

# Latrobe City Council

Submission to Earth Resources

Regulation Stakeholder Engagement

Strategy 2016-2018



2 May 2016

<b>Revision</b>	<b>Date</b>	<b>Written by</b>	<b>Reviewed by</b>
1.0	5 April 2016	S. Davies	L. Dukes
2.0	7 April 2016	S. Davies	G. Gatt
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5.0	2 May 2016	K. Stockdale	S. Davies

Adopted on 2 May 2016

## Introduction

Latrobe City Council welcomes the opportunity to make this submission to the Earth Resources Regulation Stakeholder Engagement Strategy 2016-2018.

It is Council's understanding that the draft stakeholder engagement strategy aims to establish the direction of the Victorian Government's earth resource regulator's stakeholder engagement approach over the next three years, with a focus on building trust and restoring community confidence in the regulator.

Earth resources are extremely important to the Latrobe City Council. In 2012 it was estimated that 85 percent of the state's power generation occurring in the region, brown coal electricity generation accounts for around 20 percent of Latrobe City's Gross Regional Product, with each job in Latrobe City's energy sector generating an additional four to five local jobs in the broader regional economy.

Maintaining and developing further relationships with regulating agencies such as Earth Resources Regulation branch, is vital for ensuring that consideration is given to Local Governments interests and Latrobe City Councils community's needs are represented in processes undertaken by the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

The submission to Earth Resources Regulation Stakeholder Engagement Strategy 2016-2018 is based around the format of the submission that has been provided by the Comments Form.

Should there be any questions regarding this submission, please contact myself Jason Pullman, Coordinator Strategic Planning via phone 5128 6151 or email: [Jason.Pullman@latrobe.vic.gov.au](mailto:Jason.Pullman@latrobe.vic.gov.au) . Alternatively, you may contact Gail Gatt, Manager Future Planning via phone 5128 5446 or email: [Gail.Gatt@latrobe.vic.gov.au](mailto:Gail.Gatt@latrobe.vic.gov.au).

## Response to framed feedback questions

- 1. Earth Resources Regulation's approach to stakeholder engagement (page 5 of strategy). Do you think our approach will facilitate your engagement expectations adequately?**

### **FEEDBACK:**

Council commends the Earth Resources Regulation branch for committing to stakeholder engagement. In line with the objectives and commitments of the draft strategy, Latrobe City Council would be keen to actively participate and support the Department to better engage and inform the local community regarding future earth resource and mining proposals in Latrobe City.

The Earth Resources Regulation Stakeholder Engagement Strategy 2016-2018 provides a strong framework for communicating with stakeholders but fails to provide a framework where engagement provides empowerment, influence or a vision for co-creation where control and decision determination is largely vested in the relevant stakeholders. The aspirations of the

Executive Director's Statement where the '*needs and interests of stakeholders are to be consistently, transparently and meaningfully considered in our activities, including our decision making processes*' aren't fully delivered by the document which has a strong focus on explaining as opposed to engaging.

Additionally, we request that the Draft Engagement Strategy specify that Local Government is a key stakeholder and should be listed as a separate stakeholder. This will provide clarity and support for the multifaceted role that Local Government has which is as an advocate for the community as well as a responsible authority. At times in the current draft it is unclear about when and how Local Government is considered a stakeholder.

**2. Earth Resources Regulations principles and commitment (page 6 of strategy). Do you think our principles and commitments meet your expectations as a stakeholder?**

**FEEDBACK:**

The principles, commitments and expectations are considered to be sound from a high level perspective. Whilst Council agrees with the general approach, we are looking forward to further detail about how this engagement will occur, and an understanding of what processes will change to ensure that we can effectively participate and provide our community the opportunity to be involved in future engagement.

Maintaining and developing further relationships with regulating agencies, such as Earth Resources Regulation branch, is a high priority for Latrobe City Council to ensure consideration is given to the interests of Local Government and that the needs of the community of Latrobe City are represented in processes undertaken by the DEDJTR.

**3. Earth Resources Regulations engagement responsibility (page 7 of strategy). Do you think our stated responsibility will support your engagement adequately?**

**FEEDBACK:**

Latrobe City Council thinks that your stated responsibility of '*working closely with local government and the community to establish dialogue to help resolve community concerns around licensed earth resources industry activities*' is an excellent aspiration.

Of critical importance for Latrobe City Council is the requirement to have access to information. Being informed in a timely matter should be a reasonable expectation of any stakeholder.

A recent example of this pertains to the AGL Loy Yang Mine licence variation (2015) where Latrobe City Council at the request of DEDJTR provided input for consideration. The subsequent approved Work Plan Variation was not provided to Latrobe City Council even though there are conditions placed on the Work Plan Variation that specify future involvement from Council.

Similarly in situations where Council is working alongside DEDJTR for example in the consideration of work approval conditions it would seem reasonable that access to relevant

information could be provided from the regional office. Unfortunately this has not been the case. Council has found that in the past there has been a level of detail that has not been made available despite numerous requests, even where we have been a party to ongoing matters. So collaboration/ engagement on these important matters is crucial.

The monitoring of ground movement and collection of this data is also of particular interest to Latrobe City. Any engagement around such information would be very welcomed. It seemed apparent from the C87 Traralgon Growth Areas Review Planning Panel Hearing, that information around ground movement was known to AGL Loy Yang and the DEDJTR Technical Review Board, however Latrobe City Council were not made aware of this information until it was presented at the Planning Panel Hearing, despite attempts by Latrobe City to liaise with both organisations during the planning scheme amendment.

It is recommended that the lines of communication between the Council and the mining companies (from a land use planning perspective) be improved to ensure that issues such as this do not become commonplace.

Regardless of the fact that the mining licence extensions are able to avoid the planning permit process, there are cases when Latrobe City Council should still be made aware of all matters and changes. This awareness would enable Latrobe City Council to amend the Planning Scheme where required to respond to the changes, particularly the broader impact of the changes on the surrounding land use. Likewise, Latrobe City Council should have a better awareness of the possible and likely implications of any changes to mining licences and/or resource mining activity.

Latrobe City Council would like to play a greater role and have access to information and believes that there needs to be greater transparency into the future for the community. In the past we have found that the processes undertaken by the Earth Resources Regulation Department can be confusing and 'mystifying' not only for community but also for Latrobe City Council. For true engagement to occur, change is required in particular the community and Latrobe City Council need to have a better understanding of the processes to ensure that efforts are directed into the right elements of processes. This transparency relates not only to the level of detail and access to information, but to clearer procedures and understanding of roles and responsibilities of the department for everyone.

Council is looking forward to exploring the mechanisms and the finer detail with respect to how and when consultation processes will occur, including the level of information that will be provided publically.

**4. Earth Resources Regulations engagement methodology (page 8 of strategy). Does our methodology reflect what you think are the necessary elements for supporting engagement adequately?**

**FEEDBACK:**

The methodology provided at page 8 of the engagement strategy is sound and appears to be appropriate however; again it is going to depend on the detail, frequency and relationships that are built with the local department of Earth Resources Regulations.



The Engagement Approach talks about “...‘*involving*’ stakeholders in the regulation of our sector by engaging with them during the processes in a transparent way”

- The Engagement Strategy does not detail any ‘involving’ in regulation or the opportunity for stakeholders to influence or co-create regulation in partnership with the Department.
- The document has a strong explaining focus as opposed to a focus which gives power to stakeholders or community to assert their health and wellbeing priorities into regulation or decision making.

Latrobe City Council would also like to see that these processes are embedded into the department through legislation and regulatory changes. The adoption of these processes will provide an ideal opportunity for ongoing improvements and information sharing between not only local government and DEDJTR but with other government departments.

## **5. Earth Resources Regulations engagement objectives, priorities and actions (pages 9-13 of strategy)**

**Please tell us what you think about our priorities:**

### **i. Working with others:**

Latrobe City Council believe this objective to be commendable but would be interested to see some timeframes with respect to short, medium and long term priorities. The current actions are mainly regarding the provision of information and not actively seeking to engage and close the loop. It would be good to see commitments to responding to issues and doing reviews of the processes that are undertaken.

Whilst there seems to be much discussion about the need to engage with the community, it does not seem that there is any effort to change the processes that underpin many of the frustrations that Latrobe City Council have had in the past. This is part of working together and we believe that further work should be done to establish good processes that provide the opportunity to work together proactively and be actively engaged.

The lack of information and apparent transparency of operators does not assist with the ERR’s objective of working together. Further publicly available information will assist Latrobe City Council and the community.

One specific example is that Council believes it is important for ERR to require the publishing data relating to mine monitoring, this should also include historical information. In the past there was data that was accessible to both Council and the community with respect to ground movement around the Morwell/Hazelwood Mine which was publically available under the previous operator. This information was released annually and assisted with the community’s knowledge of the site.

Access to this information will provide Latrobe City Council and its community with more information to assist with building the communities confidence and aid transparency with major industry practices that are occurring within significant sites within Latrobe City Council.

### **ii. Realising risk-based regulation:**

Latrobe City Council believes that this priority is commendable however; access to information is a key component within the objectives that are outlined in the strategy. Being transparent and consistent in decision- making and engagement activities will require considerable moves as far as being able to access information and providing Council with an appropriate amount of time to respond to enquiries. Latrobe City Council also recommends the establishment of minimum standards for giving notice, including the provision of information on a webpage, public notice, and extent of information provided to relevant Local Governments and other agencies. The current system, in Council's opinion, is not appropriate and requires further interrogation.

It is unclear what the role of community and stakeholders is in supporting the Department to realise 'risk-based regulation'. There needs to be some clarity around who determines risk and on what scale risk is graded and if stakeholders are involved in this process. If not, the Department may wish to consider a way of empowering the community in supporting such a fundamental platform of their engagement activity.

Once again, we look forward to seeing detail on how this item is going to be addressed and welcomes the opportunity to provide further feedback on these processes.

**iii. Building resources and capability:**

Latrobe City Council maintains that there are important changes necessary to existing processes and these changes need to be made and embedded in policy and legislative changes. Until these changes occur, it remains difficult to ensure that ongoing engagement will be undertaken in a responsive and comprehensive manner.

Further to general practices relating to Community Engagement Practices, Latrobe City Council believes that community committees such the Environment Review Committee (for Loy Yang Mine) should be a process that is embedded in legislation. There need to be clear terms of reference and is a practice that should be supported by legislation to ensure that these groups have broad community support and are also represented by a local councillor. It is understood that these Committees have an important place in the practices of major industry and also provide a good opportunity to liaise with the community and should be supported by a framework that is clear and consistent across Victoria.

**6. Any other comments?**

**FEEDBACK:**

Land Use:

Whilst Latrobe City Council and the broader community understand the economic importance of the coal resource; Council advises there is a high level of sensitivity about existing and future land use conflicts as well as associated community health and safety concerns. This sensitivity was emphasised by recent events including mine batter collapses, the Hazelwood Mine fire, road subsidence and the recent AGL Loy Yang submission to Planning Scheme Amendment C87 Traralgon Growth Areas Review (which highlighted landslip and subsidence concerns resulting from open cut mining to both future and existing urban areas).

Obtaining clarity on future coal resource licensing, regulation and future works planning remains strategically important for Latrobe City. This importance has been demonstrated through Council's participation in the Supplementary Inquiry into the Traralgon Bypass, the State Government Coal Planning Provisions Review Project (since deferred), Council's position on the LV2100 report, numerous planning panels and Latrobe City's policy Positioning Latrobe for a Low Carbon Emissions Future (2010).

Council looks forward to exploring these issues more closely in the detail of the Engagement Strategy.

Health of our community:

One of the statements within the strategy states "We are focused on safeguarding the health and wellbeing of local communities and ensuring that resource developments do not pose environmental and public health risks."

- How will the Department ascertain the health and wellbeing of a local community – will it utilise the relevant Municipal Public Health and Wellbeing Plan or will it utilise the State Health and Wellbeing Plan?
- This statement fails to have an appropriate link back into the document in that it doesn't detail the process for assessing, weighing or considering those public health and wellbeing elements.
- There needs to be greater detail and linking around how the Engagement Strategy will balance the priorities of safeguarding of the health and wellbeing of local communities, v's the risk based approach, v's Victorian economy.

Council looks forward to exploring these issues more closely in the detail of the Engagement Strategy.