



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street  
Melbourne Victoria 3000  
GPO Box 2392  
Melbourne, Victoria 3001  
Telephone (03) 8392 5115

4 September 2020

As addressed

Dear Party and Submitter

## **Your submission to the Crib Point Gas Import Jetty and Crib Point-Pakenham Gas Pipeline (the Project) and the Inquiry and Advisory Committee (IAC)**

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Thank you for your submission to the above Project. Information about the IAC including its Terms of Reference provided by the Minister for Planning can be found on the Engage Victoria website at:

<https://engage.vic.gov.au/crib-point-IAC>

The Minister for Planning has appointed the IAC to consider submissions to the Environment Effects Statement (EES), draft planning scheme amendment and works approval application (WAA). The IAC comprises Kathy Mitchell (Chair), Michael Kirsch (Deputy Chair), Jacqueline Gorski, Chris Harty and Trevor McCullough.

Additionally, the IAC has retained the services of Jason Kane of the Victorian Bar as Counsel assisting and three sessional members of Planning Panels Victoria as specialist technical advisers.

It is intended that the IAC will be appointed as a Panel under the *Pipelines Act 2005* by the Minister for Energy, Environment and Climate Change.

Andrea Harwood (Senior Project Manager) and Georgia Thomas (Project Officer) from the office of Planning Panels Victoria will be assisting the IAC and will be the primary contact for all enquiries. They can be contacted by direct email at [cribpoint.IAC@delwp.vic.gov.au](mailto:cribpoint.IAC@delwp.vic.gov.au)

The joint Proponents for the Project are AGL and APA Group.

The IAC will:

- hear submitters in an independent forum through video conferencing
- be relatively informal and not like a court
- give fair, unbiased advice to the:
  - Minister for Planning about the EES and draft planning scheme amendment
  - Environment Protection Authority about the works approval application
  - Minister for Energy, Environment and Climate Change about the pipeline.

The IAC has received in the order of 3,829 submissions.

Submissions and other information presented throughout the process, including the Hearing, will be **treated as public documents**. Please note the attached *Privacy Collection Notice*.

The IAC process includes a Directions Hearing and the Hearing.

### Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



## Directions Hearing

Due to the physical distancing restrictions in response to Novel Coronavirus Disease 2019 (COVID-19), the IAC Hearing is not able to be conducted in person.

The Directions Hearing will be conducted by video conference:

**10.00am, Thursday 17 September 2020**

**Conducted by Zoom video conference platform:**

Join the Zoom Hearing through the below details:

<https://us02web.zoom.us/j/81049930543?pwd=MGIzNXVYSDRNbXdOc1lxNFhTS1h0Zz09>

Meeting ID: 810 4993 0543

Passcode: 771844

For phone only, dial in by location using the relevant below number:

+61 3 7018 2005 Australia

+61 731 853 730 Australia

+61 861 193 900 Australia

+61 8 7150 1149 Australia

+61 2 8015 6011 Australia

Meeting ID: 810 4993 0543

Passcode: 771844

Find your local number: <https://us02web.zoom.us/u/krZAaVfPo>

At the Directions Hearing, the IAC will:

- highlight what it has done so far
- identify what it sees as the key issues
- discuss site inspections
- discuss a draft timetable and the format of the Hearing
- answer questions submitters have about the IAC process including the Hearing
- provide its directions about exchanging information, including evidence.

You should participate in the Directions Hearing if you:

- are new to the IAC process or wish to participate in the Hearing
- have questions about the IAC process or wish to raise procedural issues
- just wish to observe the proceedings.

Individual Submitters including those who wish to raise a procedural matter or ask a question of the IAC at the Directions Hearing, must provide notice that you wish to speak and submit any questions in writing to the IAC by **12noon on Monday 14 September** to [cribpoint.IAC@delwp.vic.gov.au](mailto:cribpoint.IAC@delwp.vic.gov.au)

A copy of the Hearing timetable and Directions issued by the IAC will be published on the Engage Victoria website within five business days after the Directions Hearing.

## Accessing the Hearing link

Prior to the Directions Hearing, all parties and submitters are invited to a test Zoom session between 2.30pm to 5.30pm on Tuesday 15 September. This is to enable you to be comfortable with the technology being used. To access this session, you must use the above Zoom Hearing link.

Submitters who have requested to be heard at the public hearing must access the Hearing through the Zoom Hearing link above. The Zoom Hearing link will be published on the Engage Victoria website and will be accessible by the public. Guidance material on how to use Zoom will be published on the Engage Victoria website in advance of the Directions Hearing.

If you require technical assistance or have questions about the Zoom videoconference technology, please contact the dedicated assistance phone line on 03 9078 9726 from 11 September between 9.00am and 5.00pm.

## Hearing

The Hearing allows for:

- The Proponent to set out its case in full and provide evidence in support of the Project
- Municipal Councils, agencies, community groups and submitters to speak to their submissions and call evidence if required.

Questions will be allowed of all witnesses by other parties.

The Hearing will commence at **10.00am Monday 12 October 2020** and will run for ten weeks to 17 December 2020, generally sitting four days per week (Monday to Thursday). The Hearing is open to the public at all times, and anyone can view the proceedings.

The Proponent will provide an opening submission on Day 1, and Minister for Planning, Councils (Mornington Peninsula, Cardinia and Bass Coast), Environment Protection Authority Victoria, the Bunurong Land Council Aboriginal Corporation and two key community groups (Save Westernport and Environment Victoria) will provide a brief opening on Day 2. The Proponent will then commence its case in full on Day 3. Two days of site inspections will be included in the Proponent's time allocation.

The parties and submitters will be scheduled in the following general order:

- AGL and APA Group (the Proponents)
- The Minister for Planning
- Municipal Councils
- Government departments and agencies
- Municipal Councils
- Bunurong Land Council Aboriginal Corporation
- Industry/business groups
- Key community groups (Environment Victoria and Save Westernport)
- Other community groups
- Individual submitters.

All submitters who have requested to be heard will be allocated a time to present to the IAC. The IAC will consider all written submissions when preparing its report, including those from submitters who do not wish to speak to their submission at the Hearing.

## Hearing timetable

The IAC will prepare a timetable for the Public Hearing based on the information provided on the online submission form or submission coversheet that was provided with your submission. The timetable will be available on the Engage Victoria website and will be updated every week.

The Terms of Reference note at Clause 34 that the IAC may limit the time of parties appearing before it. For a Hearing of this nature, the IAC will consider all time requests and will ensure it has a robust timetable that ensures all parties and submitters have the opportunity to be heard in a fair and timely manner. This is to ensure that the IAC is best able to be informed in a timely and efficient manner.

It is important to note that the IAC will respond to the significance, relevance and veracity of issues raised, not the number of times an issue is raised.

## Expert witnesses

An expert witness has specialised knowledge from training, study or experience and gives evidence in a field of expertise. An expert witness must prepare a report consistent with the *Guide to Expert Evidence* (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>).

If you are calling evidence, you must confirm the expert's name(s), place of work and field of expertise by return email by **12noon on 14 September 2020** so that the IAC can review this information and factor it into their Hearing timetable.

The Proponent must file its evidence reports by **12noon on 25 September 2020**.

Any other party wishing to call evidence must file its evidence reports by **12noon on 2 October 2020**. Expert witnesses must file any evidence statements in reply by **12noon on 6 October 2020**.

The IAC may direct experts in like fields to meet to prepare a joint statement of agreed opinions and facts.

The IAC will be directing that all parties and submitters provide it with information relating to whether you wish to ask questions of any witnesses and how long such questions will take (for example 10 minutes, 30 minutes etc) by 9.00am on all relevant sitting days. This is to ensure that those seeking to ask questions have direct access to the 'presenter' status on the relevant days.

Questions must not be asked for the sake of it, rather it is to inform the IAC. Repeat questions will not be permitted.

As mentioned, the IAC will be able to limit the form of questions, the time taken and the time requested by all parties.

## What will attending and speaking at the Hearing be like?

There is a guide on what to expect when presenting at the Public Hearing. This can be found in the Document Library on the [Crib Point Inquiry and Advisory Committee Engage Victoria website](#). If you have any further questions after viewing this guide, raise them at the Directions Hearing or contact the Planning Panels Victoria project team.

## Can I view all the other submissions?

Prior to the Directions Hearing, all submissions will be published on the Engage Victoria website, unless a submitter specifically requested it not be published due to special concerns. Only one submission has been withheld for publication for these reasons.

## IMPORTANT NOTICE

Due to the complexity of this matter, the IAC will not be maintaining a party distribution list where it would normally send information to parties and submitters by regular email.

Rather, it will maintain a 'Daily Bulletin' section on the Engage Victoria website which will, amongst other things, provide:

- the final Directions of the IAC and any updated or new directions
- the final timetable from the Directions Hearing and any updates to it as the Hearing progresses
- a daily outline of proceedings to be posted at 9.00am on every day of the Hearing
- confirmation of who will be appearing on a daily basis, including witnesses
- numbered and updated or new documents tabled on the previous day.

The link to this page is <https://engage.vic.gov.au/crib-point-IAC>

**Further Information**

The attached *Privacy Collection Notice* explains how your submission will be used by the IAC.

If you have any other questions, please contact Andrea Harwood or Georgia Thomas of Planning Panels Victoria by direct email at [cribpoint.IAC@delwp.vic.gov.au](mailto:cribpoint.IAC@delwp.vic.gov.au).

The IAC looks forward to elaborating on these and other matters at the Directions Hearing on 17 September 2020.

Yours sincerely



**Kathy Mitchell**

**Inquiry and Advisory Committee Chair**

# Privacy Collection Notice

This Privacy Collection Statement relates to all submissions collected in relation to the Crib Point gas import jetty and Crib Point-Pakenham gas pipeline project Inquiry, Advisory Committee and Panel (the 'IAC'). Planning Panels Victoria (PPV) is providing administrative services to the IAC.

PPV is part of the Department of Environment, Land, Water and Planning and submissions will be managed in accordance with the Department's Information Privacy Policy. The Department's Information Privacy Policy is online at <https://www2.delwp.vic.gov.au/doing-business-with-us/information-privacy>.

## Use of your submission

Your submission has been collected by the IAC for the purpose of helping to develop its advice to the Minister for Planning and Minister for Energy in accordance with the Terms of Reference.

Natural justice to participants and transparency are important parts of the IAC process. In meeting its legislative requirements and complying with the Terms of Reference, the IAC may do the following with your submission:

- Publish a copy of your submission, in its entirety, on the Department of Environment, Land, Water and Planning website, Engage Victoria website or other Victorian Government website as required
- Provide a copy of your submission to the Department of Environment, Land, Water and Planning, Local Councils, APA Transmission Pty Ltd, AGL Wholesale Gas Limited, EPA Victoria, Government Agencies and other parties (submitters) to the process
- Provide a copy of your personal contact details to the Department of Environment, Land, Water and Planning and EPA Victoria if needed for notification of Ministerial decisions
- Display a copy of your submission in the Planning Panels Victoria Office
- Display a copy of your submission at relevant Local Council, Local Library or Government Offices as appropriate
- If a Public Hearing is to be held, display a copy of your submission in the Hearing room.

## Publication of your personal information on the Internet

The IAC and Panel Report will be published on the internet and may include:

- The name of the submitter
- Direct quotes from some of the submission
- The submitter's name and address as required.

**Planning Panels Victoria will remove your submission from the web pages that it controls at an appropriate time after the IAC has reported. Planning Panels Victoria cannot guarantee that your submission will be removed from external web pages outside its control.**

## Hearing of submissions

If a Hearing is required it may be held face to face, via telephone conference or via video link or a combination of these. You should be aware the IAC may:

- broadcast submissions and proceedings live on the internet
- record submissions and proceedings
- make the recording available on request to submitters and parties to the Hearing and third parties
- publish the recording on the Department of Environment, Land, Water and Planning website, Engage Victoria website or other Victorian Government website
- use your phone contact details to contact you during a telephone/video hearing as is necessary.

The IAC will direct that parties do not record online hearings or use them for any other purpose. However, the IAC is unable to guarantee that third parties will not be recording online Hearings, and the use of any such recordings outside the hearing context cannot be regulated by the IAC.

All participants are reminded that during the IAC process, the privacy of others should be respected and to refrain from the defamation of others.

## After the Inquiry and Advisory Committee has reported

After the IAC has reported to the Minister for Planning and Minister for Energy, your submission will be removed from all public display within three months.

Your original submission and any additional material provided to the IAC will be held at Planning Panels Victoria for two years and then sent to the Public Records Office of Victoria. All additional copies of the submission and other material held by Planning Panels Victoria will be securely destroyed.

**If you have any concerns in respect to the way your personal information or submission will be used please contact Planning Panels Victoria on 136 186 or [cribpoint.IAC@delwp.vic.gov.au](mailto:cribpoint.IAC@delwp.vic.gov.au)**