

*Inquiry and Advisory Committee*

# Gas Import Jetty and Pipeline Project Request for Further Information

**16 September 2020**

Gas Import Jetty and Pipeline Project  
Request for Further Information Report  
16 September 2020

Declaration:

This information is sought for clarification and is sought without prejudice to the final recommendations of the Inquiry and Advisory Committee (IAC). The Gas Import Jetty and Pipeline Project (the Project) and other parties should not assume that the issues raised in this request for information are the only issues of interest to the IAC or that the IAC has particular concerns about these issues. The IAC reserves the right to seek further information as necessary throughout the course of the Public Hearing process. The issues raised in this report do not represent any, or the only, opinions of the IAC.



**Kathy Mitchell, Chair**

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**Appendix A Terms of Reference**

## Glossary and abbreviations

CHMP	Cultural Heritage Management Plan
CPRF	Crib Point Receiving Facility
CPS	Critical Components, Processes and Systems
EES	Environment Effects Statement
EPA	Environment Protection Authority
EPR	Environmental Performance Requirements
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EVC	Ecological Vegetation Class
FFG Act	<i>Flora and Fauna Guarantee Act 1988</i>
FSRU	Floating Storage and Regasification Unit
GV	Guideline value
HDD	Horizontal Directional Drilling
IAC	Crib Point Gas Import Jetty and Crib Point-Pakenham Gas Pipeline Inquiry and Advisory Committee
LAC	Limits of Acceptable Change
LNG	Liquefied Natural Gas
LSIR	Location specific individual risk
MLV	Mainline valve
MM	Mitigation Measure
MNES	Matter of National Environmental Significance
MPLPS	Mornington Peninsula Localised Planning Statement
MPPS	Mornington Peninsula Planning Scheme
NSW ICNG	New South Wales Interim Construction Noise Guidelines
PEDF	Pakenham East Delivery Facility
PML	Pipeline Measurement Length
PSP	Precinct Structure Plan
SCO	Specific Controls Overlay
SEPP	State Environment Protection Policy
SMS	Safety Management Study
ppb	Parts per billion

The Project      Gas Import Jetty and Pipeline Project  
Proponent        AGL and APA  
ug/L                Micrograms per litre

# 1 Introduction

## 1.1 Background

The Minister for Planning appointed an Inquiry under the *Environment Effects Act 1978* and an Advisory Committee under the *Planning and Environment Act 1987* on 19 July 2020. The Joint Inquiry and Advisory Committee (IAC) is required to assess and report on the Gas Import Jetty and Pipeline Project (the Project) in accordance with the Terms of Reference dated 1 June 2020 (Appendix A).

The IAC has undertaken a preliminary review of the Environment Effects Statement (EES) and supporting documents. This report provides notice to AGL and APA (the Proponent) that there are a number of matters that the IAC is seeking clarification of, or further information on, as part of the public hearing process.

## 1.2 Purpose of this document

This report is provided to the Proponent on 16 September 2020 to enable it to review the information sought. The report will be tabled at the Directions Hearing on 17 September 2020, during which time the IAC expects that the Proponent will provide a preliminary overview on how it intends to respond to the questions and issues raised.

This report contains requests for information from the Proponent, including points of clarification arising from the work of the IAC to date. It is an initial request based on a review of the material to date and should not be construed as expressing opinions or establishing the scope of the IAC's considerations.

It may be that some of the requests for further information are contained within the EES, some may be responded to by submissions and evidence, and some may require new work to be undertaken, whether by expert witnesses, the Proponent or others. The IAC expects that the Proponent will respond to these requests by way of 'Technical Notes' or similar, and that by the end of the Hearing, a document will be provided that lists where or how each request has been dealt with.



## **2 Marine biodiversity**

The IAC considers Chapter 6 (Marine Biodiversity), Technical Report A (Marine Biodiversity Impact Assessment), Attachment VIII (Works Approval Application) and Annexure A-A to Annexure A-H of the EES require further information to be provided by the Proponent as follows:

### **2.1 Seawater use**

#### **Reference**

Whole EES and Technical Reports, and Attachment VIII, section 9.1.2.

#### **Requests**

1. Provide a table that consolidates information describing the seawater uses, discharge volumes, inputs and outputs, duration of discharge, natural and altered temporal variability under the range of open loop and closed loop scenarios, including total volumes.
2. Provide the product specification of the proposed anti-scalant Altrat 400, and its behaviour in seawater.
3. Provide information (with examples) that demonstrates the seawater intake velocity at 0.15 metres per second.

### **2.2 Tidal movement**

#### **Reference**

Technical Report A, section 6.3.4.

#### **Requests**

4. Explain the current speed at Crib Point under variable tidal conditions and the impact to the mixing zone under ebb, flow and slack conditions.
5. Explain the difference of the net volume of water movement to the north when net flow of tidal water is to the south.
6. Explain the effects of the operation of the Floating Storage and Regasification Unit (FSRU) on inter-tidal communities such as mangroves, seagrasses and mud flats and associated listed species, such as the Pale Mangrove Goby, with flood and ebb tidal movement.

### **2.3 Re-gasification when Liquefied Natural Gas (LNG) tanker is present**

#### **Reference**

Technical Report A, section 6.6.2.

## Request

7. Explain the discharge and water quality implications of re-gasification operations (and the discharge ports) when an LNG tanker is moored beside the FSRU.

## 2.4 Ramsar values

### Reference

Chapter 6, Technical Report A and Annexure A-B and Annexure A-C.

### Requests

8. Provide details on the information collected or relied on during EES compilation to inform baseline condition of seabirds, fish, migratory waders, marine mammals, and the extent of mangroves, seagrasses and saltmarsh communities (refer to Table 15 Technical Report B).
9. Provide detail on the ongoing monitoring to assess potential impacts from the FSRU. Explain the triggers and mitigation actions if impact to Ramsar values is established.
10. Explain the potential for long term effects of entrainment on plankton abundance and diversity of food supply for waders and migratory birds.
11. Review the plankton sampling techniques and results collected for the EES in comparison to other data collected in Western Port Bay.
12. Explain potential effects on marine diving birds that utilise Crib Point Jetty and surrounds over a 24 hour period, with reference to survey data collected to inform the EES.
13. Explain the potential attractants for marine life around the FSRU and likely risks.
14. Explain the basis for monitoring the Ramsar area for a period of three years when the FSRU has a design life of 20 years.
15. Describe and assess overall cumulative impacts to marine flora and fauna from the FSRU over 20 years having regard to the following individual effects:
  - noise, vibration, underwater acoustics
  - vessel movement and frequency
  - air emissions
  - water quality impacts from chlorine, temperature, sediment disturbance
  - night lighting
  - spills and leaks.

## 2.5 Chlorine and temperature discharge conditions

### Reference

Technical Report A, Attachment VIII, Appendix C and Annexure A-A.

## Requests

16. Provide information on the feasibility of alternative discharge options during the discharge of wastewater to manage chlorine and temperature such as:
  - discharging wastewater on an ebb tide
  - moderating discharge based on tide and currents
  - holding water to allow for adequate de-chlorination and temperature stabilisation prior to discharge
  - alternative biocides to chlorine.
17. Explain how the concentration of 100 parts per billion (ppb) discharged from the FSRU has been qualified and provide evidence of 100 ppb being the maximum discharge concentration.
18. Explain why 500 ppb is the suggested chlorine dosing concentration when efficacy as an antifoulant is implied as low as 200 ppb. Explain the dosing scenarios that would result in 0 ppb at the discharge point.
19. Provide details of the optional chlorine reduction system referenced in Appendix C (Technical Specifications and Drawings) and explain why this has not been factored into the Project.
20. Provide details regarding any possible sublethal and chronic affects to biota exposed to chlorine. Outline if exposure times of chlorine will be based on pulsed or continuous dosing, and relevance of Guideline Value (GV) results that are based on acute toxicity of test species.
21. Provide links to the reports referenced in EES Technical Report A completed by CEE between 2014 to 2018 Annexure A-A.
22. Explain any relevance halogenated by-products of chlorine have to the receiving environs of Western Port Bay, particularly in response to ammonia and dissolved organic matter.

## 2.6 Mixing zone

### Reference

Technical Report A, section 6 and Attachment VIII.

### Requests

23. Explain the mixing zone for discharge water, with consideration of the spatial and temporal decomposition rates of chlorine and the variation in temperature with distance from the FSRU, having regard to:
  - whether the 0.5°C guideline value and maximum acceptable change of 0.8°C is to be applied at the edge of the mixing zone and what is the temperature differential within the mixing zone and rate of change
  - whether the 6 µg/L GV for chlorine is to be achieved at the point of discharge or at the edge of the mixing zone and what the spatial dilution rate will be under varying tidal conditions.

## **2.7 State Environment Planning Policy (SEPP) Waters**

### **Reference**

Technical Report A, section 55 and Attachment VIII (Works Approval Application).

### **Request**

24. Provide detail to the relevance of Clauses 12, 21, 22 (3)(c), 23 and 25 (a) of SEPP (Waters) in the application for a wastewater discharge to Western Port Bay, deemed an area of high conservation value as described in Schedule 5.

## **2.8 Marine biota**

### **Reference**

Technical Report A, section 5 and section 6.3.7.

### **Requests**

25. Section 5.10.1 relies on numbers of Australian fur seal recorded from 1995 to 2004. Explain what data has been relied on to confirm the presence of seals in the Project area.
26. There is no reference to the penguin colony on Barralier Island. Explain the likely foraging and migratory patterns of the individuals that form the colony north of French Island.
27. Explain the characteristics of the dredged seabed conditions around Crib Point Jetty that are favourable for invertebrate epibiota species.

## 3 Terrestrial and freshwater biodiversity

The IAC considers Chapter 7 (Terrestrial and Freshwater Biodiversity), Technical Report B (Terrestrial and Freshwater Biodiversity Impact Assessment), Appendix 3 of Technical Report B and Attachments I and VII of the EES require further information to be provided by the Proponent as follows:

### 3.1 Native vegetation removal

#### Reference

Technical Report B, Tables 5, 7.8, 7.9.

#### Requests

28. Explain how the native vegetation consequence rating criteria were established and if they are sufficiently sensitive to consequential effects given that the loss of up to 1 hectare of an endangered Ecological Vegetation Class (EVC) or the loss of up to 50 large trees are identified as a minor consequence.
29. Outline opportunities to further avoid vegetation loss in endangered EVCs from pipeline micro-siting and trenching methods such as horizontal directional drilling (HDD), noting that native vegetation assessments show site condition scores better than 0.5 or better than half the pre-1750 condition of the EVC and some assessments include EVCs with endangered bioregional conservation ratings such as Swamp Scrub (EVC53).
30. Provide maps showing the location of large patch and scattered trees proposed to be removed, numbered and cross-referenced to that in Appendix 4 of Technical Report B.
31. Clarify whether the large patch and scattered trees have been assessed regarding habitat value, such as the presence/absence of hollows.
32. Advise whether the loss of any hollow bearing trees will have an impact on prey sources (such as Brush-tailed Possums) for threatened species such as Powerful Owl.
33. Provide information regarding any additional loss of native vegetation as a result of pipeline maintenance, and if so, whether this been included in the assessment of impacts, noting Chapter 4 refers to a 30 metre pipeline right of way and 15 metre easement width with limits on what may occur within it.
34. Provide a link to the independent peer review by WSP Australia Ltd (referenced in section 4.6 of Technical Report B).

### 3.2 Avoid, minimise and offset

#### Reference

Chapter 7, and section 7.1.7 of Technical Report B.

## Requests

35. Provide further detail in the avoid and minimise statement describing a precautionary approach that aims to ensure that the removal of native vegetation is reasonably necessary, noting the Project seeks to achieve no net loss to biodiversity as a result of the removal of native vegetation.
36. Describe how the avoid and minimise statement satisfies the Guidelines for the removal, destruction or lopping of native vegetation (Clause 72.04 of the Victoria Planning Provisions).
37. Provide advice on whether the offsets for native vegetation removal can be achieved, the timing of the offset strategy and a link to it if completed.
38. Explain whether offsets for native vegetation removal can be provided by establishing offset sites in and adjacent to the Project footprint.

## 3.3 Threatened species

### Reference

Attachment I, Section 6.2.1. Technical Report B section 7.1.4, KP20.1 on Mapsheet 11 in Attachment VII.

### Requests

39. Explain if trenchless crossings of areas of potential habitat for Southern Brown Bandicoot are possible to avoid impacts on this species.
40. Explain if trenchless crossing of waterways such as Craigs Lane Drain, Western Outfall Drain, Tooradin Inlet Drain and Hagelthornes Drain is possible to avoid potential impacts on aquatic threatened species.
41. Advise whether and how the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* listed Subtropical and Temperate Coastal Saltmarsh Ecological Community and the Coastal Saltmarsh and Estuarine Scrub EVCs can be protected from pipeline trenching impacts.
42. Explain the impacts to migratory birds from night-time activities of the FSRU, particularly light spill, with regard to FSRU contributing an additional 4,500 square metres of lighting to the existing total lit area in Western Port of 10,200 square metres (Technical Report B, page 190).
43. Explain the adaptive mitigation measures to detect and respond to any documented impacts of artificial light on migratory birds and/or Ecological Character of the Ramsar site.

## 4 Surface Water

The IAC considers Chapter 8 (Surface Water) and Technical Report C (Surface Water Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### 4.1 Waterway pipeline crossings

#### Reference

Chapter 8, section 8.7.1, Mitigation Measure MM-SW05, Technical Report C, Figure 1-2.

#### Requests

44. Explain the alternative means of disposal of trench water and how that would be carried out, collected, transported and disposed of and to which Environment Protection Authority (EPA) facility.
45. Explain the geotechnical or technological circumstances that may limit or prevent trenchless constructions.
46. Provide size dimensions of bell holes for horizontal boring.
47. Provide a link to an A3 size colour copy of the Waterway Crossing mapsheets contained in Technical Report C.

### 4.2 Coastal inundation

#### Reference

Chapter 8 section 8.8-1, Mitigation Measure MM-SW11, Executive Summary, Technical Report C and Section 5.2 and Technical Report C, section 5.2.

#### Requests

48. Explain how existing overland flow paths and localised flooding would be considered in the design of the Crib Point receiving Facility (CPRF).
49. Explain how coastal inundation, including that influenced by sea level rise risks, would be incorporated into the design of the CPRF.
50. Explain how policies relating to sea level rise contained in the Victorian Coastal Strategy 2014, Marine and Coastal Policy 2020, Clause 13.01-2S relating to 'Coastal inundation and erosion' of the Mornington Peninsula Planning Scheme (MPPS) and the Melbourne Water Planning for Sea Level Rise Guidelines 2017 have been taken into account with the CPRF location and design.
51. Advise whether local coastal flooding analysis undertaken by Mornington Peninsula Shire Council has informed the content of the EES.

## **5 Groundwater**

The IAC considers Chapter 9 (Groundwater) and Technical Report D (Ground Water Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### **5.1 Condition of bore water**

#### **Reference**

Chapter 9.

#### **Request**

52. Explain what consultation has occurred with affected bore owners and the nature of potential agreements with owners.

### **5.2 CPRF piles**

#### **Reference**

Section 9.8.2.

#### **Request**

53. Explain any groundwater impacts from the construction and piling of the nitrogen tank at the CPRF.

### **5.3 Dewatering**

#### **Reference**

Section 9.10.

#### **Request**

54. Explain whether groundwater flows will naturally re-establish upon cessation of dewatering.



## **6 Contamination and acid sulfate soils**

The IAC considers Chapter 10 (Contamination and Acid Sulfate Soils) and Technical Report E (Contamination and Acid Sulfate Soils Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### **6.1 Acid sulfate soils**

#### **Reference**

Chapter 10 and Technical Report E.

#### **Request**

55. Explain how and when lime treatment would be determined and conducted, noting management of acid sulfate soil risks being limited through shallow depth of pipeline trenching and horizontal boring, HDD construction and short duration of stockpiling and dewatering activities, and from lime treatment.

### **6.2 Contaminated groundwater**

#### **Reference**

Chapter 10.

#### **Request**

56. Explain how contaminated groundwater and sources of contamination such as leachate will be managed if intersected during pipeline works.
57. Explain how landfill gas will be managed if intersected by pipeline works.

## 7 Greenhouse gas

The IAC considers Chapter 11 (Greenhouse Gas) and Technical Report F (Greenhouse Gas Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### 7.1 Greenhouse gas emissions and mitigation

#### Reference

Chapter 11, tables 11-4 and 11-6, Technical Report F, section 8.1.

#### Requests

58. Reconcile and explain the figures for operational emissions from the Gas Import Jetty Works in open loop mode contained in Tables 11-4 and 11-6.
59. Advise what is proposed to offset greenhouse gas emissions, particularly for operational activity from the Project.

### 7.2 Reporting requirements

#### Reference

Technical Report F, Scope 3 emissions.

#### Requests

60. Explain the Scope 3 emissions in the context of the Project's overall emissions compared with Victoria's annual greenhouse gas emissions.
61. Noting Scope 3 Upstream emissions are calculated and reported, describe whether these can be further reduced.
62. Provide the downstream Scope 3 emissions for the Project, recognising that Technical Report F states: "*The Project has no ability to influence the end-use consumption of the gas*" and would result in double counting.
63. Provide a percentage of commercial, industrial and household uses and the proportion that would be "*double counted*" as third party gas users triggered to report under the *National Greenhouse and Energy Reporting Act 2007* Safeguard Mechanisms which applies to facilities with direct (Scope 1) operational emissions greater than 100,000 t CO<sub>2</sub>-e.

## 8 Air quality

The IAC considers Chapter 12 (Air Quality) and Technical Report G (Air Quality Impact Assessment) and Technical Report K (Safety, Hazard and Risk Assessments), Appendix E of the EES require further information to be provided by the Proponent as follows:

### 8.1 Sensitive uses

#### Reference

Technical Report G section 4.1.1, table 6.1 and figure 4-3 and Chapter 4, figure 4-3.

#### Request

64. Explain if the findings on impacts on sensitive receptors would alter with the inclusion of the Victorian Maritime Centre.

### 8.2 Receptor grid spacing

#### Reference

Technical Report G, section 4.5.1 and Attachment VIII, Appendix F.

#### Request

65. Justify the selection of the grid spacing used, given that a receptor grid spacing of 100 metres was used in the 4 by 4 kilometre Cartesian grid, but advice from EPA recommends a 50 metre spacing.

### 8.3 Formaldehyde

#### Reference

Technical Report G, Appendix B, and Attachment VIII, Appendix G

#### Requests

66. Provide advice on the potential significance and impacts with a +/-20% change in formaldehyde emissions from the 'Wartsila' engines operating with gas as the primary fuel and potential frequency and severity of potential human exposure.
67. Explain how a +20% increase in formaldehyde emissions will compare with SEPP (Air Quality Management) design criteria, and what is the likely extent of the plume, including frequency and severity of potential human exposure.

### 8.4 Discharge points

#### (i) Reference

Technical Report G, section 4.4.6 and section 8, Attachment VIII, table 21 and Technical Report K, Appendix E.

## Requests

68. Clarify model inputs of obstacles within the immediate vicinity of the discharge points (funnels) that could cause plume downwash.
69. Provide an assessment of the feasibility of enhancing plume dispersion for emissions from the boilers and generator engines on the FSRU.
70. Provide information about best practice measures to prevent fugitive or emergency venting from tanks including from rollovers on the FSRU, benchmarked for both FSRU and equivalent land based facilities with justification for chosen benchmarks.
71. Provide clarification on the management of excess Boil-off-Gas when other utilisation options are not available or adequate.

## 8.5 Air emissions

### Reference

Technical Report G, Figures 7- 10 to 7-18, Chapter 12 (Air Quality Table), 12-3 Operation and Technical Report K, Appendix E.

### Requests

72. Provide information (and relevant literature) on the behaviour of formaldehyde and nitrogen oxide as gas and the interactions between the aquatic environments and vegetation the respective plumes intersect.
73. Explain how MM-AQ11 will mitigate any deterioration in air quality caused by FSRU air emissions.
74. Explain the likelihood of modifying performance of the FSRU to reduce air emissions in the event exceedances are measured.

## 9 Noise and vibration

The IAC considers Chapter 13 (Noise and Vibration) and Technical Report H (Noise and Vibration Impact Assessment), Annexure A-I and Annexure A-J of the EES require further information to be provided by the Proponent as follows:

### 9.1 Background noise levels

#### Reference

Technical Report H, section 4.3.1.2, and Appendices B and C and New South Wales Interim Construction Noise Guidelines (ICNG).

#### Requests

75. Explain whether consideration was given to adopting the NSW ICNG “Noise affected” level and other management measures.
76. Clarify background noise levels used to calculate operational noise limits and Noise from industry in regional Victoria (EPA publication 1411) recommended levels.
77. Describe cumulative impacts from other nearby noise generators, including tug boats and Berth 1 activities, and the basis of any assumptions.

### 9.2 Underwater acoustic modelling

#### Reference

Technical Report A, Annexure A-J.

#### Requests

78. Update the sound level contour maps (Figures 3 to 14) to depict the entire extent of sound exposure levels ( $SEL_{24h}$ ) and marine mammal behaviour response criterion of 120 dB  $1\mu Pa^1$  (SPL) under the various scenarios.
79. Provide the contour maps correctly displaying the extent of the maximum-over depth results.
80. Provide advice on the potential impact from modelled sound exposure levels and responses to the behaviour of megafauna, particularly species heavily reliant on sound and frequencies for communication.

### 9.3 Underwater noise impact assessment

#### Reference

Technical Report A, Annexure A-I.

#### Requests

81. Confirm whether measurements of underwater noise will be taken post construction and operation, and the details of monitoring to validate any findings and predictions of the underwater acoustics assessment.

82. Explain what baseline data has been collected to quantify temporal and spatial distribution of marine mammals and the likely impact of underwater acoustics to mammals. Section 3.1.1 and 3.1.2 page 7 of Annexure A-I notes that sound from the Crib Point Jetty “...will be audible to marine mammals in most circumstances”, however the impacts to behaviour “cannot be assessed quantitatively due to the lack of information on the ambient noise level” and based on hearing sensitivity of potentially impacted species may “experience acoustic masking”.
83. Explain if impacts to penguins on Barralier Island from the Project have been considered in the underwater acoustic assessment.

## 9.4 Mitigation Measures

### Reference

Technical Report H.

### Requests

84. Provide further information on the following Mitigation Measures:
- MM-NV03 – Explain what criterion for vibration would be triggered when works are within safe working distances to occupancies, structures and assets, and any additional management measures that would be applied to mitigate vibration.
  - MM-NV04 – Explain the triggers for enacting the Relocation Policy in the event that noise impacts residents during unavoidable works at night and/or explain how this mitigation measure would be achieved.
  - MM-NV06 – Provide details on the response plan to confirm that in the event nominated noise and vibration criterion are exceeded during construction, subsequent mitigation will be applied to effectively reduce noise and vibration.
  - MM-NV12 – Provide details on the likelihood of Recommended Maximum Levels for noise being exceeded at night and whether MM-NV12 should require residual Mitigation Measure that LNG carriers not arrive between 10pm and 7am.
  - MM-NV13 – Explain the reasoning for noise monitoring proposed within six months of commissioning the FSRU, and consideration for increased monitoring frequency to confirm compliance with the Recommended Maximum Levels. Clarify the options to manage noise at the source, opposed to an intent to mitigate offsite noise at impacted dwellings.

## 10 Landscape and visual

The IAC considers Chapter 14 (Landscape and Visual), and Technical Report I (Landscape and Visual Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### 10.1 Landscaping

#### Reference

Chapter 14, section 14.6 and Mitigation Measure – LV02 Landscape screening (MM-LV02).

#### Requests

85. Provide advice on the scope for and effectiveness of using landscaping to ameliorate visual impacts associated with the FSRU and associated jetty infrastructure, intermittent LNG carriers, the CPRF, Pakenham East Delivery Facility (PEDF) and Mainline Valves (MLV).
86. Clarify the process through which requests for landscape screening from affected landowners will be managed, assessed and approved (MM-LV02).

### 10.2 Landscape character

#### Reference

Technical Report I, tables 0-1 and 0-3 (landscape significance level).

#### Requests

87. Provide the rationale for the rating of character areas and their associated values, susceptibility to change and landscape sensitivity in Table 0-1.
88. Explain why the Coastal Foreshore character area has a Visual Impact Significance rating of “*minor*” (Table 0-3) given that the Coastal Foreshore is classified as “*high*” for Landscape Significance and Landscape Sensitivity.
89. Explain why the landscape significance of Western Port is not rated as “*exceptional*” (State significance or higher) given the Coastal Spaces Landscape Assessment Study 2006 classifies those areas of Western Port Bay within its study area as of “*State Significance*”.

### 10.3 Lighting

#### Reference

Technical Report I (including Appendix E).

#### Requests

90. Provide advice on the scope to ameliorate light impacts from the FSRU, jetty and CPRF, including optimal lighting design measures and minimum light intensity that could be

achieved, particularly from the viewpoints in Technical Report I Table 8.1 described as having “*considerable*” scale of change.

91. Advise whether there should be a Mitigation Measure to address the amenity and scenic impacts of light generated by the FSRU and associated port facilities, and if so, what it might be and how it might be implemented.

## **10.4 Residential properties proximate to the Crib Point Jetty**

### **Reference**

Chapter 14.

### **Request**

92. Provide advice about direct consultation with landowners proximate to the Crib Point Jetty about visual impacts and mitigation options, including landscape screening associated with 103 The Esplanade.



## 11 Transport

The IAC considers Chapter 15 (Transport) and Technical Report J (Transport Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### 11.1 Use of rail line right of way

#### Reference

Technical Report J.

#### Requests

93. Explain what are “*the studies conducted for the EES*” referred to at page 2-37 of Chapter 2 of the EES in relation to the rail corridor alignment, noting the preferred pipeline route options assessed in the Route Options Report skirt around Hastings to the east or west and the pipeline alignment in the EES utilises the rail reserve through Hastings.
94. Explain how the proposed EES pipeline alignment utilising the rail reserve come about and advise whether an assessment was made of the potential risks for this change to the alignment.
95. Explain what consultation occurred with residents and landowners within the Pipeline Measurement Length (PML), particularly those in residential areas of Hastings.
96. Explain how the proposed alignment impacts on future rail line upgrade options, noting the proposed pipeline alignment follows the Crib Point rail line right of way through Hastings.
97. Advise whether the Department of Transport and VicTrack have been consulted about this alignment, and if so, what their responses were.
98. Elaborate on the discussion at page 19 on options for future rail line upgrade.

### 11.2 Sight distance issues with access tracks

#### Reference

Technical Report J.

#### Request

99. Explain how the issue of identified limited sight distance at several intersections with pipeline access tracks and recommended track alignment modifications has been addressed and the implications it has for the Project design and land acquisition.

### 11.3 Preferred over-dimensional vehicle routes

#### Reference

Technical Report J.

### **Request**

100. Advise whether a preferred route been settled on for route options for OD vehicles carrying nitrogen and odorant to the CPRF.

## **11.4 Disposal of oily sludge from FSRU**

### **Reference**

Technical Report J, Chapter 6.

### **Requests**

101. Explain how the proposed 25 tonnes of oily sludge produced each week will be disposed of, and if it is to be trucked away from the site, provide advice on the likely number and type of truck movements and the route they would take.

## 12 Safety, hazard and risk

The IAC considers Chapter 16 (Safety Hazard and Risk) and Technical Report K (Safety, Hazard and Risk Assessments) of the EES require further information to be provided by the Proponent as follows:

### 12.1 Risk methodology

#### Reference

Technical Report K.

#### Requests

102. Explain the risk methodologies used in the safety risk assessment, including how they have been applied to the various components of the Project, including the FSRU, CPRF, Pipeline, MLVs, PEDF and the Pakenham End of line scraper station.
103. Provide advice on the major safety and hazard risks associated with each component of the Project and how each is to be addressed. This may be in the form of a tabulated risk register similar to those included in other sections of the EES.
104. Advise whether the risks of oil or fuel spills from LNG tankers or the FSRU in the event of accident or collision have been assessed.

### 12.2 Identified hazards

#### Reference

Technical Report K.

#### Request

105. Provide links to completed plans (including Emergency Management Plan and safety management case) used to inform the safety, hazard and risk assessments and outcomes in Technical Report K.

### 12.3 Cumulative impacts from other industrial uses

#### Reference

Technical Report K, Appendix C Figures 13-4 and 13-5.

#### Requests

106. Provide location specific individual risk (LSIR) contours for fatality and injury, displaying cumulative risks with tankers at Berth 1 and CPRF to inform of cumulative impacts of other risks that could influence the fatality and injury contours.
107. Provide LSIR contour map in the event of blast and/or fire at CPRF.

108. Provide the circumference of an impact zone in the event any risks highlighted in Appendix E (Potential Effects of LNG Hazards) occur in relation to isolated and cumulative activities.

## **12.4 Risk criteria used in quantitative risk assessment**

### **Reference**

Technical Report K, Appendix B.2.

### **Request**

109. Provide further details on the hazards identified as high and moderate, and those deemed low that have not been included in the hazard identification process.

## **12.5 Quantitative risk assessment results**

### **Reference**

Technical Report K, Appendix B-5 and Appendix C.

### **Request**

110. Provide better resolution LSIR contour maps included in Technical Report K, Appendix C, including further details defining the risks to property and extent of damage.

## **12.6 Safety studies**

### **Reference**

Technical Report K, Appendix A.

### **Request**

111. Provide links to relevant studies and assessments referred to in Appendix A, which refers to a HAZID (A.1), Fire Safety Plan (A.2), SIL Assessment (A.3) that form the basis for assumptions.

## **12.7 Floating Storage Regasification Unit**

### **Reference**

Technical Report K and Executive summary.

### **Requests**

112. Explain how realistic it is to 'unhook' the FSRU in the event of a severe weather event and whether these risks have been assessed.
113. Explain the process required to 'unhook' the FSRU, if and when required.
114. Provide details of the likely location of any "*permanently attended remote control room*" (Technical Report K page iv) and confirm if the FSRU will be unmanned.

Provide the processes that will be followed in the event an incident occurred at the FSRU.

## **12.8 Impact of risk on pipeline design**

### **Reference**

Technical Report K.

### **Requests**

115. Explain how risks associated with more sensitive land uses identified in Technical Report K, table 4-1, pages 18 and 19 have been taken into account in the design of the pipeline.
116. Explain how the different location classes identified in Technical Report K, table 8-3, page 62 resulted in differences in design for each section of the pipeline and what are the differences.
117. Explain how the Pipeline Heat Radiation and Energy Release risks discussed in Technical Report K, pages 63-64 impact on the pipeline design through residential areas.

## **12.9 Measurement length and location class**

### **References**

Safety Management Study (SMS) Attachment IX (Application for Pipeline Licence) Attachment 4 (SMS Summary), table 8-3 of Technical Report K and Technical Report L.

### **Requests**

118. Provide a link to the full SMS prepared in accordance with AS/NZS 2885.
119. Describe inputs relied upon to determine the location class (both primary and secondary) if these inputs are not included in the SMS.
120. Clarify which elements of the pipeline meet which location class standard.

## 13 Land use

The IAC considers Chapter 17 (Land Use) and Technical Report L (Land Use Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### 13.1 State Planning Policy

#### Reference

Technical Report L (Land Use), section 8.1.2.

#### Request

121. Provide an assessment of the pipeline and associated infrastructure against the following strategies in Clause 19.01-3S (Pipeline infrastructure) of the relevant planning schemes:

Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

Plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impacts on waterways, wetlands, flora and fauna, erosion prone areas and other environmentally sensitive sites.

### 13.2 Mornington Peninsula Localised Planning Statement

#### Reference

Technical Report L, Chapter 5.2.1.4 and Mornington Peninsula Localised Planning Statement (MPLPS).

#### Request

122. Provide an assessment of the Project against the relevant objectives and strategies in the MPLPS, including those related to *"Planning for the port area"* (strategies 42, 43, 44, 46 and 47).

### 13.3 Pipeline alignment

#### Reference

Attachment VII (Map Book), Technical Report L, and EES Chapter 2 (Project Rationale).

#### Requests

123. Clarify the pipeline route selection process where it bisects properties and where it is proposed to be located within an existing easement.
124. Explain the basis on which the preferred alignment will be resolved and what are the benefits and disbenefits of each of the proposed and alternative alignments.

## 13.4 Pakenham East Delivery Facility

### Reference

Various references, including Technical Reports B, L and P.

### Requests

125. Explain any implications or restrictions associated with the environmental and Aboriginal cultural heritage 'no go' zones that apply to or are adjacent to the PEDF, including any existing environmental and Aboriginal cultural heritage approvals that are relevant to the site or adjacent land.

## 13.5 Land use impacts

### Reference

Chapters 16 and 17 and Technical Reports K and L, section 1.3.1, Route Options Report (Attachment IX), Chapter 2, *Pipelines Act 2005*.

### Requests

126. Provide an assessment of the possible land use planning implications for more intensive future land use and development that might arise from the pipeline, including impacts on:
  - the urban area of Hastings, including its role as a “*major activity centre*” and the various growth objectives and strategies described in the MPPS, including Clauses 21.13-2 (Hastings Activity Centre) and 22.24 (Hasting Activity Centre Policy), and the Hastings Town Centre Structure Plan 2017
  - Precinct Structure Plan (PSP) areas, including the Pakenham East PSP and any other PSP areas within the PML
  - agricultural areas that are used for or have been identified as suitable for intensive agriculture
  - future port related use and development within the Port of Hastings.
127. Provide advice on whether and how APA will seek to participate in land use and development approval processes within the PML and the likely areas, buffers and/or particular uses and developments that might need to be managed in order to protect the security and safety of the pipeline.
128. Explain why the Land Use Impact Assessment did not consider the operational impact of the pipeline for the 640 metre PML.
129. Clarify whether the Land Use Impact Assessment assessed the operational impact of the pipeline within the study area or the easement width.
130. Provide information on what consultation occurred and how risks to existing and planned land uses were considered in determining the preferred pipeline alignment.
131. Identify the sensitive uses noted in Technical Report K, table 8-3, page 62 and provide a map/s that show the location of residential land use (T1 and any discrete

T2 sites) and any other Sensitive locations as defined in Technical Report K, page 63 and AS/NZS 2885.



## **14 Social and business**

The IAC considers Chapter 18 (Social), Technical Report M (Social Impact Assessment), Chapter 26 (Stakeholder engagement) Attachment V, Chapter 19 (Business) and Technical Report N (Business Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### **14.1 Social**

#### **Reference**

Chapter 18 and Mitigation Measures.

#### **Request**

132. Describe how the more intangible social impacts such as fear, psychological concerns and the perceived threat of risks will be dealt with in the most immediate and proximate communities.
133. Explain how the commitment to a Community Fund of \$7.5 million would be realised.
134. Explain the tangible benefits to the local community of the Project.

### **14.2 Tourism**

#### **Reference**

Technical Report N.

#### **Request**

135. Provide advice on the extent to which possible impacts on tourism businesses and opportunities were considered, including any impacts resulting from real or anticipated visual, landscape, safety and environmental impacts, particularly those associated with the FSRU, CPRF and additional shipping and road traffic movements.

## 15 Agriculture

The IAC considers Chapter 20 (Agriculture), and Technical Report O (Agriculture Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### 15.1 Temporary loss of land

#### Reference

Chapter 20, section 20.8.1 and *Pipelines Act 2005*.

#### Request

136. Describe how compensation is addressed with reference to the *Pipelines Act 2005* and APA policy requirements.

### 15.2 Biosecurity

#### Reference

Chapter 20, section 20.8.4.

#### Request

137. Explain how biosecurity will be managed during construction and operation.

### 15.3 Soil profile re-instatement

#### Reference

Chapter 20, section 20.9.

#### Requests

138. Describe and explain how soil profiles associated with each identified soil association will be guaranteed to be appropriately reinstated.
139. Explain proposed post-construction monitoring and timeframes.

## 16 Aboriginal cultural heritage

The IAC considers Chapter 21 (Aboriginal Cultural Heritage) and Technical Report P (Aboriginal Cultural Heritage Impact Assessment) of the EES require further information to be provided by the Proponent as follows:

### 16.1 Cultural Heritage Management Plans

#### Reference

Chapter 21 and Technical Report P.

#### Requests

140. In the context that three Cultural Heritage Management Plans (CHMP) are being prepared as part of the EES process, provide further advice on their status, including:
  - when the draft CHMPs are expected to be completed and submitted for approval
  - whether draft CHMPs will be available to the IAC
  - any further consultation undertaken with the Bunurong Land Council Aboriginal Corporation (as a Registered Aboriginal Party), Aboriginal Victoria or other relevant stakeholders since the release of the EES
  - whether the CHMPs, when finalised, might or are likely to require any changes to the project, including changes to the proposed location, design and construction of infrastructure.
141. Clarify why proposed CHMP 16300 is being prepared through a 'desktop' assessment process rather than a 'standard' or 'complex' assessment process and whether this assessment approach has been discussed and agreed with the Bunurong Land Council Aboriginal Corporation.

### 16.2 Registered Aboriginal cultural heritage places

#### Reference

Technical Report P, table 7-1 (Registered Aboriginal cultural heritage places, potential Project impacts and proposed CHMP Mitigation Measures).

#### Requests

142. Provide advice on the status of:
  - the proposed changes to the alignment in response to Warragul to Hasting LDAD 2 VAHR 7921-1533
  - the reduced Activity Area in response to BlueScope Western Port 1 (Lysaght 1) VAHR 7921-0036.

### **16.3 Aboriginal intangible heritage**

#### **Reference**

Technical Report P.

#### **Request**

143. Describe how the Aboriginal Cultural Heritage Impact Assessment considered and responded to Aboriginal intangible heritage, including relevant discussions with the Bunurong Land Council Aboriginal Corporation (as a Registered Aboriginal Party), Aboriginal Victoria or other relevant stakeholders.

### **16.4 Mitigation Measures**

#### **Reference**

Chapter 21, table 21.5 and Technical Report P, table 8-2 (CHMP Management Conditions).

#### **Requests**

144. Confirm whether the Mitigation Measures that seek to modify (reduce or change) activity areas and rights of way have been addressed in the Project.
145. Advise whether proposed management conditions for the three CHMPs have been prepared and are available to the IAC, including those for the following sites referred to in Chapter 21, table 21.5:
  - BlueScope Western Port 1 (Lysaght 1) AS VAHR 7921-0036 CHMP 15383
  - Warragul to Hastings LDAD 2 VAHR 7921-1750 CHMP 15383.

## 17 Planning Scheme Amendment

### 17.1 Specific Controls Overlay

The land required for the Crib Point Import Jetty works will be subject to an Incorporated Document through the Specific Controls Overlay (SCO) to be introduced through draft Amendment C272 to the MPPS (EES Attachment VI).

#### Reference

Maps, including those in Appendices B and C of Attachment VI.

#### Requests

146. Explain why the SCO was selected as the preferred Victoria Planning Provision tool.
147. Explain how the boundary of the SCO was determined (noting it applies to the Jetty and surrounding waters, the CPRF and what appears to be the Construction Laydown Area) and whether there can be more specificity about the extent of the boundary, including site and title details.
148. Explain the roles of the plans and maps in Appendices B and C of Attachment VI.

### 17.2 Incorporated Document

#### Reference

Crib Point Gas Import Jetty Works Incorporated Document.

#### Requests

149. Provide the following further information:
  - a clear plan of the extent of the Project area subject to the Incorporated Document
  - explain the approval processes for the Incorporated Document and any mechanisms for review and further consultation
  - explain how the Incorporated Document will operate, including how the required plans (Design and Landscape, Environmental Management, Construction Environment Management, Operations Environmental Management, Bushfire Management) are to be prepared, reviewed and approved
  - explain how the Incorporated Document will provide a mechanism to implement relevant Mitigation Measures or other outcomes of the EES process and how this will be coordinated with the other approval documentation (e.g. Pipeline Licence, Marine and Coastal Act consent and Works Approval)
  - explain how the relevant work undertaken as part of this EES process will be implemented in the Incorporated Document.

## 18 Environmental Management Framework

The IAC considers Chapter 25 (Environmental Management Framework) of the EES require further information to be provided by the Proponent as follows:

### 18.1 Monitoring of the Environmental Management Framework

#### Reference

Chapter 25, table 25-2.

#### Request

150. Elaborate on the audit reports referred to in Table 25-2, which refers to “*Receive and review audit reports from the Independent Environmental Auditor(s), in compliance with relevant approval conditions where required*”, including what they are and who prepares them.

### 18.2 Mitigation Measures and Environmental Performance Requirements

#### Reference

Mitigation Measures.

#### Requests

151. Explain the difference between Environmental Performance Requirements (EPR) and Mitigation Measures and whether the Mitigation Measures are intended to be mandatory requirements, noting that many recent major projects that have been subject to an EES process have used EPR as the key means for documenting and managing compliance.
152. Explain why this Project departed from using EPR as part of the environmental management framework.
153. Explain whether EPRs can be developed or expanded to provide an added level of managing compliance with agreed outcomes, and whether they would need to be included in all approvals (not just the Incorporated Document).
154. Explain whether it would be appropriate to include more guidance on who determines whether a requirement has been met, noting it is not clear in some of descriptions of Mitigation Measures what standard must be met or who is responsible for determining whether a requirement has been met. (For example, if not converted to EPR, this could be done in the description, for example by adding “... *to the satisfaction of*” and by adding the responsible authority or Minister in the ‘Statutory Implementation’ column.)

## 19 Matters of National Environmental Significance

This section is largely in response to the submission from the Commonwealth Department of Agriculture Water and Environment submission (2871), which raised a number of issues about Matters of National Environmental Significance (MNES) which the IAC is seeking clarification.

### 19.1 Baseline assessment of MNES marine species

#### Reference

Attachment I (Matters of National Environmental Significance).

#### Requests

155. Provide the baseline assessments conducted and data relied on to assess potential impact of the project to MNES including data collected and reviewed.
156. Provide a copy of the Project Species Search conducted within the five kilometre-buffer and advice on the merits of providing search results from a ten-kilometre buffer.

### 19.2 Western Port Ramsar

#### Reference

Attachment I and Chapter 6.

#### Requests

157. Provide further information that:
  - addresses the cumulative impact of additional port activity and shipping movements on the Critical Components, Processes and Systems (CPS) of the Western Port Ramsar site
  - details indirect and consequential impacts on migratory and other waterbirds from localised impact on infauna
  - diagrammatically depicts impact pathways for CPS and project impacts to Ramsar
  - presents ecological pathways to proximate intertidal mudflats in a conceptual model
  - considers disturbance to the seabed sediment during FSRU operations, with emphasis on impact to nearshore sensitive communities.

### 19.3 Cetaceans

#### Reference

Attachment I.

## Requests

158. Provide further information including how vessel strike will be avoided or mitigated, taking into account the nature and extent of possible impacts to individual cetaceans.
159. Provide details on potential risks to Southern Right Whales with reference to the Commonwealth *Conservation Management Plan for the Southern Right Whale 2011–2021* and the resulting impacts in the event risks are realised.

## 19.4 Orange-bellied Parrot

### Reference

Attachment I.

### Request

160. Provide a description of the Orange-bellied Parrot's release and presence in the Western Port Bay area, including any use of habitat in the vicinity of Crib Point.



## 20 Environmental Risk Report

The IAC considers EES Attachment III Environmental Risk Report requires further information to be provided by the Proponent as follows:

### 20.1 Consequence Criteria

#### Reference

Attachment III: Environmental Risk Report Appendix A Consequence Criteria and Appendix B Risk Register.

#### Requests

161. Explain the basis for the Consequence Criterion listed in Appendix A, including:
  - Noise: explain how exceedances against Project Criteria will be determined when monitoring is proposed for 6 months following operation commencing
  - Vibration: explain the criterion to assess impact against, and monitoring proposed
  - Impact on threatened species and waders and waterbirds: provide the results of current baselines on temporal and spatial distribution and characteristics of waders and waterbirds that will form the baseline for monitoring impact from the Project and assessment against relevant Limits of acceptable change (LAC)
  - Threatened ecological communities (*EPBC Act* and *FFG Act*): explain whether natural variation for communities, including marine mammals has been established and how marine mammals will be measured against “hectares”
  - Threatening processes: explain EES “threatening processes”
  - Ecosystem function: describe the baseline condition for each of the ecosystem functions relevant for the Project area
  - Ramsar site: describe the baseline conditions that will apply to the ecological character to measure impact to critical CPS and LAC
  - Groundwater dependent ecosystems: explain how groundwater condition and extent of impact will be monitored
  - Benthic habitats - Marine: explain how the area of 45 hectares was determined as a minor consequence and what information has been relied on to determine that consequences within 9 hectare zone around the FSRU are negligible
  - Entrainment – Marine: explain how and when a benchmark will be established to understand changes to populations
  - Groundwater: explain what frequency is proposed to monitor the potential for long-term loss of beneficial uses.
162. Explain why consequences exclude impacts to individuals, which have been recognised in the EES with greater sensitivity, particularly threatened or critically endangered species, and instead focus on impact to populations as the criteria.
163. Review the risk register so that the consequence of an inherent risk and residual risk remains the same irrespective of the Mitigation Measures, particularly for the following identified risks:
  - Risk ID FF9 Southern Brown Bandicoot

- Risk ID FF12 Merran's Sun-orchid.
- Risk ID FF13 Gaping Sun-orchid and Pallid Sun-orchid
- Risk ID FF18 Waders and waterbirds/migratory birds
- FF19 Impacts to Western Port Bay
- FF O1 Operational Gas Import Jetty: Waders and waterbirds/migratory birds
- FF O6 Gas import Works operational activities impact on Western Port Ramsar Site
- ME5A Entrainment of pelagic and demersal fish into FSRU (Spring).

## 20.2 Clarification of risk register

### Reference

Attachment III: Environmental Risk Report Appendix B Risk Register.

### Requests

164. Provide the data that has been relied on to inform the risk assessment and residual risk for the following risk IDs that have been deemed with a consequence as negligible or minor:
  - FF O1 noise and lighting to waders and waterbirds/migratory birds during operation of the Gas Import Jetty Works
  - FF O6 impact of operation on ecological character of the Ramsar site
  - Marine Ecology Risk ID's ME4 to ME13, ME16 to ME22, ME26 to ME33, ME36 to ME40, ME47, ME48, and ME51 to ME53.

## Appendix A Terms of Reference

### Crib Point Gas Import Jetty and Crib Point-Pakenham Gas Pipeline Inquiry and Advisory Committee

The Crib Point Gas Import Jetty and Crib Point-Pakenham Gas Pipeline Project Inquiry and Advisory Committee (the IAC) is appointed to inquire into, and report on, the proposed Crib Point Gas Import Jetty and Crib Point-Pakenham Gas Pipeline Project in accordance with these terms of reference.

The IAC is appointed pursuant to:

- section 9(1) of the *Environment Effects Act 1978* (EE Act) as an inquiry; and
- part 7, section 151 of the *Planning and Environment Act 1987* (P&E Act) as an advisory committee.

#### Name

1. The IAC is to be known as the 'Crib Point Gas Import Jetty and Crib Point-Pakenham Gas Pipeline Project Inquiry and Advisory Committee'.

#### Skills

2. The IAC members should have the following skills:
  - a. gas industry engineering and management, including safety;
  - b. marine and terrestrial ecological assessment;
  - c. statutory planning.
3. The IAC may seek additional specialist expert advice to assist it in undertaking its role, in particular with respect to:
  - a. air quality assessment
  - b. landscape and visual impacts;
  - c. social impact assessment
  - d. agriculture and rural land use; and
  - e. greenhouse gas emissions; and
  - f. noise assessment.
4. The IAC will comprise an appointed chair (IAC Chair), a deputy chair and other members.

#### Purpose of the IAC

5. The IAC is appointed by the Minister for Planning under section 9(1) of the EE Act to hold an inquiry into the environmental effects of the project. The IAC is to:
  - a. review and consider the environment effects statement (EES) and public submissions received in relation to the environmental effects of the project;

- b. draw conclusions on the potential environmental effects of the project, their significance and acceptability, having regard to the draft evaluation objectives in the EES scoping requirements and relevant policy and legislation;
  - c. identify any measures it considers necessary and effective to avoid, mitigate or manage the environmental effects of the project within acceptable limits; and
  - d. report its findings and recommendations to the Minister for Planning so he can assess the project's environmental effects.
6. The IAC is appointed as an advisory committee under section 151 of the P&E Act to:
  - a. review draft planning scheme amendment (PSA) C272morn, which has been prepared to facilitate the project, along with any public submissions received in relation to the draft PSA;
  - b. provide a report to the Minister for Planning as to whether the draft PSA contains provisions and controls that are appropriate for the project; and
  - c. recommend any changes to the draft PSA that it considers necessary.
7. The IAC will also provide advice that can be used to inform the Environment Protection Authority's consideration of the WAA prepared by the proponent for the project.
8. The IAC might also separately be appointed by the Minister for Energy, Environment and Climate Change as a panel under s. 40 of the Pipelines Act.

## **Background**

### ***Project outline***

9. The project proposes the permanent mooring of a floating storage and regasification unit (FSRU) at Crib Point Jetty (The Esplanade, Crib Point), the installation of gas handling infrastructure on the jetty, construction of a gas receiving facility at Crib Point and construction of a gas pipeline from Crib Point to Pakenham, including a delivery facility at Pakenham East. The project comprises the following works elements:
  - a. mooring and operation of the FSRU, including transfer of liquified natural gas (LNG) cargoes from visiting tankers and storage and regasification of LNG to natural gas;
  - b. construction and operation of facilities for processing of gas at Crib Point and Pakenham East, including correction of gas to transmission system specifications, addition of odorant and adjustment of temperature and pressure;
  - c. construction and operation of a high-pressure gas pipeline from Crib Point to Pakenham East, including ancillary facilities such as main line valves and pipeline inspection equipment;
  - d. removal of native vegetation (and the provision of offsets) as required to enable the project to proceed; and
  - e. ancillary and temporary works to support construction and operation of the project.
10. The project's proponents are AGL Wholesale Gas Limited (AGL) for the FSRU, jetty works and Crib Point receiving facility and APA Transmission Pty. Limited (APA) for the pipeline and other components of the project.
11. AGL and APA, acting jointly as the proponent, are responsible for preparing technical studies, consulting with the public and stakeholders and preparing an EES.

### ***EES assessment process***

12. In response to a referral under the EE Act from the proponent, the Minister for Planning determined on 8 October 2018 that an EES is required for the project and issued his decision with procedures and requirements for the preparation of the EES as specified in **Attachment 1**.
13. In response to the coronavirus pandemic emergency, the Minister issued amended procedures and requirements on 1 June 2020, as specified in **Attachment 2**.
14. The EES has been prepared by the proponent in response to the EES scoping requirements issued by the Minister for Planning in January 2019.
15. The EES is to be placed on public exhibition for forty (40) business days, together with the WAA, draft PSA and pipeline licence application.

### ***Commonwealth assessment process***

16. Because of its potential impacts on matters of national environmental significance, the project was determined to be a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) on 28 November 2018. The relevant controlling provisions under the EPBC Act relate to listed threatened species and communities (sections 18 and 18A) and listed migratory species (sections 20 and 20A). Separate controlled action decisions apply to AGL's and APA's respective components of the project.
17. Under the bilateral agreement between the Australian and Victorian Governments, the Victorian EES process is serving as the accredited process for the assessment purposes of the EPBC Act. The assessment of environmental effects to be made by the Victorian Minister for Planning will be provided to the Commonwealth Minister for the Environment to inform the approvals decision under the EPBC Act. To assist the Minister in making his assessment, the IAC should specifically identify its advice relevant to matters of national environmental significance that may be affected respectively by either the AGL or the APA elements of the project.

### ***Planning approval process***

18. The IAC is to consider and provide advice on draft PSA C272morn that proposes planning controls and provisions for the Crib Point mooring site, jetty and receiving facility. The PSA, in conjunction with other required approvals will regulate the use and development of the project in accordance with an incorporated document which is proposed to be included in the Mornington Peninsula Planning Scheme.

#### **(i) Works approval process**

19. A WAA for the project has been prepared in accordance with the provisions of the *Environment Protection Act 1970* (EP Act). The works approval application will be jointly advertised with the EES, in accordance with section 20AA of the EP Act.
20. Section 19B(3)(b) of the EP Act provides that: *if an application for a works approval is to be jointly advertised under section 20AA with a notice relating to the same proposal under the Environment Effects Act 1978... comments by any person or body interested in the application must be made as a submission on the environment effects statement or be included in any submission on the environment effects statement*. In addition, the Environment Protection Authority can no longer decide under section 19B(6) to hold a section 20B conference.

21. The IAC is to provide advice that can be used to inform the Environment Protection Authority's consideration of the WAA prepared by the proponent. The IAC may request any further information from the proponent that it considers necessary to assist it to provide that advice. The advice should recommend avoidance, mitigation or management measures that the IAC considers are necessary to ensure compliance with any relevant legislation and/or policy.

**(ii) Pipeline licence application process**

22. The IAC might also separately be appointed by the Minister for Energy, Environment and Climate Change as a panel under s. 40 of the Pipelines Act. If so, it must act in accordance with the requirements of the Pipelines Act and any specifications in its instrument of appointment.

**(iii) Other approvals**

23. The Project may require several other statutory approvals and/or consents, as outlined in the EES, including:
- a. approved cultural heritage management plans under the *Aboriginal Heritage Act 2006* to manage works in areas of cultural heritage sensitivity;
  - b. consent for the use of Crown land under the *Marine and Coastal Act 2018* for the mooring and operation of the FSRU and for other project elements located on coastal Crown land;
  - c. a permit to remove listed flora and fauna under the *Flora and Fauna Guarantee Act 1988*;
  - d. an authority to take or disturb wildlife under the *Wildlife Act 1975*; and
  - e. consents for works on, over or under waterways under the *Water Act 1989*.

## **Process**

### **Stage 1 – Submissions**

24. Submissions on the EES, draft PSA, WAA and pipeline licence application will be collected by Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV' through the Engage Victoria Website. All written submissions or other supporting documentation should be published on-line, unless submitters request that their submission not be publicly available, or where the IAC specifically directs that the submission or part of it is to remain confidential.
25. Electronic copies of submissions on the EES, draft PSA, pipeline licence application and WAA should be provided to the proponent, Mornington Peninsula Shire Council, Casey City Council, Cardinia Shire Council, the Department of Environment, Land, Water and Planning and the Environment Protection Authority.
26. Petitions will be treated as a single submission, and only the first name to appear on the first page of the submission should receive correspondence in relation to the IAC.
27. Any written material or evidence provided to the IAC during the public hearing should be published on-line, unless the IAC specifically directs that the material is to remain confidential.
28. Planning Panels Victoria will retain any written submissions and other documentation provided to the IAC for a period of five years after the time of the appointment of the IAC.

### **Stage 2 – Public hearing**

29. The IAC must hold a public hearing and may make other such enquiries as are relevant to undertaking its role.

30. When it conducts a public hearing, the IAC has all the powers of an advisory committee that are specified in section 152(2) of the P&E Act.
31. Prior to the commencement of the public hearing, the IAC must hold a directions hearing in order to make any directions it considers necessary or appropriate as to the conduct, scope or scheduling of the public hearing.
32. The IAC may inform itself in any way it sees fit, but must review and consider:
  - a. the exhibited EES, draft PSA and WAA;
  - b. all public submissions, and all submissions and evidence provided to the IAC by the proponent, state agencies, local councils and the public;
  - c. any information provided by the proponent that responds to submissions; and
  - d. any other relevant information that is provided to, or obtained by, the IAC.
33. The IAC must conduct its public hearing in accordance with the following principles:
  - a. the public hearing will be conducted in an open, orderly and equitable manner, in accordance with the principles of natural justice, with a minimum of formality and without the necessity for legal representation; and
  - b. the IAC process is to be exploratory and constructive with adversarial behaviour minimised and with cross-examination controlled by the IAC Chair.
34. The IAC may limit the time of parties appearing before it.
35. The IAC Chair may direct that a submission or evidence is confidential in nature and the hearing be closed to the public for the purposes of receiving that submission or evidence.
36. The IAC may only conduct a public hearing when there is a quorum of at least two of its members present or participating through electronic means in line with Attachment 2, one of whom must be the IAC Chair or Deputy Chair.
37. Recording of the hearing will be undertaken by the proponent, in accordance with any directions made by the IAC Chair. The audio recording of any hearing sessions should be provided to Planning Panels Victoria as a weblink. The link to the recording will be made publicly available as soon as practicable after the conclusion of each day of the hearing, or otherwise as directed by the IAC Chair.
38. Any other audio or video recording of the hearing by any other person or organisation may only occur with the prior consent of, and strictly in accordance with, the directions of the IAC Chair.

### **Stage 3 – Report**

39. The IAC must produce a written report for the Minister for Planning containing the IAC's:
  - a. conclusions with respect to the environmental effects of the project and their significance and acceptability;
  - b. findings on whether acceptable environmental outcomes can be achieved, having regard to legislation, policy, best practice, and the principles and objectives of ecologically sustainable development;
  - c. recommendations and/or specific measures that it considers necessary and appropriate to prevent, mitigate or offset adverse environmental effects having regard to legislation, policy, best practice, and the principles and objectives of ecologically sustainable development;

- d. recommendations as to any feasible modifications to the design or management of the project that would offer beneficial outcomes;
- e. recommendations for any appropriate conditions that may be lawfully imposed on any approval for the project, or changes that should be made to the draft PSA in order to ensure that the environmental effects of the project are acceptable having regard to legislation, policy, best practice, and the principles and objectives of ecologically sustainable development;
- f. recommendations as to the structure and content of the proposed environmental management framework, including with respect to monitoring of environmental effects, contingency plans and site rehabilitation;
- g. recommendations with respect to the structure and content of the draft PSA;
- h. recommendations with respect to the WAA, including recommendations about conditions that might appropriately be attached to a works approval if issued; and
- i. specific findings and recommendations about the predicted impacts on matters of national environmental significance and their acceptability, including appropriate controls and environmental management.

40. The report should include:

- a. information and analysis in support of the IAC's findings and recommendations;
- b. a list of all recommendations, including cross-references to relevant discussions in the report;
- c. a description of the public hearing conducted by the IAC, and a list of those persons consulted with or heard by the IAC;
- d. a list of all submitters in response to the exhibited EES; and
- e. a list of the documents tabled during the public hearing.

### **Timing**

41. The IAC should begin its formal public hearing no later than 40 business days from the final date of the exhibition period, or as otherwise agreed by the Minister for Planning.
42. The IAC must submit its report in writing to the Minister for Planning within 30 business days from its last hearing date.

### **Minister's assessment**

43. The Minister for Planning will make his assessment of the environmental effects of the project after considering the IAC's report as well as the EES, submissions and any other relevant matters.
44. Planning Panels Victoria will notify submitters of the release of the Minister for Planning's assessment and IAC report.

### **Fee**

45. The fees for the members of the IAC will be set at the current rate for a panel appointed under part 8 of the P&E Act 1987.
46. All costs of the IAC, including the costs of obtaining any expert advice, technical administration and legal support, venue hire, accommodation, recording proceedings and other costs must be met by the proponent.



### **Miscellaneous**

47. The IAC may apply to the Minister for Planning to vary these terms of reference in writing, at any time prior to submission of its report.
48. Planning Panels Victoria is to provide any necessary administrative support to the IAC.
49. The IAC may engage additional technical and administrative support as required.



**Richard Wynne MP**

**Minister for Planning**

Date: 1 / 06 / 2020

The following information does not form part the Terms of Reference.

### **Project Management**

1. For matters regarding the IAC process, please contact Andrea Harwood, Senior Project Manager of Planning Panels Victoria, by phone (03) 8392 5123 or email [cribpointIAC@delwp.vic.gov.au](mailto:cribpointIAC@delwp.vic.gov.au).
2. For matters regarding the EES process please contact the Impact Assessment Unit in Department of Environment, Land, Water and Planning (DELWP) by phone (03) 8392 5503 or email [environment.assessment@delwp.vic.gov.au](mailto:environment.assessment@delwp.vic.gov.au).