

Terms of Reference

Vopak Victoria Energy Terminal Environment Effects Statement
Inquiry and Advisory Committee



Department
of Transport
and Planning

Version: 14 May 2026

The Vopak Victoria Energy Terminal Inquiry and Advisory Committee (IAC) is appointed to inquire into, and report on, the environmental effects of the proposed works comprising the Vopak Victoria Energy Terminal project (the project), proposed by Vopak Victoria Energy Terminal Pty Ltd (the proponent), assessed in the environment effects statement (EES), 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 established under part 7, section 151(1) of the *Planning and Environment Act 1987* (PE Act) as an advisory committee.

The IAC will also provide recommendations that can be used to inform the Environment Protection Authority's (EPA) consideration of the development licence application under the *Environment Protection Act 2017* (EP Act) prepared by the proponent for the project.

The IAC may also be separately appointed as a panel under section 40 of the *Pipelines Act 2005* by the Minister for Energy and Resources.

Name

1. The IAC is to be known as the 'Vopak Victoria Energy Terminal IAC'.

Skills

2. The IAC needs to consist of members with expertise in:
 - a. marine ecology and coastal processes;
 - b. terrestrial ecology;
 - c. marine construction and associated environmental management; and
 - d. gas infrastructure and associated environmental management.
3. The IAC will comprise an appointed Chair (IAC Chair), at least one Deputy Chair and other appropriately qualified members.

Role of the IAC

4. The IAC is appointed by the Minister for Planning (the Minister) under section 9(1) of the *Environment Effects Act 1978* (EE Act) to hold an inquiry into and report to the Minister on the environmental effects of the project, which entails:
 - a. reviewing and considering the content of the EES, other exhibited documents and submissions received on the EES in relation to the environmental effects of the project;
 - b. considering and reporting on the significance and acceptability of the environmental effects of the project, having regard to relevant policy and legislation;
 - c. identifying any additional mitigation measures and/or project modifications beyond those identified in the EES to avoid, mitigate or manage the likely significant environmental effects of the project consistent with relevant policy, legislation and best practice;
 - d. advising on how these modifications and measures, referenced in paragraph 4c, should be implemented through the necessary approvals and consents needed for the project; and
 - e. considering and making findings on the significance of impacts on relevant Commonwealth matters of national environmental significance, under the *Environment Protection and Biodiversity*



Conservation Act 1999 (EPBC Act), as the EES process is serving as an accredited assessment under the EPBC Act Bilateral (Assessment) Agreement with Victoria.

5. The IAC should focus its inquiries into environmental effects using the EES documents, as well as other material and submissions relevant to the effects of the project (including cumulative effects arising from the project with other projects anticipated in this area).
6. The IAC is also established as an advisory committee under Part 7, section 151(1) of the *Planning and Environment Act 1987* (PE Act) to:
 - a. review draft Amendment C490ggee to the Greater Geelong Planning Scheme (draft PSA), which is proposed to facilitate aspects of the project;
 - b. consider any relevant issues raised in public submissions received in relation to the draft PSA that relate to the elements of the project regulated by the PE Act; and
 - c. consider whether the draft PSA contains provisions and controls that are appropriate for the project and recommend any changes to the draft PSA that it considers necessary.
7. The IAC must produce a report of its findings and recommendations, for the Minister. This report will inform the Minister's assessment under the EE Act of the environmental effects of the project. The report must also provide consideration of the draft PSA as set out in these terms of reference.
8. It is not the role of the IAC to examine and report on the EES process itself undertaken to date, or consultation undertaken by the proponent for the EES.
9. The IAC proceedings will replace a conference of interested persons under section 236 of the EP Act. The EPA will appoint the Chair of the IAC as the convener of a conference of interested persons under section 237 of the EP Act. Therefore, the IAC will provide recommendations to inform the EPA's consideration of the development licence application prepared by the proponent for the project and may request any further information from the proponent it considers necessary to assist it in providing the recommendations.
10. The persons appointed as an IAC may separately be appointed by the Minister for Energy and Resources as a panel under section 40 of the Pipelines Act, and if so, need to act in accordance with the requirements of the Pipelines Act and any specifications in its instrument of appointment.

Process

Exhibition

11. The EES is to be exhibited for a period of 30 business days together with the draft PSA, also in conjunction with a pipelines licence application and EPA development licence application. These documents are to be made publicly available for submissions.
12. The proponent is responsible for any public information sessions during exhibition to discuss the project, their EES documentation and other statutory documents.

Submissions

13. Submissions on the EES, draft PSA, development licence application and pipeline licence application are to be provided in writing on or before the close of submissions date.
14. Submissions should be collected by the office of PPV through the Engage Victoria platform. All submissions should state the name and address of the person making the submission. Submissions should be collected and managed in accordance with the privacy guidance on the PPV website.
15. Petition responses should be treated as a single submission and only the first names from a petition submission will be registered and contacted.

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16. Pro-forma submitters should be registered and contacted individually if they provide their contact details. However, the IAC is to encourage pro-forma submitters who want to be heard to present as a group at the hearing, given their submissions raise the same issues.
 17. All written submissions and other supporting documentation or evidence where appropriate, received through the course of the IAC process should be published online, unless the IAC specifically directs that the submission or other material, or part of it, is to remain confidential.
 18. Requests for submissions or other material to be kept confidential should be clearly stated in writing with reasons to the IAC through PPV, consistent with the process outlined in the IAC's Privacy Collection Statement. The IAC should review these and base its decision to maintain confidentiality on whether it would be fair to the proponent and other parties to the hearing.
 19. Electronic copies of each submission are to be provided to the proponent, Department of Transport and Planning (DTP) (Impact Assessment and Energy & Infrastructure Assessment), City of Greater Geelong, Wadawurrung Traditional Owners Aboriginal Corporation and Bunurong Land Council Aboriginal Corporation.
 20. As each submission on the EES may also be relevant to the development licence application, electronic copies of each submission, including the contact details of submitters are to be provided to the EPA. The EPA may contact submitters regarding matters related to the development licence application.
 21. As each submission on the EES is also a submission on the application for a pipeline licence, electronic copies of each submission, including the contact details of submitters are to be provided to Department of Energy, Environment and Climate Action (DEECA) Energy Infrastructure Regulation on behalf of the Minister for Energy and Resources. DEECA may contact submitters regarding matters related to the pipeline licence application.
 22. PPV should retain any written submissions and other documentation provided to the IAC for a period of five years after the time of the IAC's appointment.

Public hearing

23. Prior to the commencement of a public hearing, the IAC should hold a directions hearing to make directions it considers necessary or appropriate as to the conduct, scope or scheduling of the public hearing, including the preparation and publication of a Response to Request for Further Information if required.
24. 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 PE Act.
25. The IAC may inform itself in any way it sees fit and should review and consider:
 - a. the exhibited EES, draft PSA, development licence application and pipeline licence application;
 - b. all submissions and information provided to the IAC by the proponent, state agencies, local councils and submitters, in so far as they relate to matters examined in the EES, development licence application, pipeline licence application and draft PSA;
 - c. the views (if known) of Traditional Owners and Registered Aboriginal Parties;
 - d. any information provided by the proponent and parties that respond to submissions or directions of the IAC; and
 - e. any other relevant information that is provided to, or obtained by the IAC, in relation to matters examined in the EES, development licence application, pipeline licence application and draft PSA.
26. The IAC should conduct its hearing process 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.
 - b. The public hearing needs to be conducted with a minimum of formality and without legal representation being necessary for parties to be effective participants.

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- c. The public hearing needs to be exploratory and constructive, focusing on understanding and resolving matters.
 - d. Adversarial behaviour is not permitted at the public hearing and questioning of experts and submitters needs to be regulated by the IAC in the context of understanding and resolving matters, and these principles.
27. The public hearing should commence with the proponent making a short presentation, setting out the project, structure and content of the EES.
28. The proponent is also to address issues raised in submissions (firstly by tabling a document) - this information from the proponent is to advise of any changes made in response to submissions.
29. The IAC may limit the time of parties submitting at the hearing.
30. The IAC may direct that a submission or evidence is confidential in nature and the hearing be closed to the public and not be recorded for the purposes of receiving that submission or evidence.
31. The IAC may conduct the public hearing when there is a quorum of at least two of its members present or participating through electronic means, one of whom must be the IAC Chair or Deputy Chair.
32. If directed by the IAC, an audio recording of the hearing should be procured by the proponent. If recorded, the audio recording should be provided to PPV as a weblink and would be made publicly available as soon as practicable after the conclusion of each day of the public hearing, or otherwise as directed by the IAC.
33. Any other recording by any other person or organisation may only occur with the prior consent of, and strictly in accordance with, the directions of the IAC.

Report

34. The IAC in its capacity as an inquiry must produce a written report for the Minister containing its:
- a. analysis and conclusions on the significance and acceptability of environmental effects of the project;
 - b. findings on whether acceptable environmental outcomes can be achieved, having regard to legislation, policy and best practice;
 - c. recommendations on the appropriateness and effectiveness of the proposed environmental management measures for the project and/or additional specific measures that it considers necessary and appropriate to prevent, mitigate or offset adverse significant environmental effects;
 - d. recommendations relating to any feasible modifications to the design or management of the project necessary and appropriate to reduce or mitigate significant environmental effects;
 - e. recommendations for any appropriate conditions/ requirements that may be lawfully imposed on any approval for the project, including with respect to the EPA development licence and pipelines licence;
 - f. recommendations as to the structure and content of the proposed environmental management framework, including monitoring of environmental effects, reporting on the effectiveness of mitigation measures, contingency plans and site rehabilitation; and
 - g. specific findings and recommendations about the likely impacts on relevant matters of national environmental significance under the EPBC act and their acceptability, including appropriate controls and environmental management.
35. The IAC in its capacity as an advisory committee must include in its written report for the Minister advice whether the draft PSA is an appropriate means by which to facilitate and implement the elements of the project regulated under the P&E Act, and any recommended modifications to the draft PSA.
36. The report is to include sufficient information and analysis to support findings and recommendations. Without limiting this requirement, the report is to:
- a. focus on the potentially significant effects;
 - b. include information and depth of analysis proportionate to the significance of the environmental effects;
 - c. simply record matters for which there is minor or negligible impacts and can be readily addressed through standard and proven environmental management techniques;



- d. include a list of all recommendations, including cross-references to relevant discussions in the report;
- e. include a description of the public hearing conducted by the IAC, and a list of parties heard or consulted;
- f. include a list of the documents tabled during the proceedings; and
- g. include a list of all submissions collected by PPV through the Engage Vic portal.

Timing

- 37. The IAC should hold a directions hearing no later than 11 business days from the final date of the exhibition period.
- 38. The IAC should commence the public hearing no later than 32 business days from the final date of exhibition period.
- 39. The IAC must submit its report in writing to the Minister for Planning, the EPA and delegate of the Minister for Energy and Resources within 30 business days from the last day of its proceedings, unless the report writing period spans the Christmas-New Year period, in which case 40 business days will apply.
- 40. The DTP's Impact Assessment Unit must liaise with PPV to agree on dates for the directions hearing, and the inquiry.

Minister's assessment

- 41. The Minister will make an assessment of the environmental effects of the Project after considering the IAC's report as well as the EES, relevant submissions and any other relevant matters.
- 42. PPV will notify submitters of the release of the Minister's assessment and the IAC report.

Fee

- 43. The fees for the members of the IAC will be set at the current rate for a panel appointed under part 8 of the PE Act.
- 44. 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

- 45. The IAC may apply to the Minister (or their delegate) to request variation to these terms of reference in writing. Reasons for the request must be included in the request.
- 46. The IAC may retain specialist expert advice, additional technical support, or legal counsel to assist if considered necessary.
- 47. PPV is to provide any necessary administrative support to the IAC. The proponent is to provide any necessary administrative or technical support to the IAC in relation to the conduct of the inquiry.

Adam Henson
Acting Executive Director,
State Planning Assessment and Facilitation

Date: 14/05/2026



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

Project Management

For matters regarding the IAC process, please contact Planning Panels Victoria, by email on office@planningpanels.vic.gov.au. <mailto:Planning.Panels@transport.vic.gov.au>

For matters regarding the EES process, please contact the Impact Assessment Unit in DTP by phone (03) 8572 7980 or email environment.assessment@transport.vic.gov.au.



Appendix 1 - Background

Project

48. The project proponent is Vopak Victoria Energy Terminal Pty Ltd (the proponent), which is responsible for preparing technical studies, consulting with the public and stakeholders and completing preparation of its EES.
49. The proposed project entails building and operating a floating liquefied natural gas (LNG) import terminal in Port Phillip Bay, approximately 20 kilometres east from Avalon, to process LNG and feed it into the existing onshore gas supply system using an underwater pipeline.
50. The project specifically comprises the development of:
 - a. Offshore facilities; including a marine berth for the Floating Storage Regasification Unit (FSRU) vessel, and marine platforms.
 - b. The subsea high pressure gas pipeline (approximately 20 kilometres in length), and high voltage cables that connect the offshore facilities to onshore, including a shore crossing for both the pipeline and cables.
 - c. Onshore facilities; including a gas receiving station (GRS) and associated infrastructure including nitrogen generation plant, 7.5-kilometre onshore gas pipeline and tie-in station to the Victorian gas transmission system, high voltage cables to the GRS site.
 - d. Onshore underground transmission line between a new terminal station and a new substation.

EES assessment process

51. In response to a referral under the EE Act from the proponent, the Minister for Planning determined on 1 August 2023 that an EES was required for the project. A decision with procedures and requirements for the proponent's preparation of the EES was issued as specified in Appendix 2.
52. The EES was prepared by the proponent in response to the EES scoping requirements issued by the Minister for Planning in July 2025.
53. The EES will be placed on public exhibition for 30 business days. This public comment process is in accordance with the procedures and requirements issued for this EES by the Minister.

Commonwealth assessment process

54. Because of its likely significant impacts on matters of national environmental significance, the project was determined to be a controlled action requiring assessment and approval under the EPBC Act on 21 June 2022. A variation to the controlled action decision was approved on 30 March 2026. The relevant controlling provisions under the EPBC Act are Ramsar wetlands (sections 16 and 17B), listed threatened species and communities (sections 18 & 18A), listed migratory species (sections 20 & 20A).
55. The EES process is being undertaken as an accredited state assessment process under the EPBC Act Bilateral (Assessment) Agreement with Victoria, to assess impacts on MNES, removing duplication and enabling a single process to examine the project's likely impacts.
56. The Commonwealth Minister or delegate will decide whether the project is approved, approved with conditions or refused under the EPBC Act, after having considered the Minister for Planning's assessment under the Environment Effects Act.

Planning approval process

57. Elements of the onshore works require approval under the *Planning and Environment Act 1987* (PE Act). The proponent has prepared draft amendment C490ggee to the Greater Geelong Planning Scheme to provide for this, which will be exhibited as part of the EES package.



EPA Development licence process

58. A development licence application for the project has been prepared in accordance with the provisions of the EP Act. The development licence application will be jointly advertised with the EES, in accordance with the EP Act.
59. Section 52(2)(e) of the EP Act provides that: if the notice for the proposed development licence is intended to be combined under section 70(a) with a notice for works given under the EE Act, any submissions ... must be made together with any submissions made for the EES relating to the works; and must be made within the time limits within which the submissions must be made for that EES. The IAC process will take place instead of a conference of interested persons under section 239 of the EP Act.
60. The IAC provides recommendations that can be used to inform the EPA's consideration of the proponent's development licence application.

Pipeline licence process

61. A pipeline licence application, for the pipeline component of the project has been prepared in accordance with the Pipelines Act, together with the EES. It will be jointly advertised with the EES in accordance with the Pipelines Act.
62. The persons appointed as the IAC may separately be appointed by the Minister for Energy and Resources as a panel under section 40 of the Pipelines Act. If so, the members must act in accordance with the requirements of the Pipelines Act and any specifications in its instrument of appointment.

Other approvals

63. The project also requires the following key statutory approvals and/or consents, as outlined in the EES:
 - a. An approved cultural heritage management plan under the *Aboriginal Heritage Act 2006*;
 - b. Consent to use and develop marine and coastal Crown land under the *Marine and Coastal Act 2018*.
 - c. Lease or licence under the *Crown Land (Reserves) Act 1978*.
 - d. A permit to 'take' listed flora and fauna from public land under the *Flora and Fauna Guarantee Act 1988*;



Appendix 2

Procedures and requirements issued under section 8B(5) of the *Environment Effects Act 1978*

Procedures and requirements applying to this EES process, in accordance with both section 8B(5) of the Act and the Ministerial guidelines for assessment of environmental effects under the *Environment Effects Act 1978* (Ministerial Guidelines) were issued when the Minister decided an EES was required. This included the following:

- i. *The EES is to document investigations and avoidance of potential environmental effects of the proposed project, project alternatives and their effects, as well as the feasibility of associated environmental mitigation and management measures.*
- ii. *The EES is to incorporate an integrated assessment, and characterisation of associated uncertainties, of the project's potential effects on:*
 - a) *the marine environment and ecosystem of Port Phillip Bay, the Werribee River/Avalon sector of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site from mobilisation of sediment and associated impacts from the subsea and terrestrial pipeline construction;*
 - b) *the marine environment and ecosystem of Port Phillip Bay from seawater intake to and cold water/residual chlorine discharges from the FSRU;*
 - c) *threatened terrestrial and aquatic species and communities listed in the Flora and Fauna Guarantee Act 1988 (FFG Act) and Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act);*
 - d) *biodiversity, including through loss, degradation or fragmentation of habitat, native vegetation and ecological communities;*
 - e) *effects on Aboriginal cultural heritage; and*
 - f) *the broader environmental effects of greenhouse gas emissions from FSRU operation.*
- iii. *The EES is to incorporate a risk-based, integrated assessment of the project's potential environmental effects on air quality, noise, agriculture, land use, historic heritage values, landscape and visual amenity, and transport.*