

# Chapter 3

## Legislation and policy framework

### 3.1 Overview

The project is being assessed via this EES under the *Environment Effects Act 1978*. While the *Environment Effects Act 1978* and EES do not provide a direct avenue for approval of the project, the EES informs the Victorian Minister for Planning's (the Minister's) assessment of the acceptability of the environmental effects of the project, which in turn is provided to Commonwealth, Victorian and local decision makers to inform all applicable planning and environmental approvals. These statutory decision makers must consider the Minister's assessment in deciding whether to grant approval.

The EES considers Commonwealth and Victorian legislation including, but not limited to, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), *Planning and Environment Act 1987* and *Aboriginal Heritage Act 2006*. The relationship between these acts and permits, consents and licences granted under those acts or other acts is also described in this chapter.

### 3.2 Project approvals process

The project was referred to the Minister in September 2018, in accordance with Section 8(3) of the *Environment Effects Act 1978*, to determine if an EES was required. On 27 December 2018, the Minister determined that an EES would be required due to the potential for the project to cause significant environmental effects associated with the following key matters:

- biodiversity and ecological values within and near the project site including native vegetation, listed communities and species (flora and fauna) under the *Flora and Fauna Guarantee Act 1988* (FFG Act) and EPBC Act
- water environments and related beneficial uses, including as a result of changes to stream flows, discharge of sediment and acid formation from disturbance of wetlands
- geoheritage values within the project site, including for the potential on-site quarry
- local visual amenity values, including for non-neighbouring landholders
- socio-economic environment, at local and regional scales, including increased traffic movement and indirect effects of construction on the capacity of local community infrastructure
- effects from a cumulative perspective, including threatened flora and fauna, social and amenity values, with particular consideration of the currently operating and already approved wind farm projects in the region.

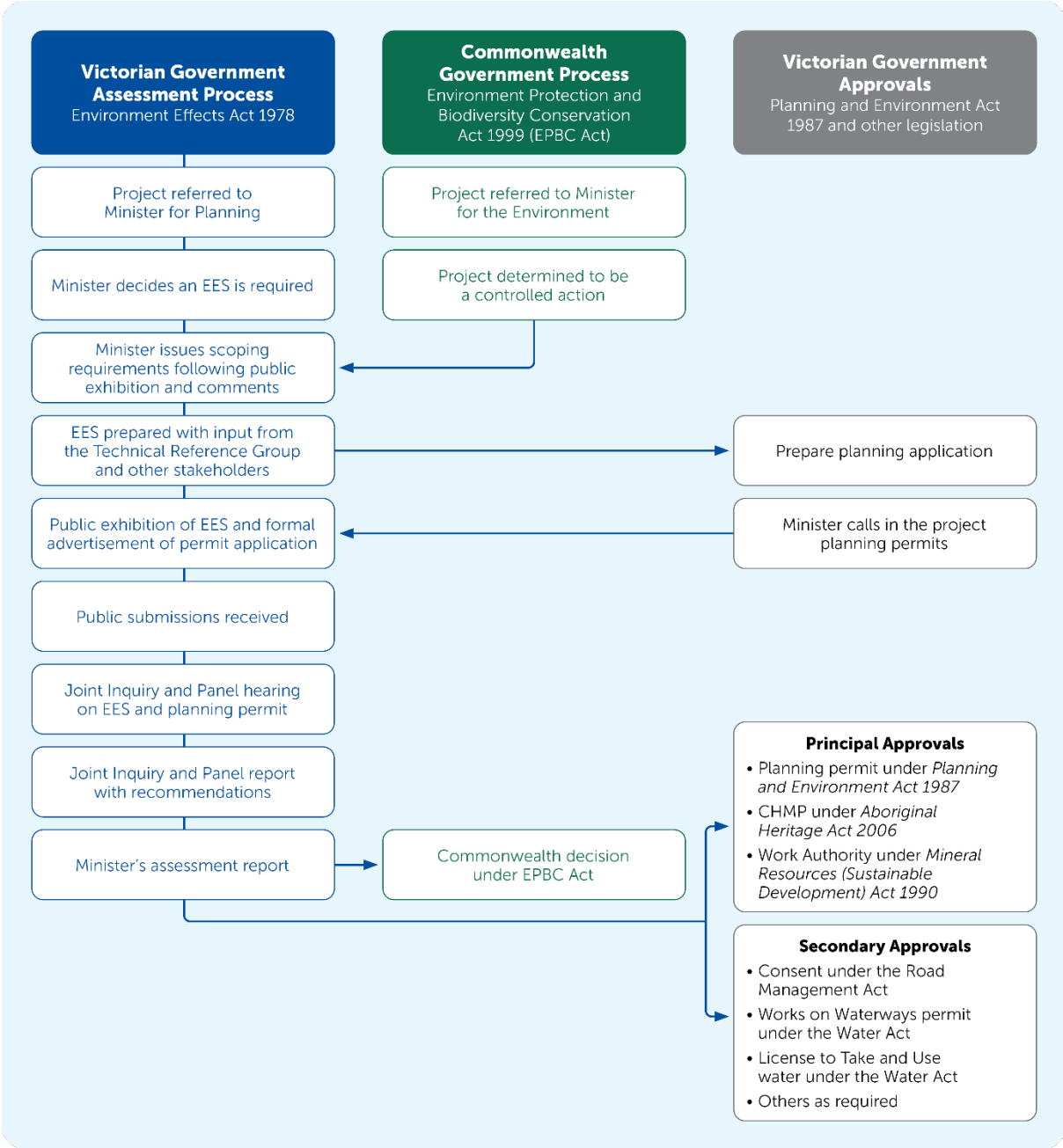
The scope of the EES was proposed by DELWP within their draft scoping requirements document, which set out the specific matters and draft evaluation objectives to be addressed through the EES. These were released for public comment on 19 July 2019 prior to being finalised and approved by the Minister in August 2019 and published on 27 August 2019.

A Technical Reference Group was formed to provide technical advice to DELWP and the project proponent during the preparation of the EES. The Technical Reference Group is made up of relevant state, and local government representatives, as well as representatives from project approval authorities. Further information about the Technical Reference Group is provided in Chapter 6 – *Stakeholder consultation*.

Community consultation is a key part of the EES process. The EES is required to be exhibited for public comment for at least 30 business days to seek feedback from the community and other stakeholders. The proponent then responds to submissions and provides clarifications or further information where needed.

The Minister stated in his EES referral decision that an independent inquiry will be appointed to consider and report on the environmental effects of the proposal through a public hearing. It is intended that the inquiry will also be asked to consider the project's planning application, submitted alongside the EES. In this case it would form a joint Inquiry and Panel. The inquiry would conduct a hearing, which provides an opportunity for those who have made submissions on the EES or planning application to give presentations on their submissions. Following the conclusion of the hearing, the inquiry submits its report to the Minister to inform the Minister's assessment for the project.

Figure 3.1 depicts the EES process under the *Environment Effects Act 1978* and its interplay with other legislation and the approvals required for the project.



**Figure 3.1 Interplay between the EES process and other statutory approvals**

## 3.3 Principal approvals

### 3.3.1 Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act provides a framework to protect nine defined matters of national environmental significance, which include nationally threatened species and ecological communities, migratory species and wetlands of international importance.

The project was referred to the Commonwealth Department of the Environment and Energy under the EPBC Act on 30 April 2019. With a restructuring of Commonwealth Government departments, the EPBC Act is now administered by the Department of Agriculture, Water and the Environment (DAWE). On 12 June 2019 a delegate for the Minister for the Environment determined the project was a 'controlled action', requiring assessment of specific matters of national environmental significance. The decision letter noted:

*"The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:*

- *Listed threatened species and communities (sections 18 & 18A)"*

Based on the information provided in the EPBC referral, the delegate for the Commonwealth Minister for the Environment determined the proposed action has the potential for significant impacts on the following matters of national environmental significance:

- Southern Bent-wing Bat (*Miniopterus orianae bessenii*)
- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains
- Growling Grass Frog (*Litoria raniformis*); Dwarf Galaxias (*Galaxiella pusilla*); Yarra Pygmy Perch (*Nannoperca obscura*)
- Matted Flax-lily (*Dianella amoena*); Clover Glycine (*Glycine latrobeana*); Basalt Peppercreess (*Lepidium hyssopifolium*); Gorae Leek-orchid (*Prasophyllum diversiflorum*); Maroon Leek-orchid (*Prasophyllum frenchii*); Dense Leek-orchid (*Prasophyllum spicatum*); Button Wrinklewort (*Rutidosia leptorhynchoides*); Swamp Fireweed (*Senecio psiloearpus*); and Swamp Everlasting (*Xerochrysum palustre*).

The matters of national environmental significance listed above are addressed in Chapter 25 – *Matters of national environmental significance*.

The Commonwealth Minister for the Environment's delegate determined that *"the project will be assessed under the assessment bilateral agreement with Victoria"*. Under the bilateral agreement, the Victorian Minister for Planning's assessment of the environmental effects of the project will be provided to the Commonwealth Minister for the Environment to inform the approval decision under the EPBC Act.

### 3.3.2 Planning and Environment Act 1987

The purpose of the *Planning and Environment Act 1987* is to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians. The *Planning and Environment Act 1987* sets out the structure and administration of planning in Victoria and authorises the preparation, adoption and approval of planning schemes and planning scheme amendments. The Moyne Planning Scheme is relevant to the project and is administered by the Moyne Shire Council.

The project will require a permit in accordance with:

- Clause 52.05 (Signs) for business identification signage up to an area of 3 square metres
- Clause 52.17 (Native Vegetation) to remove, destroy or lop native vegetation, including dead vegetation
- Clause 52.29 (Land Adjacent to the Principal Road Network) to create or alter access to roads located in the Transport Zone 2

#### Planning schemes

In Victoria, planning schemes are statutory documents, prepared by the local council or Minister for Planning, that contain objectives, policies and provisions that control land use and development (referred to as ordinance) and planning maps that show where zones and overlays apply.

Zones and overlays are explained in Chapter 16 – *Land use and planning*.

- Clause 52.32 (Wind Energy Facility) for the use and development of the land for a wind energy facility and associated infrastructure
- Clause 52.33 (Post Boxes and Dry Stone Walls) to demolish, remove or alter a dry stone wall.

The use of land for earth and energy resources industry (i.e., a quarry) does not require a permit under the Farming Zone if the conditions of Clause 52.08 (Earth and Energy Resources Industry) are met. That is, if an EES has been prepared under the *Environment Effects Act 1978* which includes consideration of the quarry, the Minister for Planning's assessment of the EES has been submitted to the Minister for Resources, and a work authority has subsequently been granted by the Minister for Resources. Refer to Section 3.3.4 for more information about the work authority process.

The Minister for Planning is the Responsible Authority for all large energy generation facilities and utility installations, which includes wind farms. Further, the Minister also has the power to call in any additional planning permits required by the project under Section 97B of the *Planning and Environment Act 1987*. It is anticipated that all planning permits for the project will be called in by the Minister, enabling a combined assessment under Section 97B(1)(c) of the *Planning and Environment Act 1987*. As such, a planning permit application has been prepared and is exhibited alongside the EES.

A small portion of land in the south-west of the project site is affected by the Bushfire Management Overlay (associated with a neighbouring forestry plantation) and the entire project site is mapped within a designated bushfire prone area. The project Environmental Management Plan will include a Bushfire Management Plan, prepared in consultation with and to the satisfaction of the Country Fire Authority and DELWP. This plan will include bushfire protection measures that will be implemented as part of the project to reduce the risk from bushfire to an acceptable level.

The planning controls that currently apply to the land to be developed for the project are described in detail in Chapter 16 – *Land use and planning* and Appendix H – *Land use and planning*.

### 3.3.3 Aboriginal Heritage Act 2006

In Victoria, Aboriginal cultural heritage is protected by the *Aboriginal Heritage Act 2006* and the Aboriginal Heritage Regulations 2018.

Under this legislation, Aboriginal cultural heritage is protected by requiring planning permit applicants to prepare a Cultural Heritage Management Plan if and when their proposed actions pose a risk to Aboriginal cultural heritage. Under the *Aboriginal Heritage Act 2006*, actions are considered to pose a risk to Aboriginal cultural heritage, and therefore require the preparation of a Cultural Heritage Management Plan, when they are both a 'high impact activity' and occur in an 'area of cultural heritage sensitivity'.

Approval of a Cultural Heritage Management Plan is required pursuant to the *Aboriginal Heritage Act 2006* and its associated regulations. Pursuant to regulation 43(1)(a) and (b)(xxvi) of the Aboriginal Heritage Regulations 2018, construction of a wind energy facility is a high impact and, as such, a mandatory Cultural Heritage Management Plan is required. Section 49 of the *Aboriginal Heritage Act 2006* also states that projects assessed under the *Environment Effects Act 1978* (i.e., where an EES is required) require the preparation and approval of a Cultural Heritage Management Plan prior to commencing project construction.

The western portion of the project is located in an area that the Eastern Maar Aboriginal Corporation and the Gunditj Mirring Traditional Owners Aboriginal Corporation exercise joint responsibility as Registered Aboriginal Parties under the *Aboriginal Heritage Act 2006*. The remainder of the project is located in an area over which the Eastern Maar exercise exclusive Registered Aboriginal Party status in line with a decision of the Victorian Aboriginal Heritage Council on 06 February 2020.

A Registered Aboriginal Party was not in place for the project site when notice of intent to prepare a Cultural Heritage Management Plan was submitted in December 2009. As such, First Peoples – State Relations Group (formerly Aboriginal Victoria) will be the Responsible Authority regarding evaluation of the project Cultural Heritage Management Plan.

An unexpected finds protocol will be developed prior to the commencement of works and incorporated into the Cultural Heritage Management Plan. This protocol will contain contingency plans for the unexpected discovery of Aboriginal heritage places or objects during project construction. Site workers will be inducted as to the nature of unexpected finds and what action to take if any are found.

Details of the Aboriginal heritage assessment process and outcomes are included in Chapter 18 – *Aboriginal cultural heritage*.

### 3.3.4 Mineral Resources (Sustainable Development) Act 1990

The option to develop an on-site quarry to supply materials to construct internal access tracks, hardstand areas and turbine foundations (if the material is of suitable quality) is being considered. The *Mineral Resources (Sustainable Development) Act 1990* regulates mineral exploration, mining and extractive activities in Victoria, including quarrying.

The extraction of stone requires a work authority under section 77I of the *Mineral Resources (Sustainable Development) Act 1990*, regulated by Earth Resources Regulation (part of the Department of Jobs, Precincts and Regions), Victoria’s regulator of quarrying activities.

To obtain a work authority, the project must prepare a work plan for the proposed quarry under section 77G of the *Mineral Resources (Sustainable Development) Act 1990*, which includes a rehabilitation plan and a community consultation plan. This work plan requires approval by Earth Resources Regulation. The work plan must meet all prescribed criteria specified in the *Mineral Resources (Sustainable Development) Act 1990*, consider relevant requirements specified in the Minister’s assessment, and include review by relevant agencies (e.g., EPA Victoria, Moyné Shire Council, First Peoples – State Relations, catchment and water authorities) before it is approved, and quarrying can commence. A copy of the preliminary project work plan is provided in EES Attachment II – *Preliminary draft quarry work plan* to meet the scoping requirements and would be formally reviewed by Earth Resources Regulation following the Minister’s assessment (of the EES).

The use of groundwater extracted from the quarry requires a separate permit from Southern Rural Water to take and use that water (refer to Section 3.4.3).

## 3.4 Other relevant legislation and approvals

### 3.4.1 Environment Protection Act 2017

The *Environment Protection Act 2017* sets out the legislative framework for the protection of human health and the environment from pollution and waste in Victoria.

In contrast to the *Environment Protection Act 1970*, which focused on managing pollution and waste impacts after they occurred, the new *Environment Protection Act 2017* seeks to prevent these impacts from occurring. At the centre of this act is the ‘general environmental duty’, which requires any person in Victoria (businesses, industry and the community) engaging in an activity that may risk harming human health and the environment from pollution and waste to minimise those risks, so far as reasonably practicable (see info box). This can be achieved by implementing appropriate controls that are proportionate to the risk (i.e., the greater the risk of potential harm, the greater the management expectation). Controls can include:

- eliminating or changing the risk source
- engineering or building controls, and/or
- training and safe site practices.

What is considered ‘reasonably practicable’ can change over time as the understanding of risks evolves and risk management improves through new technology and methods.

EPA Victoria Publication 1856: *Reasonably practicable* provides information about how to determine what is ‘reasonably practicable’. A failure to comply with the general environmental duty is now an indictable offence.

To determine what is considered ‘reasonably practicable’, the level and scale of the risk of harm from an activity should be considered. This includes:

- whether the risk can be eliminated
- chance of harm resulting
- degree of harm
- knowledge of risk
- available controls
- cost of controls.

Subordinate legislation (i.e., tools that support the new *Environment Protection Act 2017*) include the Environment Reference Standard and Environment Protection Regulations 2021:

- The Environment Reference Standard identifies environmental values to be achieved and maintained, and how these values are to be assessed. It contains values, indicators and objectives for ambient air, water, ambient sound and land environments. The Environment Reference Standard replaces the State Environment Protection Policies.
- The Environment Protection Regulations 2021 outline prescribed 'permission activities', being activities that may cause harm and require permission such as a licence, permit or regulation. In accordance with Schedule 1 of this regulation, 'Extractive industry and mining' is classified as a prescribed development and operating activity.

On 1 August 2021, the Environment Protection Amendment (Wind Turbine Noise) Regulations 2021 were introduced (under the *Environment Protection Act 2017*) to specify requirements relating to wind turbine noise from wind energy facilities, and outline measures to demonstrate compliance. EPA Victoria is now the primary regulator for operational wind turbine noise (for both new and existing wind farms), meaning that councils are no longer responsible for enforcing permit conditions relating to wind turbine noise.

EPA Victoria is the primary regulator for water discharges from mining and quarrying activities and advise Earth Resources Regulation in their assessment of the quarry work plan on air discharges, noise and waste management, and environmental management conditions related to waste and pollution.

The design and delivery of the project must comply with appropriate regulations and guidelines under the *Environment Protection Act 2017* where they apply to works and other project activities.

### 3.4.2 Heritage Act 2017

The *Heritage Act 2017* regulates the protection and conservation of places and objects of heritage significance listed in the Victorian Heritage Register and archaeological sites and relics listed in the Victorian Heritage Inventory.

Under the *Heritage Act 2017*, a permit is required from Heritage Victoria to carry out works and activities in relation to a registered place or registered object.

No approvals are expected to be required for the project under the *Heritage Act 2017* unless unexpected historic archaeological material is detected during construction. In this instance, consent from Heritage Victoria would be required.

### 3.4.3 Water Act 1989

Victoria's *Water Act 1989* promotes the orderly, equitable and efficient use of water resources to ensure that water resources are conserved and properly managed for sustainable use for the benefit of present and future Victorians. The *Water Act 1989* regulates the impacts on and use of surface water and groundwater.

The project may require a licence to take and use water (e.g., for the quarry) or to construct a bore. If either of these were a preferred option for the supply of water during construction, the project would require approval from Southern Rural Water under Section 51 of the *Water Act 1989*.

The project will include a crossing over Shaw River, as well as other potential waterway crossings associated with the transmission cables. A licence to construct works across any designated waterway would require a works on a waterway licence from Glenelg Hopkins Catchment Management Authority (CMA), pursuant to Section 67 of the *Water Act 1989*.

The *Water Act 1989* defines a 'designated waterway' as "a natural channel in which water regularly flows, whether or not the flow is continuous".

### 3.4.4 Catchment and Land Protection Act 1994

The *Catchment and Land Protection Act 1994* defines requirements to avoid land degradation, conserve soil, protect waste resources, and to eradicate and prevent the establishment and spread of noxious weeds and pest animals.

The *Catchment and Land Protection Act 1994* integrates management and protection of catchments through CMAs. The project is located within the Glenelg Hopkins CMA boundary. The *Glenelg Hopkins Regional Catchment Strategy 2021-2027* was recently updated. This strategy is a requirement of the *Catchment and Land Protection Act 1994* and is intended to be the primary integrated planning framework for land, water and biodiversity for the region.

The Glenelg Hopkins CMA also have the *Glenelg Hopkins Waterway Strategy 2014–2022*, which provides a framework for river, estuary and wetland management in the region.

### 3.4.5 Flora and Fauna Guarantee Act 1988 and Flora and Fauna Guarantee Amendment Act 2019

The FFG Act provides a framework for biodiversity conservation in Victoria. The FFG Act provides for the listing of threatened species, communities of flora and fauna and potentially threatening processes. A number of non-threatened flora species are also protected under the FFG Act.

The *Flora and Fauna Guarantee Amendment Act 2019* came into effect on 1 June 2020 and strengthens the framework for the protection of Victoria's biodiversity. This includes a nationally consistent approach (using the Common Assessment Method) to the assessment and listing of threatened species, which adopts the conservation status categories and criteria of the International Union for the Conservation of Nature Red List of Threatened Species.

A permit from DELWP is required to remove species protected under the FFG Act from public land and for impacts to 'critical habitat' on private land.

An assessment of the potential effects of the project on listed threatened species and ecological communities and measures to avoid and minimise the potential adverse effects is described in Chapter 12 – *Biodiversity and habitat*.

### 3.4.6 Wildlife Act 1975

Victoria's *Wildlife Act 1975* establishes procedures for the protection and conservation of wildlife, the prevention of wildlife becoming extinct and the sustainable use of and access to wildlife. The *Wildlife Act 1975* also includes procedures to prohibit and regulate the conduct of persons engaged in activities concerning or related to wildlife. Should wildlife require relocation during construction, a licence or authorisation would be obtained from DELWP.

### 3.4.7 Road Management Act 2004

Consent is required for the construction of works in, on or under roads pursuant to Section 63 of the *Road Management Act 2004*. Depending on the type of road affected, the coordinating road authority will be either Regional Roads or Moyne Shire Council. The project involves the development and upgrade of intersections and local roads to enable access to the site. There will also be the requirement for electricity transmission cables to cross roads within the project site. Consent for each upgrade and crossing will be required from the relevant authority prior to works commencing.

### 3.4.8 Crown Land (Reserves) Act 1978

The *Crown Land (Reserves) Act 1978* provides for the reservation of Crown lands for certain purposes, and for the management of such reserved lands and for other purposes. Crown land can be reserved for a range of public purposes, including public parks and gardens, the beds and banks of waterways, and railways.

The project seeks to use some Crown land, including unnamed government roads (also called paper roads) within the project site and some road reserve land.

### 3.4.9 Land Act 1958

The *Land Act 1958* deals with the sale, grants and occupation of unreserved Crown land in Victoria. Unreserved Crown land within the project site includes a number of unnamed government roads.

Works or activities that may occur on Crown land comprising unnamed government roads within the project site may include the creation of access to and from other roads, underground electrical infrastructure and overhead powerlines.

There is an exemption in the *Land Act 1958* from the requirement to obtain a licence. A lease under the *Land Act 1958* is not required for construction of a designated road in a Crown survey boundary and section 93(1)(d) of the *Electricity Industry Act 2000* enables an electricity corporation (and a generation company) subject to the *Road Management Act 2004* to construct power infrastructure on, under or over any road.

## 3.5 Key policies, guidelines and strategies

There are a range of other policies, strategies and guidelines that are applicable to the elements of the project. Key documents are outlined in this section, though this is not an exhaustive list. Technical study chapters of this EES refer to policies, strategies and guidelines that are directly relevant to those study aspects (refer to Section 3.6).

### 3.5.1 Policy and planning guidelines for development of wind energy facilities in Victoria

The *Policy and planning guidelines for development of wind energy facilities in Victoria* (the wind energy guidelines) (DELWP, 2021f) are a reference document listed under Clauses 19.01 (Renewable Energy) and Clause 52.32 (Wind Energy Facility) of the Victoria Planning Provisions.

The wind energy guidelines recognise Victoria's abundant wind resources that will support the development of large-scale grid connected wind energy facilities which can contribute to the sustainable delivery of Victoria's future energy needs. The purpose of the wind energy guidelines is to provide:

- a framework for a consistent and balanced approach to the assessment of wind energy facility projects across the state
- a set of consistent operational performance standards to inform the assessment and operation of a wind energy facility project
- guidance as to how planning permit application requirements might be met.

The wind energy guidelines provide advice for Responsible Authorities, proponents and applicants and the community regarding suitable sites to locate wind energy facilities and to inform planning decisions about a wind energy facility proposal.

The wind energy guidelines outline what information and assessment should be provided with an application for a wind energy facility. Considerations include the following:

- Consistency with the Planning Policy Framework.
- Noise impacts – The project must submit a pre-construction noise assessment, demonstrating compliance with the *New Zealand Standard NZS 6808:2010 Acoustics – Wind Farm Noise*. There are mandatory conditions which must appear on any permit that may be issued.
- Landscape and visual amenity – To reduce visual impact, the wind energy guidelines suggest measures such as minimising views from areas used for recreation and for dwellings, spacing wind turbines to respond to the landscape characteristics, protecting waterways and drainage lines, minimising removal of vegetation, constructing wind turbines at a consistent in height, ensuring wind turbines rotate in the same direction and limiting night lighting.
- Flora and fauna and removal of native vegetation – The Responsible Authority needs to consider the survey effort made to support the application and what efforts may be made to protect native vegetation in the future. The extent and type of native vegetation to be removed is to be considered.



- Aircraft safety – The Responsible Authority will assess whether appropriate consultation has been undertaken with the Civil Aviation Safety Authority and with any other private airstrip operators that may not be identified by Civil Aviation Safety Authority.

### 3.5.2 Guidelines for the removal, destruction or lopping of native vegetation

The *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017b) provide a three-step approach to native vegetation:

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

The construction of the project would require the removal of some native vegetation and is required to achieve net zero loss of vegetation. In accordance with these guidelines, as well as the EPBC Act and FFG Act, the project would use appropriate offsets where native vegetation removal cannot be avoided.

The assessment of the project's impact on native vegetation is provided in Chapter 12 – *Biodiversity and habitat*. The project's offset strategy is included within Appendix D – *Biodiversity*.

### 3.5.3 Interim Guidelines for the Assessment, Avoidance, Mitigation and Offsetting of Potential Wind Farm Impacts on the Victorian Brolga Population 2011

The *Interim Guidelines for the Assessment, Avoidance, Mitigation and Offsetting of Potential Wind Farm Impacts on the Victorian Brolga Population 2011* (the Interim Brolga Guidelines) (DSE, 2012) are applicable to the project.

The Interim Brolga Guidelines were developed by the Brolga Scientific Panel and “*respond to the perceived risk posed to Brolga by the new wind industry by outlining an approach to manage the effects of both individual wind farms and the broader wind energy industry.*” They provide guidance on assessment methodology for impact assessments on Brolga and include guidance on suitable mitigation measures for the proposed development to produce a net-zero impact on the Victorian Brolga population.

*New Draft Brolga Assessment and Mitigation Standards for Wind Energy Facility Permit Applications* (Draft Brolga Standards) (DELWP, 2020b) were released for public comment in late 2020 and DELWP is expected to finalise the standards during 2022. Once gazetted into legislation, these standards will apply to all future wind farms in Victoria, except where transitional provisions allow the Interim Brolga Guidelines to be used. The work underpinning the assessment of potential impact of the project on Brolga has been completed to satisfy the requirements of the Interim Brolga Guidelines since the Draft Brolga Standards were not available during the development of the project or at the commencement of the EES process. As such, if the Draft Brolga Standards are gazetted into legislation, the project would expect to rely on the transitional provisions under these standards. The transitional provisions are yet to be confirmed, however the draft amendment to Clause 52.32 (Wind Energy Facility) states:

*“The design response requirements of Clause 52.32-4 [of the planning scheme] in force immediately before the approval date of Amendment VC084 may be applied to an application for a permit lodged within one year following that date”.*

The assessment of the potential impact of the project on Brolga is contained within Chapter 11 – *Brolga* and Appendix C1 – *Brolga*.

## 3.6 Relevant legislation and guidelines for EES assessment

Legislation relating to principal approvals and other permits, consents and licences (discussed in this chapter), and how these relate to the EES scoping requirement evaluation objectives, is summarised Table 3.1 below. This table also lists other relevant legislation that was considered in the assessment of environmental effects in the EES technical assessments and discussed further in each technical chapter (Chapters 8–23).

**Table 3.1 Legislation and guidelines relevant to the EES scoping requirement matters**

Legislation	EES scoping requirement evaluation objective							
	Biodiversity and habitat	Catchment values and hydrology	Landscape and visual	Geoheritage	Amenity	Cultural heritage	Land use and socioeconomic	Traffic and roads
<b>Commonwealth</b>								
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>						✓		
<i>Civil Aviation Act 1988</i>							✓	
Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998							✓	
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	✓					✓		
<i>Native Title Act 1993</i>						✓		
<b>Victorian</b>								
<i>Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018</i>						✓		
<i>Catchment and Land Protection Act 1994</i>	✓	✓						
<i>Crown Land (Reserves) Act 1978</i>							✓	
<i>Environment Protection Act 2017</i>		✓			✓			
FFG Act and FFG Amendment Act 2019	✓							
<i>Gas Safety Act 1997</i>							✓	
<i>Heritage Act 2017</i>						✓		
<i>Land Act 1958</i>							✓	
<i>Mineral Resources (Sustainable Development) Act 1990</i>		✓			✓	✓	✓	
<i>Planning and Environment Act 1987</i>	✓	✓	✓	✓	✓	✓	✓	✓
<i>Road Management Act 2004</i>								✓
<i>Road Safety Act 1986 and Road Safety (Traffic Management) Regulations 2009</i>								✓
<i>Traditional Owner Settlement Act 2010</i>						✓		
<i>Water Act 1989</i>		✓						
<i>Wildlife Act 1975</i>	✓							