

Have your say on Hazelwood

The Hazelwood Mine Rehabilitation Environmental Effects Statement and how you can get involved

What is an Environmental Effects Statement?

An Environmental Effects Statement (EES) is required for proposed projects capable of having a significant effect on the environment, including on rivers, native species and Aboriginal heritage. To prepare the EES, the owner of the project (the proponent) investigates the environmental impact through technical studies, investigations, programs and assessments. The EES determines how any adverse effects might be avoided, minimised or managed.

Why is an EES required for the Hazelwood Mine Rehabilitation proposal?

In February 2022, the Victorian Planning Minister decided that an EES is required for the Hazelwood Rehabilitation Project as it has the potential to have significant environmental effects, including on:

- surface water and groundwater resources, including hydrology, water quality, availability and associated environmental values;
- existing land uses and landscape values;
- the Gippsland Lakes Ramsar site;
- native vegetation, listed ecological communities and species of flora and fauna; and
- Aboriginal and non-Aboriginal heritage values.

The Planning Minister also determined that the project has the potential for cumulative adverse effects in combination with other projects yet to commence in the Latrobe Valley. An EES would also provide an opportunity to assess alternatives to the project, for example alternative landforms and water sources, and other mitigation measures.

What is the process from here?

STAGE 1 - SCOPING REQUIREMENTS

The matters to be investigated and documented in the EES are set out in the 'scoping requirements', for example, the impact of the project on the river system or geotechnical stability of the mine site.

The next step is for Engie to provide information relating to the project to the Department of Environment, Land, Water and Planning, so the Department and an inter-agency Technical Reference Group can prepare draft scoping requirements.

The public will have 15 business days to make submissions on the draft scoping requirements which will be available from the Engage Victoria website. The Planning Minister will then consider public submissions and issue the final version of the scoping requirements.

STAGE 2 - PREPARATION OF THE EES

Engie will prepare a draft EES study program, public and stakeholder consultation plan and a schedule for the completion of the studies and preparation and exhibition of the EES. Those documents will be reviewed by the Department and the Technical Reference Group, which will continue to advise Engie during the preparation of the EES, including on the adequacy of the EES studies.

STAGE 3 - PUBLIC REVIEW

When Engie have completed the EES, it will be made publicly available ('exhibited') for a period of 30–40 business days, and members of the public are able to make a written submission.

An Inquiry appointed by the Planning Minister will then consider the written submissions, along with any evidence led and submissions made at the Inquiry. The Inquiry may be conducted as a formal hearing, where the proponent and submitters can speak and present expert evidence. The Inquiry will report its findings and conclusions to the Planning Minister.

STAGE 4 - MINISTER'S ASSESSMENT

The Planning Minister will then consider the EES documents, the public submissions, Engie's response and the Inquiry Report. The Minister's response is normally provided within 25 business days of the Inquiry Report being finalised. The Minister's assessment and the Inquiry Report will then be released to the public. The Minister's Assessment may conclude that the project:

- will have an unacceptable level of environmental effects; or
- will not have an unacceptable level of environmental effects; or
- would need major modifications and/or further investigations to establish that acceptable outcomes would be achieved.

The Minister's Assessment of the EES is not an approval. Rather, it informs local and state governments, government agencies and statutory authorities who will decide whether to issue the project with the permits and consents necessary for it to proceed. Those decision-makers **must** consider the Minister's Assessment in deciding whether to approve the project or to authorise the works.

Other helpful resources

The [*Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978*](#) outline the EES process and how the public can participate in more detail. They are available on the Planning Victoria website.

About Environmental Justice Australia

Environmental Justice Australia is a leading public interest legal organisation. Our lawyers act on behalf of people and community organisations to safeguard health; protect magnificent forests, rivers and wildlife; and tackle the climate crisis. We partner with communities and other social justice organisations because we are stronger together.

Using innovative approaches, we find the best legal solutions to climate and environment issues. Our team works inside and outside the courtroom to make the system fair and just for all. We work on issues and in areas of Australia where we can have the most impact.

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How can the public get involved?

The public may have opportunities for input as outlined by the Consultation Plan that the proponent must develop and implement **during 'Stage 2 – Preparation of the EES'**. This plan will also specify how people will be kept up to date.

The EES process also provides opportunities to make submissions. They are:

1. During 'Stage 1 – Scoping of the EES'.

After the draft scoping requirements are released, the public will have 15 business days to make submissions. This is an opportunity to make submissions about the scope of the Hazelwood Mine Rehabilitation EES, for example what kind of studies or investigations Engie should undertake.

There is no set date for the release of the draft scoping requirements, however you can [register on our website](#) to be notified by EJA when they are released. That way, you won't miss the 15-day window. We will also publish a review of the draft scoping requirements on our website to help guide your submissions.

2. During 'Stage 3 – Public Review'.

After the EES has been prepared, the public will have 30–40 business days to provide written submissions for the Inquiry to consider. If the Inquiry is conducted as a formal hearing, people who lodge a written submission have an option to present their submission to the Inquiry.

The timing for this opportunity will be determined during 'Stage 2 – Preparation of the EES', when Engie, the Department and the Technical Reference Group will agree on a schedule for the EES process, including for exhibition of the EES.

Register on our website at bit.ly/3lvEjSu and we will keep you updated on how you can participate.