



# Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street  
Melbourne Victoria 3000  
GPO Box 2392  
Melbourne, Victoria 3001  
Telephone (03) 8624 5712

8 September 2021

Dear Party,

## **Western Outer Ring Main Gas Pipeline Project Inquiry and Panel**

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The Inquiry held a Directions Hearing for the above matter on 6 September 2021 by Zoom video conference. Please find attached:

- Inquiry Directions
- Hearing Timetable – Version 1

The following key dates apply:

| Time    | Date   | Action  | Direction |
|---------|--|---|-----------|
| 12 noon | Friday, 10 September 2021  | The Proponent must clarify the documentation it intends to provide prior to the Hearing.  | 1         |
| 12 noon | Monday, 13 September 2021  | Parties must advise PPV of any sites they wish the Inquiry to inspect.  | 3         |
| 12 noon | Wednesday, 22 September 2021   | The Proponent must file evidence reports.   | 5         |
| 12 noon | Wednesday, 22 September 2021   | The Proponent must file its Request for further information response.   | 8         |
| 12 noon | Thursday, 30 September 2021  | The Proponent must file its opening submission, including a summary of its responses to submissions and Day 1 version of any changes to the Environmental Management Framework. | 11        |
| 12 noon | The business day before the party presenting the material is due to present. | Any other material a party wishes to present at the Hearing must be circulated to parties on the distribution list.   | 21        |
| 12 noon | Thursday, 14 October 2021.   | Parties proposing changes to the Environmental Management Framework must circulate the changes.   | 32        |
| 12 noon | Friday, 15 October 2021  | The Proponent must compile and circulate a list of proposed changes to the Environmental Management Framework from itself and other parties.                                    | 33        |
| 10 am   | Monday, 4 October 2021   | Video conference Hearing commences.   |           |

### 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

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## Panel Appointment

The Inquiry members were appointed as a Panel under s40 and 42 the *Pipelines Act 2005* on 3 September 2021. The Inquiry and Panel will refer to themselves as the Inquiry for ease of reference.

## Declarations

At the Directions Hearing, the Chair made various declarations on behalf of the Inquiry members.

All parties in attendance were invited to raise any issues about these declarations and no party or individual raised any issues in response.

## Mapping tool

The Proponent provided the Inquiry and parties with an overview of its GIS mapping tool. As previously advised, requests for access to the mapping tool should be directed to Hall and Wilcox:

[Jamie.truong@hallandwilcox.com.au](mailto:Jamie.truong@hallandwilcox.com.au)

[Meg.Lee@hallandwilcox.com.au](mailto:Meg.Lee@hallandwilcox.com.au)

## Blueways Land No 1 Pty Ltd

The submission from Blueways Land No 1 Pty Ltd has been withdrawn.

## Accessing the public Hearing

The Directions Hearing can be accessed using the following hyperlink to Zoom:

<https://us02web.zoom.us/j/85411740564?pwd=ckJlQ1l1cVBPRE52NFhxNURsZkN0Zz09>

Meeting ID: 854 1174 0564

Passcode: 721977

If you do not have access to a computer or you cannot connect to a network for video and computer audio, you can join and participate in the Directions Hearing by telephone using the following prompts:

1. Dial +61370182005
2. Input the meeting ID: 854 1174 0564 followed by the '#' key
3. Input meeting passcode: 721977

Parties are encouraged to review the [Zoom User Guide](#) prior to the commencement of the Hearing to become familiar with the platform.

If you need technical assistance, please contact Select AV on the technical support line on 03 9453 2857 from Monday - Thursday between 9.00am –5.00pm.

If you have questions about the timetable or directions, please contact Georgia Thomas, Project Officer of Planning Panels Victoria on (03) 8624 5717 or [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).

Yours sincerely,



**Michael Kirsch**

**Inquiry and Panel Chair**

## Before the Hearing

### Further information

1. The Proponent must clarify the nature and timing of the documentation it intends to provide prior to the Hearing. This advice is to be circulated by **12noon Friday 10 September 2021**.
2. The Proponent must provide a link to the Victorian Transmission System Operation Environmental Management Plan (OEMP) and advise of any changes that are proposed to that document to facilitate the Project. This information is to be circulated by **12noon Friday 10 September 2021**.

### Site inspections

3. Parties must advise PPV of any sites they wish the Inquiry to inspect. Sites will need to be identified by Mapsheet Number and Kilometre Point as shown on EES Attachment IV (the Map Book) and include an explanation of why the Inquiry should inspect the site. This information is to be provided to PPV by 12noon Monday 13 September 2021.

### Expert witness reports

4. An expert witness report must:
  - a) comply with the Guide to Expert Evidence (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>)
  - b) not refer to any individual submitter by name – if necessary, submitters should be referred to by submission number (*Note: it can refer to community groups, organisations, corporations and government agencies*)
  - c) record whether and to what extent site inspections were undertaken in preparing the report and if not, what (if any) limitations this has created
  - d) be provided to the Inquiry as an unlocked document
  - e) provide a declaration at the time of giving evidence in accordance with the *PPV Direction for witnesses providing expert evidence through remote conferencing* ([https://www.planning.vic.gov.au/data/assets/pdf\\_file/0030/489117/G11-Expert-witness-declaration-for-video-conferencing.pdf](https://www.planning.vic.gov.au/data/assets/pdf_file/0030/489117/G11-Expert-witness-declaration-for-video-conferencing.pdf)).
5. The Proponent must file evidence reports by **12.00noon Wednesday 22 September 2021**.
6. All other parties must file their evidence reports by **12.00noon Monday 27 September 2021**.
7. Any (like) evidence in reply from the Proponent (if required) must be filed by **12.00noon on Thursday 30 September 2021**.

### Request for Further Information

8. The Proponent must file its Request for Further Information response by **12.00noon Wednesday 22 September 2021**.

### Circulation and sharing of documents

9. Documents must be circulated electronically. Paper documents will only be permitted in exceptional circumstances.
10. All material must be circulated to [planning.panels@delpw.vic.gov.au](mailto:planning.panels@delpw.vic.gov.au) and blind copied to all parties on the distribution list.

### Proponent's Opening Submission

11. The Proponent must file its opening submission, including a summary of its responses to submissions and a 'Day 1' version of proposed changes to the relevant elements of the Environmental Management Framework by **12.00noon Thursday 30 September 2021**.

### At the Hearing

#### Submissions and information

12. Parties must present material at the Hearing electronically.
13. Electronic information must be circulated (blind copy) to parties on the distribution list by 12 noon on the business day before the information is to be presented at the Hearing.
14. All information presented at the Hearing is a public document unless the Inquiry directs otherwise.

#### Evidence and cross examination

15. Unless agreed by the Chair, evidence-in-chief must be no longer than 45 - 60 minutes – *all expert witness reports will be read before the Hearing*.
16. An expert witness may refer to a presentation which summarises their evidence, but it must:
  - a) not include new evidence
  - b) be provided to parties by 12 noon the business day before that witness is scheduled to appear.
17. Parties, advocates, and the Inquiry may question a witness.
18. If cross-examining a witness, a party must:
  - a) be present for the whole of the giving of the evidence
  - b) ask clear and relevant questions, directed to matters of fact or professional opinion, that genuinely assist the Inquiry in understanding the issues
  - c) allow a witness time to explain their answer.
19. If giving evidence remotely, a witness must:
  - a) be alone in the room from which they give evidence and not make or receive any communication with another person while giving evidence except with the express leave of the Inquiry
  - b) inform the Inquiry immediately should another person enter the room from which they are giving evidence
  - c) not discuss their evidence with any other person during breaks in evidence when under cross-examination
  - d) not have before them any document, other than their expert witness statement and relevant supporting documents.
20. The Inquiry will regulate cross-examination.

#### Written submissions

21. Any other submissions or material a party wishes to present at the Hearing must be circulated to parties on the distribution list by **12 noon on the business day before** the party presenting the material is due to present.

#### Day 1 submissions

22. A representative of the Minister for Planning will provide an introduction and overview of the EES process and regulatory framework.

## Directions:

### Western Outer Ring Main Gas Pipeline Project Inquiry and Panel

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23. A representative of the Minister for Energy, Environment and Climate Change will provide an overview of the Pipeline Licence Application process and regulatory framework.
24. The Environment Protection Authority will provide an overview of the *Environment Protection Act 2017* (EPA Act 2017) (and associated regulatory changes) and its implications for the EES. In particular:
  - a) Explain the implications of the EP Act 2017, including the General Environmental Duty (GED) for the EES process (including key differences from requirements under the EP Act 1970). Include implications for the overall approach to the EES, risk identification, risk assessment, and Environmental Mitigation Measures (EMMs).
  - b) Explain how the EPA recommendation that the EMMs would “*apply an approach that is proactive and preventative as is required in the GED*” might be implemented, ideally with reference to one or more examples to illustrate the preferred approach.
  - c) Outline other elements of the new regulatory framework (including the EP Regulations 2021 and Environmental Reference Standard) and their implications for the EES process. Explain key differences from the previous regulatory framework (e.g. State Environment Protection Policies).

### Proponent’s closing submission

25. The Proponent will be provided time to present a closing submission.
26. The closing submission must not raise new matters but should respond to matters raised in other parties’ submissions or evidence.
27. The closing submission must include a separate report that provides detailed response to all issues raised in submissions, with key issues grouped and summarised, and with clear recommendations about if and how the issues can be resolved.

### Recording Hearings and use of personal information

28. Parties must not record any part of the hearing.
29. The video conference Hearing will be recorded as audio only. Recordings will be progressively uploaded to the Inquiry Engage Victoria webpage.
30. Parties must not publish or distribute video conference recordings, or to use it for any purpose other than for the Hearing.
31. Parties must not record, keep, distribute or publish contact details of any other party obtained in the course of an electronic hearing, or to use those contact details for any purpose other than for the Hearing.

### ‘Without prejudice’ drafting of the Environmental Management Framework

32. Any party proposing changes to the Environmental Management Framework, must circulate the changes by **12noon Thursday, 14 October 2021**.
33. The Proponent must compile a list of proposed changes to the Environmental Management Framework from itself and other parties and circulate this by **12 noon Friday, 15 October**.

### Compliance with Inquiry directions

34. All directions must be complied with. It is an offence to not comply with a direction without lawful excuse. [section 169 of the *Planning and Environment Act 1987*]
35. If you anticipate being unable to comply with a direction (for example, meeting a deadline for the circulation of evidence), you must provide the Inquiry with advance notice, and a written statement explaining why you are unable to comply with the direction, and seek leave from the Inquiry to vary the direction.

**Directions:**

Western Outer Ring Main Gas Pipeline Project Inquiry and Panel

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36. The Inquiry may:

- a) refuse to hear from anyone who fails to comply with a direction. [section 159(b)]
- b) not accept evidence if leave to vary a direction for the circulation of evidence is not sought or granted.

**Timetable Version 1:**  
Western Outer Ring Main Gas Pipeline Project Inquiry and Panel

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**Timetable Version 1**

**Day 1: Monday 4 October 2021**

Venue: Zoom video conference

| Time                     | Party  | Sub No | Allocated      |
|--------------------------|--|--------|----------------|
| 10.00am – 10.15am        | Preliminary matters  |        | 15 mins        |
| 10.15am – 10.30am        | <b>Minister for Planning</b> , represented by Daniel Banfai of DELWP Impact Assessment Unit  |        | 15 mins        |
| 10.30am – 10.45am        | <b>Minister for Energy, Environment and Climate Change</b> , represented by Don Hough of DELWP Pipeline Regulation Unit  |        | 15 mins        |
| 10.45am – 11:30am        | <b>Environment Protection Authority</b> , represented by Peter Tziotis   |        | 45 mins        |
| <b>11.30am – 11.45am</b> | <b>Break</b>   |        | <b>15 mins</b> |
| 11.45am – 12.30pm        | <b>APA Transmission Pty Ltd and APA VTS (Operations) Pty Ltd</b> represented by Alexandra Guild of Counsel.<br>Opening submission and calling the following evidence:<br>- Project rationale from Jim Snow of Oakley Greenwood (Peer review witness) |        | 6 days         |
| <b>12.30pm – 1.30pm</b>  | <b>Lunch break</b>   |        | <b>1 hour</b>  |
| 1.30pm – 4.30pm          | <b>APA</b> continued   |        |                |
| 4.30pm                   | Day close  |        |                |

**Day 2: Tuesday 5 October 2021**

Venue: Zoom video conference

| Time                     | Party  | Sub No | Allocated      |
|--------------------------|--|--------|----------------|
| 10.00am – 10.15am        | Preliminary matters  |        | 15 mins        |
| 10.15am – 11.15am        | <b>APA Transmission Pty Ltd and APA VTS (Operations) Pty Ltd</b> represented by Alexandra Guild of Counsel and calling the following expert evidence:<br>- Land Use from William Bromhead of Ratio Consultants (Peer review witness)<br>- Cultural Heritage from Aaron Dalla-Vecchia of Biosis |        | 6 days         |
| <b>11.15am – 11.30am</b> | <b>Break</b>   |        | <b>15 mins</b> |
| 11.30am – 12.30pm        | <b>APA</b> continued   |        |                |
| <b>12.30pm – 1.30pm</b>  | <b>Lunch break</b>   |        | <b>1 hour</b>  |
| 1.30pm – 4.30pm          | <b>APA</b> continued   |        |                |
| 4.30pm                   | Day close  |        |                |

**Timetable Version 1:**  
Western Outer Ring Main Gas Pipeline Project Inquiry and Panel

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**Day 3: Wednesday 6 October 2021**

Venue: Zoom video conference

| Time                     | Party  | Sub No | Allocated      |
|--------------------------|--|--------|----------------|
| 10.00am – 10.15am        | Preliminary matters  |        | 15 mins        |
| 10.15am – 11.15am        | <b>APA Transmission Pty Ltd and APA VTS (Operations) Pty Ltd</b> represented by Alexandra Guild of Counsel and calling the following expert evidence: <ul style="list-style-type: none"> <li>- Biodiversity and habitats (Fauna) from Kelly Dalton of GHD</li> <li>- Biodiversity and habitats (Flora) from Jen Comber of GHD</li> <li>- Biodiversity and habitats from Christopher Dunk of Nature Advisory (peer review witness)</li> </ul> |        | 6 days         |
| <b>11.15am – 11.30am</b> | <b>Break</b>   |        | <b>15 mins</b> |
| 11.30am – 12.30pm        | <b>APA</b> continued   |        |                |
| <b>12.30pm – 1.30pm</b>  | <b>Lunch break</b>   |        | <b>1 hour</b>  |
| 1.30pm – 4.30pm          | <b>APA</b> continued   |        |                |
| 4.30pm                   | Day close  |        |                |

**Day 4: Thursday 7 October 2021**

Venue: Zoom video conference

| Time                     | Party  | Sub No | Allocated      |
|--------------------------|--|--------|----------------|
| 10.00am – 10.15am        | Preliminary matters  |        | 15 mins        |
| 10.15am – 11.15am        | <b>APA Transmission Pty Ltd and APA VTS (Operations) Pty Ltd</b> represented by Alexandra Guild of Counsel and calling the following expert evidence: <ul style="list-style-type: none"> <li>- Traffic from Charmaine Dunstan of Traffix Group (Peer review witness)</li> <li>- Noise and vibration from Christophe Delaire of Marshall Day Acoustics (Peer review witness)</li> </ul> |        | 6 days         |
| <b>11.15am – 11.30am</b> | <b>Break</b>   |        | <b>15 mins</b> |
| 11.30am – 12.30pm        | <b>APA</b> continued   |        |                |
| <b>12.30pm – 1.30pm</b>  | <b>Lunch break</b>   |        | <b>1 hour</b>  |
| 1.30pm – 4.30pm          | <b>APA</b> continued   |        |                |
| 4.30pm                   | Day close  |        |                |



**Timetable Version 1:**  
Western Outer Ring Main Gas Pipeline Project Inquiry and Panel

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**Day 5: Monday 11 October 2021**

Venue: Zoom video conference

| Time                     | Party   | Sub No | Allocated      |
|--------------------------|---|--------|----------------|
| 10.00am – 10.15am        | Preliminary matters   |        | 15 mins        |
| 10.15am – 11.15am        | <b>APA Transmission Pty Ltd and APA VTS (Operations) Pty Ltd</b> represented by Alexandra Guild of Counsel and calling the following expert evidence:<br><ul style="list-style-type: none"> <li>- Surface Water from Ashley Roberts of GHD</li> <li>- Surface Water from Andrew McCowan of Water Technology (Peer review witness)</li> <li>- Sodic soils (to be confirmed)</li> </ul> |        | 6 days         |
| <b>11.15am – 11.30am</b> | <b>Break</b>  |        | <b>15 mins</b> |
| 11.30am – 12.30pm        | APA continued   |        |                |
| <b>12.30pm – 1.30pm</b>  | <b>Lunch break</b>  |        | <b>1 hour</b>  |
| 1.30pm – 4.30pm          | APA continued   |        |                |
| 4.30pm                   | Day close   |        |                |

**Day 6: Tuesday 12 October 2021**

Venue: Zoom video conference

| Time                     | Party  | Sub No | Allocated      |
|--------------------------|--|--------|----------------|
| 10.00am – 10.15am        | Preliminary matters  |        | 15 mins        |
| 10.15am – 11.15am        | <b>APA Transmission Pty Ltd and APA VTS (Operations) Pty Ltd</b> represented by Alexandra Guild of Counsel   |        | 6 days         |
| <b>11.15am – 11.30am</b> | <b>Break</b>   |        | <b>15 mins</b> |
| 11.30am – 12.30pm        | APA continued  |        |                |
| <b>12.30pm – 1.30pm</b>  | <b>Lunch break</b>   |        | <b>1 hour</b>  |
| 1.30pm – 4.30pm          | APA continued (if required)<br><br><b>Please note</b> the Inquiry might provide some time during the afternoon session for the EPA if it is able to provide further commentary on the Proponent's proposed changes to the Environmental Management Framework in response to the EP Act 2017. |        |                |
| 4.30pm                   | Day close  |        |                |

**Timetable Version 1:**  
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**Day 7: Wednesday 13 October 2021**

Venue: Zoom video conference

| Time                    | Party   | Sub No | Allocated      |
|-------------------------|---|--------|----------------|
| 10.00am – 10.15am       | Preliminary matters   |        | 15 mins        |
| 10.15am - 12.15pm       | <b>Department of Transport</b> represented by Tim Power of White and Case         | 23     | 2 hours        |
| <b>12.15pm – 1.15pm</b> | <b>Lunch break</b>  |        | <b>1 hour</b>  |
| 1.15pm – 1.45pm         | <b>Victorian Planning Authority</b> represented by Megan Taylor                   | 22     | 30 mins        |
| 1.45pm – 2.05pm         | <b>Victorian Farmers Federation</b> represented by Emma Germano or Lisa Gervasoni | 13     | 20 mins        |
| 2.05pm – 2.35pm         | <b>Animal Justice Party</b> represented by Nadine Richings                        | 25     | 30 mins        |
| <b>2.35pm – 2.50pm</b>  | <b>Break</b>  |        | <b>15 mins</b> |
| 2.50pm – 3.00pm         | <b>Darebin Climate Action Now</b> represented by Jim Crosthwaite                  | 20     | 10 mins        |
| 3.00pm – 3.20pm         | <b>Jim Crosthwaite</b>  | 17     | 20 mins        |
| 3.20pm – 3.40pm         | <b>Grassy Plains Network</b> represented by Adrian Marshall and Bonnie Gelman     | 14     | 20 mins        |
| 3.40pm                  | Day close   |        |                |

**Day 8: Thursday 14 October 2021**

Venue: Zoom video conference

| Time                    | Party   | Sub No | Allocated     |
|-------------------------|---|--------|---------------|
| 10.00am – 10.15am       | Preliminary matters   |        | 15 mins       |
| 10.15am – 12.15pm       | <b>Hume City Council</b> represented by Stefan Fielder of Russell Kennedy Lawyers             | 15     | 2 hours       |
| <b>12.15pm – 1.15pm</b> | <b>Lunch break</b>  |        | <b>1 hour</b> |
| 1.15pm – 1.45pm         | <b>Summerhill Road Land Pty Ltd</b> represented by Richard Strates of Dominion Property Group | 8      | 30 mins       |
| 1.45pm – 2.15pm         | <b>1100 Donnybrook Road Pty Ltd</b> represented by Richard Strates of Dominion Property Group | 18     | 30 mins       |
| 2.15pm – 2.30pm         | <b>JLL Developments Pty Ltd</b> represented by Chris Cantor of Maddocks Lawyers               | 10     | 15 mins       |
| 2.30pm – 2.45pm         | <b>Tim Forcey</b>   | 12     | 15 mins       |
| 2.45pm                  | Day close   |        |               |

**Timetable Version 1:**  
Western Outer Ring Main Gas Pipeline Project Inquiry and Panel

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**Day 9: Friday 15 October 2021**

Venue: Zoom video conference

| Time                   | Party   | Sub No | Allocated      |
|------------------------|---|--------|----------------|
| 1pm – 1.10pm           | Preliminary matters   |        | 10 mins        |
| 1.10pm – 3.10pm        | Without prejudice discussion of Environmental Management Framework  |        | 2 hours        |
| <b>3.10pm – 3.20pm</b> | <b>break</b>  |        | <b>10 mins</b> |
| 3.20pm – 4.20pm        | <b>APA Transmission Pty Ltd and APA VTS (Operations) Pty Ltd</b> represented by Alexandra Guild of Counsel -<br>Right of reply/closing submission |        | 1 hour         |
| 4.20pm – 4.30pm        | Inquiry closing comments  |        | 10 mins        |
| <b>4.30pm</b>          | <b>Close of hearing</b>   |        |                |

**Day 10: Monday 18 October 2021**

Reserve Day

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**Hearing Timetable Notes:**

1. The Inquiry may amend the timetable without notice.
2. Please log in to Zoom at least 20 minutes before your scheduled commencement time.
3. Time will be made for morning and afternoon breaks each day.
4. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as possible.
5. If you have any questions about the timetable, please contact Georgia Thomas at [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au) or (03) 8624 5717.