

Preparing an EES consultation Plan

The environmental assessment process for projects subject to the *Environment Effects Act 1978* (the 'Act') is set out in the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (the 'Guidelines').

Consultation is a key aspect of the environment assessment process in Victoria. It helps build understanding around the issues and implications of projects, and enables stakeholders' knowledge and views to be considered in both project planning and formal decision-making. Consultation during the Environment Effects Statement (EES) process encompasses both:

- informal consultation by the proponent with stakeholders during EES investigations to assist the development of a sound EES, and
- formal opportunities for public input into both the scoping requirements for an EES and the review of an exhibited EES.

As part of the preparation of an EES in accordance with the Guidelines, the project proponent is responsible for keeping the public informed and consulting with all relevant stakeholders.

This responsibility is to be planned for and implemented through an **EES Consultation Plan**.

A Consultation Plan may also be prepared voluntarily for other major projects subject to an alternative tailored or focused environmental assessment process.

This Advisory Note builds upon the Guidelines by providing information to proponents on what to consider when preparing an EES Consultation Plan.

What is an EES Consultation Plan?

An EES Consultation Plan sets out the measures a project proponent will undertake to inform the public and obtain input from stakeholders in preparing their EES. It provides a framework for action and accountability.

An EES Consultation Plan should clearly document how the proponent will:

- inform** the public about their proposed project and

program of EES studies

- seek** targeted input from stakeholders during the preparation of the EES to identify issues of potential concern, obtain local knowledge on existing conditions, understand perceptions of potential effects, and gain feedback on measures that might provide reasonable responses to stakeholder concerns (including potential refinement to the proposal)

- respond** to stakeholder input.

The choice of particular consultation activities or methods, and the timing and extent of their use, should be tailored to the circumstances of the project

What is the process for developing an EES Consultation Plan?

The EES Consultation Plan is not intended to follow a highly prescriptive format or approach, or to limit the consultation that is undertaken. Consultation needs will typically evolve, and the Consultation Plan is able to be modified throughout the EES process to respond to changing stakeholder needs.

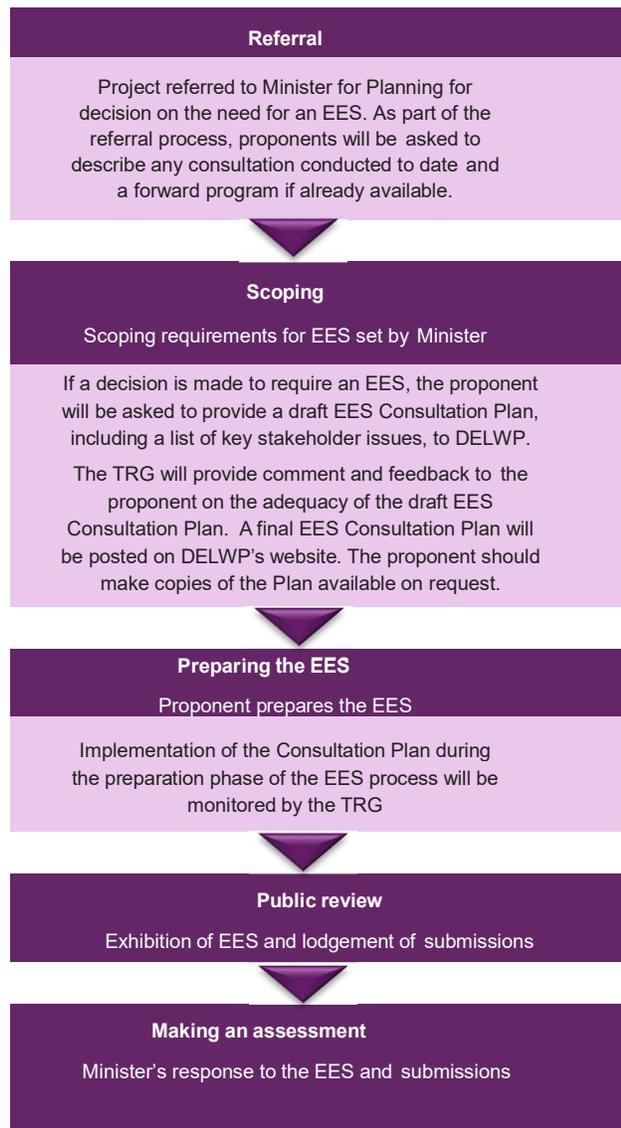
Ideally, the proponent should begin consulting with stakeholders during preliminary studies, prior to the referral of a project for a decision on whether an EES is required. Early consultation will assist in the development of a well-conceived project concept and program for further studies.

The draft EES Consultation Plan should be prepared in conjunction with the proponent's draft study program to assist in identifying issues warranting investigation and framing study methodologies that provide opportunities for targeted stakeholder input where appropriate.

A Technical Reference Group (TRG), convened by the Department of Environment, Land, Water and Planning (DELWP) with membership drawn from government agencies, local government and regional authorities, will usually be appointed to provide advice to the proponent on preparing an EES, including the design and implementation of an EES Consultation Plan.

DELWP will consider the views of the TRG when advising the proponent on refining the Plan to a suitable standard. DELWP will publish the final EES Consultation Plan on its website once it is satisfied that the Plan will provide for effective consultation throughout the EES process.

The process for developing an EES Consultation Plan, in relation to the overall EES process, is illustrated below.



What needs to be included in an EES Consultation Plan?

The EES Consultation Plan should incorporate the following elements.

1: Stakeholder identification

Accurate **identification** of stakeholders is fundamental to the development of an effective Consultation Plan. Proponents must understand who they are trying to reach through their consultation activities and how these stakeholders are most likely to access and understand the information presented.

Identification of stakeholder groups for consultation should take account of:

- ✦ the uses and values of the environment for different stakeholders
- ✦ the potential effects of the project on stakeholder interests
- ✦ the extent to which stakeholder interests are represented by organised groups.

Who are stakeholders?

Stakeholders include all parties who are either affected by or have an interest in a project.

Examples of potentially relevant stakeholder groups include:

- ✦ local residents, landholders and businesses;
- ✦ regional and seasonal communities;
- ✦ residents or communities along ancillary infrastructure or transport routes;
- ✦ local and peak environmental, recreational and industry groups;
- ✦ indigenous communities and organisations;
- ✦ local, state and federal government agencies and authorities.

Consultation efforts can focus on individual households, organisations or representatives of particular interests that might be significantly affected by a project, though reasonable effort should also be made to inform and invite input from other

stakeholders that may be affected to a less significant degree.

2: Stakeholder analysis

Once identified, **analysis** of stakeholders should be undertaken to better understand the character, interests, and consultation needs of different stakeholder groups, in order to establish the most appropriate mechanisms for consultation.

Consideration should be given to:

- ✦ cultural or other social factors that may impede the participation of some groups potentially affected by a project (where appropriate, proponents should provide summary information in languages other than English and provide suitable opportunities for input);
- ✦ the ability of stakeholders to access information and their willingness to engage in different forms of consultation; and
- ✦ the level of interest in, and potential contribution to, particular EES studies from individuals or groups.

The draft Plan should be accompanied by a preliminary list of stakeholder issues, identifying concerns of stakeholder groupings that relate to possible project effects. This list will provide a tangible context for evaluating the adequacy of the draft Plan, having regard to the nature, breadth and strength of issues or concerns.

3: Consultation methods and schedule of activities

There are a range of methods for consultation, from those that require little or no dialogue with a focus on providing broad information, through to structured interviews and methods involving active discussion and negotiation.

In most cases, a mix of consultation methods will be needed to effectively engage with the spectrum of stakeholders interested in the EES process, with a balance between consultation from specialist consultants or project managers and opportunities for stakeholders to engage with the actual project proponent.

The level of interaction offered should reflect both the level of stakeholder interest and the needs of the proponent in examining the implications and acceptability of different project elements, aspects or options.

Consultation activities detailed in the Plan should differentiate between the focussed input that might be sought from individuals, organisations or social sectors with particular knowledge as part of specialist EES studies (to obtain local knowledge on existing conditions or views regarding potential effects), and broad community engagement activities that seeks to inform the community more generally. The purpose of each activity should be made clear to avoid creating expectations around a level of interaction that is not intended, or is able, to be satisfied.

It is important the commitments given to conduct particular engagement activities in the Plan are met. Speculative activities should not be included unless clearly identified as contingencies only.

Increasing level of interaction¹ →

	Inform	Consult	Involve
Aim	To provide information about the proposal and assist the public to understand implications	To seek feedback from stakeholders on aspects of the proposal and any alternatives or options and respond to comments on proposals and alternatives	To discuss the proposal with key stakeholders and work with them to address their concerns
Tools	<ul style="list-style-type: none"> Fact sheets Information hotline Newspaper inserts Public exhibits or displays Website 	<ul style="list-style-type: none"> Field trips Open house Preliminary options studies Public briefings Surveys and questionnaires 	<ul style="list-style-type: none"> Public workshops Community Reference Group Focus groups Key stakeholder interviews Mediation processes Meet the experts/consultants

4: Recording, monitoring and reporting

The EES Consultation Plan should outline of how inputs from stakeholders will be recorded, considered and/or addressed in the preparation of the EES and supporting technical studies, and how this will be reported to the TRG. While it is not the specific purpose of an EES Consultation Plan to facilitate agreement between the proponent and stakeholders on particular issues, it will be in the interest of the proponent to respond positively to stakeholders' inputs where these have a sound basis.

A program for evaluating stakeholder involvement should also be included to enable improvements to the Plan to be made as the project progresses.

Need further information?

Further information about the *Environment Effects Act 1978* and the Ministerial Guidelines is available at https://www.planning.vic.gov.au/#environmental_assessment.

'Community Engagement Guidelines for Mining and Mineral Exploration in Victoria' at <http://earthresources.vic.gov.au/earth-resources-regulation/licensing-and-approvals/minerals/guidelines-and-codes-of-practice/community-engagement-guidelines-for-mining-and-mineral-exploration>.

¹ Adapted from IAP2 Public Participation Spectrum

Consultation checklist for proponents

Provided at referral stage

- Information about any stakeholder consultation conducted to date; and
- Draft Consultation Plan if available.

Provided in EES Consultation Plan

- Identification of key stakeholders
- Analysis of stakeholders, including a listing of key interests and issues
- Description of consultation methods to be used, including (a) broad activities for the project as a whole; and (b) targeted activities to inform specific technical studies
- Outline of how inputs from stakeholders will be recorded and addressed
- Proposed timing/sequence of consultation activities

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