



Australian Government

Department of the Environment, Water, Heritage and the Arts

APPROVAL

Victorian Desalination Project (VDP), Bass Coast, Victoria (EPBC 2008/3948)

This decision is made under (sections 130(1) and 133) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

person to whom the approval is granted

Victorian Department of Sustainability and Environment

proposed action

To construct and operate a 150 GL/ year (with capacity to expand to 200 GL/ year) seawater reverse osmosis desalination plant near Wonthaggi in Victoria and associated transfer pipeline and electricity infrastructure north of the plant connecting, respectively, to Melbourne Water infrastructure near Cardinia Reservoir and the existing high voltage electricity grid.

Approval decision

relevant controlling provisions

The decision to approve has effect for:

- Wetlands of international importance (sections 16 & 17B)
- Listed threatened species and communities (sections 18 & 18A)

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 19 March 2059.

Person authorised to make decision

name and position

Peter Garrett
Minister for the Environment, Heritage and the Arts

signature

date of decision

19 March 2009

Conditions attached to the approval

1. To protect the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listed flora and fauna species (for those species that are listed as at the approval decision date) that are known to or could potentially occur in the action area, the person taking the action must develop an *EPBC Act Listed Flora and Fauna Management Strategy*. This strategy must include:
 - a) Identification of areas of the action area within which EPBC listed flora and fauna species are known to occur or could potentially occur, based on the studies already undertaken for the project and pre-construction surveys in any situation where those studies are incomplete;
 - b) Likely impacts of construction and operation on EPBC listed flora and fauna species;
 - c) Site-specific mechanisms to avoid and/or mitigate impacts on the species;
 - d) Consideration of the need for offsets in the event of any unforeseen impacts on EPBC listed flora and fauna species which can not be appropriately avoided or mitigated; and
 - e) Proposed monitoring and adaptive management programs.

The strategy should address all alignment options under consideration for all components of the project including the transfer pipeline and power supply and may be in the form of separate strategies for the desalination plant, the transfer pipeline and the power supply components of the project.

A strategy must not be inconsistent with any relevant EPBC Act threatened species recovery plan approved at the approval decision date.

Construction of any component of the project may not commence until the Minister has approved the strategy relating to that component. An approved strategy must be implemented in the timeframes specified in the strategy.

2. To protect the ecological character of the Western Port Ramsar wetland and EPBC Act listed species, particularly the Growling Grass Frog (*Litoria raniformis*), Giant Gippsland Earthworm (*Megascolides australis*), Orange-bellied Parrot (*Neophema chrysogaster*), Australian Grayling (*Prototroctes maraena*) and Dwarf Galaxias (*Galaxiella pusilla*), the person taking the action must develop a *Waterways Environmental Management Strategy*.

This strategy must include details of the environmental and risk assessments undertaken to identify sensitive waterways and to inform decision-making on crossing methods for these waterways. For those waterways that are identified, as a result of these assessments, as 'sensitive' in the context of potential impacts on the Western Port Ramsar wetland and/or EPBC listed species, the strategy must include:

- a) The location and construction method for individual waterway crossings;
- b) Site-specific construction methods to:
 - i. minimise sedimentation/erosion and turbidity of waterways;
 - ii. minimise impacts on the interaction between groundwater and connected surface waterways;
 - iii. limit any impact on, or reduction in the existing flow regime in waterways, wetlands or groundwater aquifers; and
 - iv. avoid and mitigate environmental impacts where Acid Sulfate Soils (ASS) are encountered or are known to occur in the action area.
- c) Measures to avoid and mitigate direct impacts from waterway crossing construction on EPBC listed species or their habitat;
- d) Plans for revegetation and reinstatement of streambank areas that are disturbed as a result of construction activities;
- e) Sediment control measures for reducing the risk of increased sediment load to the Western Port Ramsar wetland during rain and flood periods;
- f) Methods to avoid potential water quality impacts from the disposal of construction spoil and waste material;

- g) Procedures for monitoring water quality (including, but not limited to turbidity monitoring) in sensitive waterways and adaptive management measures to be implemented in response to monitoring results.

The strategy should address all alignment options under consideration for all components of the project including the transfer pipeline and power supply and may be in the form of separate strategies for the desalination plant, the transfer pipeline and the power supply components of the project.

A strategy must not be inconsistent with any relevant EPBC Act threatened species recovery plan approved at the approval decision date.

Construction of any component of the project may not commence until the Minister has approved the strategy relating to that component. An approved strategy must be implemented in the timeframes specified in the strategy.

3. To protect the ecological character of the Western Port Ramsar wetland and EPBC Act listed species (for those species that are listed as at the approval decision date), the person taking the action must develop an *Emergency Incident Environmental Management Strategy*. This strategy must include:
 - a) An assessment of the types of incidents and emergencies that could potentially impact on the ecological character of the Western Port Ramsar wetland and EPBC listed species, and their potential causes and consequences;
 - b) Preventative measures required to minimise the risk of the occurrence of incidents and emergencies identified in condition 3(a);
 - c) Responses and remediation measures for limiting the impact of the incidents and emergencies identified in condition 3(a) on the ecological character of the Western Port Ramsar wetland and EPBC listed species; and
 - d) Communication procedures and defined responsibilities during incidents and emergencies identified in condition 3(a), including key agencies and project representatives.

The incidents and emergencies identified in condition 3(a) must include, but are not limited to:

- Chemical/hazardous material accidents and/or spills;
- Waste disposal accidents; and
- Scour valve discharges.

The strategy may be in the form of separate strategies for the construction and operational phases of the project. The strategy for the construction phase must be submitted to and approved by the Minister prior to the commencement of construction. The strategy for the operational phase must be submitted to and approved by the Minister prior to the commencement of operation. An approved strategy must be implemented in the timeframes specified in the strategy.

4. Within 30 days of commencement of construction of each of the desalination plant, transfer pipeline and power supply components, the person taking the action must advise the Department in writing of the actual date of commencement of construction of the component.
5. Within 20 days of financial close, the person taking the action must advise the Department in writing of the actual date of financial close.
6. Within three months of every 12 month anniversary of the commencement of construction of the first component, the person taking the action must submit to the Minister a report addressing compliance with the conditions of this approval, including the results of all surveys and monitoring undertaken in accordance with approved strategies, results of any adaptive management or remedial actions taken and the effectiveness of the measures to mitigate the impact on matters of national environmental significance. Annual reports must be provided for five years unless otherwise specified by the Department.

7. If the person taking the action reasonably believes it is unnecessary or undesirable to carry out an activity otherwise required under a strategy submitted under condition 1, 2 and 3, the person taking the action must submit for the Minister's approval a relevantly revised strategy with a request for the Minister's approval of the amendment. If the Minister approves the amendment, the revised strategy must be implemented in place of the strategy originally approved.
8. The person taking the action must maintain accurate records of all activities associated with or relevant to the above conditions of approval (including actions taken to implement the strategies referred to in condition 1, 2 and 3), and make them available on request by the Department. Such records may be subject to audit by the Department, and used to verify compliance with the conditions of approval.
9. If, at any time after 5 years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the action, the action must not thereafter be commenced without the written agreement of the Minister.

Definitions:

Action area: Any area in which construction or operation of the VDP occurs.

Construction: Includes any machinery or vehicle activity, stockpiling of soil, clearing of vegetation, excavation, erection of fencing, installation of service infrastructure and construction of buildings. Construction does not include:

- preliminary site works to inform design and environmental investigations; or
- activities scheduled to take place as 'early works' (prior to financial close), provided that these works do not result in any removal of vegetation, sub-surface disturbance of soil or disturbance of waterways which may have an impact on EPBC listed flora or fauna or the Western Port Ramsar wetland.

Department: The Australian Government Department responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister: The Minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Operation: Any activities or actions associated with the function or maintenance of the VDP. This includes intake of seawater through the marine structures, desalination of seawater, transfer of water from the desalination plant through the transfer pipeline, and the transmission of electricity through the power supply infrastructure constructed as part of the VDP.