Anne**

A: Notwithstanding the geographic scale of the project, the Scoping Requirements is generally a document of no more than about 30 pages setting out the matters and topics that need to be covered in

the EES. See also Q2 and answer.

**Q9: How many alternatives need to be considered in particular the route, as it could be that 3 are chosen but really only a preferred path is really only viable as all other viable options are not considered. – Anonymous**

A: Consideration of alternatives, whatever form “alternatives” might take in the context of the project, needs to explore feasible options that could deliver a superior environmental outcome to the extent necessary to determine whether that would be the case. The EES will need to describe the way in which alternatives were identified and investigated and explain the criteria and rationale by which identified alternatives were carried forward or discarded with respect to their feasibility and/ or potential to deliver better environmental outcomes. In other cases involving linear infrastructure (including roads, pipelines, etc), different “legs” of the route may have more or fewer practicable alternative alignments from others, and there may be different permutations available depending on the range of alignment options in adjoining sections, so the identification and comparison of alignment options may be much more complex than just comparing two or three entirely different options.

**Q10: Surely in this case the scoping must include true alternatives? This means alternatives including alignment (e.g. road or railway easements), using existing power easements (e.g. via Geelong) and form (e.g. above & underground)? At their presentations AusNet constantly refer to the preferred alignment to shut down discussion of genuine option, so this being genuinely included in the scope appears critical for the process to have any integrity at all. – Anonymous**

A: It is not the purpose of the scoping process to define the alternatives. Scoping sets out the required coverage of studies to inform the consideration of alternatives, whatever those alternatives may prove to be. Ultimately the EES will need to explain the way in which the proponent used environmental, technical and other information to formulate and compare alternatives, having regard to both the Scoping Requirements specific to this EES and the *Ministerial guidelines*.

**Q11: Why does Area of Assessment (AoA) not include an already existing power easement that runs via Geelong? If it is due to cost, did that cost assessment that led to the narrow AoA consider the total cost / loss of value and productivity? – Anonymous**

A: That goes to a level of detail I can't respond to at this time. The onus will be on Ausnet to demonstrate the validity of its designation of the area of interest as presented in the referral, in the context of the project objectives and the feasibility of meeting them through project options that are shown to have acceptable impacts.

**Q12: What happens if everyone says Ausnet is not to enter any of our properties? – Anonymous**

A: If there are parts of the study area the proponent cannot access, all stakeholders in the EES process will be deprived of the information that could otherwise have been collected from those areas. The purpose of the EES is to help inform all decision-makers and stakeholders, not just the proponent. See also Q7 and answer.

**Q13: If there were independent consulting firms engaged for assessments (not sponsored by proponent, but rather by Community Group) is that a valid strategy for getting objective/balanced assessments? – Team Jenkins**

A: The standard requirement for the Victorian EES process (and for environmental impact assessment globally) is that the proponent is responsible for preparing the statement. All ethical consultants undertake their work professionally and report objectively. The proponent's consultants' work is reviewed by the Technical Reference Group (TRG) and, as appropriate, by peer reviewers who are usually other specialist consultants. It is open to other parties to appoint their own specialists to review work in the EES and to present evidence at the inquiry, but the EES document itself is required to be prepared by the proponent.

Note that the EES prepared by the proponent is an input to the EES process but the views and analysis presented in the EES are open to challenge through the formal exhibition and submissions process, and the definitive assessment is provided by the Minister for Planning as the final step in the EES process. The Minister's assessment is informed by the independent Inquiry Panel's consideration of the EES and public submissions, examined through a public hearing process.

**Q14: *Who appoints the peer reviewer to avoid a conflict of interest? – John***

A: In some cases, peer reviewers are appointed by the proponent, usually in light of advice from the TRG, where it is identified that peer review could significantly contribute to the review process. In other cases, DELWP can appoint /arrange peer review of particular EES document(s). DELWP has a Peer review and Quality Assurance Advisory Note which provides guidance for all parties about the usefulness and manner of peer review.