

# TRANSCRIPT

## LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

### Inquiry into the Health Impacts of Air Pollution in Victoria

Melbourne—Monday, 28 June 2021

*(via videoconference)*

#### MEMBERS

Ms Sonja Terpstra—Chair

Mr Clifford Hayes—Deputy Chair

Dr Matthew Bach

Ms Melina Bath

Dr Catherine Cumming

Mr Stuart Grimley

Mr Andy Meddick

Mr Cesar Melhem

Dr Samantha Ratnam

Ms Nina Taylor

#### PARTICIPATING MEMBERS

Ms Georgie Crozier

Mr David Davis

Dr Tien Kieu

Mrs Beverley McArthur

Mr Tim Quilty



**WITNESS**

Mr Steven Piasente, Chief Executive Officer, Latrobe City Council.

**The CHAIR:** I declare open the Legislative Council Environment and Planning Committee's public hearing for the Inquiry into the Health Impacts of Air Pollution in Victoria. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands we are gathered on today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings. I would also like to take the opportunity to welcome any members of the public who may be watching these proceedings via the live broadcast.

At this point I will take the opportunity to introduce the committee members to you, and of course we are all participating in these hearings today via Zoom. My name is Sonja Terpstra. I am the Chair of the Environment and Planning Committee. Also joining us via Zoom are Ms Nina Taylor, Dr Samantha Ratnam, Dr Catherine Cumming and Mr Cesar Melhem—I think that is everyone at the moment. Other members may pop in and out during the hearing.

All evidence that is taken today is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded, and you will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

If I can please just get you initially for the Hansard record to state your name and the organisation you are appearing on behalf of.

**Mr PIASENTE:** Steven Piasente, Chief Executive Officer, Latrobe City Council.

**The CHAIR:** Great, thank you. With that I will invite you to make your opening remarks. If you could just keep them to a maximum of about 10 minutes, then that will allow plenty of opportunity for committee members to ask you questions. If you have any technical difficulties, just disconnect and reconnect and perhaps use the contact that the committee secretariat staff provided you. I will also just take the opportunity to remind members to please keep your microphones on mute while witnesses are giving evidence. That will just help to minimise background noise.

All right, with all of that housekeeping out the way, over to you, and I will give you a little bit of a warning just as we approach the 10-minute spot.

**Mr PIASENTE:** Thank you. I hope I do not take anywhere near 10 minutes in terms of an introduction. Thanks again for the opportunity to present. I have spoken at a couple of inquiries before on different matters, and there are a couple of members there that I have met before, so thanks again for the opportunity. As I said before, Steven Piasente is my name. I am the CEO of Latrobe City Council. Our mayor sometimes will do these inquiries, but we have been a little bit busy recently with some events in Latrobe city, so she has handed over to me. As I said, I would like to thank you for the opportunity to respond to this inquiry at this public hearing today.

We would like to congratulate the Victorian Parliament for initiating this inquiry to examine the actions that minimise negative impacts on air pollution, particularly considering the relevance of this matter to the Latrobe city community. It is a complex matter for us in terms of emissions as well as the socio-economic impacts on Latrobe city in terms of industry particularly, so I will go a bit into that. So we do have an ongoing commitment, as I touched on before, to present at hearings such as these. And for this one in particular—obviously considering our various roles in emergency planning and management; advocacy, particularly

representing the community; and obviously as a responsible planning authority—we have an interest in this matter. There have been a couple of projects recently, or one in particular, that certainly have heightened the community's interest in these matters, and obviously in preparing our health and wellbeing plan for us it is critically important that we have good outcomes in terms of health and wellbeing also related to air quality and emissions.

So as you would all hopefully know, we are one of the state's four regional cities, located about 135 kilometres east of Melbourne. And we are home to significant heavy industries in Latrobe city, which you are obviously well aware of, I would expect. There has been a recent review of the Latrobe Valley power stations, particularly in relation to their standards for air contaminants, and it was found in the past that they have often exceeded or reached those limits. There was obviously the issuing of new licences by the EPA, but there certainly have been some questions in the past, and even more recently from council's perspective, around the role that the EPA plays, particularly in terms of air quality monitoring and how that is provided to the community particularly.

Some of those standards, you are probably aware, remain in terms of what the UK might have set for a range of industries. They probably do remain below what Europe and other countries might set—in terms of the United States and China—in terms of air quality standards, so that is something that has certainly come up as a question in the community. And as you would probably all be aware, the 2014 Hazelwood mine fire had a significant community impact in terms of poor air quality during that period. So there is certainly a heightened—I suppose that is the reason I have raised those points—concern in the community around air quality from what I have seen. I have been CEO of Latrobe city for 2½ years, but I have been at Latrobe city for six years; I joined just after the mine fire. But the ongoing impacts of that mine fire and what the community's expectations might be around the air quality have certainly been raised in my time on many occasions.

As I touched on before, major industries in Latrobe city have an impact on air quality, community health outcomes as well as socio-economic conditions through employment. They are all complex and interrelated matters, so it is something that council does take a particularly keen interest in. Particularly in relation to major industry development, our council's view is that the community's health must be taken into account, and we have seen that recently with a proposal that was raised for a used lead acid battery facility. That has been approved by the government. Council had opposed that. On that proposal you might be hearing from some other people today, I understand, that they may also have some concerns around that proposal in terms of how things will be monitored, and that is a particular concern.

In Latrobe city, you might be aware of the data, particularly in relation to health outcomes. It is probably consistent with regional Victoria typically where there are poorer health outcomes for the community than in metropolitan areas of the state, for example. Whether any of those are linked in terms of air quality is something that is a bit of a question, but there are high levels of respiratory disease in Latrobe city compared with the Victorian average, so there is some data there you are probably already aware of.

But there is a health innovation zone. I am actually on the board of that establishment, and that is working towards improving health outcomes along with all the partner agencies in Latrobe city, and certainly, as I touched on before, health outcomes in terms of air quality and emissions is something that has come up on numerous occasions. There were certainly heightened concerns in relation to that proposal for a used lead acid battery facility in Hazelwood North recently.

I think there has been certainly a very strong social licence. I have been a Gippslander all of my life and worked within the region. There has certainly been a strong social licence for industry within Latrobe city that I have seen in the past, and that narrative is probably changing a little bit in terms of some of these proposals that are coming forward. The community wants to understand, wants to know that there are going to be good economic outcomes but also wants to be reassured that the health outcomes are not going to be impacting on the community. So things like ensuring that there is appropriate air quality monitoring, appropriate controls from the EPA is something that certainly has been raised.

To be honest, council has had concerns around the Environment Protection Authority's compliance with emission standards in the past, and they have some monitoring stations. Council has participated in—you might have seen in our submission—and supported the establishment of the Latrobe Valley Information Network, which does air quality monitoring, amongst other things, and that has been used as a bit of an exemplar or a test for that company, which is a private organisation. It had support from the federal government to implement that to look at how that data might be able to be used. And we have used that data in terms of our own needs,

whether that is about some real-time monitoring. I was CEO when the Yinnar fires occurred a few years ago—2018, I think it was—and that system was used by the community to understand what was actually occurring in terms of real time as well as for the fires in East Gippsland, as an example. Some of the data discrepancies between what the EPA were reporting, because they have limited air quality monitoring, and what was in the Latrobe Valley Information Network were a little bit of a challenge. The community did use that, though, to actually understand what was happening within the community.

Obviously the Victorian Auditor-General's Office did an audit around the EPA, which I am sure you are all probably well aware of, which said that there were some things that should be prioritised, particularly oversight of high-risk operators, and that might require greater resourcing of the EPA and a better understanding from the community's perspective of the role that the EPA will play in terms of that air quality monitoring, I think. I have touched on the Latrobe Valley Information Network. The health innovation zone I have already mentioned. I have got some notes here I am scanning through to make sure I have covered things off. I sort of touched on this before—the rigorous compliance requirements in terms of reducing air pollution need support in terms of how that is to be implemented. So to touch on it, if there is a greater requirement around air quality monitoring, then having the appropriate resources to make sure that is in place in terms of real-time monitoring is something certainly the community is saying to us, as well as ensuring the EPA are adequately resourced to do their work.

That is probably enough from me in terms of an opening. I hope I did not get anywhere near 10 minutes. I will leave it at that for now, and if there are particular questions—which I am sure I will have to take on notice knowing the quality of the questions I have had from previous inquiries.

**The CHAIR:** No, that is fine. Thanks so much, Steven, for those opening remarks. Yes, we will go to questions now, and if there is anything you need to take on notice, by all means. Dr Ratnam.

**Dr RATNAM:** Thanks so much, Mr Piasente, for that presentation and also for your really considered submission. It is really important, and it is an important one for us to open this inquiry on given the ongoing concerns from the Latrobe community. There is a range of things I want to canvass, but I think we will go to a few questions and we might cover this off in a couple of rounds. Obviously you have tried to advocate for changes for a number of years now—I mean, the health quality data, the disparity between what your community faces and the rest of Victoria experiences is quite stark, and it really begs the question how we can tolerate that level of poor health outcomes for the Latrobe community. So I think it is really important that this inquiry digs deep into what can be done to improve it. So there are a couple of areas I want to talk about. In your submission you talk about continuous air quality monitoring and that being a real gap. We got this through the waste and recycling inquiry as well. Could you expand on what that would do, why you think continuous air monitoring would actually improve some of the outcomes or correct some of the disparities we are seeing?

**Mr PIASENTE:** For me it is primarily around people understanding what is actually occurring, having that knowledge. So I suppose if I use the used lead acid battery as a new proposal, for example, the community has certainly raised concerns with us about actually understanding what would actually be emitted and in real time. The other part of that was also, before the facility is developed, actually understanding what the background levels might be so they have a better understanding of the data to know whether it is having an impact longer term and people can make informed views around that. So that is I suppose one of the primary points of concern that certainly has been raised.

In the past, if we use even the recent bushfires in East Gippsland as an example, the LVIN had data coming forward, and we knew as an organisation, for example, in terms of telling the community that they should not be out and about, and even our own workers we should not be out and about, we did not have the data in real time—it was coming in delayed. So we made a decision pretty early. We knew it was poor air quality, and our staff, for example, working in the field should not be operating, and talking to the community about what it is in terms of that impact. But having delayed data and not reported in real time did not help in that circumstance. So that is, I suppose, part of the reason that I see having that in real time is important.

**Dr RATNAM:** Great. Thank you very much. You also talked about the emission standards being not comparable to what Europe and other countries have, so we have lower standards in terms of emissions and air quality. Do you have any sense or knowledge from the work you will have been doing about why we set lower standards in Victoria?

**Mr PIASENTE:** No, I have not gone into any detail around that myself. I just know in terms of the work that my teams have said, and I suppose that used lead acid battery is another example again. It is probably the

most recent and relevant for us in that what the community identified there was that our standards, although contemporary, I suppose were not at the same level as some other countries, so they were saying that we should have been updating our standards to ensure that they comply with the most up to date in the world. And that is about, I suppose, the community feeling reassured that we had the right standards as a community.

In terms of other industries, if I look at some examples that have been proposed here in the past or in recent times, the Australian Paper energy from waste proposal, which you might be aware of, did a whole heap of work in terms of engaging with the community, understanding what it is that they would be delivering as a proposal, and that proposal went through a lot more smoothly than this other one in terms of used lead acid battery in terms of a future proposal. From what they were saying and what the community felt about that, as I said, there was not that level of objection. There was a fairly high level of comfort and we have had, as I touched on before, that high level of social licence around industry development here. That particular used lead acid battery fits within the zone, but I suppose the community want to be reassured that they actually have the right standards applicable to that type of development, so having that in real time and having up-to-date standards are probably two of the major issues that came out of that.

I did not get that coming through the council as part of the energy for waste proposal. They certainly did a lot more work engaging with the community about what it actually would be that would be delivered and how they would manage that and showing that they would exceed or meet best practice across the globe. They did a lot of research around that one, whereas this proposal they did not well articulate that to the community as to what they would achieve in that respect, so that is probably the difference between those two. I would use that as an example of things that have come up recently.

**Dr RATNAM:** Thank you. I have got a few more questions but I can come back, Chair.

**The CHAIR:** Yes, we will come back around. We will have some time.

**Dr RATNAM:** Great.

**The CHAIR:** All right. Dr Cumming.

**Dr CUMMING:** Thank you, Chair. Thank you, Steven, for your presentation. You might not be aware, but in my previous role I was on the Maribyrnong City Council for 21 years and the mayor there twice—that is the Footscray and Yarraville area—and I have put up this inquiry because of my years of frustration at being on council, knowing that there are many planning applications or submissions that councils need to make, such as the West Gate Tunnel project or regional rail or anything that comes across our desks on a council, that many residents complained about the air quality or concerns around it. Even an application on a childcare centre, people always have concerns that they are on main roads and the like. So from your perspective—and I do not know how many years you have been working in the local government sector—how could the activities or the role of the EPA better support local government activities in relation to air pollution and mitigation, and what other ways could the government in all the different ministerial roles and departments better support councils in the way of air quality, such as planning or transport or the like?

**Mr PIASENTE:** Thanks for the question. It is great to see a former mayor and councillor in Parliament. I have been in local government for 25-odd years, and I suppose the question around the EPA, from my personal experience they have traditionally just been seen as a regulator and often in my experience—and I have had some experience in terms of dealing with the waste industry—they can be blunt and heavy-handed in terms of their approach, and it is the same in terms of compliance. So I suppose the approach I always like to see is, and this was part of our submission and what I was suggesting earlier, a good understanding of the data and certainly quality education and engagement with the community about standards and the role of the EPA and how they actually help people achieve. I suppose in terms of that, even within council, the approach we take is to educate the community first, negotiate for the right outcome, and then enforcement is obviously something that we have to do. I suppose that approach you do not apply to everything—you cannot educate and negotiate with somebody who is parked illegally in a parking space—but you can in a whole range of other areas in terms of compliance. From my perspective, in terms of being in local government—and traditionally that is where the EPA have been—I suppose where I would like to see them is more in that space. So initially helping with education of the community, understanding the standards, having modern and up-to-date standards, which we have touched on there in our submission, as well as real-time monitoring I think would help in terms of the

community's understanding of what it is, the challenge that the EPA face, in terms of having to deal with particularly in this instance air quality, as an example.

**Dr CUMMING:** So, Steven, would you say that over the years you have received a lot of complaints about air quality via the council or even with submissions that you received on planning, as in that is a concern that people raise on so many different levels?

**Mr PIASENTE:** Yes, I think in recent times definitely, and I suppose within Latrobe city and my experience here certainly there has been a heightened concern around those issues. I think traditionally in the past, in my career early on, it was probably not as significant a concern. I have worked previously in a coastal location. There were lots of challenges around development but not so much in terms of air quality. It was more about protection of the environment versus the need for ongoing development and affordability. So there was always that challenge. but not so much in this space or anything. Certainly at Latrobe in recent times, with some of the applications that have come forward, it has been more of a concern. In terms of the general inquiries council receives, we do not receive a lot around that. We do have a number around noise complaints and things that we do regulate but not so much in terms of air quality directly that we need to respond to.

**Dr CUMMING:** Just to jump in there, Steven, so would you get complaints around industry in your area, as in pollutants or factories—whatever—or smells that people have? Or even when it comes to wood fire, burning or 'next door is burning something'—that kind of thing?

**Mr PIASENTE:** So at the more localised within a residential setting, yes. I have dealt with a couple of those recently, where people have had complaints around air quality in relation to wood heaters or just people burning off in a residential setting. I think that is fairly well regulated now, but we still get those inquiries.

In terms of within the Latrobe city, I suppose historically there has been a really strong social licence around industry. When I first started, other than the mine fire being a major issue in terms of air quality, there had not been a lot of complaints or requests that I had seen in my space in terms of concerns around industry. But over the last few years, as I touched on, with some new developments being put forward, there is certainly an increased anxiety or a concern around 'well, what is it that this facility will deliver and what does that mean for us?'. That used lead acid battery is probably a good example. We are just going through our council plan community vision process at the moment, and I am seeing a lot more interest in that process from people in the community who might want to see a different future than what has been in the past in terms of that strong social licence around industry development and the like, so making sure that, I suppose, from council's perspective, when we do have new industry established it does meet modern, contemporary standards of air quality.

**Dr CUMMING:** So filters and things like that—like high-standard filters that would capture pollutants and those kinds of things—you would hope. I guess even with vehicles and trucks, that they are actually high quality—that they would actually capture diesel emissions and those kinds of things.

**Mr PIASENTE:** Yes, I think certainly in terms of industry development we are seeing more and more of that in terms of new applications that have come forward—that people are more concerned around that. But probably not so much in terms of vehicle emissions and the like. It probably is not something just yet that I have seen coming through as a theme for council to consider. We have had some questions around our own—obviously meeting targets in terms of emissions reductions and the types of vehicles and the like that we might operate—but not so much as a general inquiry from the community, but certainly in relation to developments.

**Dr CUMMING:** So, Steven, getting a green fleet and green trucks, garbage trucks and those kinds of things, is that your way forward?

**Mr PIASENTE:** Yes, that is already something we have been working towards. In our normal vehicle fleet we have got hybrids and we have changed the types of vehicles that we are utilising. That primarily I suppose was driven initially from an economic perspective, but with obviously the changes to government regulations and the needs for council to develop more in that space. As part of our organisation I have set up, which we did not have before, a manager, environment and waste, so his role is to now help drive that with council, so it is a bit of a change I suppose that I saw, and then we needed some resource help with that within council.

**Dr CUMMING:** Yes, a high environmental outcome for the community I guess.

**Mr PIASENTE:** Yes. Playing that lead role as a council is something that we are keen to do as an organisation.

**Dr CUMMING:** Thank you, Steven.

**The CHAIR:** Great. Mr Melhem.

**Mr MELHEM:** Thank you, Chair, and thank you, Steven, for your evidence. You mentioned earlier the standards and feedback from certain sections of the community about whether the Australian standards are up to scratch in comparison with world standards, but I do not think you referred to actual factual evidence about where we are at. Has Latrobe been able to do a bit of a comparison between our standards and specifically which countries we are comparing against? I am really interested in that. Now, I am happy for you to take that on notice because I am curious to find out where we are at, because obviously it is always an important issue and from my point of view I would like us to be at the top quartile and not the bottom quartile of standards. So basically if you are able to give us an answer now, then that would be great; if not, if you can take that on notice and get back to us, because you are in the part of the world where you have got some heavy industries and I would be interested to get your view on that.

The second part of the question: post the Yallourn fires we had a few years ago—and obviously that was probably the worst part, talking about air pollution in your region—have you been able to witness some improvement, whether it is in regulations or enforcement and how people cope? Are the standards any better? Have things improved since then? What is the council view on that?

**Mr PIASENTE:** Thanks for the question. On the first one, in terms of the standards, I will take most of it on notice, but I touched on there when we looked at Australian Paper's energy-from-waste proposal, the research they have done and the evidence they have provided to council through their planning permit process. They visited a whole range of facilities around the globe and spoke to council in making their submission on the point that they would meet the highest possible standards. Whereas when I looked at the used lead-acid battery proposal, what I was advised there was that there was certainly community concern around whether they were meeting the best standards applicable for lead emissions in the world. That is one I will take on notice—that particular one around that one. In terms of the power stations, I am not totally across that data. I will take that bit on notice as well.

In terms of the second part around the Hazelwood mine fire and whether we have seen any improvements, obviously there was the closure of the Hazelwood power station post that. In terms of what was reported around their level of emissions, you would expect obviously with that closure now there are not as much emissions coming from the power stations generally. So without actually having the ability to analyse that fully, there has certainly been commentary around the fact that having one less power station that is emitting emissions has to have had an impact in terms of improvement in the air quality in Latrobe city. We have not measured that—I have not—in terms of the exact level of detail, but I suppose that would be the expectation from the community. Obviously we face a transition journey with Yallourn being the next to close in terms of power stations, and then obviously Loy Yang A and B into the future. That—and I have spoken to previous inquiries on different topics—may have a benefit in terms of obviously reducing emissions, but I have touched on that being a complex matter for Latrobe city. It has obviously economic outcomes, so ensuring that—

And whenever we have spoken at those inquiries in the past it has been around the need to have a good plan around that and support job creation and economic outcomes into the future to ensure that this community is not disadvantaged. And we have been at the forefront obviously of providing power for the state for a very long period of time, as you would well know. There have been benefits of that in terms of employment, but that transition journey is going to be a long one. There might be improvements in air quality in terms of less pollution from those sorts of industries, but there is that complex challenge around ongoing employment. Whether there has been significant improvement in air quality just by the closure of one power station is something that I have not measured personally—I am not across the data around that—but anecdotally people have suggested that. I hope that helped answer your question.

**The CHAIR:** Okay. Great. Thank you. Ms Taylor, question.

**Ms TAYLOR:** Thank you for your contribution. I was just wondering what role you think climate change is having in exacerbating air quality. And I will say in fairness I think rural areas probably get impacted more acutely because of bushfires and hotter, drier summers. How much does council factor that in as well? I mean, I

am not dismissing all the other things because that is all highly relevant, being, as Cesar was saying, a highly industrialised area.

**Mr PIASENTE:** Yes. Council made a statement back in 2010 actually about climate change and its impacts on Latrobe City and acknowledged that there were going to be impacts. I think for me—and we have seen it with the recent storm events, which some might say are attributed to that—it is not just the heating of the area, it is the variability of the climate in terms of climate change. Whether that is increased flood events or storm events that have a severe impact or a hotter climate generally, I think it has definitely been acknowledged by council since 2010. I know some councils recently have made climate change statements or the like. Our council actually made that back in 2010 so did not feel the need to step into that space in recent times. There are things we are doing as an organisation that I touched on to ensure our impact is lessened in terms of the flow-on impacts in terms of air quality and the like. I am not quite sure the exact question you were asking me there in terms of whether the council acknowledges that there are impacts from that in terms of climate change. Is that what it was?

**Ms TAYLOR:** Look, that was a good response. I like that because it was nice and broad and canvassed the various mechanisms or the manner in which climate change is impacting you directly. So, thank you.

**Mr PIASENTE:** Yes, it is not just one thing, and I do not think it will be. As a council it is in the legislation in terms of how we will need to respond to that and do what we can. And I think showing the community the things that we are doing is something we can improve on, because we have been doing that for while.

**Ms TAYLOR:** Excellent. Good on you. Thanks.

**The CHAIR:** I see Ms Bath has joined us. Ms Bath, question?

**Ms BATH:** Thank you, Chair, and apologies for being late. The South Gippsland Strzelecki Highway still actually has some roads subsiding, so I was stuck on the end of a traffic light for a little while there. So apologies. Hello, Steven, and thank you for your tremendous work that you do in the Latrobe City Council as a very, very capable CEO. I think the council certainly does very well under your guidance and leadership. You did reference the ULAB—used lead acid batteries—smelter, the secondary smelter, and certainly from my point of view it has been the most divisive issue in terms of air pollution and pollution in general coming to my office in the last 12 to 18 months. Some of the constituents, naturally, are from Hazelwood North, and with the school being 1.7 kilometres away, as the crow flies, from the proposed site, there are concerns from parents whose children go to that school or who have bought in the area with the idea of living there long term. Some of their concerns relate to the fact that the proponent, Chunxing, did a self-assessment on the works and the potential pollution from that. They actually went back to their Chinese-based factory and then did a proportionality assessment and said that all should be well. And that really is not acceptable for many of my constituents there. I called for an environment effects statement with the government, and Minister Wynne rejected that. I would like to first of all—I have got a few questions—understand whether the council would be in favour of or accept or be agreeable to an environment effects statement going on. What is the council's position on that?

**Mr PIASENTE:** I just cannot recall whether council had asked for that. I suppose council had said obviously that this was a decision, as you well know, Ms Bath, that the council had opposed and that the minister stepped in and made—over the Christmas break, I might add. We were advised in early January, and so when council was aware of that, as it basically had formed the position previously that it opposed the application, we did write to the government asking the minister to reverse the decision. I need to take on notice whether we actually asked for an EES or not, but we certainly had said to the minister that it was not the right decision, this community had opposed it and the council had, and that it should be reversed.

**Ms BATH:** And from your position at the moment council would not be against an environment effects statement or not support any investigation thereof?

**Mr PIASENTE:** No, I would not have thought so. Like I said, if we had not made that decision—I do not think we have; I will as I said take that on notice in terms of an EES. The council had opposed the application. It is a bit of a difficult one now, because we become the planning authority. So once the minister makes the decision as well, we have got officers who will now need to ensure that whatever is put forward complies with the planning permit conditions. But as for a council decision, as I said, the council had opposed it and continues to oppose it. If my mayor was here, she would certainly push that perspective in terms of having opposed the

application and being, as I said, again, disappointed that the minister stepped in and has not agreed to reverse the decision that council thought was the right one in terms of opposing the application.

**Ms BATH:** Thanks, Steven. I guess the other comment, and I am sure that you have heard this, is that the community of the Latrobe Valley in general are certainly not opposed to new jobs and sustainable jobs. They are concerned about the environmental outcomes of this particular industry. And, yes, it is in a planning zone, so noting that it is also enabled through that planning zone. But, as I said, there are many in the community that are highly concerned about it being 1.7 kilometres away from a primary school and about the lack of, I guess, rigorous oversight on emissions from the lead smelter.

Some of my questions relate to the EPA. There was a twofold process—the EPA had to give an approval and then council. The EPA did give approval, and I have attended many meetings, one particular one in Churchill where they went through quite a complex process of speaking with the community and then asking questions, raising all their different nuances and concerns, but many in the community feel that the EPA really did not respond to the fine-grain level that community would have confidence from. Your interactions with the EPA are entirely professional et cetera, but is that something that council is aware of as well? And what, you know, is your position in relation to my concerns there?

**Mr PIASENTE:** Yes, we might have touched on this before you joined. In terms of the community understanding what the standards are and the EPA's role in terms of helping educate the community around that, there was certainly concern in relation to that proposal. But there has been in the past in relation to others in terms of the role of the EPA from a council perspective. Obviously there has been a change in the Act, which is rolling out from this week, I think, or later on, in terms of an update of their process. From my perspective having worked—I touched on this earlier—with the EPA as the regulator, that is how they have traditionally been seen from my experience: as more the regulator. Whereas I think they certainly have a significant role in terms of educating the community in understanding what the appropriate standards are.

In this instance—in terms of that proposal you touched on there, the used lead-acid battery—council had asked for some understanding of the background levels of lead in the environment and then for ongoing real-time air-quality monitoring of lead in relation to into the future when that proposal, if it does proceed, becomes a reality. And so certainly from council's perspective we have made a number of inquiries to the EPA in the past about things that they might do or the things that council would like to see. There have certainly been questions asked by councillors and the community about how they go about their role in terms of setting standards—that example of the used lead acid battery, is it the most up-to-date standard that should apply to that type of facility?—and also questions around how proposals like that are assessed. I used the example earlier of the work that Australian Paper did in terms of really good engagement with the community about what they were proposing and how they went about it as compared to this proposal, the used lead acid one, where there was not that piece of work done. So the community—rightly, I think—had serious questions about its approval, as did council, and it ended up not supporting it.

**Ms BATH:** Thank you. Thanks, Chair. If I can have a final one, you raised the Opal—as we now call it—energy from waste operations. I would concur, as someone sitting in the Latrobe Valley, that the difference is absolutely marked in terms of the interface with the community, the conversations, the step-by-step planning, bringing the community along and sharing all of the science behind their decisions on the outfall and the like. I think it was totally contrasting to the current proposal for the ULAB. Again, we need jobs in the valley, and to my mind, Steven, the energy from waste is fantastic. It has short-term and long-term expansion of jobs in the valley. From your perspective, or council's perspective, on the emissions from that—if we are talking about air quality in this particular inquiry—you are confident that anything from energy from waste and Opal is certainly within healthy realms based on your knowledge.

**Mr PIASENTE:** I suppose council's role in that was to consider a planning application. There were no objections to that planning application. It was assessed internally by our staff and approved under delegation. To me, that shows that there was a really strong process of engagement with the community about what was proposed, and it was authorised through that process—as compared to the other example of the used lead acid battery, which had a significantly different outcome from council's perspective. Obviously it was ultimately approved, but there were still questions. There were a couple of reports that went up subsequent to that issue being approved by the minister for council to consider, and it has had a significant ongoing impact, I think, on the community. One of the things I have said to the councillors and also to my staff and others is that the

biggest impact the approval of that proposal has had is ongoing concern from some in the community about the role of government in stepping in and making a decision when there was certainly concern around that. That I think also flows on to concern around the role of the EPA having approved it through the EPA works approval process. There are still question marks on behalf of the community about, 'Why would they approve that when council opposed it?', as an example. So it certainly has not helped in terms of the community having confidence in government decisions in that example.

**Ms BATH:** Chair, thank you. We want a healthy environment down here, we want jobs and we want people to feel confident that any regulator is able to monitor and make sure that we are living in a healthy environment. We need government to make those decisions too, Steven.

**The CHAIR:** All right. Thanks, Ms Bath. I will just have a question if I can, and I note that we will have some time to come back around. Steven, if I could summarise just briefly what you were saying. In terms of your evidence you were saying there are broad levels of support for heavy industry in the valley. That does not mean everyone is in favour of it, because they have health concerns, but as Ms Bath was saying, it leads to jobs—secure jobs, good jobs—and those sorts of things, so it is good that the community see the benefits, I guess, of having heavy industry. But I take it from what you were saying that the difference in approaches has led to, I guess, higher levels of confidence that people might have in outcomes. You were talking about the Australian Paper example, where it seemed like they did a lot of work to bring the community with them, and certainly then you were talking about the Chunxing example. If you could wave a magic wand, what do you think government could do to assist? As you said, you are the planning authority there at Latrobe. If someone is going to make an application for a factory or a house or whatever, you are the planning authority. So what do you think governments could do to assist you as the planning authority to bring the community with them and to sort of quell concerns around air pollution or levels of emissions that are in the air? Do you think that the state government could work more closely with councils as a planning authority, or do you think you should take the leadership role—meaning you as a council, the planning authority? Can you speak to that?

**Mr PIASENTE:** Yes. I do think that the sorts of proposals that I do see that are well supported by the community are typically those ones where there has been a high level of engagement and a good conversation with the community and with councils about the proposal. I use the Chunxing proposal: when they first came to council we encouraged them to get some support and assistance, whether that was from them themselves employing somebody to help them with that process or whether that was with government support.

Traditionally I suppose I have seen that there would be particular types of industry that would have been proposed to be located in the Latrobe Valley because of the land use zonings for Latrobe city particularly and that government—I am not saying government ministers but the bureaucracy of government—would have thought, 'This is a good proposal for Latrobe city'. I think if that same approach continued to be taken, there might be questions from the community—without great support is, I suppose, what I am saying—in terms of education and understanding of proposals and also around the sorts of emissions and the like that would be proposed from those developments. Unless there is a really good understanding of those and a really rigorous process for evaluation and it is well tested and the community can have confidence that it will be a good outcome both environmentally and economically for jobs, without that support to help the community through that process, then I think we are going to see potentially some more of these proposals come forward and the community saying, 'Well, hang on'. And some of that is around that heightened concern around, 'Well, the government has stepped in and made a decision around this one. What's stopping them from doing it again?'.

So I think without having a really good process to understand all of the impacts and what is proposed and bringing the community along, as Ms Bath said earlier, then that is the risk that I see. So I think support from government might come in the form of supporting developers in terms of the types of applications that come forward in Latrobe city—supporting them or encouraging them—or guidelines around the sorts of things that they should do prior to lodging an application to council in terms of helping the community understand their proposal.

**The CHAIR:** And do you think that the onus for that though should lie on the proponent of the application to make that case? How would that actually look in practice?

**Mr PIASENTE:** As I was saying, there might be some better guidelines about some standards or an approach to how you would actually best engage with the community around those proposals. You need to meet minimum requirements to lodge a planning application, but that is really the technical aspect. It is not actually helping the community, from my perspective, fully understand what the proposal is and what the

standards might be and engaging with them around that. You often get applications from technical experts. They might know their field and they might know their application, but they are not necessarily experts in that community engagement, helping the community to understand their proposal. So that is I suppose a variation that I see that certainly has helped—and I use the Opal Australian Paper proposal. They did it really well. If you look at the ULAB one, they did not, from my perspective—and we did encourage them to do that. It was left to them, and we tried providing with them support. But I think some better guidance around that might be useful; that is what I am suggesting.

**The CHAIR:** Sure. The other point that I think stood out to me was that the community really appreciates having information available to them on air quality in real time. Are you able to just explain to us what is available to people who live in the valley there—how they can access information in real time? There are some apps and things like that. The EPA does have some ability to access real-time information. But if there is some information available in real time, do you think it needs to be better? Or is there none? And how should it look? Can you unpack that, please?

**Mr PIASENTE:** So in terms of the Latrobe Valley Information Network that exists, there is an app. I have got on my phone; we pushed it out to most of our staff in terms of the organisation. Attentis is the name of the app I think, and so you can see there air quality, things like—

**The CHAIR:** Sorry, what was the name of it again?

**Mr PIASENTE:** It is the Latrobe Valley Information Network. I think it is called Attentis.

**The CHAIR:** Thank you. That will help Hansard.

**Mr PIASENTE:** There is an app you can download. You can see things like air quality: PM2.5 I think it is. And there is a whole list of things, but wind speed, direction, as an example; particulates. There is a whole range of other ones on there. That system was set up in Latrobe city with funding from the federal government and that organisation as an exemplar of what could actually exist across the state and the globe. I think they propose to use it around the world.

**The CHAIR:** How does that differ to, say, what the EPA can provide?

**Mr PIASENTE:** You can get on there; I have got the app open now. You can get on there and you can see what is actually happening right now in terms of what is coming up, whereas the EPA ones are at intervals. Even the recent flood that we had—we had a community meeting with the SES. We contribute towards a water reporting system, so that data actually comes to council, goes into our system and gets sent off to the Bureau of Meteorology as an example and then comes back to the SES, so it is not real time. You need to wait for that all to be checked off and so on—understanding there are complexities with having things in real time in terms of having the right systems and obviously having controls in place. But I think in this day and age, as you would probably well know—I found this when the power went out during that storm; I was offline for, like, 12 hours and it was the end of the world, I could not connect with anybody—people want to have that information in real time, access to that sort of information just in terms of understanding what is occurring. So that Attentis network, or the Latrobe Valley Information Network, is something you can look up right now. You can see what is happening, whereas the EPA systems and the other systems of the world, they are reported at intervals. I do not know the exact interval they are reported at, but you can go on there and see what it was 15 minutes ago or an hour ago or whatever it was, whereas the alternative is that one in real time—seeing it right now.

**The CHAIR:** Yes, there are some apps around that do the same thing I think in different areas, but what you are saying is you think that the EPA stuff is not real time or as quickly updated as that network.

**Mr PIASENTE:** Yes. Some of it might be just around expectation. As you know, people expect to have access to all that information straightaway, but some of it also is in terms of helping inform the community as to what is happening at that particular point in time. So I use the fires as an example, back in 2018—different example. But in terms of what was actually happening, people could get on and see where the wind direction was coming from and understand over time, ‘Is it coming towards us or going away from us?’. Nowadays people have a higher level of confidence that things might be passing as compared to just wondering and waiting, ‘What’s it going to be like?’.

**The CHAIR:** Just one final question from me, if I can, before I ask others if they have got their second round: what actions can council take as the planning authority down there to try and improve air quality—the things that are available to council within your remit? What sorts of things can you do, and have you done, to help improve air quality locally?

**Mr PIASENTE:** I suppose through our own actions in terms of the things that we are doing in terms of reducing emissions generally, so some of that relates to our fleet that I touched on. But other than that, helping advocate for improvements around air quality, whether that is through submissions like this or in terms of any other processes like that. That is probably the extent of it. Educating the community around what is available; for example, the Latrobe Valley Information Network—we have been promoting that. It is on our website. You can get a link to it in terms of understanding what is happening in more up-to-date, real time. So they are probably the primary things that council might be doing—and obviously applying the planning scheme in terms of what the regulations require, but all based around those standards.

**The CHAIR:** Sure. Okay, great. Thanks very much. All right. We will see if any other members have got a second round of questions. I will go to Dr Ratnam first.

**Dr RATNAM:** Thanks very much, Chair. Just as a follow on around the EPA questions, you mentioned, Steven, in your opening presentation about lack of equipment—potentially them having a lack of equipment. Have you all enquired at the EPA why they are not able to use that real-time monitoring and some of the standards, for example—why they are different, Victoria, compared to the rest world? Have you all got a straight answer from the EPA themselves? We are just trying to find out where the issue is. Is it resourcing on the ground? Is it the policy framework that governs them? So any insights would be really helpful for us.

**Mr PIASENTE:** It is only anecdotally, based on some conversations: I think it is sometimes around the resourcing. For example, council had asked for the Chunxing used-lead acid battery proposal and had put forward a motion at a council meeting in terms of having that understanding of background lead levels and also real-time monitoring. And it often falls back to, ‘Well, this is what the current standard is, and this is how our approach should be rolled out from the EPA’—that is what I hear. And I have seen in terms of other proposals that they haven’t had the ability to respond to things—I think sometimes it has been around a lack of resources.

**Dr RATNAM:** Okay. Great. And one final question. You were talking about the waste-to-energy plant, the incineration plant, and the Australian Paper kind of process versus the lead battery recycling plant. I just want to go back to the waste incineration proposal and just some concerns during our inquiry into waste and recycling. Certainly there was evidence provided about potentially the air pollution impacts of the emissions from waste incineration—for example, particularly nitrogen oxide, sulphur dioxide, particulate matter. Because our standards clearly allow for much higher air pollution, as you have alluded to—I think it is around 11 times more that Australia permits, for example, for sulphur dioxide than World Health Organization standards—are you confident that you are not going to have the community exposed to more air pollutants with proposals like that despite you saying that the process was more collaborative with the community?

**Mr PIASENTE:** I think the council, as I said, have a level of confidence around that particular proposal in comparison to others, and that came from, as you touched on, the sort of process that that implemented and regular updates and an ability for council to inquire of them as to what was proposed. So I suppose ultimately knowing a company like them—we have worked alongside Opal for quite some time, and the council has been supported—and knowing their approach, if there were particular concerns raised with us as a council, I am sure that council would seek to have that conversation with Opal and address those concerns.

**Dr RATNAM:** Great. Thank you. It is probably one that will have to be watched as it rolls out, because one of the concerning things we heard was that what the company have based their proposal on are international examples where the air monitoring quality of data has not been very good, so they have been able to make assertions that it has not added to air pollution, but the monitoring was not there. I would hate for the Latrobe Valley to be exposed to more air pollutants through a proposal like that, but it might be one to watch, so you can take that as a comment. Thanks very much. I really appreciate your responses today and being here.

**The CHAIR:** Great. Dr Cumming. And just to let you know, we will have to finish this session at 10.45, so we have only got a few minutes left, okay? Dr Cumming.

**Dr CUMMING:** Thank you, Chair. And, Chair, thank you for your line of questioning before, because that was really good. A couple of things that came out of the answer that you gave the Chair earlier I would love to

know, one being: would you actually provide the inquiry more information about the system that you spoke about, the federal system? Because I would love to know how long that system has been used in Latrobe, the system that you mentioned that the feds gave you funding for. Secondly also too, and this is a yes/no answer, do you believe that the government or the minister should actually provide an environment effects statement in relation to the battery lead smelter? Seeing that you voiced that you have had issues trying to get that information, do you believe that that should be provided to you as a matter of urgency? And my third question is, and it is from the Chair and her line of questioning just earlier: how could the air quality regulatory framework be better integrated with local government processes and responsibilities in this area? In other words, if you could change things, what would you actually change in the way of a process or an integration? Seeing that we have only got 5 minutes, for a lot of these answers feel free to actually put in a further submission to the inquiry—and around any other answers to any of these questions that we have raised today—because all of this will inform us when we do our report.

**Mr PIASENTE:** No worries. Thank you. I will start with the last question, I think, in terms of one we will take on notice. We often get with applications where there is an EES required and a planning approval questions that come to us that actually relate to what the EPA might be required to assess and the other way around, so there might be something in that in terms of a better process around how those things—

**Dr CUMMING:** Or maybe a better process in the way of planning that would actually support the community, because obviously they have expectations of air quality when it comes to planning. You know what I mean, that there is something attached—rather than you have got your health officers and you have got your planning department and then you have got the EPA—somehow to actually make that process a bit easier or better, or the planning minister writes something up, rather than it sitting in the environmental portfolio. You know what I mean, Steven?

**Mr PIASENTE:** Yes. That is something that I will talk to the team about and take on notice and get back to you. There have been some examples where for some of the most recent ones that has been a little bit complex for the community to understand, and even for our role: what are the things that we have to consider that people are raising with us as compared to what should be something that the EPA needs to consider in that example? What fits in the planning scheme and what does not?

In terms of the second question around the EES, I just need to go back, as I said earlier, and check the council's decisions around that. There might have been something the council had asked for, I just cannot recall. There have been a few decisions around that matter that we have had to dispute.

**Dr CUMMING:** Maybe I will just ask on your behalf for that actual statement in this inquiry, because I would like that information as part of this inquiry.

**Mr PIASENTE:** Is the question whether I personally think an EES should—

**Dr CUMMING:** No, no, no. No, like I said, I will not put you on the spot, Steven. I understand council processes and you would want to check off with your councillors, but I am saying because you have raised this in this inquiry, I would like to see the environment effects statement. I as a member of Parliament would love to see that for my own knowledge or on behalf of your community.

**Mr PIASENTE:** All right. Thank you. Sorry, I did not quite get your question. I will take that one on notice. The first one was about the Latrobe Valley Information Network, so we can certainly provide more information. I think there was some in our submission. It is actually a private company, Attentis, who have implemented that. They got federal funding support and they got our support. Things that we do are we have provided some land for them to put some of their assets on, so they have monitoring stations, for example, on some of our land and we have helped support and promote that. So that from council's perspective has been something that we have been wholly supportive of since it started.

**Dr CUMMING:** Steven, in the way of software, because you were obviously speaking so highly of it, how long has the community been able to use that app? Obviously I would love you to provide further information about it because that might be something that we could have a recommendation for the EPA to pick up.

**The CHAIR:** Sorry, I will just interrupt you. We have got 2 minutes left for this session so we may run out of time.

**Dr CUMMING:** Sorry.

**The CHAIR:** No, that is okay. Steven, please feel free to provide any answers to this on notice as well. I know other committee members may well have second rounds of questions as well. We are going to have to wrap this up, but if anyone does have any questions please send them through to the secretariat so that we can get them through to you, Steven. Was there anything you wanted to say, Steven, just in the last 2 minutes before we wrap this up?

**Mr PIASENTE:** No, just thanks again for the opportunity for presenting.

**The CHAIR:** No worries. Thank you very much for your evidence today and your submission. It was a very fulsome submission, so lots of questions that I had you have answered in your presentation and overview. I would just like to thank you very much for providing your evidence today.

**Witness withdrew.**