

Victorian Desalination Project



D&C PGA Attachment E - Environmental Legal Register

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ATTACHMENT E(a)

COMMONWEALTH LEGISLATION (DESIGN AND CONSTRUCTION)

Aspect	Legislation and Policy	Key Requirements / Relevance to Project	Means to comply	Utilities					
				Area 1 Marine	Area 2 Plant & General	Area 3 Pipeline	Area 4 Power supply	AquaSure	
Heritage	<i>Aboriginal and Torres Strait Islanders Heritage Protection Act 1984</i>	The purpose of the document is to preserve and protect from injury or desecration areas of objects which are of significance to Aboriginal people in accordance with Aboriginal tradition.	<p>Cultural Heritage Existing Conditions and Impact Assessments were completed of the plant site, Gas-Fired Power Station, utilities corridor and Cranbourne extension as part of the EES process (refer to Technical appendices 44, 45, 64, 75).</p> <p>Cultural Heritage Management Plans (CHMP) have been prepared for the plant and general area, utilities alignment and Cranbourne power extension and approved by Aboriginal Affairs Victoria (AAV). The CHMPs include measures to avoid and protect objects and items of cultural significance, undertake salvage works as well as provide contingency plans in the event that cultural heritage or human remains are discovered during construction of the project.</p> <p>The control measures and contingency plans from the CHMPs have been included in the Plant and General Area and Utilities Archaeological and Cultural Heritage AEMP Sub Plans.</p>			Yes	Yes	Yes	
Heritage	<i>Aboriginal and Torres Strait Islanders Heritage Protection Regulations 1984</i>	Regulation of the <i>Aboriginal and Torres Strait Islanders Heritage Protection Act 1984</i>	As per the means to comply for the <i>Aboriginal and Torres Strait Islanders Heritage Protection Act 1984</i>			Yes	Yes	Yes	
Air Navigation	<i>Air Navigation (Aircraft Noise) Regulations 1984 (Air Navigation Act 1920).</i>	This act applied to the use of aircafy (helicopters) to transport staff/supplies to the JUB and for Aerial site photography.	Plant and General Area AEMP Helicopter Management Sub Plan	Yes	Yes				
Heritage	<i>Australian Heritage Council Act 2003</i>	This act provides for the establishment and functions of the Heritage Council, constitution and meetings of the council, and the addition or removal of sites from the register of the National Estate. Some listed heritage items may be impacted by the utilities alignment and action may be conducted under this Act in accordance with the Archaeology and Cultural Heritage Sub Plan	<p>Cultural Heritage Existing Conditions and Impact Assessments were completed of the plant site, Gas-Fired Power Station, utilities corridor and Cranbourne extension as part of the EES process (refer to Technical appendices 44, 45, 64, 75). These plans assessed both Aboriginal and non-Aboriginal (historical) heritage.</p> <p>The Cultural Heritage Management Plans presented in the EES (Technical Appendices 82, 83 and 84) include control measures for historical sites that will or may be directly affected by the D&C of the VDP project. These control measures have been included in the Plant and General Area and Utilities Archaeological and Cultural Heritage AEMP Sub Plans.</p>			Yes	Yes	Yes	

Corporations	<i>Corporations Act 2001</i>	Under this Act, companies are required to include details of its environmental performance in relation to environmental regulations in the annual directors report. AquaSure will comply with the act as required as the company's operations are subject to particular and significant environmental regulation under both Commonwealth and Victorian statutes.	Environmental Management System, D&C Environmental Management Plan						Yes
Environment	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	This Act provides for assessment and approval of actions that are likely to have a significant impact on a matters of national environmental significance including Commonwealth listed Threatened species and ecological communities, migratory species, Wetlands of National Significance and Commonwealth Marine areas.	The project was referred the Department of Environment, Water and the Arts in 2010. The project was approved subject to conditions including the preparation of a EPBC Listed Flora and Fauna Strategy, Waterways Environmental Management Strategy and and Emergency Incident Management Strategy. These strategies have been prepared and approved by the Department.	Yes	Yes	Yes	Yes		
Environment	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i>	Regulation of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	As per the means to comply for the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	Yes	Yes	Yes	Yes		
Marine	<i>Marine Orders - Part 91: Marine Pollution Prevention - Oil</i>	Marine Orders Part 91, Issue 5 prescribes matters under the <i>Navigation Act 1912</i> and the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> for the purpose of giving effect to Annex I of the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocol of 1978 (MARPOL 73/78). Relevant to all vessels.	AEMP. Marine Flora and Fauna Sub Plan.	Yes					
Marine	<i>Marine Orders - Part 93: Marine Pollution Prevention - Garbage</i>	Part 95 has been made to give effect to Regulation 8 of Annex V (dealing with port State control on operational requirements) and prescribes matters in relation to Regulation 9 of Annex V (dealing with placards, garbage management plans and garbage record-keeping) to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). This issue has also been made to repeal Issue 3 of Marine Orders Part 95. Relevant to all vessels.	AEMP. Marine Flora and Fauna Sub Plan.	Yes					
Marine	<i>Marine Orders - Part 93: Marine Pollution Prevention - Noxious Liquid Substances</i>	Marine Orders Part 93, Issue 5 prescribes matters under the <i>Navigation Act 1912</i> and the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> for the purpose of giving effect to Annex II of the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocol of 1978 (MARPOL 73/78). Relevant to all vessels.	AEMP. Marine Flora and Fauna Sub Plan.	Yes					
Marine	<i>Marine Orders - Part 96: Marine Pollution Prevention - Sewage</i>	Part 96 has been made to give effect to Article 5(2) of the International Convention for the Prevention of Pollution from Ships (MARPOL) and to Regulations 4, 9 and 10 of Annex IV of MARPOL and to prescribe matters for the purposes of Division 12C of Part IV of the <i>Navigation Act 1912</i> and Division 2 of Part IIIB of the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> (the Pollution Prevention Act). Relevant to all vessels.	AEMP. Marine Flora and Fauna Sub Plan.	Yes					

Marine	<i>Marine Orders - Part 98: Marine Pollution - Anti-Fouling Systems</i>	These Marine Orders are empowered by the Protection of the Sea (Harmful Anti-fouling Systems) Act 2006 and provide for the survey, inspection and certification of ships and give effect to the relevant regulations of the <i>International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001</i> .	AEMP. Marine Flora and Fauna Sub Plan.	Yes				
Air	<i>National Environment Protection (Air Toxics) Measure</i>	This Measure requires jurisdictions to assess and manage areas where there may be air toxics of concern. Relevant to potential toxic products required on site.	Air Quality Management Sub Plan	Yes	Yes	Yes	Yes	
Air	<i>National Environment Protection Measure (Ambient Air Quality) 1998</i>	Sets uniform standards for ambient air quality, in particular carbon monoxide, nitrogen dioxide, photochemical oxidants, sulphur dioxide, lead and particles as PM ₁₀ . During construction of the utilities alignment, there will be monitoring of parameters specified under the NEPM and control measures implemented to ensure compliance. Also Relevant to the operation of plant and machinery within the Plant Area and operation of vessels and static generators aboard the SEP.	Air Quality Management Sub Plans	Yes	Yes	Yes	Yes	
Air	<i>National Environment Protection Measure (Ambient Air Quality) 1998</i>	Sets uniform standards for ambient air quality, in particular carbon monoxide, nitrogen dioxide, photochemical oxidants, sulphur dioxide, lead and particles as PM ₁₀ . Relevant to the operation of plant and machinery within the Plant Area and operation of vessels and static generators aboard the SEP.	Air Quality Management Sub Plan	Yes	Yes	Yes	Yes	
Contamination	<i>National Environment Protection Measure (Assessment of Site Contamination) 1999</i>	To establish a nationally-consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, contaminated land auditors, land owners, developers and industry. Some areas of the plant site and utilities alignment contain contaminated and potentially contaminated soil.	Land contamination existing conditions and impact assessments were completed as part of the EES process (refer to Technical appendices 35, 36, 59, 69). Additional geotechnical factual investigations including investigations of land contamination have also been completed during the early works. Control measures to assess, transport and dispose of contaminated soil have been included in the Plant and General Area and Utilities Area EMP Soil Management Sub Plans.		Yes	Yes	Yes	
Vehicles	<i>National Environment Protection Measure (Diesel Vehicle Emissions) 2001</i>	Provides guidelines for developing programs to minimise the deterioration in exhaust emissions performance, or improve exhaust emissions performance, from diesel vehicles while they are in service. This is achieved through facilitating compliance with in service emission standards for diesel vehicles while they are in service.	Air Quality Management Sub Plan, Resource Efficiency Sub Plan (Marine)	Yes	Yes	Yes	Yes	
Waste	<i>National Environment Protection Measure (Movement of Controlled Waste Between States and Territories) 2004</i>	The NEPM ensures that controlled wastes that are to be moved between States and Territories are properly identified, transported, handled and tracked in ways that are consistent with environmentally sound practices. Relevant if any controlled wastes are generated from project works.	Resource Efficiency Management Sub Plan	Yes				

Packaging Materials	<i>National Environment Protection Measure (Used Packaging Materials) 1998</i>	To reduce environmental degradation arising from the disposal of used packaging and conserve virgin materials through the encouragement of re-use and recycling of used packaging materials by supporting and complementing the voluntary strategies in the National Packaging Covenant. The efficient use of resources and reduction of wastes generated during the works are to be managed as per the Utilities EMP and Sub Plans.	Resource Efficiency Management Sub Plan	Yes	Yes	Yes	Yes	
NEPM	<i>National Environment Protection Measures (Implementation) Act 1998</i>	An Act to provide for the implementation of national environment protection measures in respect of certain activities carried on by or on behalf of the Commonwealth and Commonwealth authorities, and for related purposes Relevant to activities impacting waste and/or air quality.	AEMP; Resource Efficiency Sub Plan	Yes	Yes	Yes	Yes	
Environment	<i>National Environmental Protection Council Act 1994</i>	The object of this Act is to ensure that, by means of the establishment and operation of the National Environment Protection Council: (a) people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia; and (b) decisions of the business community are not distorted, and markets are not fragmented, by variations between participating jurisdictions in relation to the adoption or implementation of major environment protection measures. There will be monitoring of specific relevant parameters specified under this Act across the project throughout construction.	Environmental Management System, D&C EMP, AEMPs, Sub Plans	Yes	Yes	Yes	Yes	
NEPC - Environment	<i>National Environmental Protection Council Act 1994</i>	The object of this Act is to ensure that, by means of the establishment and operation of the National Environment Protection Council: (a) people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia; and (b) decisions of the business community are not distorted, and markets are not fragmented, by variations between participating jurisdictions in relation to the adoption or implementation of major environment protection measures. Relevant to all works.	EMS; EMP	Yes	Yes	Yes	Yes	
Energy	<i>National Greenhouse and Energy Reporting (Measurement) Determination 2008</i>	This Determination provides for the Minister to determine methods, or criteria for methods, for the measurement of greenhouse gas emissions, the production of energy and the consumption of energy. Greenhouse gas will be emitted, controlled and reported throughout the construction of all components of the project.	AEMP; Resource Efficiency Sub Plans	Yes	Yes	Yes	Yes	

Energy	<i>National Greenhouse and Energy Reporting Act 2007</i>	Establishes a single reporting framework for corporations to report their greenhouse gas emissions, reductions, removals, offsets and energy consumption. Greenhouse gas will be emitted, controlled and reported throughout the construction of all components the project. Reporting requirements are to be included in all sub contracts.	AEMP; Resource Efficiency Sub Plans	Yes	Yes	Yes	Yes	
Energy	<i>National Greenhouse and Energy Reporting Regulations 2008</i>	These Regulations provide the necessary details that allow compliance with, and administration of, the <i>National Greenhouse and Energy Reporting Act 2007 (the Act)</i> . The Act establishes a national framework for reporting greenhouse gas emissions, greenhouse gas projects (abatement actions) and energy consumption and production by Australian corporations.	AEMP; Resource Efficiency Sub Plans	Yes	Yes	Yes	Yes	
Marine	<i>Navigational Act 1912</i>	This Act relates to aspects of navigation and shipping. Relevant to works vessels as well as research craft undertaking monitoring.	AEMP. Marine Flora and Fauna Sub Plan	Yes				
Marine	<i>Protection of the Sea (Harmful Anti-fouling Systems) Act 2006</i>	An Act relating to the protection of the sea from the effects of harmful anti-fouling systems. Relevant to marine structures and all vessels.	AEMP. Marine Flora and Fauna Sub Plan.	Yes				
Marine	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	An Act relating to the prevention of pollution from ships. Relevant to operation of all vessels.	AEMP. Marine Flora and Fauna Sub Plan.	Yes				
Quarantine	<i>Quarantine Act 1908</i>	This Act relates to quarantine matters in Australia. This Act has the power to supersede State Acts. Relevant due to biosecurity management across the VDP.	AEMP, Flora and Fauna Sub Plan; Soils Management Sub Plan	Yes				

Marine Pests	<i>Quarantine Act 1908</i>	Ensure that all vessels arriving in Australia from overseas comply with International Health Regulations and to ensure that all quarantine risk posed by the vessel is adequately managed.	AEMP, Marine Pest and Pathogen Risk Management and Monitoring Sub Plan	Yes				
Energy	<i>Renewable Energy (Electricity) Act 2000</i>	An Act for the establishment and administration of a scheme to encourage additional electricity generation from renewable energy sources, and for related purposes.	EMS	Yes	Yes	Yes	Yes	
Energy	<i>Renewable Energy (Electricity) Regulations 2001</i>	These Regulations provide specific details in relation to the <i>Renewable Energy (Electricity) Act 2000</i> .	As per the means to comply for the <i>Renewable Energy (Electricity) Act 2000</i>		Yes			
Transport	<i>Road Transport Reform (Dangerous Goods) Act 1995</i>	An Act to make provision for safety in the transport of dangerous goods by road as part of the system of nationally consistent road transport laws. Dangerous goods and hazardous substances are to be utilised and transported during the project.	AEMP; Hazardous Materials Sub Plans	Yes	Yes	Yes	Yes	
Transport	<i>Road Transport Reform (Dangerous Goods) Regulations 1997</i>	Regulations for the <i>Road Transport Reform (Dangerous Goods) Act 1995</i> .	AEMP; Hazardous Materials Sub Plan	Yes	Yes	Yes	Yes	

ATTACHMENT E(b)

VICTORIAN LEGISLATION (DESIGN AND CONSTRUCTION)



Aspect	Legislation and Policy	Key Requirements / Relevance to Project	Means to comply	Utilities				
				Area 1 Marine	Area 2 Plant & General	Area 3 Pipeline	Area 4 Power	AquaSure
Heritage	Aboriginal Heritage Act 2006, Aboriginal Heritage Regulations 2007	Provides for the protection of Aboriginal cultural heritage throughout the state of Victoria. Several items of cultural significance have been identified within the utilities alignment. There is potential for sites or artefacts be encountered during Plant site works.	Works to be completed in accordance with Cultural Heritage Management Plans approved by Aboriginal Affairs Victoria including completion of salvage works prior to works in each area and implementation of Contingency Plans outlined in CHMPs in the event that sites, artefacts or human remains are encountered during the works		Yes	Yes	Yes	
Vegetation	<i>Agricultural and Veterinary Chemicals (Victoria) Act 1994</i>	The purpose of this Act is to apply certain laws of the Commonwealth relating to agricultural and veterinary chemical products as laws of Victoria. This Act may have relevance if Agricultural or Veterinary Chemicals are required such as for euthanasia of animals injured throughout the project.	All agricultural and veterinary chemicals stored, handled and used by licensed person in accordance with the Act	Yes	Yes	Yes	Yes	
Land	<i>Catchment and Land Protection Act 1994</i>	The purpose of this Act is to establish a framework for the integrated management and protection of catchments, to encourage community participation in the management of land and water resources and to set up a system of controls on noxious weeds and pest animals. The Act has established ten Catchment and Land Protection Boards, nine of which have since expanded their roles to become Catchment Management Authorities. The plant site and southern portion of the utilities corridor is within the West Gippsland CMA area. The CMA is a key stakeholder for the project and permit authority for works on waterways south of Kilcunda Ridge.	Permits obtained from West Gippsland CMA for works on all waterways south of Kilcunda Ridge		Yes	Yes	Yes	
Marine	<i>Coastal Management Act 1995</i>	The purpose of this Act is to establish and development the Victorian Coastal Strategy and Strategic Planning for the management of the Victorian Coast. It establishes the Victorian Coastal and Bay Management Council and Regional coastal boards. It aims to provide a coordinated approach to approvals for the use and development of coast land. Numerous project works occur within areas managed by this Act. This Act is relevant to all marine works and approval under this is necessary. The Plant Area is in close proximity to the coast and consideration has been given to the requirements of the act in the AEMP.	Permits obtained the Victorian Coastal Council to build marine structures, undertake coastal activities, operations and disturbances.	Yes	Yes			
Hazardous Substances	Dangerous Goods (Storage and Handling) Regulations 2000	The objectives of these Regulations is to provide for the safe storage and handling of dangerous goods and lists the substances that are defined as dangerous goods. All areas will involve the use of dangerous goods which must be transported, stored, handled and used in accordance with these regulations.	Inclusion of relevant controls in Area EMP Hazardous Materials Sub Plans	Yes	Yes	Yes	Yes	

Dangerous goods and hazardous substances	Dangerous Goods (Transport by Road or Rail) Regulations 2008	The objectives of these Regulations are to set out the obligations of persons, to reduce as far as practicable the risk of personal injury, death, property damage and environmental harm and to give effect to the standards, requirements and procedures of the ADG Code so far as they apply to the transport of dangerous goods by land. Dangerous goods and hazardous substances required for the project will be transported in accordance with the regulations.	Inclusion of relevant controls in Area EMP Hazardous Materials Sub Plans	Yes	Yes	Yes	Yes
Hazardous Substances	<i>Dangerous Goods Act 1985</i>	Provides to promote the safety of persons and property in relation to the manufacture, storage, transport, transfer, sale and use of dangerous goods and the import of explosives into Victoria.	Inclusion of relevant controls in Area EMP Hazardous Materials Sub Plans	Yes	Yes	Yes	Yes
Environment	<i>Environment Effects Act 1987</i>	This Act applies to works that are declared to be public works which could reasonably be considered to have or to be capable of having a significant effect on the environment. A process in accordance with the Act was followed that included the preparation and release of an Environmental Effects Statement.	Approval of an Environmental Effects Statement prepared in accordance with the Act	Yes	Yes	Yes	Yes
Environment	<i>Environment Protection Act 1970</i>	<p>The purpose of this Act is to create a legislative framework for the protection of the environment in Victoria having regard to the principles of environment protection.</p> <p>This is the principal Act for Environmental Protection in Victoria in relation to water, air and noise pollution to which there are numerous sub-ordinate Regulations and Policies.</p> <p>The Desalination Plant and Marine components of the project are defined as a 'scheduled premises' under this Act and therefore require a Works Approval issued under the Act which specifies conditions applying to the works.</p> <p>The Act also has functions for the issue of notices and approvals including:</p> <ul style="list-style-type: none"> - S30A Authorise emergency storage, use etc. of waste - S31A Pollution Abatement Notice (PAN) - S31B Minor works pollution abatement notice - S55(3D) Notice to identify occupier. 	<p>Works to be completed in accordance with Works Approval issued by the EPA.</p> <p>Compliance with conditions of notices and approvals issued under the Act</p> <p>Compliance with relevant sub-ordinate Regulations and Policies addressed separately.</p>	Yes	Yes	Yes	Yes
EPA - Resource	Environment Protection (Environment and Resource Efficiency Plans) Regulations 2007	<p>Prescribes criteria for the preparation of an Environmental and Resource Efficiency Plan and when persons are required to register, details and timing of reports.</p> <p>Relevant to resource use during construction works including fuel consumption .</p>	Inclusion of relevant controls in Area EMP Resource Efficiency Sub Plans	Yes	Yes	Yes	Yes
EPA - Waste	Environment Protection (Industrial Waste Resource) Regulations 2009	<p>The objectives of these Regulations are to— (a) assist industry to implement the principle of wastes hierarchy as set out in Environment Protection Act 1970; (b) prescribe requirements for assessing, categorising and classifying industrial waste and prescribed industrial waste; (c) encourage industry to utilise industrial waste as a resource where a secondary beneficial reuse is established; (d) prescribe requirements for the transport and management of prescribed industrial waste including requirements for the tracking of prescribed industrial waste.</p> <p>Relevant to all stages and aspects of the project including excavation of contaminated land, acid sulfate soil and generation of other prescribed wastes .</p>	Inclusion of relevant controls in Area EMP Resource Efficiency Sub Plans and the Utilities Area Soil Management Sub Plan	Yes	Yes	Yes	Yes

Environment	Environment Protection (Scheduled Premises and Exemptions) Regulations 2007	The objectives of these Regulations are to define scheduled premises and specify landfill levy, environmental protection levy and financial assurance requirements.	Inclusion of relevant controls in Area EMP Resource Efficiency Sub Plans		Yes	Yes	Yes	
EPA - Marine	Environment Protection (Ships' Ballast Water) Regulations 2006	The objective of these Regulations is to support the implementation of the Waste management policy (Ships' Ballast Water) by prescribing the administrative requirements, services and fees for ships visiting a port in Victoria. Relevant to operation of marine vessels such as SEP (JUB) and supply vessels, research vessels etc.	Inclusion of the Marine Area EMP Resource Efficiency Sub Plan and the Marine Pest and Pathogen Risk Management and Monitoring Sub Plan	Yes				
Vehicles	Environment Protection (Vehicle Emissions) Regulations 2003	The objective of these Regulations is to minimise the impact of motor vehicle air and noise emissions and fuel quality on Victorians and the Victorian environment. Relevant AEMPs and Air Quality Sub Plans have been prepared to minimise vehicle emissions in accordance with the regulation.	Inclusion in Area EMP Air Quality and Noise and Vibration Sub Plans		Yes	Yes	Yes	
Waste	Environmental Protection (Prescribed waste) Regulations 1998	Details the requirements for the transport and management of prescribed waste and prescribed industrial waste. It includes the requirements for the transport and tracking of prescribed industrial waste.	Inclusion in Area EMP Resource Efficiency Sub Plans	Yes	Yes	Yes	Yes	
Fences	<i>Fences Act 1968</i>	This Act provides detail on the ownership and liability for the construction, maintenance and repairs of fences. Fences will be required to be dismantled, constructed and maintained over the duration of this project.	Addressed through the Project Community Stakeholder Plan and the consultation process outlined in the Utilities Lands and Stakeholder Management Plan.		Yes	Yes	Yes	
Marine and aquatic fauna	<i>Fisheries Act 1995</i>	The purpose of this Act is provide framework for the regulation, management and conservation of Victorian fisheries including aquatic habitats. The Act also has functions for the issue of permits for the research and works that will directly affect marine and aquatic species. Relevant to marine monitoring works and construction of marine structures; as well as catch and release fish surveys in freshwater waterways associated with the utilities waterway crossings.	Works to be completed in accordance with permits issued by the Department of Primary Industries including: - General Permit (Noxious Aquatic Species and Protected Biota) for works, research and monitoring of the marine environment - General (Research) Permit for monitoring studies involving the collection of specimens in public waters along the Victorian Coastline - General (Research) permit for catch and release fish research surveys.	Yes		Yes	Yes	

Flora and Fauna	<i>Flora and Fauna Guarantee Act 1988</i>	<p>The purpose of this Act is to establish a legal and administrative structure to enable and promote the conservation of Victoria's native flora and fauna and to provide for a choice of procedures which can be used for the conservation, management or control of flora and fauna and the management of potentially threatening processes including:</p> <ul style="list-style-type: none"> - Net Gain Offset requirements - Permits for research (including monitoring) that directly effects target species (marine and terrestrial) - Permits for the translocation of species. <p>The Act also requires that any clearing of Very High Conservation Vegetation is approved by the Minister for Environment and Climate Change.</p>	<p>The Area EMP Flora and Fauna Sub Plans include control measures and monitoring to ensure compliance with the objectives of the Act.</p> <p>The Department of Sustainability have prepared an Offsets Management Strategy and are responsible of obtaining all offsets required under the Act.</p> <p>Approval from the Minister for Environment and Climate Change for clearing of Very High Conservation Vegetation.</p> <p>Works to be completed in accordance with permits issued by the Department of Environment and Sustainability including:</p> <ul style="list-style-type: none"> - Permit to take protected plants for translocation of protected plants and to collect samples for taxonomic identification. - Permit to take protected fish for the purpose of translocation - Permit to undertake protected invertebrate surveys for monitoring of the Giant Gippsland Earthworm and reef communities. 	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
Heritage	<i>Heritage Act 1995</i>	<p>The purpose of this Act is to provide for the protection and conservation of places and objects of cultural heritage significance and the registration of such places and objects.</p> <p>Consent is required under S129 of the Act to damage listed items of Aboriginal or non-Aboriginal cultural heritage.</p>	<p>Permits obtained to damage any items of Aboriginal or non-Aboriginal cultural heritage.</p> <p>The Area EMP Archaeological and Cultural Heritage Sub Plans fulfil the requirements of this Act.</p>		<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
ASS	Industrial Waste Management Policy (Waste Acid Sulfate Soils)	<p>The objective of this policy is to protect human health and the environment from risks that may be posed by waste acid sulfate soils by ensuring that they are managed in an environmentally responsible manner.</p> <p>S13 of the Policy requires the occupier of a premises that plans to receive or reuse waste acid sulfate soils to either hold a license to do so or have an environmental management plan prepared in accordance with the policy and approved by the EPA.</p>	<p>Management of Acid Sulfate Soil will be undertaken in accordance with an Acid Sulfate Soil (Environmental) Management Plan developed in consultation with this the EPA. Approval of the plan will only be required if the management involves reuse of waste acid sulfate soils or the proposes to receive waste acid sulfate soils from off site.</p>		<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
Land	<i>Land Conservation (Vehicle Control) Act 1972</i>	<p>An Act deals with the control of Vehicular Traffic on Public Land in the interests of preventing of soil erosion and damage to public land. Public land will be accessed by vehicles across the VDP. Sensitive areas managed accordingly.</p>	<p>Incorporated in the Utilities EMP Access and Activities on Agricultural land and the Flora and Fauna Sub-plans</p>			<p>Yes</p>	<p>Yes</p>	
Marine	<i>Marine Act 1988</i>	<p>Provides detail on the registration of vessels and the pollution of State waters, implement certain international conventions and to provide for the efficient and safe operation of vessels on State waters.</p> <p>Relevant to operation of all marine vessels associated with works and monitoring.</p>	<p>Incorporated in the Marine EMP Flora and Fauna Sub Plan</p>	<p>Yes</p>				


Marine	Marine Regulations 1999	The objectives of these Regulations are to provide for the registration and operation of vessels, give effect to certain international conventions relating to operation, details on marine infringements and prescribe penalties. Relevant to operation of all marine vessels associated with works and monitoring.	Incorporated in the Marine EMP Flora and Fauna Sub Plan	Yes				
NEPC - Environment	<i>National Environmental Protection Council (Victoria) Act 1995</i>	Along with complimentary Commonwealth legislation, this Act establishes a body whose purpose is to harmonise the standards of environmental protection across Australia. This Act is administered by the EPA. Relevant to all aspects of the marine works.	EMS	Yes	Yes	Yes	Yes	
National Park	National Parks (Park) Regulations 2003	The objectives of these Regulations are to prescribe provisions for the preservation and protection of flora, fauna, indigenous fish and features of natural, scenic, archaeological, ecological, geological, historic or scientific interest or significance, the protection of buildings, structures, permanent works, facilities and amenities and the protection of designated water supply catchment areas and other water supply catchment areas; and the safety, enjoyment, recreation and education of visitors; and the preservation of good order; and to prescribe travelling fees. Marine Area works will comply with these regulations as detailed in the Marine AEMP and the Marine Flora and Fauna Sub Plan.	Incorporated in the Marine EMP Flora and Fauna Sub Plan	Yes				
National Park	<i>National Parks Act 1975</i>	This Act makes provision for national parks, state parks, marine national parks and marine sanctuaries and for their management including preservation, protection, study of sciences, catchment protection and enhancement of wilderness areas. Marine Area works take place in the vicinity of a Marine National Park and are managed in accordance with the Act. The utilities corridor is also located adjacent to Hurdy Gurdy Creek Flora and Fauna Reserved between KP 31 - 32.	Monitoring works completed in accordance with Scientific License issued by Department of Sustainability and Environment.	Yes	Yes			
National Park	National Parks (Park) Regulations 2003	The objectives of these Regulations are to prescribe provisions for the preservation and protection of flora, fauna, indigenous fish and features of natural, scenic, archaeological, ecological, geological, historic or scientific interest or significance, the protection of buildings, structures, permanent works, facilities and amenities and the protection of designated water supply catchment areas and other water supply catchment areas; and the safety, enjoyment, recreation and education of visitors; and the preservation of good order; and to prescribe travelling fees. A scientific permit is required under this Regulation for the monitoring works undertaken in marine parks.	Monitoring works completed in accordance with Scientific License issued by Department of Sustainability and Environment.	Yes	Yes			
Waste	Occupational Health and Safety (Asbestos) Regulations 2003 (Victoria)	The objectives of these Regulations is to protect persons against the risk of asbestos-related disease resulting from exposure to airborne asbestos fibres.	The assessment and disposal of hazardous substances in accordance with this Regulation is outlined in the Utilities Contaminated Land Procedure and the Area Hazardous Substance Sub Plans.		Yes	Yes	Yes	
OH&S	<i>Occupational Health and Safety Act 2004</i>	Updates the Occupational Health and Safety Act 1985; and provides a framework to control health and safety issues in the workplace.	Addressed through the project Safety Management Plans.	Yes				

OH&S	Occupational Health and Safety (Hazardous Substances) Regulations 1999	<p>The objective of these Regulations is to protect people at work against risks to their health associated with the use of hazardous substances.</p> <p>The environmental relevance of this regulation is to the assessment and disposal of asbestos or other hazardous substances encountered during construction.</p>	The assessment and disposal of hazardous substances in accordance with this Regulation is outlined in the Utilities Contaminated Land Procedure and the Area Hazardous Substance Sub Plans.	Yes	Yes	Yes	Yes	
OH&S	Occupational Health and Safety Regulations, 2007 (furthering objections of Health and Safety Act 2004 and Dangerous Goods Act 1985)	Furtheres the objects of the Occupational Health and Safety Act 2004 Dangerous Goods Act 1985	Hazardous Materials Sub Plans	Yes				
Planning	Planning and Environment Act 1987 and Planning and Environment Regulations 2005	<p>The purpose of this Act is to establish a framework for planning use, development and protection of land in Victoria through the development of Planning Schemes for local planning areas.</p> <p>The development of the plant site and utilities corridor requires amendment of the Bass Coast, Casey and Cardinia Planning Schemes.</p>	<p>Preparation, adoption and approval of Amendment C107 to the Bass Coast Planning Scheme, Amendment C131 to the Cardinia Planning Scheme and Amendment C140 to the Casey Planning Scheme.</p> <p>Compliance with the conditions of the Victorian Desalination Project incorporated document pursuant to S.6(2)(j) of the Act.</p>		Yes	Yes	Yes	
Agricultural Activities	<i>Plant Health and Plant Products Act 1995</i>	The main purposes of this Act are to provide for the preventing, monitoring, controlling and eradicating of plant pests and diseases, provide for the packaging, labelling and description of plants and plant products, to facilitate the movement of plants, plant products, used packages, used agricultural equipment and soil within and into and out of Victoria. The Act also amends the Agricultural Industry Development Act 1990 to provide for industry funded schemes for pest and disease control measures and for compensating producers for the costs of controlling certain pests and diseases. This Act is particularly relevant to sections of the Utilities alignment that are located in the Potato Cyst Nematode Zone and for the management of this and other biosecurity issues.	<p>Development and implementation of a Biosecurity Management Procedure for the Utilities Corridor to address works in the Potato Cyst Nematode Zone.</p> <p>Any soil that is to be transported out of the Potato Cyst Nematode Zone must be done so in accordance with a permit issued by the Department of Primary Industries under S.9 of the Act.</p>			Yes	Yes	
Flora	Plant Health and Plant Products Regulations 2006	<p>The objectives of these Regulations are:</p> <p>(a) to require the possession of assurance certificates, plant health certificates and plant health declarations in certain circumstances;</p> <p>(b) to require the presentation of certificates or declarations in certain circumstances;</p> <p>(c) to prescribe the manner of attaching a warning to seized or detained packages, plants or plant products;</p> <p>(d) to prescribe requirements for the reconditioning of used packages;</p> <p>(e) to specify activities for which inspectors can impose fees and charges;</p> <p>(f) to prescribe forms, penalties for infringement notices and other matters authorised by the Act.</p> <p>Site reinstatement and rehabilitation activities may be impacted by these regulations</p>	<p>Development and implementation of a Biosecurity Management Procedure for the Utilities Corridor to address works in the Potato Cyst Nematode Zone.</p> <p>Any soil that is to be transported out of the Potato Cyst Nematode Zone must be done so in accordance with a permit issued by the Department of Primary Industries under S.9 of the Act.</p>			Yes	Yes	
Marine	<i>Pollution of Waters by Oil and Noxious Substances Act 1986</i>	<p>This Act is intended to prevent the pollution of the ocean and other waters by oil and other noxious substances.</p> <p>Relevant to storage and use of hazardous materials on vessels</p>	Incorporated in the Marine EMP Hazardous Substances and Flora and Fauna Sub Plans	Yes				

Marine	Pollution of Waters by Oil and Noxious Substances Regulations 2002	Prescribes detail to assist the Act in achieving it's objective.	Incorporated in the Marine EMP Hazardous Substances and Flora and Fauna Sub Plans	Yes				
Marine	<i>Port Services Act 1995</i>	The main purpose of this Act is to establish bodies to manage and operate certain commercial trading ports in Victoria. Relevant to stakeholder management of the marine area activities.	Consultation with relevant ports bodies.	Yes				
Marine	Port Services (Local Ports) Regulations 2004	The objective of these Regulations is to provide for the effective management of local ports within the meaning of the Port Services Act 1995.	Consultation with relevant ports bodies.	Yes				
Fauna	<i>Prevention of Cruelty to Animals Act 1986</i>	The objective of this Act is to prevent the cruelty of animals. The relevance to the project is that fauna research (monitoring) required under the flora and fauna sub plans requires a Scientific Procedures Fieldwork Licnese issued under S.32a of the Act.	Persons undertaking monitoring of fauna, including video surveillance and tracking of Hooded Plover, to be in possession of the current Scientific Procedures Fieldwork Licnese issued under S.32a of the Act.	Yes	Yes	Yes	Yes	
Flora	<i>Road Management Act 2004</i>	The objective of the Act is to establishes the general principles which apply to road management. The Act established that the clearing of vegetation within road reserves must be approved by the road management authority.	Clearing of vegetation in road reserves is approved by relevant road management authority works approval.			Yes	Yes	
Land	State Environment Protection (Assessment of Site Contamination) Measure, NEPC 1999	The objective of this policy is to maintain and where appropriate and practical improve the condition of the land environment sufficient to protect current and future beneficial uses of land from the detrimental effects of contamination. These principles and the policy were consulted for the production of the AEMP and the Soil Management Sub Plan.	Procedures to assess and classify contaminated lands will be incorporated into the Plant and Utilities Area Soil Management Sub Plans.		Yes	Yes	Yes	
Air	State Environment Protection Policy (Air Quality Management)	Establishes a framework for managing emissions and sets out a program for action to protect the air environment and achieve the regional air quality objectives of the State environment protection policy (Ambient Air Quality). This relates to all works and this policy was consulted in the production of the Air Quality Sub Plan.	Incorporated into the Utilities and Plant Area EMP Air Quality Sub Plans		Yes	Yes	Yes	
Air	State Environment Protection Policy (Ambient Air Quality Management)	Establishes a framework for managing emissions and sets out a program for action to protect the air environment and achieve the regional air quality objectives of the State environment protection policy (Ambient Air Quality). This relates to all works to be conducted including operation of vessels and static plant onboard marine structures.	Incorporated into the Utilities and Plant Area EMP Air Quality Sub Plans and the Marine Resource Efficiency Sub-plan	Yes	Yes	Yes	Yes	
Groundwater	State Environment Protection Policy (Groundwater's of Victoria)	The objective of this policy is to maintain and where necessary improve groundwater quality sufficient to protect existing and potential beneficial uses of groundwater's throughout Victoria. This relates to works undertaken with the Plant and Utilities areas and is addressed through the Water Quality and Erosion Management Sub Plans.	Incorporated into the Utilities and Plant Area EMP Water Quality and Erosion Management Sub Plans		Yes	Yes	Yes	
Land	State Environment Protection Policy (Prevention And Management Of Contamination Of Land)	The objective of this policy is to maintain and where appropriate and practical improve the condition of the land environment sufficient to protect current and future beneficial uses of land from the detrimental effects of contamination. This policy has guided the development of the AEMPs and in particular the Soil Management and Resource Efficiency Sub Plans.	AEMP; Soil Management Sub Plan, Resource Efficiency Sub Plan		Yes	Yes	Yes	

Land, Soil, ASS	State Environment Protection Policy (Prevention And Management Of Contamination Of Land)	The objective of this policy is to maintain and where appropriate improve the condition of the land sufficient to protect current and future beneficial uses of land from the detrimental effects of contamination. Some contaminated land and acid sulfate soils will be encountered during construction. Construction processes will be performed to reduce contamination risk.	Incorporated in the Plant and Utilities Area EMP Soil Management and Hazardous Material Sub Plans.		Yes	Yes	Yes	
Water	State Environment Protection Policy (Waters of Victoria)	This policy provides the legal framework for the State and local government agencies, businesses and communities to work together to protect and rehabilitate Victorias surface water environments. As the project involves construction work throughout multiple catchment areas the AEMP (and relevant Sub Plans) have been produced in order to enable the coordination of activities to protect surface water environments during construction and discharge of water from site.	Incorporated in the Plant and Utilities Area EMP Water Quality and Erosion Management Sub Plan and Waterways and Wetland sub-plans.		Yes	Yes	Yes	
Marine	Vessel Operating & Zoning Rules for Victorian Waters	The rules are designed to provide a safe operating environment, to cater for the wide range of boating and water activities, to separate different activities where needed on the basis of safety, and to reflect local conditions.	Incorporated in the Marine Area EMP.		Yes			
Energy	<i>Victorian Energy Efficiency Target Act 2007</i>	The purpose of this Act is to promote the reduction of greenhouse gas emissions by establishing the VEET scheme.	D&C Resource Efficiency Sub Plan		Yes	Yes	Yes	Yes
NPI	Waste Management Policy (National Pollutant Inventory)	The purpose of this policy is to implement the National Environment Protection (National Pollutant Inventory) Measure within the State of Victoria with the desired outcomes to include the maintenance and improvement of ambient air quality, water quality, minimise impact of hazardous wastes and expand the use of recycled materials. The VDP will produce waste listed in the NPI and will require appropriate management accordingly.	EMS					Yes
NPI	Waste Management Policy (National Pollutant Inventory)	The purpose of this policy is to implement the National Environment Protection (National Pollutant Inventory: NPI) Measure within the State of Victoria with the desired outcomes to include the maintenance and improvement of ambient air quality, water quality, minimise impact of hazardous wastes ad expand the use of recycled materials. This project will produce waste listed in the NPI and will require appropriate management.	This policy has guided the development of the Resource Efficiency Sub Plans.		Yes	Yes	Yes	Yes
Waste	Waste Management Policy (Prescribed Industrial Waste)	The objectives of this policy are to protect human health, amenity and the environment from hazards that may be posed by prescribed industrial waste, minimise the generation of prescribed industrial waste through all aspects of design, material selection, production and use of goods and services and eliminate as soon as practicable the disposal of prescribed industrial waste to landfill.	This policy has guided the development of the AEMP and Resource Efficiency Sub Plans.		Yes	Yes	Yes	Yes

Marine	Waste Management Policy (Ships' Ballast Water)	The purpose of the Policy is to help protect the beneficial uses of Victorian State waters by minimising the risk of marine pest introductions via domestic ballast water from ships entering Victorian State waters visiting a Victorian port and ensuring water management arrangements are in place for ships entering Victorian State waters visiting a Victorian port. Addressed through a marine pest risk management and monitoring process developed in the Marine AEMP (Marine Flora and Fauna Sub Plan).	AEMP; Marine Flora and Fauna Sub Plan	Yes				
Marine	Waste Management Policy (Ships' Ballast Water)	The purpose of the Policy is to help protect the beneficial uses of Victorian State waters by minimising the risk of marine pest introductions via domestic ballast water from ships entering Victorian State waters visiting a Victorian port and ensuring water management arrangements are in place for ships entering Victorian State waters visiting a Victorian port.	AEMP; Marine Flora and Fauna Sub Plan; Marine Pest and Pathogen Risk Management and Monitoring Sub Plan	Yes				
Waste	Waste Management Policy (Used Packaging Materials)	The policy objectives are to reduce environmental degradation arising from the disposal of used packaging and conserve virgin materials through the encouragement of waste avoidance, reuse and recycling. Relevant to procured goods used in monitoring work or manufacture of marine structures.	Marine AEMP; Resource Efficiency Sub Plan	Yes				
Groundwater	<i>Water Act 1989</i>	The objective of the Act is to promote the orderly, equitable and efficient use of water resources. The Act provides powers for the compulsory acquisition of land for the project. The Act also provides a frameworks for transferring of groundwater allocations and to commission or decommission groundwater bores and dams.	Works to take and use groundwater and to operate works to be done in accordance with a licence issued by Southern Rural Water S. 51,58, 62 and 67 of the Act. Commissioning and decommissioning of groundwater bores or dams to be done in accordance with a licence issued by Southern Rural Water under S 51 or 67 of the Act.		Yes	Yes	Yes	
Flora and Fauna	Wildlife (marine mammals) Regulations 2009	Provides for the long-term protection of marine mammals by regulating activities connected with whale and seal watching; prohibiting or regulating activities in the vicinity of whales and seals; prescribing minimum approach distances for whales and seals; and administrative provisions for whale and seal watching permits.	Marine AEMP; Flora and Fauna Sub Plan, Helicopter Management Sub Plan;	Yes				
Fauna	<i>Wildlife Act 1975</i>	The purposes of this Act are to establish procedures in order to promote the protection and conservation of wildlife, the prevention of taxa of wildlife from becoming extinct; and the sustainable use of and access to wildlife; and to prohibit and regulate the conduct of persons engaged in activities concerning or related to wildlife. Wildlife will be impacted by the project and mitigation measures (e.g. handling and relocation) are regulated by this Act. Fauna survey and monitoring works must be undertaken in accordance with the conditions of a Management Authorisation in accordance with the provisions of the Act.	Fauna survey and monitoring undertaken in accordance with the conditions of a Management Authorisation in accordance with the provisions of the Act issued by the Department of Sustainability and Environment.	Yes	Yes	Yes	Yes	

Fauna	<i>Wildlife Regulations 2002</i>	To assist the Act in prescribing licensing, fees, offences and exemptions. These licensing requirements apply to some mitigation and construction processes.	Fauna survey and monitoring undertaken in accordance with the conditions of a Management Authorisation in accordance with the provisions of the Act issued by the Department of Sustainability and Environment.	Yes	Yes	Yes	Yes	
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