

Latrobe Valley Mine Rehabilitation Advisory Committee

MEETING #15 MINUTES (WITH CONFIDENTIAL INFORMATION REDACTED)

THURSDAY 22 AUGUST 2019

DJPR ELLINBANK, 1301 HAZELDEAN ROAD, ELLINBANK
VICTORIA 3821

ATTENDEES

Ms Susan Lloyd (Chairperson), Latrobe Valley community
Mr Roland Davies, Latrobe Valley community
Mr Ron Mether, Latrobe Valley mine operators (EnergyAustralia Yallourn)
Mr James Faithful, Latrobe Valley mine operators (ENGIE Hazelwood)
Ms Sarah Gilbert, Latrobe Valley mine operators (AGL Loy Yang)
Mr Angelo Saridis, Gippsland Water
Ms Gail Gatt, Latrobe City Council
Cr Graeme Middlemiss, Latrobe City Council
Mr Troy McDonald, Aboriginal community
Mr Terry Flynn, Southern Rural Water
Mr Anthony Feigl, Department of Jobs, Precincts and Regions (DJPR)
Ms Anna May, Department of Environment, Land, Water and Planning (DELWP)
Mr Alan Freitag, DELWP
Emeritus Professor Rae Mackay (observer), Latrobe Valley Mine Rehabilitation Commissioner
Mr Brett Millsom (secretariat), DJPR

APOLOGIES

Ms Jane Burton, DJPR
Mr Trevor Williams, Gippsland Trades and Labour Council

GUESTS

Ms Laura Cronin, Acting Manager Legislation Reform, DJPR
Ms Michelle Fisher, Senior Policy Officer, DJPR
Dr Brett Davis, Senior Manager Latrobe Valley Regional Water Study, DELWP

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Agenda Item	Minutes
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1 **Introduction from the Chairperson and Committee administration**

- The Chairperson noted apologies for Mr Trevor Williams and Ms Jane Burton.
- Minutes from the previous Committee Meeting (Meeting #14) were noted.

Latrobe Valley Regional Rehabilitation Strategy (LVRRS) Project Status update

Delivered by: Anthony Feigl, Acting Director Coal Resources Victoria, Department of Jobs, Precincts and Regions (DJPR)

- Actions 197, 198 and 199 in the *Hazelwood Mine Fire Inquiry: Victorian Government Implementation Plan June 2016* (Implementation Plan) have now been completed.
- Members should have all received a copy of the *2018-19 LVRRS Annual Progress Report*, which acquits action 197 in the Implementation Plan. The report is also available online.
- Laura Cronin, Acting Manager, Legislation Reform and Michelle Fisher, Senior Policy Officer, Department of Jobs Precincts and Regions (DJPR) will provide an overview of the work undertaken to acquit action 198 and establish a Declared Mine Land Rehabilitation Authority at today's meeting.
- Brett Davis, Senior Manager, Latrobe Valley Regional Water Study, Department of Environment, Land, Water and Planning (DELWP) will provide an update on the completion of Action 199 at today's meeting.

Update from the Latrobe Valley Mine Rehabilitation Commissioner

Delivered by: Emeritus Professor Rae Mackay, Latrobe Valley Mine Rehabilitation Commissioner

- Community engagement has been a significant focus for the Commissioner over the last several months. The Commissioner has recently met with, amongst other groups, the Boolarra Community Development Group and the Morwell Historical Society.
- The Commissioner and Rhonda Hastie, Technical Advisor, Office of the Latrobe Valley Mine Rehabilitation Commissioner will be attending the International Mine Closure Conference in Perth at the beginning of September 2019.
- The Commissioner and his office have been supporting the Coal Hole Art Project.
- The Commissioner has had a three-dimensional model built of the Latrobe Valley's brown coal mines. This will be used for communications purposes and is intended to give people an idea of the size and scale of mine rehabilitation in the region.
- The *2018-19 LVRRS Annual Report* has got people excited to see the technical reports that will underpin the Strategy. A number of stakeholders have indicated to the Commissioner that they're keen to see these.

2 **The LVRRS – Planning for delivery**

Delivered by: Anthony Feigl, Acting Director Coal Resources Victoria, DJPR and Anna May, Director Water Resource Assessment and Planning, Department of Environment, Land, Water and Planning (DELWP)

With Stage Three of the LVRRS now complete, the LVRRS Project Team's attention is focused on the preparation and delivery of the final Strategy. Work has been undertaken to refine the plan on a page presented at the most recent Advisory Committee meeting and this presentation provided an update on the approach to the preparation of the final Strategy due in June 2020.

- A success statement has been developed for the LVRRS. Success for the Project is defined as enabling 'the acceptable transformation of the coal mine voids and adjacent land to the next beneficial use'.
- How is 'acceptable' being defined as part of the success vision for the LVRRS and who is involved in defining what that term means? The Project Team recognises that there are a number of different definitions and views regarding what this term could mean for different stakeholders and will work to clarify this as it develops the Strategy.
- The LVRRS is enabling - it is not a prescriptive strategy.
- How will community acceptance of the final rehabilitation solution be determined? This is an issue that the LVRRS Project Team is grappling with. There are varied views regarding what's acceptable from a rehabilitation point of view.
- 'To 'facilitate' the acceptable transformation...' rather than 'enable' may be a better term to use in defining success for the LVRRS.
- An 'achievable transformation of the coal mine voids...' might be more appropriate than an 'acceptable

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transformation', noting that what might be acceptable to the community might not actually be achievable.

- Legislative instruments are the current drivers of mine operators' rehabilitation plans and activities. Mine operators are required to prepare a rehabilitation plan and rehabilitate their sites to a safe, stable and sustainable final landform in accordance with the *Mineral Resources (Sustainable Development) Act 1990*.
- The LVRRS will provide a statement of the biophysical feasibility of the pit lake rehabilitation option.
- From a water perspective, the LVRRS will need to be conscious of projected water availability over the near and long term.
- The Department of Environment, Land Water and Planning (DELWP) will be looking for the mine operators to demonstrate that water is essential to achieving a safe and stable final landform considering all reasonable alternatives.
- Each of the operators of the three existing Latrobe Valley coal mines would consider that the mines are currently safe and stable in accordance with their respective Mining Licences. As part of the LVRRS we need to share with the community why pit-lake scenarios will be required to deliver a long-term safe and stable rehabilitation outcome given that they're currently this way, without water? The community needs to be taken on a journey to understand why intervention is needed, and what types of future developments may be possible under these scenarios.
- 'Reduced fire risk' as a thematic outcome may be challenging. 'Reduced' means something less than it is today. A more appropriate term might be 'minimise' which is used elsewhere.
- Cultural values are hard to define. The Gunaikurnai Land and Waters Aboriginal Corporation's (GLaWAC) interests extend beyond the preservation of culture to economic and business aspirations for Aboriginal people and the involvement and consideration of Traditional Owners in mine rehabilitation planning ought to reflect this.
- Community members have approached Latrobe City Council with concerns that a fence will be put around each of the mines and there will be no amenity or recreational value. This will not be acceptable to the local community.

3 Mine Land Rehabilitation Authority

Delivered by: Laura Cronin, Acting Manager Legislation Reform and Michelle Fisher, Senior Policy Officer, DJPR

A bill is currently before the Victorian Parliament which seeks to amend the *Mineral Resources (Sustainable Development) Act 1990* to establish a Mine Land Rehabilitation Authority from 1 July 2020. This presentation provided an overview of the Bill and the intended role and function of the Authority.

- The Mine Land Rehabilitation Authority will take on the role and responsibilities of the Latrobe Valley Mine Rehabilitation Commissioner.
- The Hazelwood Mine Fire Inquiry made a number of recommendations that require law changes, including to establish a Latrobe Valley Mine Rehabilitation Commissioner and then a Latrobe Valley Mine Rehabilitation Authority.
- The Mine Land Rehabilitation Authority will be governed by a Chairperson with experience in mine rehabilitation and up to six board members.
- The objectives of the new Mine Land Rehabilitation Authority are:
 - to provide assurance to the Victorian community that public sector bodies and the Latrobe Valley licensees are implementing the LVRRS.
 - To promote the sustainable and beneficial use of coal mine land in accordance with the LVRRS.
- The Mine Land Rehabilitation Authority will assume the current functions of the Latrobe Valley Mine Rehabilitation Commissioner. It will also take on several new functions including:
 - Applying to declared mines, as well as the Latrobe Valley brown coal mines.
 - Being consulted as part of the Minister for Resources' decision as to whether closure criteria have been met.
 - Monitoring registered mine land post-closure.
 - Maintaining and managing registered mine land post-closure.
 - Owning post-closure mine land or land in close proximity if required.
- The Mine Land Rehabilitation Authority will be able to own declared mine land. Once a mine is declared, the Minister can agree to purchase the declared mine land and transfer it to the Authority.
- The current *Mineral Resources (Sustainable Development) Act 1990* does not consider post closure plans and post closure funding, monitoring, management and maintenance.
- The Mine Land Authority will be based at the Latrobe Valley GovHub in Morwell (once this is completed).
- The Authority will build up its staffing and capacity over time.

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4 Water for mine rehabilitation

Delivered by: Brett Davis, Senior Manager, Latrobe Valley Regional Water Study, DELWP

This presentation provided an update on availability, and pathways to access water for mine rehabilitation (addressing outstanding Action 13.1 in the *Latrobe Valley Mine Rehabilitation Advisory Committee Action Register*).

- The *Hazelwood Mine Fire Inquiry: Victorian Government Implementation Plan June 2016* requires DELWP to review 'the Latrobe Valley Coal Mine and power generator water entitlements and licences that may be required to implement and comply with the Latrobe Valley Regional Rehabilitation Strategy'.
- DELWP is currently working to translate the findings of the Regional Water Study into clear guidance, conditions and rules concerning water access for mine rehabilitation.
- The Minister for Water is responsible for granting water entitlements (including bulk and environmental entitlements) and setting limits and caps and sustainable diversion limits.
- The Victorian Environmental Water Holder hold's Victoria's environmental water entitlement.
- Bulk entitlements can be held by water corporations, power generation companies, the Victorian Environmental Water Holder and the Minister responsible for administering the *Conservation, Forests and Land Act 1987*.
- Bulk entitlements provide the right to take, store and use water subject to the terms and conditions specified in the entitlement.
- Water corporations use their bulk entitlement to supply customers – including Section 51 Take and Use Licence holders (in regulated systems), supply by agreement holders and urban customers.
- Victoria's Environmental Water Reserve is a legally recognised amount of water set aside to meet environmental needs. The objective of the reserve is to preserve environmental values and the health of Victoria's water system.
- Environmental entitlements are generally similar in nature to bulk entitlements and are held by the Victorian Environmental Water Holder.
- Environmental entitlements include passing flows that entitlement holders are obliged to provide out of a storage or past a diversion point.
- The proportion of passing flows that is provided to meet environmental needs is considered part of the environmental water reserve.
- The LVRRS is proposed to include:
 - Clarity on bulk entitlements and conditions on water access for mine rehabilitation, including any transitional arrangements.
 - Guidance on how water access for mine rehabilitation will be arranged in the context of changes in regional water demand.
 - Guidance on protection of minimum environmental flow requirements.
 - Guidance on water delivery conditions.
 - Assessment of alternative water sources.
 - Guidance on acceptable water supply and water body configurations.
- In relation to water, the LVRRS will aim to clarify:
 - The status of bulk entitlements once power generation ceases, and with the Bulk Entitlement holders work through the process by, and conditions under which, water could be accessed for mine rehabilitation.
 - Rules regarding potential temporary access to the 3/4 Bench Bulk Entitlement.
 - The conditions that will apply to water supply for mine rehabilitation, as needed to protect water security for other water users, the environment and the social and cultural values of the region.

5 Round the table updates

Susan Lloyd, Latrobe Valley community (Chairperson)

- Attended Hydrogen Forum hosted by Australian Carbon Innovation at Federation University on 8 August 2019.
- Will be presenting a paper at the International Mine Closure Conference in Perth on Tuesday 3 September 2019.

Roland Davies, Latrobe Valley community

- The Australian Energy Market Operator indicated this morning that it believes there's some serious issues looming in Australia's power generation sector, with a number of international players reportedly looking at supplementary generation in the Latrobe Valley.
- Reinforced the need to share with the community why pit lakes will be required to deliver a long-term, safe and stable

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rehabilitation outcome, given they're currently this way without water. The community needs to be taken on the journey to understand why intervention is needed.

Ron Mether, Latrobe Valley mine operators (EnergyAustralia Yallourn)

- A current priority for Yallourn is water management within the mine, particularly given the one in eight year rainfall event experienced in recent days.

James Faithful, Latrobe Valley mine operators (ENGIE Hazelwood)

- Demolition work on the Hazelwood Power Station is continuing – large amounts of asbestos material have been carefully removed from the raw coal bunker and the overburden system has been completely removed.
- ENGIE is continuing to lower the water level within the Hazelwood Pondage.
- Preparation of the Rehabilitation and Closure Plan for Hazelwood is continuing.

Sarah Gilbert, Latrobe Valley mine operators (AGL Loy Yang)

- AGL Loy Yang is also working to manage water associated with recent heavy rainfall event.

Terry Flynn, Southern Rural Water

- Southern Rural Water is currently releasing water down the Latrobe River as part of managing the recent rainfall event. It's keeping a close eye on predicted rainfall, as there's potential for major flooding due to the catchment being so wet.

Gail Gatt, Latrobe City Council (Council Officer)

- Latrobe City Council officers have been working with Ann Kirwan's team on the Preliminary Land Use Vision.
- Latrobe City Council has written to the Minister for Resources outlining its position on mine rehabilitation, as per Council's resolved position on the matter of June 2018.

Graeme Middlemiss, Latrobe City Council (Councillor)

- The information provided today will be provided back to Councillors.

Troy McDonald, Aboriginal community

- GLaWAC is particularly interested in the water modelling undertaken as part of the LVRRS and is keen to understand this a bit more.
- GLaWAC will also be keen to understand more about the Declared Mine Land Rehabilitation Authority and the potential implications this has for the local Aboriginal community.

Anna May, DELWP

- The Water and Catchment Legislation Amendment Bill 2019 passed parliament a few weeks ago updating the *Water Act 1989*. The Bill provides:
 - greater consideration of recreational value of water and waterways for communities.
 - greater recognition of the involvement of Traditional Owners and Aboriginal Victorians in the management and planning of waterways and catchments.
 - clearer planning for future challenges such as climate change, population growth and changing demands for water.
- DELWP is currently working to align long term water resource assessments and sustainable water strategies.

Alan Freitag, DELWP

- Coal policies contained within the local provisions of the planning schemes are currently being updated, to be more direct, simple and regionally based.

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Other business and next meeting

- Next meeting scheduled for Thursday 10 October 2019.