

Crib Point Gas Import Jetty & Pipeline Project

Submission on EES, C272morn & Works Approval Application



1. Overview

- 1.1. Mornington Peninsula Shire Council (**Council**) strongly opposes the Crib Point Gas Import Jetty and Pipeline Project (**Project**).
- 1.2. The purpose of this submission is to outline Council's primary reasons for opposing approval of the Project. Council looks forward to elaborating on its submission at the Inquiry and Advisory Committee (**IAC**) hearing process.
- 1.3. In summary, Council contends that the EES:
 - 1.3.1. Is manifestly inadequate to enable credible predictions to be made about the likely risk of certain events occurring.
 - 1.3.2. Falls short of demonstrating that significant environmental effects of the Project can be acceptably managed having regard to legislation, policy, best practice and the principles of environmentally sustainable development.
 - 1.3.3. Fails to provide any objective or independent expert assessment of the Project against the evaluation objective regarding "Energy efficiency, security, affordability and safety", being: *To provide for safe and cost-effective augmentation of Victoria's natural gas supply in the medium to longer term.*

This is a fundamental deficiency in the EES and impairs submitters and the IAC from undertaking a robust net community benefit assessment of the Project.
- 1.4. Additionally, the following matters are of significant concern to Council:
 - 1.4.1. The lack of any detailed information about the experience of the proponent (AGL) for the FSRU in developing and operating such a Project as well as any information about its health, safety and environmental policies and track record;¹
 - 1.4.2. The lack of information about any environmental effects associated with maintenance and decommissioning of the Project;²
 - 1.4.3. The limited information in the EES regarding consideration of alternative sites (to Crib Point) for the FSRU and pipeline including Corio, Victoria and Port Kembla, New South Wales.³
- 1.5. Given the volume and complexity of material and issues raised by the Environmental Effects Statement (**EES**), it is possible Council may identify further issues of concern at the hearing.
- 1.6. Council reserves its right to raise additional matters at the hearing including having regard to any further information subsequently provided by the proponents for the Project, or submissions made, or evidence called by others.

¹ This detail should have been included in the main report pursuant to Section 3.2 of the Scoping Requirements.

² This detail should have been included in the project description pursuant to Section 3.3 of the Scoping Requirements.

³ Refer to Section 3.4 of the Scoping Requirements.

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2. Components of Project within the Mornington Peninsula Shire

- 2.1. The Project seeks to establish a gas import facility and associated pipeline to secure a new gas supply for AGL customers in south-eastern Australia to meet a projected domestic shortfall by 2024. The Project comprises two key components, as relevant to the Mornington Peninsula Shire:

Gas Import Jetty Works (AGL)

- 2.2. Continuous mooring of a ship known as a floating storage and regasification unit (FSRU) at Berth 2 of the existing Crib Point Jetty to store and convert liquid natural gas (LNG) to a natural gaseous state; and
- 2.3. Construction of new infrastructure such as marine loading arms and piping on the existing Crib Point Jetty to transfer the gas from the FSRU to a new above-ground receiving facility onshore at Crib Point known as the 'Crib Point Receiving Facility'.
- 2.4. The gasification process undertaken in the FRSU will require the intake of seawater from and its discharge back into Western Port Bay after use, at a different temperature and with increased concentrations of chlorine. The intake of water also carries the risk of 'entraining' marine biota into the ship's regasification mechanism.

Pipeline Works (APA Group)

- 2.5. Construction of an underground high-pressure gas pipeline to transport the gas from the Crib Point Receiving Facility to the Victorian Transmission System (VTS) (via a new receiving facility in Pakenham);
- 2.6. Construction of one of two proposed mainline valves for the pipeline in Tyabb (south of Denham Road); and
- 2.7. Construction of several 'laydown areas' including at Crib Point (adjacent to the proposed Crib Point Receiving Facility) and Tyabb (south of Denham Road).
- 2.8. The pipeline alignment would traverse land in Crib Point (adjacent to Jacks Beach Reserve and the Bittern Coastal Wetland), through Warringine Park and on through the Hastings township, generally along the Stony Point Railway Reserve up through Old Tyabb and Somerville to the municipal boundary of the City of Casey.
- 2.9. The pipeline alignment generally utilises existing pipeline easements, but nevertheless bisects a range of land uses including conservation reserves, agricultural areas, rural residential properties, railway reserves, commercial and Port-related uses.
- 2.10. The pipeline involves the removal of native vegetation across a range of Ecological Vegetation Classes (EVCs) with impacts and potential risks to endangered and vulnerable species.

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3. The role of Mornington Peninsula Shire

- 3.1. The Project requires a range of approvals under a variety of State and Commonwealth legislation⁴. The decision on whether to approve the Project rests entirely with the State and Federal Governments.
- 3.2. Council is nevertheless a stakeholder and submitter in the assessment and approvals process.

4. The locational context of the Project

- 4.1. Mornington Peninsula is one of Victoria's greatest assets, characterised by unique townships, highly valued green wedge land, areas of national and international conservation significance and features extensive areas of pristine Victorian coastline.
- 4.2. Maintaining the special values of the Peninsula is dependent on integrated and balanced planning, involving all agencies and having regard to the needs and aspirations of current and future generations. Environmental conservation and protection against pollution and degradation are primary considerations for planning on the Peninsula, as are responding to the challenges posed by climate change.
- 4.3. The parts of the Mornington Peninsula most affected by the Project are Western Port Bay, Crib Point and Hastings.

Westernport Bay

- 4.4. Whilst occupied by the Port of Hastings, Western Port Bay is home to a wealth of local, national and internationally significant natural resources and environmental values. Designated a wetland of international significance under the Ramsar Convention on Wetlands of International Importance in 1982, the Bay is also recognised as a UNESCO biosphere reserve comprising three national marine parks. The reserve contains a range of listed threatened species, ecological communities and listed migratory species.
- 4.5. In addition to its distinguished environmental values, the Bay is a popular place for recreational water-based activities such as boating, sailing and fishing, hosting a range of established community sporting groups and related organisations.

Crib Point

- 4.6. Crib Point is an historic coastal township characterised by environmentally and socially significant sites and landscapes, including:
 - 4.6.1. Several Ecological Vegetation Classes (EVCs) such as Heathy Woodland, Mangrove Scrubland, Coastal Saltmarsh and Coastal Dune Grassland, with the Grassy Woodland EVC having the highest conservation value in the region;

⁴ Assessment of an Environment Effects Statement (EES) under the *Environment Effects Act 1978* (Vic), a works approval under the *Environment Protection Act 1970* (Vic) to operate the FSRU, a pipeline licence under the *Pipelines Act 2005* (Vic), consent under the *Marine and Coastal Act 2018* (Vic), Cultural Heritage Management Plans (CHMPs) under the *Aboriginal Heritage Act 2006*, planning approval under *Planning and Environment Act 1987* (Vic), approvals under the *Gas Safety Act 1997* (Vic) and *Occupational Health and Safety Act 2004* (Vic), a permit under the *Flora and Fauna Guarantee Act 1988* (Vic) and Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)

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- 4.6.2. Wooleys Beach and Jacks Beach Reserves which contain a variety of indigenous flora and fauna and significant mangroves which provide a natural nursery for young fish;
- 4.6.3. Several areas within the township are identified as having endangered or vulnerable bioregional conservation status;
- 4.6.4. Various sites of early European heritage significance, and
- 4.6.5. Extensive areas of Aboriginal cultural heritage sensitivity.
- 4.7. Crib Point is regionally significant for its recreational boat launching facilities as well as the ferry which services Western Port Bay with stops at Stony Point, French Island and Phillip Island.
- 4.8. Whilst Crib Point boasts a wealth of natural environmental values, sites of social significance and recreational opportunities, the township experiences high levels of socio-economic disadvantage⁵.
- 4.9. Council is currently preparing a Township Plan to establish a long-term vision for Crib Point as the basis for future planning and decision-making in the area over the next decade or so. The Plan is focused on balancing the need to foster urban vitality and prosperity with a fervent desire to protect and enhance the world-renowned yet fragile natural surrounds.

Hastings

- 4.10. A country town on the coast, Hastings serves as the region's main commercial and community focus. The township is recognised locally and by the State as one of the Shire's three Major Activity Centres and as such remains the community's base for recreation, shopping, social interaction and civic services.
- 4.11. Centred around High Street with strong links to the Bay and foreshore, Hastings is known as the gateway to Western Port, with extensive recreational and boating opportunities, including the only regional boating facility on the western shores of the Bay.
- 4.12. As with Crib Point, Hastings suffers from disproportionately high levels of socio-economic disadvantage despite its many strengths and valued features.
- 4.13. The local community's vision and strategic objectives for this major centre are encapsulated in Council's adopted *Hastings Town Centre Structure Plan* (November 2014) which seeks to promote an economically, socially and environmentally sustainable centre with strong functional and cultural connections to Western Port. One of Council's long-term objectives is for Hastings to become the end of the electrified railway line from Frankston.

⁵ Based on 2016 Census figures, sourced from <https://profile.id.com.au/mornington-peninsula>.

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5. Key areas of concern

- 5.1. Council's key areas of concern regarding the environmental effects of the Project relate to:
- 5.1.1. Greenhouse gas emissions and climate change;
 - 5.1.2. Marine ecology and biodiversity including impacts on the world renowned Western Port Bay Ramsar wetlands and UNESCO biosphere;
 - 5.1.3. Terrestrial ecology, biodiversity and native vegetation; including loss of over 15 hectares of native vegetation, potential impacts on the endangered Southern Brown Bandicoot, Gaping Sun-orchid and terrestrial fauna adjacent to the FSRU and Crib Point Receiving Facility;
 - 5.1.4. Groundwater: including potential impacts on aquifers and groundwater dependent ecosystems;
 - 5.1.5. Amenity: particularly noise impacts during construction and operation on nearby residences.
 - 5.1.6. Transport and Traffic: the inadequacy of the Transport Impact Assessment in the EES for the purpose of competently assessing the transport and traffic impacts of the Project.
- 5.2. Each area is elaborated on in turn.

6. Greenhouse Gas Emissions & Climate Change

Relevant Draft Evaluation Objective	Energy efficiency, security, affordability and safety – To provide for safe and cost-effective augmentation of Victoria's natural gas supply in the medium to longer term Waste – To minimise generation of wastes by or resulting from the project during construction and operation, including accounting for direct and indirect greenhouse gas emissions
Council Position	Council is not satisfied about: • The accuracy of accounting in the EES of direct and indirect greenhouse gas emissions (GGE) by or resulting from the Project during construction and operation; • The robustness of the conclusions drawn in the EES regarding the significance of the GGE by or resulting from the Project; • The acceptability of the environmental outcomes of the project with regard to GGE having regard to best practice and the principles and objectives of ecologically sustainable development; • The lack of any identified measures for offsetting GGE resulting from the Project.

- 6.1. The EES claims that the Project 'would assist in Victoria's transition to a low-carbon economy and increased energy efficiency (including reduced usage)' by providing 'a secure, stable source of [energy] supply to customers as the energy sector becomes

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decarbonised and transitions to more renewables' (Chapter 2, p.1). However, the claim is not backed-up or referable to any objective or independent expert assessment contained in the EES technical reports.

- 6.2. The absence of such fundamental material in the EES is of significant concern to Council given the issue is central to the Project rationale and to any proper assessment of net community benefit.
- 6.3. For its part, Council is serious about taking action on climate change. On 14 August 2019, Council unanimously declared a Climate Emergency, calling for immediate and urgent action to reverse global warming and the significant damage that climate change is causing to our economy, society and environment. In making this declaration, Council recognises that current levels of global warming, and future warming already committed, constitute nothing less than a climate emergency for most life on this planet.
- 6.4. In support of this declaration, Council has prepared a draft Climate Emergency Response Plan ('the Plan'). If adopted, the Plan will commit Council to proactive leadership to support and encourage individuals, organisations, businesses and all levels of government to integrate Climate Emergency responses into their operations and daily lives. Providing a framework for Council-led action, the Plan moves beyond mitigation and adaptation measures.
- 6.5. Central to the Plan is a commitment to move towards zero greenhouse gas (GHG) emissions by 2040, phase out reliance on fossil-fuels – including natural gas – and support a speedy transition to a renewable energy-based economy with maximum uptake in energy efficiency measures and operations.
- 6.6. The Plan is supported by the following additional policies, strategies and action plans adopted by Council:
 - *Carbon Neutral Policy* (February 2016) – Reduction in emissions through renewable energy sources and energy efficient measures to achieve Carbon Neutral accreditation in Council operations by 2021.
 - *Climate Change Community Engagement Strategy* (December 2018) – Developing resources and actions to engage community to reduce emissions and build resilience.
 - Embedding Environmentally Sustainable Development (ESD) principles – Introducing an ESD Policy into the Mornington Peninsula Planning Scheme (via proposed Amendment C232morn) and preparing an internal ESD Policy for Council buildings and civil works.
- 6.7. Apart from supporting the community to respond to climate change, Council's Climate Emergency declaration and Plan include a commitment to urge State and Commonwealth Governments to uphold Australia's pledge to the United Nations Paris Agreement on Climate Change (UNFCCC, 12 December 2015). Specifically, to implement policy and actions to significantly reduce emissions in line with the Agreement.
- 6.8. Council is particularly concerned in this regard to explore how the Project responds to State Government legislation, policies and plans regarding climate change, including Victoria's:
 - 6.8.1. *Climate Change Act 2017* which embeds a target of net zero emissions by 2050;

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- 6.8.2. *Climate Change Framework* (DELWP, 2016) which includes actions to assist the households, businesses and industry in switching from gas and other fossil fuels to cleaner energy sources;
- 6.8.3. *Climate Change Adaptation Plan: 2017-2020* (DELWP, 2016) ('the Adaptation Plan') which seeks to 'restore Victoria as a national and international leader on climate change action' (p.4); and
- 6.8.4. *Renewable Energy Action Plan* (DELWP, 2017) which seeks to support Victoria's pathway from a carbon-intensive to net zero emissions energy sector by 2050, supporting the transition from 'emissions-intensive, centralised sources to cleaner and more distributed sources of electricity' which will benefit Victoria 'economically, socially and environmentally' (p.3).

7. Economic effects and COVID-19

Relevant Draft Evaluation Objective	Energy efficiency, security, affordability and safety – To provide for safe and cost-effective augmentation of Victoria's natural gas supply in the medium to longer term Social, economic, amenity and land use – To minimise potential adverse social, economic, amenity and land use effects
Council Position	Except in relation to local business impacts (including agricultural), the EES does not include any objective or independent expert assessment of the economic benefits of the Project. Absent such evidence, the weight given to the Project rationale and benefits of the Project as stated in the EES should be treated with great caution in the context a net community benefit assessment.

- 7.1. Council is concerned that the rationale and benefits of the Project as stated by the Proponent in the EES rely heavily on the accuracy of the Proponent's assertions that:
 - 7.1.1. 'The Project is necessary to fill the shortfall in gas supply predicted from 2024 and to support essential energy supply to enable Victoria's energy security and continued economic development.' (EES, Vol 1, p2-2)
 - 7.1.2. '...The Project would benefit and provide energy security to Victoria as well as other south-eastern states and the national economic more broadly'. (EES, Vol 1, p2-1)
 - 7.1.3. 'The Project is expected to employ in excess of 500 workers at the peak of its construction phase...'. (EES, Vol 1, p2-43)
 - 7.1.4. 'Once the Project was operating it is expected that 40 permanent positions would be created at Crib Point'. (EES, Vol 1, p2-43)
- 7.2. The EES does not include any objective or independent expert assessment of either the need for the Project or its economic benefits (i.e. a business case), including in a post-COVID-19 environment.

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- 7.3. Council is acutely aware of the impact that the COVID-19 global pandemic is having on Victorians, especially the Mornington Peninsula. The negative economic impacts of COVID-19 are forecast to be greater on the Peninsula than for the rest of Australia. The Shire is expecting at least a 21% reduction in Gross Regional Product (compared to 6.9% for Australia) and job losses in the order of 5,900 with an 11% reduction in employment opportunities (REMPPLAN Economic Impact Report).
- 7.4. Even if the estimated number of jobs created by the Project is correct, scant information is provided about the likely demographic profile of such workforces except to suggest that:
- 7.4.1. In relation to the construction related jobs:
 - i. The majority of the workforce would be specialists sourced from Victoria and interstate;
 - ii. Opportunities for local suppliers and employment would include a range of general trade and support services;
 - 7.4.2. In relation to the ongoing jobs:
 - iii. They would be located in Crib Point;
 - iv. They would be related to running the FSRU as well as security and support;
 - v. They would involve rotation shifts.⁶
- 7.5. None of this gives Council any real comfort that the Project will generate significant long-term employment benefits for the Mornington Peninsula.
- 7.6. It is acknowledged that the Environmental Management Framework (**EMF**) includes a mitigation measure, 'MM-SO04: Source local workers' which provides that 'Workers, supplies and services during construction and operation will be sourced from the local area as appropriate'. Whilst the aim of this mitigation measure is noble, it is sufficiently vague as to give the Proponent ample wriggle room to source workers from elsewhere.
- 7.7. In line with its adopted pandemic recovery plan (*Our Peninsula: Supporting Our Community Recovery*, June 2020), draft Climate Emergency Response Plan, and proposed ESD Local Planning Policy, Council has a strong preference for the pursuit of a zero-carbon economy in helping Victorian's emerge from the COVID-19 pandemic, and reducing and adapting to climate change impacts.
- 7.8. Central to the transition away from a fossil fuel dependent economy is providing alternative energy production and consumption measures. In this context, the EES fails to consider the Project rationale in any substantial detail in terms of potential changes in the operating environment in both the short- and longer-term which might otherwise significantly reduce the need for additional gas supply, such as:
- 7.8.1. demand-side measures (i.e. the increased uptake of renewable energy sources, retrofitting of energy efficient measures, or fuel-switching within the residential, commercial and industrial sectors),
 - 7.8.2. introduction of utility-scale storage,

⁶ EES, Vol 1, p2-43.

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7.8.3. additional interconnections between jurisdictions, or

7.8.4. any other infrastructure network or market changes that would have the effect of reducing demand for natural gas.

8. Marine Biodiversity

Relevant Draft Evaluation Objective	Water and catchment values – To minimise adverse effects on water (including groundwater, waterway, wetland, estuarine, intertidal and marine) quality and movement particularly as they might affect the ecological character of the Western Port Ramsar site Biodiversity – To avoid, minimise or offset potential adverse effects on native flora and fauna and their habitats, especially listed threatened or migratory species and listed threatened communities
Council Position	There are significant shortcomings in the EES risk assessment of the Project effects on marine biodiversity such that Council has no confidence regarding the acceptability of the Project effects on the marine environment (including the Ramsar wetlands) of Western Port Bay.

- 8.1. The potential impacts of the Project on the marine environment and biodiversity values of the Mornington Peninsula and Western Port Bay are of great concern to Council. Given the marine environment forms part of the internationally significant Ramsar wetland and UNESCO biosphere, Council is particularly disappointed with the standard of the assessment and mitigation measures in this part of the EES.
- 8.2. In Council's submission, the marine biodiversity impact assessment in the EES is significantly deficient in the assessment and management of risk, including in:
- 8.2.1. Failing to provide sufficient information to make a properly informed assessment of impacts;
 - 8.2.2. Underestimating the risk (either likelihood, significance of consequence or both) of identified impacts;
 - 8.2.3. Proposing inadequate mitigation measures to address potential impacts; and
 - 8.2.4. Failing to consider alternative operations as a means of mitigating impacts associated with regasification.
- 8.3. In Council's submission, certain further information is required from the Proponent before the potential impacts of the Project can be assessed with any certainty. Specifically, Council considers the Proponent ought to be required to provide the following information before expert evidence is circulated and certainly, before the IAC hearing commences:
- 8.3.1. Modelling of tug wash, including suspension of fine sediment and its potential for turbid water to impinge on seagrasses adjacent to the jetty – for tug operations associated with the arrival and departure of vessels to the jetty;
 - 8.3.2. Further information regarding basin contaminants given the EES identifies presence of TBT in sediments at Berth 1. If necessary, further information is not

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to hand, further sampling should be done, including analysis of sediments for PAHs, metals, grain size and total carbon content;

- 8.3.3. Collection and analysis of sediment samples in and surrounding the basin within any areas likely to be disturbed by discharge of water from the FSRU or associated with turbulence from tugs, LNG carriers etc. to determine the potential presence of toxic dinoflagellates in sediment;
 - 8.3.4. Quantitative survey of fish and benthic invertebrates in basin with suitable replication at 4-5 sites within the Berth 2 basin and within 4-5 sites within at least two control locations;
 - 8.3.5. Comparison of epifauna and associated fishes and mobile invertebrates on jetty structure compared with two other jetty structures in Western Port;
 - 8.3.6. Surveys of diving birds (eg. Species of cormorants and gulls) at Crib Point jetty, including species identifications, abundance, roosting and feeding behaviour and an assessment of likely diet of these species;
 - 8.3.7. Reassessment of the proposed monitoring proposal and much more detail required in monitoring plan to be presented and provided to stakeholders.
- 8.4. As things stand, Council considers there is inadequate information to properly assess numerous potential effects including:
- 8.4.1. Entrainment (in FSRU) of:
 - Mangroves and saltmarsh;
 - Intertidal mudflat invertebrates
 - Intertidal and subtidal seagrasses;
 - Benthic subtidal invertebrates;
 - Plankton;
 - 8.4.2. Impact of entrainment, discharge plume and chlorinated water on ecological processes of Ramsar wetland;
 - 8.4.3. Impact of cooler water from discharge plume on natural intertidal mudflat communities, natural communities (intertidal and subtidal seagrasses), benthic subtidal invertebrae fauna, plankton and subtidal reef habitat;
 - 8.4.4. Impact of warm water from discharge plume on local plankton and subtidal reef habitat;
 - 8.4.5. Impact of chlorinated water on natural mudflat invertebrae communities, natural intertidal and subtidal habitats, benthic subtidal invertebrae fauna, plankton and subtidal reef habitat (including artificial reef provided by jetty structures);
 - 8.4.6. Accumulation of chlorine produced in species in the food chain;
 - 8.4.7. Accidental spills or leaks from chemicals, materials or waste streams into Western Port during construction or operation;

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- 8.4.8. Spills or leaks of fuel, oil or other chemicals from the FSRU or LNG carriers;
 - 8.4.9. Aggregation of marine fauna due to damaged biota and increased light;
 - 8.4.10. Impact of underwater noise from operation of FSRU on marine biota;
 - 8.4.11. Impacts to penguins and pinnipeds.
- 8.5. In the meantime, based on the exhibited EES, Council is particularly concerned about the potential for and significance of the following Project effects:
- 8.5.1. Entrainment of pelagic and demersal fish into FSRU;
 - 8.5.2. Impact of chlorinated seawater from discharge plume on local fish species near FSRU and fish eating diving water birds (eg. cormorants) and pinnepeds due to eating contaminated fish;
 - 8.5.3. Alteration of the seabed due to FSRU increasing seabed current and encouraging scour and/or from higher velocity water movement from propellers of LNG carrier and tugs;
 - 8.5.4. Unplanned grounding of FSRU or LNG carriers impacting shallow habitats and communities;
 - 8.5.5. Light spill from FSRU and intermittently from LNG carriers on fish and invertebrae;
 - 8.5.6. Collision of LNG carriers with migrating humpback or southern right whales;
 - 8.5.7. Disturbance of contaminated sediments due to turbulence from FSRU discharge and vessel thrusters with impact on invertebrates and fish.
- 8.6. Additionally, before a decision is made on the Project, Council considers the Proponent should be required to provide a detailed monitoring plan that includes (as a minimum) the following:
- 8.6.1. All components of the aquatic environment to be measured,
 - 8.6.2. All sampling methods,
 - 8.6.3. Spatial and temporal scales of investigation,
 - 8.6.4. Period(s) of baseline sampling (e.g. 1-2 years of baseline sampling before Project starts),
 - 8.6.5. Sample replication for all quantitative variables associated with biota, water quality and sediment quality, Effect Sizes considered important to detect potential impacts
 - 8.6.6. Statistical methods (design and tests), and

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8.6.7. Justification of when monitoring could be scaled-back or discontinued.

9. Terrestrial Ecology & Biodiversity

Relevant Draft Evaluation Objective	Biodiversity – To avoid, minimise or offset potential adverse effects on native flora and fauna and their habitats, especially listed threatened or migratory species and listed threatened communities.
Council Position	The EES fails to deliver best practice environmental assessment and management for all potential Project impacts on terrestrial ecology and biodiversity, posing unacceptable risks to endangered and vulnerable flora and fauna

- 9.1. Council's adopted *Biodiversity Conservation Plan* (Ecology Australia, July 2019) is aimed at conserving the natural capital of the Mornington Peninsula, seeking to protect and improve the resilience of the Peninsula's natural landscapes, ecosystems and biodiversity.
- 9.2. Council's review of the EES impact assessment on Terrestrial and Freshwater Biodiversity identifies that the Project would result in the loss of significant amounts of native vegetation from the Peninsula – predominantly in areas around Crib Point, Warrigine Park, the Hastings rail corridor north of Kings Creek and south of Watson Creek. This vegetation includes a range of habitat zones and significant Ecological Vegetation Classes (EVCs) of bioregional conservation status, including endangered and vulnerable species.
- 9.3. In summary, the Project:
- 9.3.1. Would result in the loss of 15 hectares of vegetation from the Peninsula, equating to over 12 habitat loss areas;
 - 9.3.2. Would remove known and assumed habitat for the endangered Southern Brown Bandicoot,
 - 9.3.3. May impact the listed Gaping Sun-orchid, known only to exist in Crib Point and French Island, and
 - 9.3.4. May impact or modify habitat for migratory water and shorebirds, marine fauna and terrestrial fauna adjacent to the FSRU and Crib Point Receiving Facility by way of noise, vibration and lighting.

10. Groundwater

Relevant Draft Evaluation Objective	Biodiversity – To avoid, minimise or offset potential adverse effects on native flora and fauna and their habitats, especially listed threatened or migratory species and listed threatened communities Water and catchment values – To minimise adverse effects on water (including groundwater, waterway, wetland, estuarine, intertidal and marine) quality and movement particularly as they might affect the ecological character of the Western Port Ramsar site
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Council Position

The EES fails to ensure best practice environmental assessment and management of potential Project impacts on groundwater, risking damage to aquifers and groundwater dependent ecosystems on the Peninsula.

- 10.1. Council's review of the EES's Groundwater Impact Assessment (Chapter 9, Technical Report D) has identified the potential for significant groundwater impacts and secondary impacts on local Groundwater Dependent Ecosystems (GDE) which have not been properly investigated and addressed.
- 10.2. The EES is deficient in both its methods of assessment and categorisation of risk with respect to potential groundwater impacts. In particular, Council identifies the following limitations on the nature and extent of the Groundwater Impact Assessment:
 - 10.2.1. The absence of a baseline dataset (for the aquifer) from which to reliably draw assumptions;
 - 10.2.2. The assessment inappropriately draws conclusions from a single data point;
 - 10.2.3. The omission of a sensitivity and uncertainty analysis (associated with mounding and dewatering impacts);
 - 10.2.4. The failure to install groundwater bores in the basalt aquifer which is known to be highly heterogenous and anisotropic;
 - 10.2.5. The absence of seasonal groundwater level data to enable an assessment of the nature and extent of environmental effects on groundwater dependent ecosystems at selected sections along the alignment where groundwater levels are closer to the ground surface;
 - 10.2.6. The appropriateness of the mitigation measures proposed to protect GDE's where groundwater is likely to be shallow;
 - 10.2.7. The absence of recovery modelling to enable the long term effects on GDE's to be assessed;
 - 10.2.8. The flux required to dewater the trench can't be determined without the additional sensitivity scenarios;
 - 10.2.9. Fails to demonstrate the interaction between aquifers and GDEs;
 - 10.2.10. Fails to provide any mitigation measures to address possible de-watering scenarios;
 - 10.2.11. Inappropriately categorises the risk of losing a GDE as 'moderate' when such an impact represents a serious threat to terrestrial ecology and biodiversity, and may also have significant community implications (for instance, for aquifer-dependent landowners);
 - 10.2.12. Inappropriately categorises the risk of groundwater impacts arising from disturbances of contaminants at the nearby former landfill site at 21 Mckirdys

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Road in Tyabb as 'low' when such an impact is more appropriately categorised as likely to occur and of moderate.

- 10.3. Council considers a more recent registered bore search should be undertaken to confirm if there are additional bores within the Project area.

11. Amenity (Noise)

Relevant Draft Evaluation Objective	Social, economic, amenity and land use – To minimise potential adverse social, economic, amenity and land use effects
Council Position	Council is not satisfied about that the construction and operational noise impacts of the Project on nearby residences will be acceptably managed.

- 11.1. Having reviewed the Noise and Vibration Impact Assessment (Chapter 13, Technical Report H) in the EES, Council is not satisfied that the potential noise impacts of the Project on nearby residences and recreational users can be acceptably managed.
- 11.2. Council is primarily concerned about the following noise impacts:
- 11.2.1. Noise impacts from out of hours evening and night construction work on the amenity of nearby residences, including sleep disturbance during the night period and the adequacy of the identified mitigation measures for this impact;
 - 11.2.2. Noise impacts from tugboats bringing LNG carriers in to moor at Crib Point jetty on the amenity of nearby residences, including sleep disturbance and the adequacy of the identified mitigation measures for this impact;
 - 11.2.3. Noise impacts on recreational users at Woolleys Beach and HMAA Otama Lookout reach as follows;
 - Of up to 65 dBA and 66dBA during construction;
 - Of between 44 and 52dBA during various operational scenario.
 - 11.2.4. Cumulative noise impacts from the Project and existing United Petroleum activities at Crib Point jetty on the amenity of nearby residences and the adequacy of the identified mitigation measures for this impacts.
- 11.3. Additionally, Council has a number of technical concerns with the Noise and Vibration Impact Assessment Report as follows:
- 11.3.1. The report refers to a 115dBA sound power level for a moored LNG carrier and also comments on some older carriers potentially being noisier (p. 114). However, the formal noise modelling inputs provided in Table 72 do not appear to reflect this, with a much lower sound power level at below 110dbA;
 - 11.3.2. Regarding the sound power levels documented in Table 72, the FSRU, LNG carrier and Tugboat exhaust spectra do not add up to the indicated overall A-weighted Sound Power levels;

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- 11.3.3. There is a very high reliance on high performance attenuators for the FSRU and LNG Carrier exhaust stacks. Accordingly, the use of the proposed attenuator should be verified and confirmed as a feasible requirement on the FSRU and all incoming LNG carrier exhaust stacks. It is unclear if the attenuator is a standard feature of the FSRU and all incoming LNG carriers.

11.4. To address the above technical concerns, Council requests:

- 11.4.1. Full access to/review of the computer noise model used in calculations. This is particularly important given the Marshall Day Acoustics peer review does not appear to have included a noise model review or independent check of calculations;
- 11.4.2. Confirmation that all FSRU and LNG carrier exhaust stacks can feasibly incorporate the stated level of attenuation.

12. Traffic and transport

Relevant Draft Evaluation Objective	Social, economic, amenity and land use – To minimise potential adverse social, economic, amenity and land use effects
Council Position	The Transport Impact Assessment in the EES comprising Technical Report J in the EES is inadequate in terms of data collection, analysis and findings to enable a proper assessment of the traffic and transport impacts of the Project on the Mornington Peninsula and their acceptability or otherwise.

12.1. Council's key concerns regarding the adequacy of the Transport Impact Assessment (TIA) are as follows:

- 12.1.1. The traffic volume data appears to have been 'estimated' with no verification by actual count data at critical locations which either have a high accident history or are expected to carry the majority of the construction traffic;
- 12.1.2. The lack of detail about the anticipated distribution of traffic to and from the Project site;
- 12.1.3. The use of or reliance on daily traffic movements as a metric of construction related traffic. Given the nature of construction related movements, Council considers the analysis should have focussed on the AM and PM peak hours;
- 12.1.4. The limited peak hour analysis of 6 Frankston-Flinders Road intersections is insufficient to assess the likely impact on those intersections;
- 12.1.5. Peak hour analysis should also have been completed for other significant intersections within the study area, especially those with an identified accident history that are likely to experience significant additional traffic movements in the peak hours;
- 12.1.6. The review of accidents in the TIA does not provide a particularly meaningful analysis of accidents within proximity of the Project so as to enable an

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assessment of the likelihood of further accidents as a result of increased traffic associated with the Project and potential mitigation measures to reduce the risk of such accidents;

- 12.1.7. The review of accidents omits discussion or study of intersections proximate to the Project where there have been 4 or more accidents including the Denham Road/Frankston Flinders roundabout which is proposed to be used for stockpiling and other activities during the construction phase of the Project;
- 12.1.8. The limited consideration or discussion of how the movement of pipes along the local road network will be managed during construction;
- 12.1.9. The review of access track locations includes an assessment of sight distance, with 7 access track locations on the Mornington Peninsula identified as having inadequate or unspecified sight distance. The minimum shortfall is identified as 90m. Due to the inability to move the access track entry within the 30m nominated work area, Council is concerned that the nominated traffic safety mitigation measures will not be sufficient to ensure movements in and out of some of these access tracks can be managed safely and appropriately;
- 12.1.10. No swept path analysis has been provided to confirm that the larger trucks required can enter and exit the site satisfactory and whether the entire road will be required to do so;
- 12.1.11. The absence of any proposed mitigation measure such as a road safety audit to ensure the safe crossing of a passively controlled level crossing, west of Frankston-Flinders Road between Marine Parade and Denham Road, proposed to be used for construction purposes;
- 12.1.12. The EES does not identify whether upgrade of the level crossing on Frankston-Flinders Road (between Reid Parade and Lady Nelson Parkway) is necessary to accommodate the Project.
- 12.1.13. The absence of consideration of school bus routes in mitigation measure MM-TP06: Public Transport Disruption Management sub-plan;
- 12.1.14. The lack of detail regarding the Nitrogen Transport Plan to enable Council to consider land use planning issues and the need for any road upgrades along the proposed route.
- 12.1.15. The absence of any meaningful assessment of whether the Project will preclude the future duplication and electrification of the Stony Point Railway to Hastings and associated necessary upgrades to Hastings Railway Station.

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13. Planning Scheme Amendment C272morn

Relevant Draft Evaluation Objective	Social, economic, amenity and land use – To minimise potential adverse social, economic, amenity and land use effects
Council Position	Council opposes the Project and approval of the C272morn to facilitate it. It does not consider the EES is sufficiently robust to demonstrate that the Project is either strategically justified or results in a net community benefit so as to warrant approval of C272morn.

- 13.1. Sited within the Mornington Peninsula Shire, the proposed Crib Point Jetty Works (including the onshore Receiving Facility) require planning approval under the Mornington Peninsula Planning Scheme. The Project proponents have requested that the Minister exercise his powers under section 20(4) of the *Planning and Environment Act 1987* to approve proposed Amendment C272morn to facilitate approval of the facility.
- 13.2. Amendment C272morn seeks to create a new site-specific planning control outlining all the planning requirements for the Project in one integrated framework. The Project would need to be constructed and operated in accordance with proposed Crib Point Gas Import Jetty Works Incorporated Document (December 2020) forming part of the new planning framework.
- 13.3. If approved, Amendment C272morn would negate the need for future planning permits to carry out works, provided works are generally consistent with the Incorporated Document. The Minister for Planning would also assume the role of Responsible Authority for all planning decisions affecting the Jetty and Receiving Facility.
- 13.4. If the Project was approved notwithstanding its opposition to the Project, Council would support the notion of a singular, integrated planning mechanism to manage the Project. However, Council would seek an appropriate role in the administration and enforcement Incorporated Document and Environment Management Framework (EMF).

14. Offset projects

- 14.1. If, contrary to Council's position, the Project was approved, Council considers that the proponents ought to be required to deliver a range of economic, social and environmental projects to offset the environmental effects of the Project within Crib Point and Hastings where the disbenefits will be most keenly felt.
- 14.2. Council considers the following offset projects are worthy of consideration in this regard:

Biodiversity and water & catchment values

- Contributing to biodiversity management programs in bushland and foreshore reserves in proximity of the pipeline alignment.
- Working with Council to identify suitable available local native vegetation offset sites such as Council-owned bushland reserves.
- Contributing to native vegetation projects within the Hastings Foreshore Precinct Plan.

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Cultural heritage

- Supporting opportunities for Traditional Owners to undertake cultural land management practices and knowledge sharing activities within Warringine Park.

Social, economic, amenity and land use

- Engaging with Council and Transport for Victoria to explore options to support the development of the Stony Point/Crib Point/Hastings Strategic Cycling Corridor.
- Contributing to the works required to address the gap in the Western Port Bay Trail.
- Contributing to the Hastings Safer Residential Areas project and ensuring that the pipeline project is consistent with its objectives.
- Incorporating public realm improvements in Hastings, as identified in the High Street Hastings Streetscape Design Framework.
- Contributing to works required to deliver a more accessible and upgraded Foreshore Activity Hub at Hastings, including the proposed soundshell, splash-park and flood mitigation works.
- Contributing towards implementation of a masterplan to protect and enhance the significant conservation and Aboriginal cultural heritage values at 197A Hendersons Road, Hastings, providing an ecological link from Warringine Park to the Shire's Green Wedge.
- Providing public art that celebrates the industrial heritage of Hastings and Crib Point, as a complementary project, in consultation with Council.
- Contributing to the upgrade and refurbishment of the junior football pavilion at the Crib Point Recreation Reserve.
- Contributing to the provision of land for a local park and playground in Crib Point.
- Contributing to the implementation of the Woolleys Road Bushland Reserve Masterplan.
- Collaborating with Council and South East Water to investigate options to co-locate infrastructure in the pipeline trench/easement, to support the movement of recycled water to Tyabb and Somerville.
- Engaging with local service providers and Council to identify targets for employing local Mornington Peninsula young people in apprenticeship and traineeship and establish a perpetual scholarship to encourage further education and training.
- Prioritising the procurement of local construction and associated labour, plant and equipment for the construction of the pipeline and associated works.
- Prioritising the procurement of local labour and business contracts to provide administrative, logistical, transport, trade, catering and other related support services.
- Contributing to the Housing Access Point service in Hastings to assist those vulnerable to homelessness.
- Contributing to a Housing Fund to support low-income private rentals within Crib Point and Hastings.

15. Relevant Council Policies, Plans and Strategies

- *Climate Emergency Response Plan* – Draft (Mornington Peninsula Shire, July 2020)
- *Crib Point Township Plan Refresh* – Draft (Mornington Peninsula Shire, July 2020)
- *Hastings Foreshore Precinct Plan* (Mornington Peninsula Shire, July 2017)
- *Hastings South Coastal Management Plan* (Mornington Peninsula Shire, April 2015)
- *Hastings Town Centre Structure Plan* (Planisphere, November 2014)

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- *Climate Change Community Engagement Strategy* (Mornington Peninsula Shire, November 2018)
- *High Street, Hastings – Streetscape Design Framework* (ASPECT Studios & Taylor Thomson Whittling, November 2015)
- Mornington Peninsula Planning Scheme
- *Mornington Peninsula Arts and Culture Plan 2020-2024* (Mornington Peninsula Shire, April 2020)
- *Mornington Peninsula Biodiversity Conservation Plan* (Ecology Australia, July 2019)
- *Mornington Peninsula Carbon Neutral Policy* (Mornington Peninsula Shire, February 2016)
- *Mornington Peninsula Economic Development Strategy: 2016-2019* (Mornington Peninsula Shire)
- *Mornington Peninsula Public Art Policy* (Mornington Peninsula Shire, June 2016)
- *Mornington Peninsula Sports Capacity Plan Volume 1 - Sports Fields* (Mornington Peninsula Shire, June 2019)
- *Our Peninsula: Supporting Our Community Recovery* (Mornington Peninsula Shire, June 2020)
- Proposed Amendment C232morn to the Mornington Peninsula Planning Scheme (Environmentally Sustainable Development Local Planning Policy)
- *Woolleys Road Bushland Reserve Long Term Master Plan* (Mornington Peninsula Shire, March 2013)