



East West Link (Eastern Section)

Assessment Committee
Preliminary Hearing
14 January 2014

Assessment Committee Members

- Ms Kathy Mitchell (Chair)
- Mr Nick Wimbush (Deputy Chair)
- Dr Lyn Denison
- Mr Des Grogan
- Mr Jim Holdsworth
- Mr Bill O'Neil

Assessment Committee - Additional support

Specialist Advisors:

- Dr Sandy Bennet
- Doug Munro

Legal Counsel – Mr Chris Wren SC

Special Projects Manager – Ms Emma Moysey

Preliminary Hearing Outline

Conducted in two parts:

- Procedural and hearing matters
- Section 57(4) report – clarification & further information

Procedural and Hearing matters

- General introduction
- Role of the Assessment Committee
- Hearing protocols
- Introductions of main parties
- Information briefing and site inspection
- Submissions process
- Hearing dates, times and venues
- Evidence and cross examination
- Role of advocates, experts and submitters
- Closing submissions and right of reply

Preliminary Hearing Outline

- Similar to a Directions Hearing conducted by a Panel or Advisory Committee
- As per the Terms of Reference to the Assessment Committee, the purpose of the Hearing is to:
 - Outline any matters of further information that the Committee intends to request from the proponent
 - provide appropriate directions to submitters and the proponent about the conduct of the hearing and the form of evidence
 - Seek any further information from parties to assist with the finalisation of the timetable.

Applicable Approvals

- Works approval - *Environment Protection Act 1970*
- Planning Scheme Amendment - *Planning and Environment Act 1987*
- Permit to carry out works or activities in relation to a registered place or registered object - *Heritage Act 1995*
- Consent for impact on archaeological relics - *Heritage Act 1995*
- Consent allowing connection to a Freeway - *Road Management Act 2004*
- Licence required to construct, alter, operate or decommission works on a waterway, including works to deviate a waterway - *Water Act 1989*
- Comments from the Secretary on plan of works across waterways - *Conservation, Forests and Lands Act 1987*

Submissions - Summary of submissions received

To date:

- 9 from Councils
- 3 Government departments/agencies
- 57 Local Interest Groups
- 6 Parliamentarians
- 1300 plus individuals

Submissions – Key issues from preliminary review

- Traffic modelling & road design
 - Urban design and visual impacts
 - Planning issues and processes
 - Social Impacts
 - Biodiversity
 - Acoustics
 - Air quality
 - Loss of property values
 - Environmental impacts
 - Construction impacts
 - Community Health
 - Rail versus Road
 - Overall concerns about the LMA & CIS
- Most submissions within a 5km radius of the project area

Information Briefing & Site Inspection

Information briefing

- 27 November 2013
- Representatives from LMA, 4 Councils, and Government Agencies
- Copies of presentation and Agenda are available on PPV webpage

Detailed site inspection

- 18 December 2013
- Coordinated by the LMA, representatives from same councils and agencies attended.

Submission Process

- Acknowledgement of input on submissions from all sectors of the Community
- All submissions have generally been accepted by the Assessment Committee
- All Submissions required a cover sheet to ensure that all submitters were aware and acknowledged that the submission will be placed on the internet
- All submissions also required to have their name and address in the submission

Hearing Dates, Times and Venue

- LMA – 7 days , plus 5 hours for closing
- Melbourne, Yarra and Moonee Valley Councils – 3 days each, plus 1 day for Darebin and Moreland Councils
- EPA - 2 days
- Community Groups or organisations – maximum of 45 minutes each over 5 days
- Individual submitters 5 – 20 minutes each over 4 days

Draft Timetable – Part 1

- Day 1: Opening submissions and overview (3 March)
- Days 2 – 8: LMA (4, 5, 6, 7, 11, 12, 13 March)
- Days 9 – 11: City Of Melbourne (14, 17, 18 March)
- Days 12 – 14: Moonee Valley City Council (19, 20, 21 March)
- Days 15 – 17: Yarra City Council (24, 25, 26 March)
- Day 18 : Darebin and Moreland City Councils, and Parliamentarians (27 March)
- Days 19 – 20: Environment Protection Authority (28, 31 March)

Draft Timetable – Part 2

- Days 21 - 25: Professional, Business and Community Organisations (1, 2, 3, 7, 8 April)
- Days 26 - 29: Individual submitters (9, 10, 11, 14 April)
- Day 30: Closing submissions (15 April)

Evidence and Cross examination

- Evidence will be tabled and unless specifically requested by the Committee, will be taken as read.
- Mr Wren will prepare and coordinate cross examination of witnesses on behalf of the Committee, and he will go first.
- The Committee will:
 - nominate which witnesses it wishes to cross examine, from LMA and other parties
 - will take submissions on the appearance of the various nominated experts
 - be asking parties shortly to indicate the evidence they will be leading

Evidence and Cross examination (cont.)

- The Committee will permit the Councils, agencies and the LMA limited cross examination of witnesses.
- Apart from cross examination by these parties, all requests to cross examine or ask questions of witnesses will need to be made in writing, and where appropriate, Mr Wren will review and ask the questions on behalf of the submitter.

Evidence to be provided

- The Committee directs that all evidence is to be provided by 12 noon on 20 February 2014.
- All evidence must be provided in:
 - Hard copy - 15 copies are to be provided, two-hole punched, stapled in left top corner
 - Electronic format

Statement of agreed facts and issues in dispute

The following fields must meet and prepare a statement of agreed facts and a statement of issues that remain in dispute:

- Traffic/transport
- Acoustic/noise
- Vibration
- Groundwater Land contamination
- Air quality
- Heritage
- Flora and fauna
- Social impacts

Advocates, Experts and Submitters

Advocates – Acting on behalf of a particular client, generally run the case and may or may not call expert witnesses. They make submissions about the proposal but do not provide evidence.

Expert witnesses - Provide evidence in a particular field of expertise and who are “called” to give that evidence. Common areas of expert evidence include planning, social impacts, traffic, visual impacts and the like.

Submitters - Hold an opinion about a particular proposal and who wish to express that opinion.

Further information required from the LMA – Section 57 (4)

- Terms of Reference & assessment of scope
- The Reference Project
- Traffic and transport
- Planning and design
- Landscape and visual
- Air quality
- Noise and vibration
- Ground water and contamination
- Social and business
- Environmental management framework

What happens next?

Timetable – Will be issued within the next few days, and is collated from the information provided to the Committee through the submitted Request to be Heard forms and from information provided today.

Series of directions - All directions must be complied with, which will be generally along the same lines as has already been discussed.