

Use of environmental performance requirements in Victoria



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Environment,
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What are Environmental Performance Requirements?

Environmental outcomes the project must achieve

They are not management and mitigation measures

They are not broad evaluation objectives

The proponent ultimately achieves these environmental outcomes through design or management or mitigation measures

What are Environmental Performance Requirements?

Example approaches used in EPRs include:

- Clarify application of relevant existing standards
- Set project-specific standards e.g. based on guidelines
- Require specific impacts to be minimised and assets to be avoided and protected
- Require a particular approach to inform selection of management measures
 - preparation of environmental management plans
 - consultation with key stakeholders
 - plans to be to the satisfaction of key regulators
 - monitoring of impacts
 - damage to be remedied

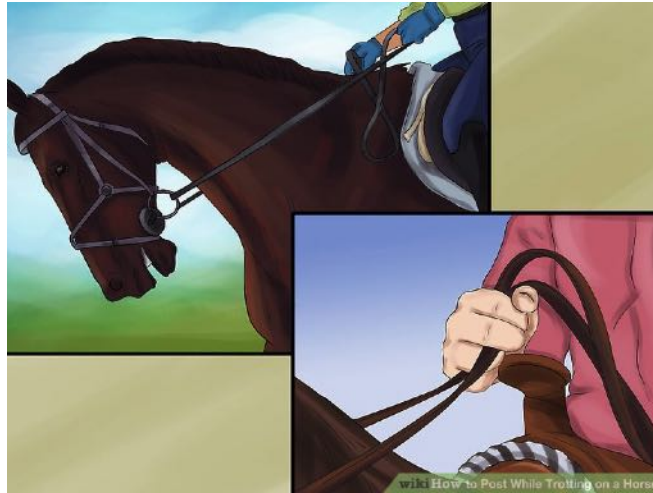
Why were EPRs invented?

Victoria's Desalination Project

- Concept design
- Public private partnership (PPP)
- Planning scheme amendment
- Needed design flexibility to support innovation
- Needed confidence that impacts would be managed



How are EPRs empowered?



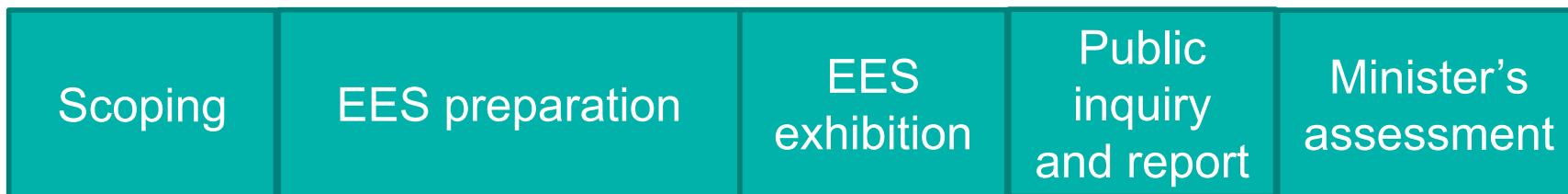
Legislation:
Planning approval

Contractual
obligation:
Commercial-in-
confidence

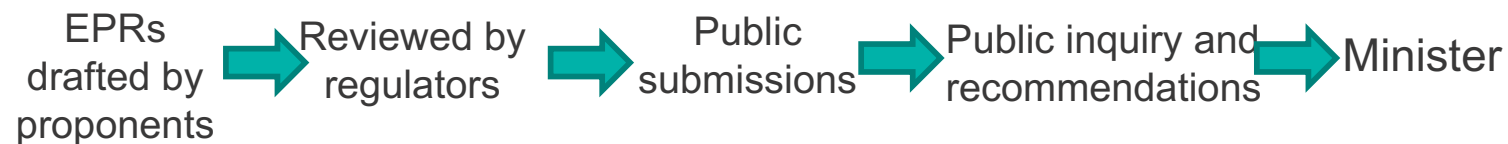


How are EPRs developed?

**EES
process**



**EPR
development**



Empowered through approvals

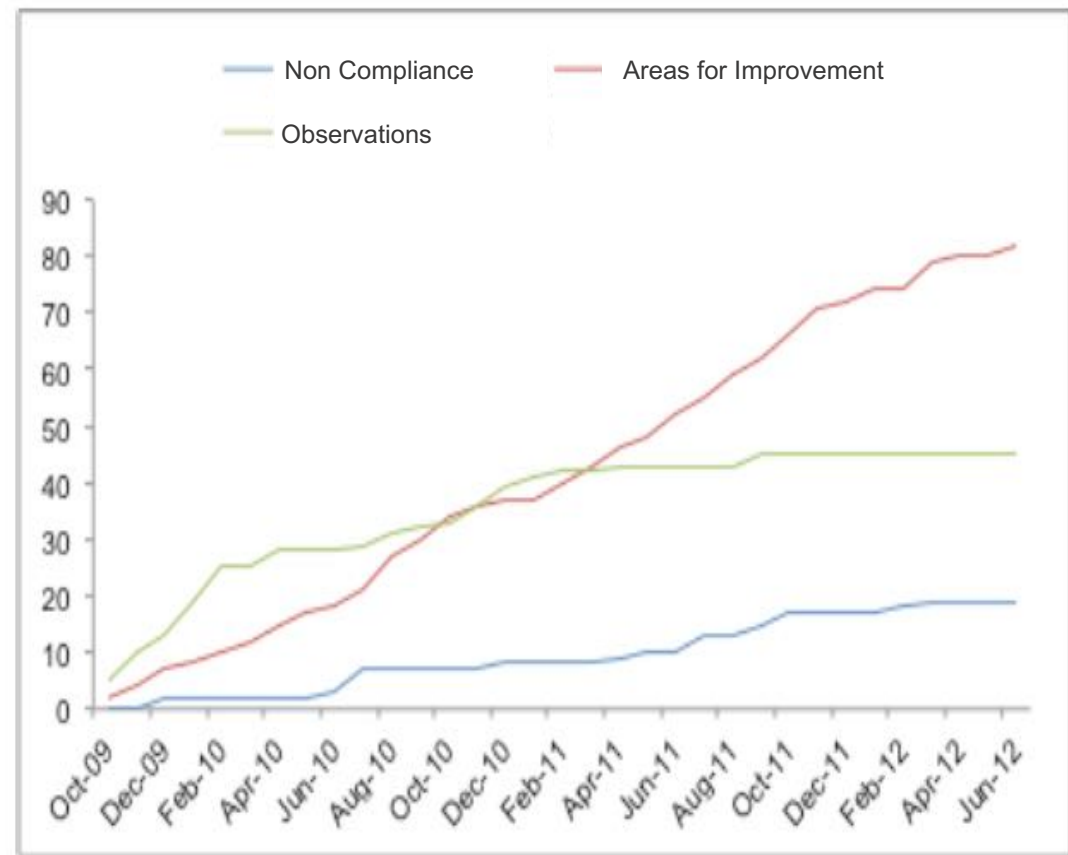
Key documents are publicly available

Auditing

- Independent Reviewer and Environmental Auditor (IREA)

Results for Desalination Project

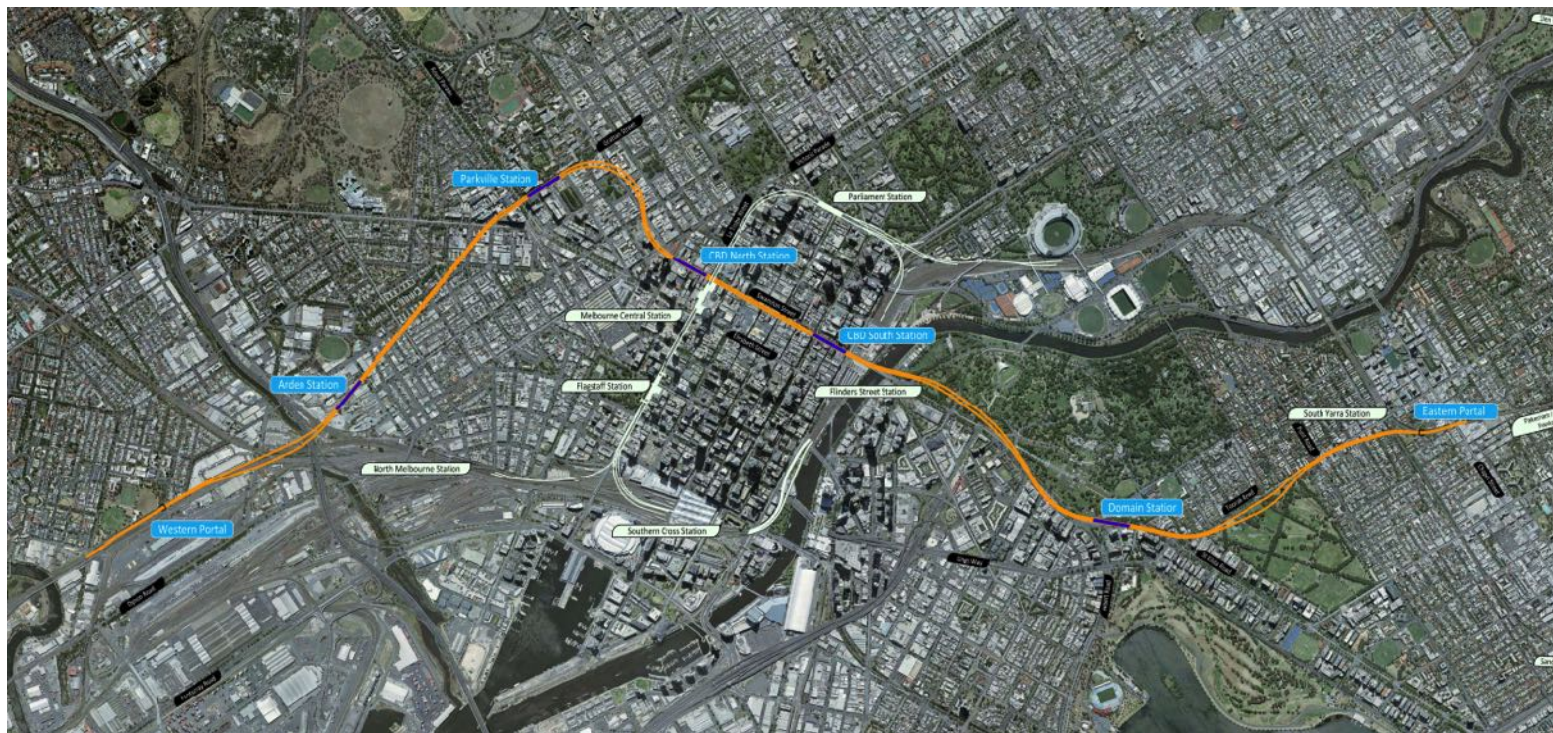
- Non-compliance almost entirely related to documentation.
- Only non-compliance on the ground was managing a flood incident, which was rectified soon after.



Cumulative number of construction audit findings from Project Inception to June 2012¹

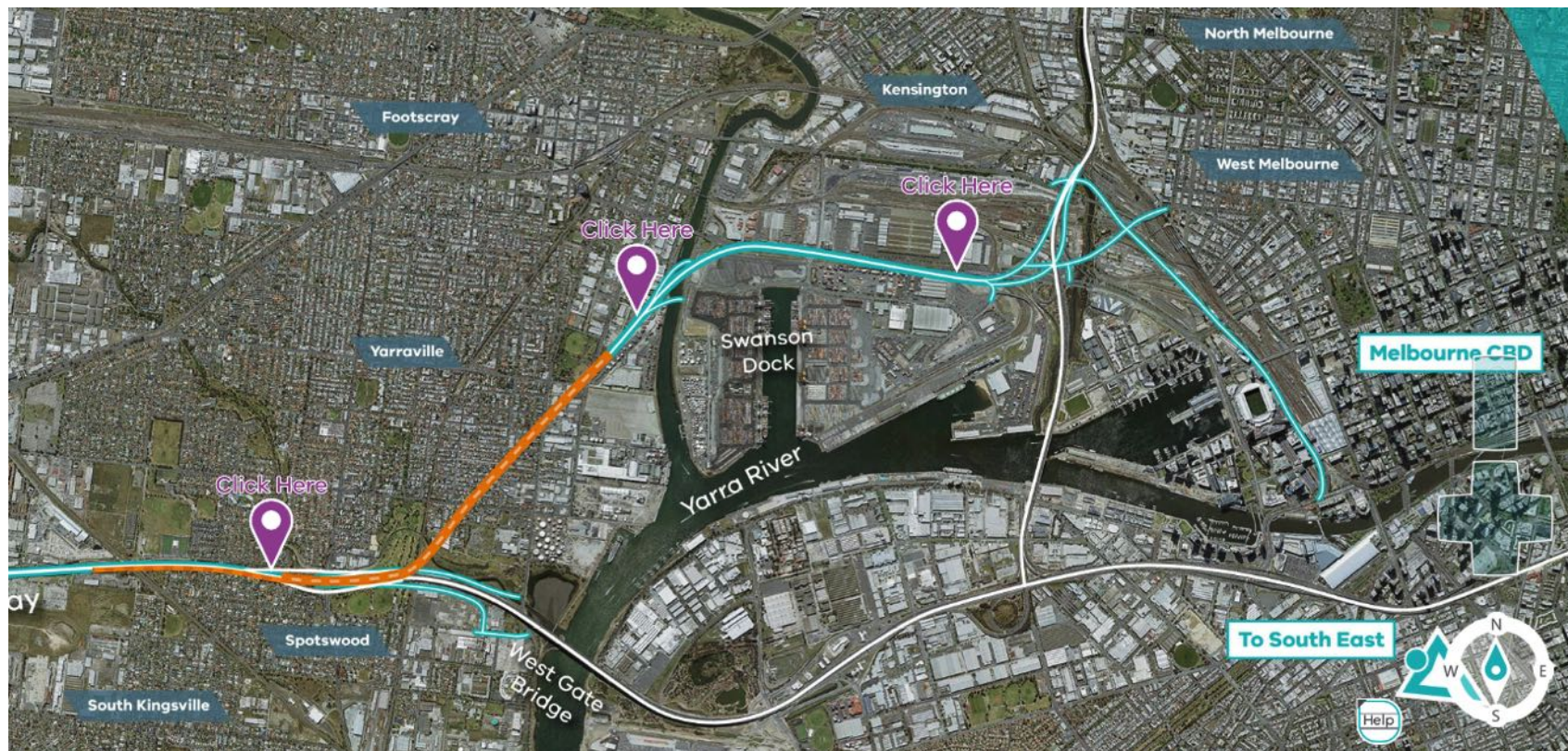
Melbourne Metro

- New infrastructure in established inner urban environment
- PPP
- Planning scheme amendment
- Reference design assessed (pre-procurement)



West Gate Tunnel

- Major second river crossing from western suburbs to port, northwards and city
- PPP
- Planning Scheme Amendment
- Tender design assessed (post procurement)



Does design stage make a difference?

Desalination Plant

- Concept design
- No. EPRs: 220

Melbourne Metro

- Reference design
- No. EPRs: 147
- EPRs more detailed

West Gate Tunnel

- Tender design
- No. EPRs: 117

Considering using EPRs for other types of projects e.g. windfarms

- Private proponent
- Detailed design (with exception of micro-siting)
- Environmental impacts certain
- Not a planning scheme amendment (planning permit)
- Uncertain construction horizons (i.e. may build next year or in 10 years)
- Responsible authority writes prescriptive conditions on planning permit

Further research

- Balancing level of detail in performance requirements with flexibility
- Is governance model effective?
- How relevant will EPRs be in 2045?
- Are guidelines for EPR use needed?
- What types of project are EPRs inappropriate for?

Any questions?