

## Latrobe Valley Mine Rehabilitation Advisory Committee

### MEETING #14 MINUTES (WITH CONFIDENTIAL INFORMATION REDACTED)

THURSDAY 13 JUNE 2019

NAMBUR WARIGA ROOM, LATROBE CITY COUNCIL  
HEADQUARTERS, 141 COMMERCIAL ROAD, MORWELL VIC  
3840

#### ATTENDEES

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**Ms Susan Lloyd (Chairperson)**, Latrobe Valley community  
**Mr Roland Davies**, Latrobe Valley community  
**Mr Ron Mether**, Latrobe Valley mine operators (EnergyAustralia Yallourn)  
**Ms Sarah Gilbert**, Latrobe Valley mine operators (AGL Loy Yang)  
**Mr Angelo Saridis**, Gippsland Water  
**Ms Gail Gatt**, Latrobe City Council  
**Mr Terry Flynn**, Southern Rural Water  
**Mr Trevor Williams**, Gippsland Trades and Labour Council  
**Ms Jane Burton**, Department of Jobs, Precincts and Regions (DJPR)  
**Mr Anthony Feigl**, Department of Jobs, Precincts and Regions (DJPR)  
**Ms Anna May**, Department of Environment, Land, Water and Planning (DELWP)  
**Mr Alan Freitag**, Department of Environment, Land, Water and Planning (DELWP)  
**Emeritus Professor Rae Mackay (observer)**, Latrobe Valley Mine Rehabilitation Commissioner

#### APOLOGIES

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**Mr Troy McDonald**, Aboriginal community  
**Cr Graeme Middlemiss**, Latrobe City Council  
**Mr James Faithful**, Latrobe Valley mine operators (ENGIE Hazelwood)

#### GUESTS

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**Mr Daniel Miller**, General Manager On Country, Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)  
**Mr Mick Maguire**, The Primary Agency  
**Ms Margie Read Flavell**, The Primary Agency

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Agenda Item	Minutes
1	<p><b>Local Aboriginal views regarding mine rehabilitation</b></p> <p><i>Delivered by: Daniel Miller, General Manager On Country, Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)</i></p> <p>This presentation provided an overview of local Aboriginal community views regarding mine rehabilitation.</p> <ul style="list-style-type: none"> <li>The Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) wishes to be included in detailed land use planning regarding mine rehabilitation as early as possible.</li> <li>GLaWAC will be looking closely at how mine rehabilitation planning aligns with GLaWAC's <i>Whole of Country Plan</i>, particularly the goals related to healing of country.</li> <li>Water rights are a key issue of interest to GLaWAC.</li> <li>GLaWAC works to 'link' all components of country – linking all these components together is an important issue for local Traditional Owners.</li> <li>GLaWAC is a developing corporation (it's only a few years out of administration). A new leadership team has been appointed and is looking to other organisations to support it in being helpful when it comes to contributing to mine rehabilitation planning work.</li> <li>Some Traditional Owner groups have land use activity or natural resource agreements in place with other relevant parties. GLaWAC does not have these.</li> <li>There are a number of legislative instruments and strategic plans that support Traditional Owners and the work of organisations like GLaWAC. At times, these instruments challenge the ways that Traditional Owners can work towards self-determination.</li> <li>How can the Committee can maximise collaboration with GLaWAC on mine rehabilitation planning issues? Working with Troy McDonald through the Latrobe Valley Mine Rehabilitation Advisory Committee is a good start. The Aboriginal cultural water studies being funded by the Department of Environment, Land, Water and Planning (DELWP) are also helpful. DELWP's Aboriginal Water Unit is working closely with GLaWAC as part of this work.</li> <li>DELWP's Aboriginal Water Unit is also funding an initiative to support connection to culture beyond the dreamtime story. There's lots of stigma associated with being an Aboriginal person and taking time to get people to understand and connect with their cultural heritage is very important.</li> <li>ENGIE is registering a number of artefact finds as part of its mine rehabilitation and closure planning.</li> <li>GLaWAC has also recently employed an archaeologist to help with a cultural mapping project. This work will build up an important database of what's important to local Aboriginal people across the region.</li> <li>How can the mine operators increase their engagement with GLaWAC? Rather than regular meetings, mine operators should look to engage with GLaWAC at key points so that time is focussed and of most value.</li> <li>Organisations and individuals looking to engage with GLaWAC also need to be aware of "pacing" of the issue. Building a trusting relationship with the local Aboriginal people takes time.</li> <li>What is GLaWAC's role in developing mine rehabilitation plans? GLaWAC is seeking to ensure there is appropriate protection for the land that remains surrounding the mine, noting that "what's lost is lost" in relation to the actual mine void.</li> <li>GLaWAC represents the Gunaikurnai people. There are a number of other organisations across the region that provide support more generally to Aboriginal people in specific areas.</li> <li>Given the long timeframe associated with mine rehabilitation it will be important for ongoing engagement with GLaWAC throughout the mine rehabilitation planning process and beyond the life of the preparation of the LVRRS.</li> <li>When planning engagement with the local Aboriginal community, Daniel Miller advised organisations and member not to overthink this – give GLaWAC a call and test the idea or issue with them. Importantly, never underestimate the importance of relationships.</li> <li>Regarding the use of water for mine rehabilitation, a key interest for GLaWAC is what this might mean for the rest of the water system in Gippsland. Traditional Owners are "system thinkers".</li> <li>Visual aids are particularly important for GLaWAC, particularly when it comes to engaging with its Mobs. Organisations</li> </ul>

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should consider how they present information to GLaWAC.

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### 2 LVMRAC member aspirations for the final 12 months and member feedback

*Delivered by: Susan Lloyd, Chairperson Latrobe Valley Mine Rehabilitation Advisory Committee*

The Chairperson has recently met individually with members of the Committee to understand their aspirations for the remaining 12 months of member's current appointment terms.

- Member's appointments are due to expire at the end of June 2020.
- Clarity of roles regarding mine rehabilitation is important, particularly clarity regarding the role of the Committee when it comes to the finalisation of the LVRRS.
- There's a large number of scientific reports that have been presented to the Committee. Not all members have the capacity to understand these. Each member brings a different perspective and a different lens to Committee discussions. This is one of the benefits of the Committee's varied membership.
- A key issue for the Committee is in understanding the negotiables and non-negotiables for community engagement (i.e. what is it that the community has the opportunity to influence regarding the preparation of the LVRRS).
- Key issues for the LVMRAC between now and 2020 include:
  - current and future land uses supported by the mine voids and surrounding land;
  - water availability, including navigating current allocations, environmental impacts and stakeholder interests; and
  - current and future usage and access to the Latrobe Valley's brown coal resources.
- There is a need for clarity regarding what the "end outcome" sought by the Committee is.
- The Committee has a role in acting as a conduit to broader community engagement on the LVRRS Project but this has proven challenging.
- One member described the Committee's role as ensuring those who should be heard on this Project are heard as part of the preparation of the LVRRS.
- It will be difficult to reach a consensus position among the Committee members regarding the final LVRRS, given the diverse interests represented by Committee members.

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### 3 The Latrobe Valley Regional Rehabilitation Strategy – Project on a page

*Delivered by: Mick Maguire and Margie Read Flavell, The Primary Agency*

This presentation provided an overview of the approach to developing the final LVRRS over the remaining year of the Project, including a draft outline of the LVRRS.

- The LVRRS needs to set a framework that will enable the mine operators to deliver safe, stable and sustainable final landforms for the Latrobe Valley's three brown coal mine voids.
  - **Needs:** safe, stable and sustainable landforms.
  - **Wants:** various land use aspirations of community members and stakeholders.
  - Filling a mine void that still has useable coal with water is not a necessarily a beneficial use as it removes, or at the very least, significantly increases the cost of accessing that coal to support potential future coal projects. Beneficial use was defined as "job opportunities" for the Latrobe Valley.
  - The discussion seems to be focussed on the coal that remains in the Hazelwood Mine, and its sterilisation if the mine is filled with water rather than the remaining 13 billion tonnes of coal in the Latrobe Valley.
  - If there was a low-emissions coal project ready to go, it is a lot more efficient and effective to use coal from an existing mine with infrastructure in place.
  - ENGIE has a legislative obligation to rehabilitate the Hazelwood site. There's a role for the State in looking at preserving the coal for future use.
  - There was a level of uncertainty regarding how "adjacent land" is defined in the vision of success for the LVRRS.
  - Consideration ought to be given to the potential benefits and disbenefits associated with the mine rehabilitation options considered so that the LVRRS (as an enabling framework) can account for these. A lot of the discussion to date has been about the features of land use options, rather than the benefits and disbenefits. These need to be fully considered to enable successful transformation.
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- A number of the benefits and disbenefits associated with various rehabilitation options were considered by the Hazelwood Mine Fire Inquiry.
- The LVRRS will seek to enable the transformation of the coal mine voids and adjacent land to the next beneficial use.
- There is a need for the LVRRS to provide a set of key principles to develop the land surrounding the mine voids.
- The Committee needs to take an ownership role in “enabling” the next beneficial use of the Latrobe Valley’s mine voids and surrounding area.
- The need under the *Mineral Resources (Sustainable Development) Act 1990* may be to deliver “safe, stable and sustainable” final landforms, however the wants of the community may be very different.
- The final rehabilitation landforms won’t fulfil the needs of the community if it’s a pit lake locked behind a fence.
- Several other terms were proposed to be considered as part of the success vision. These include accessible, attractive, visually appealing and manageable.
- There hasn’t been a process for formal submissions to date on the LVRRS.
- Outcomes from the facilitated discussion on the LVRRS context:
  - Context around enabling the transformation of the coal mine voids and adjacent land to the next beneficial use:
    - Community expectations
    - Technical challenges
    - Water availability
    - Cost
    - Miners’ obligations
    - Government obligations
    - Post closure management
    - Defined rules
    - Manageable timeline
    - Alignment (amongst community and stakeholders, over time too)
    - Adaptive
    - Understand divergence of views and expectations
    - Dealing with trade-offs (compromises).
  - Feedback on a draft outline of the LVRRS, which was provided to members:
    - Community expectations need to be understood and considered in the preparation of the Strategy
    - ‘Optimise’ opportunities for economic, environmental and social sustainability.
    - ‘How’ we consult with the community as part of the preparation of the Strategy is important.
    - The LVRRS is expected to be used by mine operators and government to guide productive engagement with the community.
    - Community will be expecting the Strategy to deliver a master plan (a drawing) so engaging on an enabling framework may be challenging.
- An updated outline of the LVRRS (Plan on a page) will be provided to Committee members.

#### 4 Latrobe City’s land use planning activities

**Delivered by: Gail Gatt, General Manager City Development, Latrobe City Council.**

This presentation provided an overview of the various land use planning activities currently underway in Latrobe City.

- *Live, Work Latrobe* aims to reframe and reconsider Latrobe City’s assets, land use and development potential to position the City for a prosperous future.
- Preparation of *Live, Work Latrobe* was informed by community engagement. Some of the feedback provided by the local community is relevant to the preparation of the LVRRS. This includes a desire to see more diversified farming, more employment opportunities that go beyond the energy sector and more shared, open spaces.
- Amendment C105 (adopted by Latrobe City Council on 6 May 2019) introduced recommendations supported by three long terms strategies to guide future housing, industrial land use and employment and rural land use and investment.

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- Latrobe City Council supports the Hazelwood Pondage being retained, as well as a section of each coal mine being retained for coal winning activities, with the remaining section made available to explore community, commercial or other beneficial uses.
  - Community aspirations regarding the Hazelwood Pondage need to be given serious consideration to give confidence to the community that their views are being heard.
  - A planning scheme amendment process would be required to give effect to the 'master planning' for the Latrobe Valley's mine sites.
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### 5 Committee administration

- Minutes and actions from the previous meeting of the Committee (Meeting #13) were noted.
  - Anna May noted that work considering water access arrangements is currently underway within DELWP. The outcomes of this work will be presented to the Advisory Committee once this is complete.
  - The LVRRS has now progressed into Stage Four where the findings of the technical studies will be integrated, and the LVRRS prepared.
  - Congratulations to Jane Burton for recently winning the Minerals Council of Australia's Exceptional Woman in Resources Award for Victoria.
  - Susan Lloyd will be presenting a paper at the upcoming MineClosure2019 Conference in Perth in early September 2019.
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### 6 Other business and next meeting

- Next meeting scheduled for Thursday 8 August 2019.
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