

# Guide to the North East Link Project Inquiry and Advisory Committee

How to participate in the Inquiry and Advisory Committee  
Process – Information for submitters

Planning Panels Victoria

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# Cutting through the jargon

When participating in the North East Link Project Inquiry and Advisory Committee, you may hear unfamiliar words used. These definitions should help you understand what is meant by the words:

**Advocate** - people who act on behalf of a particular person or group, such as a lawyer. They run the case and may or may not bring expert witnesses on behalf of their client. They express their client's view of the proposal.

**Cross examination** - when parties, advocates or the Inquiry and Advisory Committee ask an expert witness questions.

**DELWP** - Department of Environment, Land, Water and Planning.

**Directions** - instructions of the Inquiry and Advisory Committee to people participating in the Hearing. These must be followed by the parties.

**Environment Effects Act 1978** - the legal framework for the assessment of proposed works that may have a significant effect on the environment once the Minister for Planning decides that an Environment Effects Statement (EES) is needed.

**Environment Protection Act 1970 (EP Act)** - the legal framework for the role of the Environment Protection Authority, including approvals it can issue, such as a Works Approval.

**Environment Effects Statement (EES)** - a document that includes information on how a proposed Project may affect the environment during construction and operation and how negative impacts will be managed.

**EPA** - the Environment Protection Authority of Victoria.

**Evidence** - statements of an expert witness that document or assess facts and provide an opinion about them. Evidence is prepared by an independent expert before the Hearing. Evidence can include photographs and other visual presentations. Evidence must be prepared in line with the PPV Expert Witness guide. <https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>

**Exhibition** - the period of time the documentation for the Project is made available for comment by the public.

**Expert witness** - someone who has specialised knowledge from training, study or experience in their particular field who normally prepares an expert witness report. They are not an advocate for a party. Their opinions may inform the Inquiry and Advisory Committee on a relevant issue. They are usually questioned at the Hearing. Generally, more weight will be given to expert evidence that is independent and tested through cross-examination.

**Expert witness meeting** - a meeting of expert witnesses to identify matters agreed on, or to narrow differences or clarify issues prior to the Hearing. A report/memo is produced documenting the outcomes.

**Hearing Timetable** - identifies where a Hearing will be held, who will present on what day and gives approximate speaking times.

**Inquiry and Advisory Committee ('the Committee')** - an independent group of professionals appointed by the Minister for Planning to consider and advise on the Project in line with Terms of Reference provided by the Minister for Planning.

**Natural Justice** - the elements of fairness in a process to make sure that parties are granted a fair chance to be heard and that there is no bias on the part of the Inquiry and Advisory Committee.

**Party/Parties** - the participants in an Inquiry and Advisory Committee Hearing.

**Planning and Environment Act 1987 (PEA)** - the legal framework for the use, development and protection of land in Victoria. It sets out procedures to be used when changing the Planning Scheme.

**Planning Authority** - any person or body with the power to prepare an amendment to a Planning Scheme, such as the Minister for Planning or a municipal council.

**PPV** - Planning Panels Victoria, which is an independent body within DELWP. It provides administrative support and acts as a conduit between the Inquiry and Advisory Committee and the parties.

**Planning Scheme** - controls land use and development within a local council area. It contains state and local planning policies, zones and overlays and other provisions that affect how land can be used and developed.

**Planning Scheme Amendment ('Amendment')** - is a proposed change to a Planning Scheme. An Amendment may involve a change to a Planning Scheme map (for example: a rezoning), a change to the written part of the Planning Scheme, or both. The Minister for Planning must give permission to prepare an Amendment.

**Project / Proposal** - the works proposed to be carried out by a Proponent (applicant). Notice of a Project or Proposal is given to members of the public by public exhibition and submissions may be made.

**Proponent** - the person or body who applies to carry out proposed works.

**Public Works** - works undertaken or proposed, by or on behalf of the government or a public body.

**Responsible Authority** - the person or body who administers or a Planning Scheme, usually the local Council, but sometimes the Minister for Planning.

**Spokesperson** - a person who can speak for you or someone else. You can be represented by someone such as a family member, friend, neighbour or professional representative.

**Submissions** - can refer to either a written submission about the Project or a verbal presentation at the Hearing which explains a Party's views.

**Submitter** - a person or group of people who make a submission about the Project.

**Terms of Reference** - a document signed by the Minister for Planning which instructs the Inquiry and Advisory Committee. These set out what it needs to consider, how to conduct the Hearing, what matters it needs to give advice about and when its report must be given to the Minister. The Terms of Reference for the North East Link Project can be found here:

[https://www.planning.vic.gov.au/\\_data/assets/pdf\\_file/0022/416263/Signed-ToR-for-NEL-IAC-S8NS16AD19041115320.pdf](https://www.planning.vic.gov.au/_data/assets/pdf_file/0022/416263/Signed-ToR-for-NEL-IAC-S8NS16AD19041115320.pdf)

**Works Approval** - permission given by the Environment Protection Authority Victoria (EPA) allowing certain works, equipment or processes, usually on the basis of identified conditions. A Works Approval is required for certain activities that have the potential for significant environmental impact.

# Setting the Scene

## Environment Effects Statement (EES)

Approvals for major projects in Victoria are often informed by an Environment Effects Statement (EES). An EES identifies and assesses the potential environmental effects of a development proposal/project.

The EES process does not approve a development proposal/project. Rather, the process helps inform decision-makers (such as Ministers, councils and authorities) when they make decisions about whether a project with potentially significant environmental effects should be allowed or what conditions should apply.

If the development proposal/project is likely to have a significant environmental impact, the proponent or decision-maker will refer it to the Minister for Planning to assess if an EES needs to be prepared. The Minister for Planning will make one of three decisions regarding the need for an EES:

- It is required and decisions to grant permission are put on hold until the EES process is completed;
- It is not required, so decision-makers can decide whether to allow the project; or
- It is not required, but conditions must be met.

If the Minister for Planning decides that an EES is required, he will set out the 'Scoping Requirements' for each project. The scoping requirements outline the matters to be investigated and contained in an EES. The extent of investigation required depends on the level of risk to the environment. Information from the proponent, relevant agencies and the public is considered when the scoping requirements are prepared.

Once the scoping requirements are set out, the project proponent must prepare the EES and undertake the necessary investigations, as well as consult with affected individuals and parties.

Once the proponent completes the EES and the Minister for Planning considers it is suitable, it is released for public comment by placing a public notice in a newspaper. During this time, interested members of the public and organisations can make submissions.

The Minister for Planning may choose to appoint an Environment Effects Inquiry into the potential effects of a development proposal/project and have regard to the EES studies and public submissions. Where a Planning Scheme Amendment is also proposed under the *Planning and Environment Act 1987*, such as in the North East Link Project, the Minister for

Planning may appoint a joint Inquiry and Advisory Committee to consider and advise on both matters together.

The members comprising the Inquiry and Advisory Committee are sourced by the Minister for Planning from the membership of Planning Panels Victoria. The members of Planning Panels Victoria are independent specialists in their fields and are appointed based on their knowledge and skill of the matter to be considered.

The Inquiry and Advisory Committee is independent from the Minister for Planning and must ensure that a fair and transparent Inquiry and Advisory Committee and Hearing process is conducted for all participants. The Committee's basic role is to:

- Give submitters the chance to be heard with as little formality as possible. They are not a court and are not bound by legal rules of evidence.
- Give expert advice to the Minister about the matters identified in the Terms of Reference considering the evidence and submissions.

The Minister for Planning provides the appointed members with 'Terms of Reference'. The Terms of Reference provide the Inquiry and Advisory Committee members with guidance on the matters it must consider and how Hearings are to be conducted. Once the Hearing has been held, its advice and findings are detailed in a report submitted to the Minister for Planning.

The final step in the EES process is the Minister for Planning's Assessment of Environmental Effects, often referred to as the 'Minister's Assessment'. In preparing the Assessment, the Minister for Planning considers all relevant information, including the EES documents, public submissions, the proponent's response to submissions and the report of the Inquiry and Advisory Committee. The Assessment includes findings on the environmental effects, and may conclude that the project:

- Will have acceptable environmental effects; or
- Will have unacceptable environmental effects; or
- Needs changes or more investigation to make sure that acceptable outcomes can be achieved.

The Minister's Assessment is provided to any other decision-makers who must consider it when deciding whether to approve a Project under Victorian law or to authorise Public Works. While the recommendations in the Assessment are important, a decision-maker is not bound to accept them.

More information on the EES process can be found here: <https://www.planning.vic.gov.au/environment-assessment/what-is-the-ees-process-in-victoria>

## Planning Schemes

In Victoria, each local Council has a set of rules and guidelines which control the use, development, and protection of land in the area. This is known as a Planning Scheme.

Each Planning Scheme will have many common elements, which are set at the state level, and try to coordinate proper planning across Victoria. The Planning Scheme accounts for the uniqueness of each area by allowing local councils to include area specific objectives and strategies which are known as local policies.

Sometimes, changes are needed to a Planning Scheme. A Planning Scheme Amendment will be prepared with the permission of the Minister of Planning, outlining the preferred changes. Public notice is given of a proposed Amendment to the Planning Scheme by placing a notice in the Government Gazette, and to people who may be directly affected by the Amendment. During this time, interested members of the public and organisations can make submissions on the proposed Amendment to the Planning Authority.

The submissions received are carefully considered and could lead to changes to the Amendment, or the Amendment being ended.

More information on Planning Scheme Amendments can be found here:

<https://www.planning.vic.gov.au/schemes-and-amendments/amending-a-planning-scheme>

## Works Approval

Works approvals are issued by Environment Protection Authority Victoria (EPA) under the *Environment Protection Act 1970*. They are required for certain activities that may cause significant environmental impact.

A Works Approval is required for proposed works which may result in:

- the discharge of waste to the environment (to air, a waterway or land)
- an increase in, or alteration to, an existing discharge or
- a change in the way waste is treated or stored.

When the EPA considers an application, it looks for information about each part of the environment that

may be affected. It considers whether the proposal meets requirements in the Environment Protection Act, policies, regulations and relevant guidelines. The EPA also considers public submissions when deciding whether to grant a Works Approval.

More information on the Works Approval process can be found here: <https://www.epa.vic.gov.au/our-work/licences-and-approvals/works-approvals>

# Project Background

North East Link is Victoria's largest road project. North East Link provides a new freeway standard connection between the M80 Ring Road and an upgraded Eastern Freeway, completing the missing link in Melbourne's metropolitan ring road. The Project includes Victoria's longest twin road tunnel, Melbourne's first dedicated high-speed busway, new or changed public open space and walking and cycling links. More information in relation to the North East Link Project can be found here:

<https://northeastlink.vic.gov.au/>

On 2 February 2018, the Minister for Planning declared the works proposed for the North East Link Project as 'public works' that require an Environment Effects Statement. This process also involves community consultation and review by an independent inquiry to inform the Minister's Assessment and decisions to be made on the Project.

The Environment Effects Statement for North East Link, together with the draft Planning Scheme Amendment and EPA Works Approval application, was made available for public comment from 10 April to 7 June 2019.

An independent joint Inquiry and Advisory Committee (the Committee) has been appointed by the Minister for Planning to consider the:

- North East Link Environment Effects Statement (EES);
- Works Approval application;
- draft Planning Scheme Amendment affecting the Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes;
- all public submissions,

in accordance with the Terms of Reference approved by the Minister for Planning.

The Committee's Terms of Reference can be found on the Engage Victoria website here:

<https://engage.vic.gov.au/north-east-link-project>

The Committee members have been selected for their knowledge and skills in issues relevant to the project.

The Committee is independent of the Minister for Planning and the members do not have a direct interest in the outcome of the Project. The Committee needs to make sure the process is fair for all participants. To ensure a fair process, the Committee will:

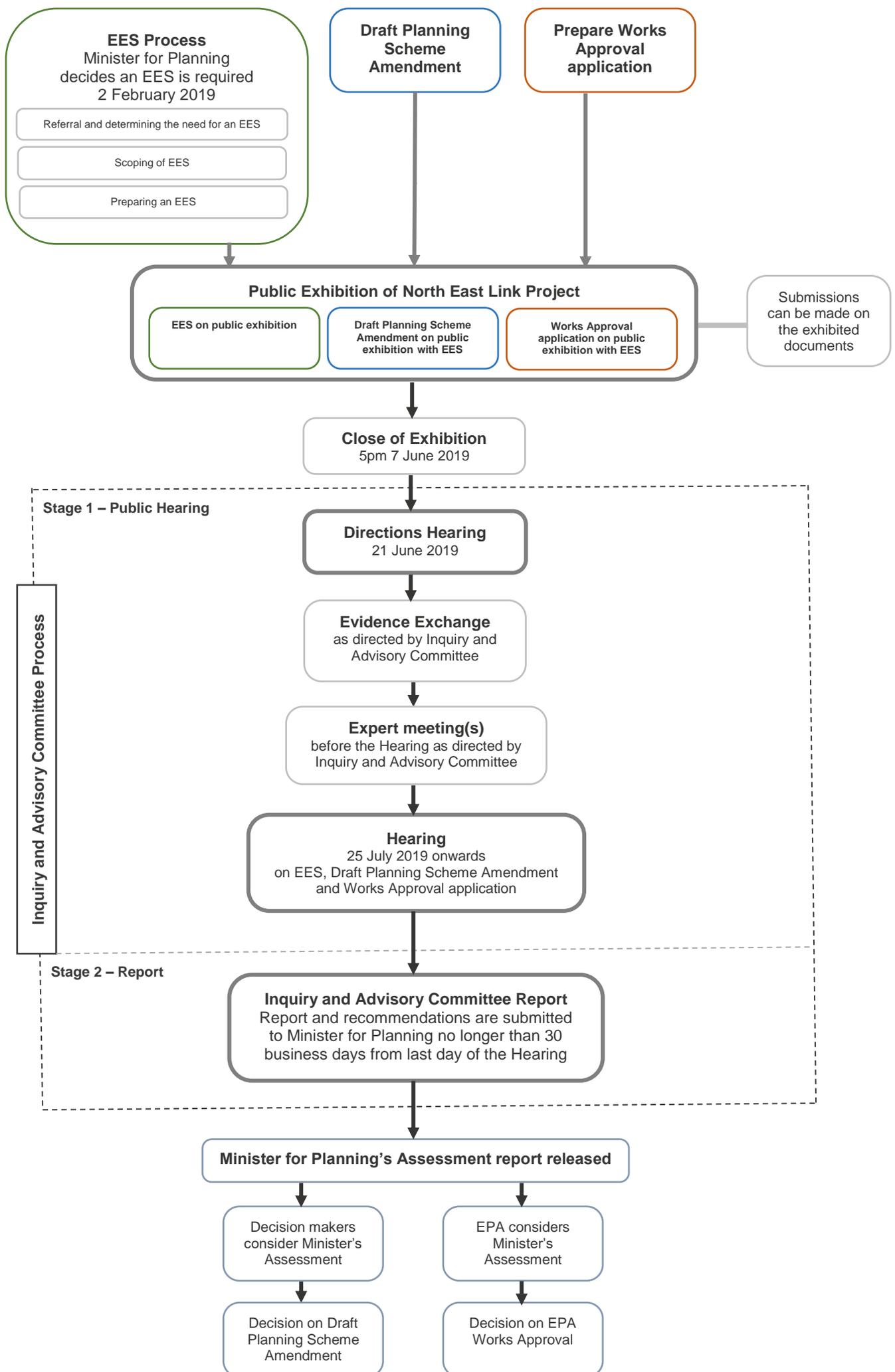
- Hear submitters in an independent forum;
- Be as informal as possible;
- Give fair, unbiased advice to the Minister for Planning about the Environment Effects Statement and draft Planning Scheme Amendment;
- Give independent advice to the Environment Protection Authority Victoria about the Works Approval application.

The Committee will provide recommendations and advice based on the impacts of the Project and the documents and submissions presented and available to all other participants, so it is clear why the recommendations and advice have been given.

The Committee is assisted by a Project Team from Planning Panels Victoria. The Project Team act as a conduit between the Committee and parties to ensure an independent process.

## How does the joint Inquiry and Advisory Committee process work?

The Inquiry and Advisory Committee process is an important step that is part of larger processes to consider whether to give permission about the EES, Works Approval application and draft Planning Scheme Amendment. These processes started long before the Committee was appointed. The diagram below shows the key steps in the Inquiry and Advisory Committee process and how it relates to the wider approval process:



## Stage 1: Public Hearing

The public hearing involves two main parts: The Directions Hearing and the main Hearing.

The purpose of the Directions Hearing is to consider procedural issues, provide guidance on how the Hearing and Committee process will run and answer any questions people may have.

After the Directions Hearing some submitters and the Proponent may submit evidence in the form of expert witness reports. The Committee will provide guidance about the exchange of evidence and expert meetings at the Directions Hearing and in its written Directions. Expert witness reports must be provided to the Committee and all parties before the Hearing commences. If directed by the Committee, expert witnesses in the same technical area will meet before the Hearing to discuss the issues without party representatives, to identify (and if possible reduce) areas of disagreement in the Hearing. This ensures a more efficient and effective hearing process.

The public Hearing gives submitters the opportunity to talk about their submission and highlight or expand on any key points for the Committee. In order to do this, submitters must have indicated on their submission form that they wish to be heard at the Hearing, and they are then included on the Hearing timetable. The Hearing is open to the public, so people who have not made a submission can also come to watch and listen.

## Stage 2: Report

Following the completion of the public Hearing, the Committee must provide a written Report with recommendations and advice to the Minister for Planning. In accordance with the Terms of Reference of the North East Link Project, the report must be provided to the Minister within 30 business days of the last Hearing day.

The Minister for Planning will then assess the environmental effects of the Project. The Minister's Assessment is considered by the decision-makers concerning the draft Planning Scheme Amendment and Works Approval application.

## Why did I receive a letter from Planning Panels Victoria?

### You received a letter from Planning Panels Victoria because you made a submission on the North East Link Project.

The letter contains useful information on the Inquiry and Advisory Committee process and provides details on the next steps of the process – the Directions Hearing and the Hearing.

More information on the Directions Hearing and the Hearing is provided below.

### Keeping you updated

- > The Project Team at Planning Panels Victoria will keep submitters updated through the Inquiry and Advisory Committee process.
- > If you made a submission and asked to be heard at the Hearing, you will receive correspondence by email giving you a copy of directions from the Committee advising of the details of the Hearing including a timetable and requirements that apply to expert witness reports. This will be sent to the email address you provided on the submission form. If you chose to have a representative such as a lawyer or professional adviser, the emails will be sent to them instead.
- > If you advised in your submission that you don't want to present at the Hearing, but you would like to be sent a copy of the Hearing timetable and the Committee's Directions, these documents will be provided to you by email. Further changes to the Hearing timetable will be published on the Engage Victoria website.
- > Please check the Engage Victoria North East Link webpage for Hearing timetable and other updates during the course of the Hearing at: <https://engage.vic.gov.au/north-east-link-project>

# Stage 1 – Public Hearing

## What happens after I make a submission?

There are two key stages in the Inquiry and Advisory Committee process – the public Hearing and the Report.

The public Hearing stage involves two main parts: The Directions Hearing and the main public Hearing.

A hearing is a statutory process that follows a set of rules. The Committee will try to run the Hearing as informally and efficiently as possible. The aim is to give people a chance to state their views in an open forum.

### Directions Hearing

After the exhibition period finishes, the Committee will hold a public Directions Hearing. At this Hearing, the Committee will provide information to explain how the Hearing will be run.

The purpose of the Directions Hearing is to:

- Consider any preliminary or procedural issues such as the arrangements for the circulation of further material.
- Provide guidance and give directions about the how the Hearing will be run, including how expert witness reports will be provided and the process for expert meetings before the Hearing.
- Make arrangements for the Hearing, including the timetable, Hearing venue and any site inspections.
- Answer any questions people may have about the Inquiry and Committee process or the Hearing.

A written copy of the Directions issued will be provided to those who have asked to be heard or kept informed.

### Do I need to attend the Directions Hearing?

It is not compulsory to attend the Directions Hearing. You should attend the Directions Hearing if:

- you are not familiar with the Inquiry and Committee process and want to participate in the Public Hearing
- you have questions about the Inquiry and Committee process or want to raise any procedural issues or get further details about an aspect of the Project.

Directions will be given at the Directions Hearing that may affect the proposed Hearing dates, how evidence will be provided, the type of information to be made available and arrangements for a site

inspection. If you want to be involved in discussing these matters, then you should attend the Directions Hearing.

### Expert Witness Evidence and Meetings

The Committee are not experts in every field. They need good, solid facts to help them make recommendations and provide advice to the Minister for Planning and to the Environment Protection Authority.

Evidence usually includes facts relating to the Project and may include the opinions of a person based on their expertise. This can include photographs and other visual presentations. Generally, more weight will be given to expert evidence that is independent.

The North East Link Authority might use expert witnesses to support its case. Submitters can also engage their own witnesses for this purpose, but there is no requirement for you to provide Expert Witnesses.

**Tip: If you decide to use an expert witness, remember that expert witnesses are not 'hired guns'. They must be able to present evidence that is coherent and fairly reflects their professional opinion. Also check the costs before you use an expert witness.**

Any person giving evidence is called an expert witness. The Committee will require witnesses to supply their evidence (called an expert witness report) before the Hearing. This allows everyone to work out what issues are of concern. The Committee may also provide an opportunity to parties to ask questions of witnesses at the Hearing.

The Committee may also require expert witnesses in the same technical area to meet before the Hearing. The purpose of an Expert Witness Meeting is for experts to discuss the key issues to identify (and if possible reduce) areas of disagreement in the Hearing without representative or other observers in the room. This ensures an independent witness process as well as an efficient hearing process.

Expert Witness's must be made available for cross-examination at the Public Hearing. This is outlined further below.

### **Inquiry and Advisory Committee technical experts and counsel**

The Committee may engage their own independent experts to support and advise them in technical matters, as well as, appoint a lawyer to assist them as required during the process.

### **Site inspection**

The Committee will inspect the Project area to assist it in its consideration of the effects the Project may have on the existing environment and on properties nearby. It also helps it to understand the evidence filed and the submissions made. Its purpose is not for the Committee to gather its own evidence.

The Committee will go on a site inspection either with or without submitters or parties. Sometimes the Committee will invite the proponent and key submitters. Key submitters could include government departments and agencies with an interest in the Project, local councils and interested community groups.

The site visit is not open to all people who made a submission on a Project. The number of people attending a site visit will be limited by the Committee for safety and transport considerations. This will be discussed at the Directions Hearing.

The Committee cannot discuss the Project with any other people during its site visit.

# What happens at the Hearing?

The public Hearing allows the proponent to speak about its Project. It gives people who made a submission the chance to talk about their submission and expand on any key points to the Committee.

The Hearing is open to the public, so people who made a submission but do not want to be heard or people that have not submitted at all can also come to watch and listen.

## How will the Hearing be run?

The Committee's Hearing will differ from an ordinary meeting or Council meeting, but it isn't usually as formal as a court, even though it follows a similar process. Structure and orderly behaviour is needed to give all parties a fair opportunity to participate.

People attending the Hearing are expected to show courtesy to others by allowing them to make their submission without being distracted by people talking amongst themselves or making comments. Some important basic ground rules or manners to consider when attending a Hearing are:

- Please make sure you have turned off your mobile phone and that you do not answer calls in the Hearing room
- Do not interrupt a person's submission or presentation of evidence, no matter how much you might disagree with what is being said
- Avoid disrupting others by making noise or other activities such as talking or the use of computer equipment
- Be respectful at all times including what you say in your written submission
- Photographs, taking sound recordings or video of the Hearing are not permitted without the Committee's permission
- If you have any questions or concerns about the Hearing prior to its commencement, you can raise them with the Planning Panels project team and they will guide you about next steps
- If you wish to raise matters during the course of the Hearing, this must be done during the allocated 'procedural matters' component, at the commencement of each hearing day.

The Committee Chair will run the Hearing by directing when parties can speak or ask questions and when breaks will be taken.

During the Hearing, people presenting to the Committee may wish to hand up documents to support their submissions. These documents are often referred to as 'tabled documents'. All tabled documents will be made available to all other participants and the public by placing them on the Engage Victoria website during the Hearing. The Committee may direct that documents are provided by email the day before.

## Hearing behaviour

When you arrive at the Hearing venue, you may enter directly into the Hearing room (the Rialto Room at the Veneto Club). If you are just there to have a look and listen, please sit in the public gallery. If you are making a submission there will be a submitters table near the Committee. You will either be guided to the submitter table by one of the Planning Panels project team members or the Chair may call your name for you to come forward and make your submission. Space will be made for you at the Hearing table when it is your turn to make your submission.

Often when the Committee enters and leaves the Hearing Room parties will stand. This depends on the particular Chair so follow the lead of others in the room.

The Committee Chair will introduce himself and the other Committee members at the start of the Hearing. When making your submission or raising other matters you should refer to the Committee Chair as "Mr Chairman". Other members should be referred to as Mr X or Ms Y. There will be name plates on the Hearing table to help you use the Committee member's name.

All parties are expected to use formal names, such as Mr Green or Dr Black, not first names.

Every morning there will be a 'morning business' session. This will include preliminary matters such as:

- procedural issues
- checking that required documents have been provided
- making sure expert witness statements have been received
- explaining any site visit the Committee may have gone on

- Confirming the running order for the day and advising parties of any changes.

This is when you should ask any questions you may have since the Directions Hearing.

People coming to the Hearing are expected to be neatly and appropriately dressed. Business attire or smart casual is most suitable.

People can enter and leave the Hearing venue as they like unless it is a confidential session which will be marked on the timetable. If you need to enter or leave, be as quiet as possible.

### Who else will be at the Hearing?

There can be many people involved in a major project. The types of people likely to be at the Hearing are:

- Inquiry and Advisory Committee
- Counsel assisting the Inquiry and Advisory Committee
- Proponent
- Statutory Authorities
- Affected Local Councils
- Submitters
- Advocates
- Expert Witnesses
- Planning Panels Victoria project team members
- Members of the public
- Media

### Who speaks when and how long do I get to present my submission?

A Hearing timetable is prepared by the Committee based on the information given by people on their submission form. The Hearing timetable shows the dates, venues and order of speakers on each day (with approximate timing of when they might present and how much time each person is given to speak) and if provided, what each speaker is going to talk about.

The Chair of the Committee starts the Hearing and will introduce the members of the Committee. Usually people will present their views at the Hearing in this order:

- A representative of the Department of Land, Water and Planning (DELWP) on behalf of the Minister for Planning

- The proponent for the Project (EES, Planning Scheme Amendment and Works Approval) outlines the purpose of the Project, what changes (if any) are proposed to the Project or Planning Scheme Amendment as a result of considering submissions

- Government departments and agencies (for example, EPA and Melbourne Water)

- A representative of the Councils within the area of the Project

- Organised groups, such as community groups

- Individual submitters who chose to speak to their submissions

- A short response to the submission made during the Hearing (known as a 'right of reply') by the Planning Authority or proponent responding to matters raised in submissions during the Hearing

- Closing comments from the Chair of the Committee.

This order of the Hearing allows the Committee to understand the history, policy and strategic context of the matter, what it is about and its likely impacts from the perspective of the planning authority and the proponent, before it hears submissions and comments from submitters.

All speakers have limits placed on how long they can speak for. Generally, you will be given the amount of time you asked for in your submission. However, the Committee may limit time for all parties in the interests of efficiency and fairness. In preparing a timetable, the Committee will consider any availability issues identified by submitters and seek to accommodate these constraints where possible.

Unfortunately, it is not possible to guarantee a specific day or time for you to present at the Hearing. The Hearing timetable can sometimes change at short notice and you may need to be flexible.

If you have asked to be heard, check the Hearing timetable once it is sent out. If you are missing from the timetable or if your availability changes once the timetable has been set, contact Planning Panels Victoria on (03) 8392 5120 or via email on [northeastlinkproject.ppv@delwp.vic.gov.au](mailto:northeastlinkproject.ppv@delwp.vic.gov.au). If your availability changes, where possible, your Hearing time may be rescheduled but this cannot be guaranteed.

### **Do I have to speak at the Hearing?**

No, you do not have to present your submission at the Public Hearing. It is up to you if you wish to do so. The Hearing process gives submitters a chance to participate in an independent part of the planning and environmental decision-making process. Your written submission is just as valid if you don't speak and will still be considered by the Committee.

If you have changed your mind and no longer wish to speak at the Hearing, then please contact Planning Panels Victoria via email [northeastlinkproject.ppv@delwp.vic.gov.au](mailto:northeastlinkproject.ppv@delwp.vic.gov.au) or on (03) 8392 5120 so we can remove you from the Timetable.

### **What happens in my submission I said I did not want to be heard but I have changed my mind and now want to be heard?**

If you have changed your mind and decide you now want to be heard in regard to your submission, you will need to make a request to the Committee. The Committee can decide whether or not to hear a person. If the person has made a written submission, the Committee will need to consider its Hearing timetable, the length of time involved, the number of people asking to be heard, the reasons for changing your mind and whether it is fair to the other parties involved.

### **Who can be questioned at the Hearing?**

The Committee may ask questions of the Proponent, any submitter, lawyers, or witnesses during the Hearing.

Only the Committee can ask you questions. These questions will usually seek extra information about specific points you have mentioned, to make sure they understand you. The Committee might also ask you if the Project could be changed to respond to your concerns. So, before the Hearing, think about whether anything could be done to address your concerns.

Parties do not normally have the chance to question one another at the Hearing about their submissions. If you need to clarify something in another person's submission, your question must be asked through the Committee Chair.

Only expert witnesses can be questioned by the Proponent and submitters at the Hearing (this is

called "cross-examination"). Cross examination tests the rigour and validity of a witness's evidence. It is limited to you asking questions of the expert about their evidence – including their Expert Witness Report and any evidence they have given at the Hearing. It is not the time for you to make comments or statements.

The Committee will provide more information on who can question expert witnesses at the Directions Hearing. Question of experts from submitters may need to be put in writing the day before to ensure that the Committee can manage the timetable effectively.

**Tip: Bring a pen and paper or device with you to the Hearing to write any questions you want to ask a witness or to remember points that you would like to raise later during your presentation.**

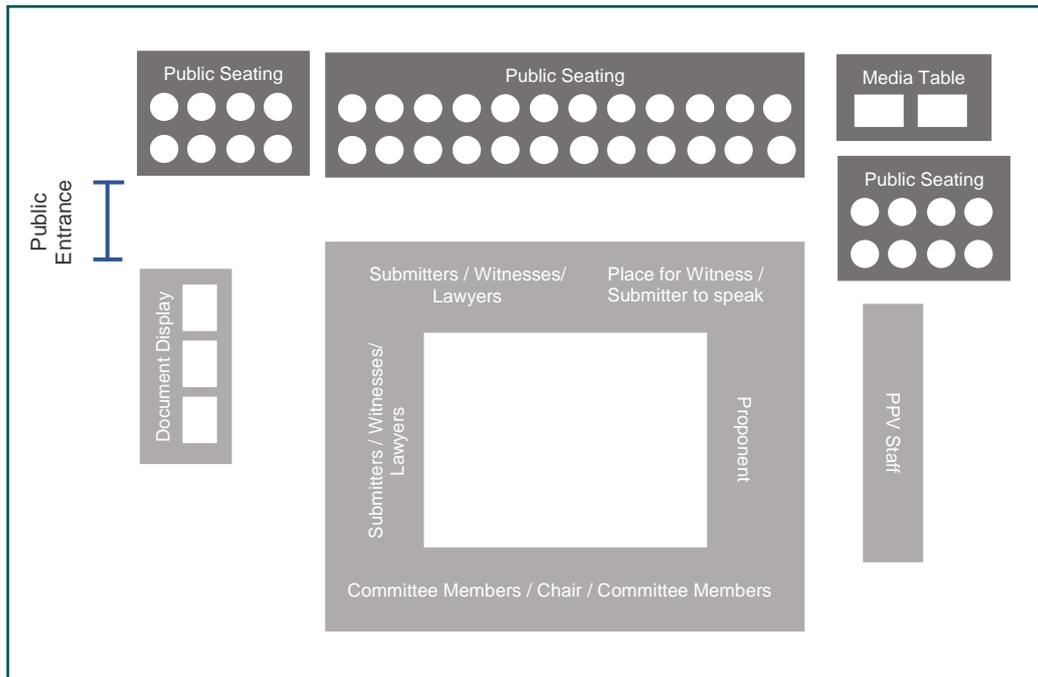
### **Where will the Hearing be held?**

The Hearing will be held at the Veneto Club, located at 191 Bulleen Road, Bulleen.

### **What does the Hearing Room look like?**

Within the Hearing Room, the Committee will be seated at the front of the room. The Planning Panels Victoria project team members will be seated close to the Committee to provide administrative support.

The Proponent, councils and some submitters will be asked to sit around a central table. The Hearing room will also have public seating available. An example of a typical hearing room layout is below:



## What facilities are available at the Hearing?

We can arrange equipment at the Hearing to view PDF documents, PowerPoint presentations, picture files and video files (using a standard .mp4 or .wav video format). The following facilities are usually made available:

- Display boards for materials such as plans, maps and photographs
- A public table where material being presented to the Committee may be available for public inspection
- Table space for representatives from the planning authority, proponent, other key submitters who will be present for the duration of the Hearing, and for some other individual submitters presenting that day
- A separate place from which witnesses and submitters may make their presentations
- Access to any equipment submitters may require, such as a computer and data projector or whiteboard
- Water and glasses on a table for everyone to use
- Tea and coffee for parties and the Committee
- Sound amplification including microphones
- Accessible entry via lift and accessible car parking spaces

The Veneto Club also has:

- Free car parking
- The ability to purchase food on site.

A shuttle bus to local train stations may be available. This will be discussed further at the Directions Hearing.

## Sound recording and transcripts

Inquiry and Advisory Committee Hearings are not usually typed (transcribed) because:

- Written submissions and expert witness statements normally provide a written record of the material placed before a Committee; and
- The Committee's report should provide a reasonable written record of the processes and considerations used by the Committee to make findings and recommendations.

The Hearing will be recorded using audio; these recordings will be made available through a link on the Engage Victoria website between one to three days later.

If any person wants any other type of recording to be made, they should make the request at the Directions Hearing. More information can be found in the ***PPV Guide to Recording Hearings***: <https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>

# I want to present to the Inquiry and Advisory Committee, what do I do?

Speaking at the Hearing gives you the chance to speak in support of your written submission in front of the Committee either by reading out a further written submission, or to present evidence that supports your submission.

## What does speaking at the Hearing involve?

The Committee has a responsibility to read your submission before you attend the Hearing (they must read every submission), so you do not need to read it out again at the Hearing.

The oral submission you make at the Hearing will need to expand on the points you've made in your original submission or place emphasis on particular points of importance. Speaking at the Hearing also allows the Committee to ask you questions about your submission.

Your oral submission might emphasise key points and particular concerns you have made in your original written submission or provide comment about the expert witness reports that have been received. You can also just read straight from your further written submission.

Remember your oral submission at the Hearing should be confined to the subject matters raised in your original submission. Speaking at the Hearing is not an opportunity to raise new issues. For example, if in your original submission you only wrote about the impacts of tree removal, at the Hearing you cannot start talking about the impacts of noise.

You will need to consider how you will approach your presentation. Someone else can present on your behalf such as a family member, friend, neighbour or professional representative. You may wish to give a joint presentation with others who have similar concerns as you and have a spokesperson speak for you.

Plan your submission carefully and practice presenting it verbally.

## How to prepare for the Hearing

The Committee will inform you of the date, time and location of the Hearing after the Directions Hearing. Begin your preparation early. Think about the key

messages you want to make and start collecting your information in support. You should be prepared to get your point across on the day. Here are some tips on preparing to present at the Hearing:

### • Write down you want to say

– It is a good idea to prepare written speaking notes to read out at the Hearing. Your oral submission should identify what is of particular concern to you about the Project and the specific reasons why. Identify the key points you want to get across. Your oral submission might include examples that illustrate some of the points in your submission. If possible, use visual aids such as photographs, or plans to highlight your main points. Your oral submission should be as brief as possible and not repeat matters already covered in your written submission.

– Writing down what you want to say will also help you get the points in a logical order. It will also give you a document that you can hand to the Committee at the Hearing. You can read from all, or part of this document, at the Hearing. This will ensure that you address all the points you wish without repetition.

### • Practise reading out or presenting your submission

– You want to get it right and to look confident and comfortable. Practising will make sure you do. You should prepare your submission to keep within the time that has been allocated to you as extensions of time are generally not possible. Practising will also help you remain within your set time.

### • Read relevant documents and prepare for cross examination of expert witnesses

– Before the Hearing, if you have asked to be heard, you may receive further material such as expert witness reports. It is important that you read any relevant documents or expert reports before the Hearing. It will be expected you have read the documents and you are familiar with their contents. This will also ensure you are prepared and ready to talk about the reports should you wish to address any points in your oral submission or to ask questions of any expert witnesses.

### • What questions could I be asked?

– Think about what questions the Committee might ask you, and how you can answer them.

- **Attend another public hearing (if possible)**

- To help you get a feel for the process, try to attend any Planning Panel Victoria hearing beforehand to see how it works. This might help stop any surprises on the day. Current hearings can be found on the Planning Panel Victoria website here:

- <https://www.planning.vic.gov.au/panels-and-committees/panels-and-committees>

## How to do well on the day

You want to give the Committee a presentation that is focused and well thought through. The best way to do this is to keep your presentation simple, make points clear, speak clearly and be yourself.

You can expect the Committee to treat you with respect and to put you at ease. You should treat them with respect also.

On the day you are meant to speak, arrive in plenty of time. The doors to the Hearing Room are usually open for at least 30 minutes before the Hearing starts. If you are not planning on attending the whole day, you will need to arrive at least 15 minutes before your allocated presentation time. When it is your turn, you will be invited to sit at the Hearing table, if not already at the table. If you want to question an expert witness, you must be in the room when that expert is presenting their evidence. Where possible questions for experts should be put in writing the day before and the Committee's Counsel assisting will work with the Committee to manage questioning.

You must finish your whole presentation during the time provided for you. Everyone at the Hearing needs to have a chance to have their views heard. Your presentation includes handing up documents, calling any witnesses and responding to any witness statements. If you are unsure about this, ask the Committee Chair or the Planning Panels Project Team for guidance. If you run out of time, any written material not covered in your time slot, may still be considered by the Committee.

**Tip:** If you are delayed for any reason it is important that you contact Planning Panels Victoria as early as possible, so we can inform the Committee Chair so there are no delays to the Hearing.

## Documents

The Committee will already have a copy of your original submission and you do not need to bring additional copies of it to the Hearing.

If you have other documents to present to the Committee (additional written submission, material or PowerPoint) you will likely need to provide copies at the Hearing including an electronic copy. The electronic copy should be provided to Planning Panels Victoria at

[northeastlinkproject.ppv@delwp.vic.gov.au](mailto:northeastlinkproject.ppv@delwp.vic.gov.au) by email **before you present** at the Hearing. You should also bring a copy of your presentation on a USB, so it can be uploaded at the Hearing. The Committee will make written directions about the number of hard copies you need to provide. If you have any difficulty with supplying copies of your submission, please contact Planning Panels Victoria.

Once at the Hearing you should hold onto your documents until it is your time to speak. When it is your turn you can either hand out the presentation yourself or give your documents to the Planning Panels Project team member who will distribute them to the Committee and others who need them.

To assist in the efficient running of the Hearing, all written material presented to the Committee should be two-hole punched and stapled (not bound). If you have photographs or other visual material these should be presented in A4 binders or A4 format, not on large boards. This makes the material easier to move and file. If items such as photographs or maps are to be used, only one copy is required to be provided.

All information received by the Committee during the Hearing is treated as a public document. This means it will be able to be viewed during the Hearing and it will be placed on the Engage Victoria website.

### Checklist of things to remember when speaking at the hearing

**A hearing gives people on both sides of an issue a chance to have a say and participate in the planning and environmental decision-making process. Remember to keep the following points in mind to make a good, strong presentation at the hearing:**

- Begin your preparation early and think about the key messages you want to make.

- Practice reading your presentation or speaking notes before the hearing. If there is a time limit, make sure you will be within it.
- Arrive at the hearing in plenty of time.
- Be polite and keep calm.
- Speak slowly and clearly into the microphone.
- Introduce yourself and/or your organisation. If you are representing an organisation, state what your role is in the organisation, the organisation's objectives, activities and the membership base.
- Keep to the point. Clearly state your concerns and provide information to back up your point of view. Read all relevant documents.
- Avoid talking about information not covered in your submission or introducing new issues.
- Avoid repeating what others have said but acknowledge where you agree with it.
- Speak from your notes and written submission if you are nervous or not used to speaking in public.
- Show respect to the Inquiry and Advisory Committee, proponent, other submitters and for the hearings purpose.
- Remember to bring the required number of copies of any additional documents you wish to present to the Committee with you on the day as directed by the Committee.

## Stage 2 – Report

### The Hearing has finished: What happens next?

After the Hearing the Committee will consider all the issues.

After the Hearing finishes, the Committee is required to provide a written Report of recommendations and advice to the Minister for Planning. In accordance with the Terms of Reference for the North East Link Project, the Report must be provided within 30 business days of the last day of the Hearing.

Once the Report is completed, Planning Panels Victoria will provide the Report to the Minister for Planning.

The Minister for Planning will then assess the environmental effects of the Project. Once complete, the Minister's Assessment will be sent to and considered by relevant decision makers for the draft Planning Scheme Amendment and Works Approval application - in this case, the Minister for Planning (Planning Scheme Amendment) and the Environment Protection Authority (EPA) (Works Approval).

#### **When will the Inquiry and Advisory Committees report be available to the public?**

The Minister for Planning will decide whether and when to make an Advisory Committee or Environment Effects Inquiry report to the public.

For North East Link Project, the Inquiry and Advisory Committee report is likely to be made available at the same time as the Minister's Assessment, but this is at the discretion of the Minister.

