

## Latrobe Valley Mine Rehabilitation Advisory Committee

### MEETING #22 MINUTES (WITH CONFIDENTIAL INFORMATION REDACTED)

THURSDAY 13 AUGUST 2020

VIDEOCONFERENCE VIA WEBEX

#### 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)  
**Mr James Faithful**, Latrobe Valley mine operators (ENGIE Hazelwood)  
**Ms Sarah Gilbert**, Latrobe Valley mine operators (AGL Loy Yang)  
**Mr Tony Hicks**, Loy Yang B  
**Ms Gail Gatt**, Latrobe City Council  
**Mr Terry Flynn**, Southern Rural Water  
**Mr Chris Wood**, Gippsland Water  
**Ms Anne Murphy**, Gippsland Trades and Labour Council  
**Ms Jane Burton**, Department of Jobs, Precincts and Regions  
**Mr Anthony Feigl**, Department of Jobs, Precincts and Regions  
**Ms Anna May**, Department of Environment, Land, Water and Planning  
**Mr Alan Freitag**, Department of Environment, Land, Water and Planning  
**Mr Brett Millsom (secretariat)**, Department of Jobs, Precincts and Regions

#### APOLOGIES

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**Cr Graeme Middlemiss**, Latrobe City Council  
**Mr Troy McDonald**, Aboriginal community

#### GUESTS

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**Emeritus Professor Rae Mackay**, Chairperson, Mine Land Rehabilitation Authority  
**Ms Christine Trotman**, Deputy Chairperson, Mine Land Rehabilitation Authority  
**Mr Ian Nethercote**, Board Member, Mine Land Rehabilitation Authority  
**Ms Claire Miller**, Board Member, Mine Land Rehabilitation Authority  
**Ms Corinne Unger**, Board Member, Mine Land Rehabilitation Authority  
**Mr Ian Gibson**, Board Member, Mine Land Rehabilitation Authority  
**Mr Mick Maguire**, The Primary Agency

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

- The Chairperson noted apologies from Cr Graeme Middlemiss, Latrobe City Council and Troy McDonald, Aboriginal community representative.
- Minutes from the previous Committee meeting (Meeting #21) were noted.

**2 Knowledge sharing between the Latrobe Valley Mine Rehabilitation Advisory Committee and the Mine Land Rehabilitation Authority**

**Facilitated by: Mick Maguire, The Primary Agency**

This inaugural meeting between the Latrobe Valley Mine Rehabilitation Advisory Committee and the Mine Land Rehabilitation Authority Board provided an opportunity for knowledge sharing between the two groups<sup>1</sup>.

- Mick Maguire asked the Advisory Committee members to consider the one question they wish they had asked upon the establishment of the Committee. A number of questions were suggested by Committee members including:
  - Is a strategy what the local community wants or is looking for?
  - What's the outcome we're trying to achieve?
  - What does success look like (and understanding this from the perspective of multiple stakeholders, i.e. mine operators, community, water industry, etc.)?
  - How do we go about progressing the work of the Hazelwood Mine Fire Inquiry?
  - What are the opportunities presented by a pit lake (i.e. drought mitigation, water harvesting, recreational uses, etc.) and how can these be better explained to the community?
  - What is the pathway to progress approvals for mine rehabilitation?
  - What is the level of detail expected in the outcome we're trying to achieve?
- Mick Maguire asked the Committee to consider the strengths of the process in developing the LVRRS. A number of strengths were highlighted by Committee members including:
  - The technical rigour of the studies that underpin the LVRRS (although this hasn't been well understood by the community).
  - The opportunity to drill into the technical issues associated with the provision of water for mine rehabilitation.
  - Addressing issues that for many years have been put in the too hard basket.
- The challenges of engaging the Latrobe Valley community on the issue of mine rehabilitation were noted.
- It was noted that the focus of the discussion has been on achieving an end result when we really won't know an end result for decades. The process regarding how you get to that end result is vitally important at the moment.
- Decision-making regarding mine rehabilitation really needs to leverage the science and the findings of the technical studies undertaken by both government and the mine operators.
- Board members of the Mine Land Rehabilitation Authority left the meeting at the end of this session.

**3 Lessons learned during the Latrobe Valley Regional Rehabilitation Strategy**

**Facilitated by: Mick Maguire, The Primary Agency**

Mick Maguire from the Primary Agency has been facilitating a series of meetings and discussions to determine key lessons learned during the preparation of the LVRRS. This session stepped the Advisory Committee through a series of questions to determine the key lessons learned during the project, from its perspective as a key advisory body.

- Mick Maguire asked Committee members to consider their views regarding where we have got to with the LVRRS. Key feedback provided included:
  - The Committee provided a valuable forum for discussion and working through issues related to mine rehabilitation.
  - It's been pleasing to see the project team take on the feedback provided by the Committee.

<sup>1</sup> Duplicative comments/sentiments have not been recorded more than once

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- It's good to see a commitment to further work through the implementation of the LVRRS to explore some of the outstanding issues, particularly exploration of rehabilitation options that don't rely on water.
- The LVRRS is not complete enough to necessarily support the development of a complete rehabilitation plan from the mine operators.
- Mick Maguire asked Committee members to consider how they would describe the process of developing the Strategy. Key feedback provided included:
  - Overall, the process could be characterised as polite and respectful, however there has at times been conflicting views between the two departments.
  - Throughout the development of the LVRRS, a number of other groups have put forward alternative rehabilitation options (i.e. Great Latrobe Park) but nothing seemed to be done with them. There's a need to be a demonstrate that these options have been appropriately considered.
  - There have been challenges getting to community to engage with the issue of mine rehabilitation.
- Mick Maguire asked members to consider what some of the strengths and challenges of the process have been. Key feedback provided included:
  - The opportunity for everyone to have a seat at the table and to progress the discussion and the issues collectively has been really worthwhile, however the government departments need to work a little bit closer together to ensure alignment between study findings. There has been some disconnect between the findings of the geotechnical and the water studies completed as part of the LVRRS.
  - There's a need to provide a compelling vision that maps out the path you need to take, the knowledge gaps you need to fill, where you need to end up and how you intend to get there.
  - There is some frustration that we haven't moved as far as would have been liked in terms of progressing mine rehabilitation planning.
  - There seems to be an appetite to solve a lot more issues than the Committee or the LVRRS was able to in the time that it had. There's a need to focus on immediate issues for resolution.
  - There was a real desire from the Committee to engage with the community more broadly, but every engagement opportunity and activity didn't necessarily reach that broader community – there's been an inability to engage with that group.
  - The timing of the completion of the technical studies meant that at times there were challenges in having appropriate material ready to consult with the Committee on in a meaningful way.
- It was noted that the LVRRS could have benefited from more engagement with the Committee in the early stages of the project, particularly regarding the approach to delivery of the project overall.
- Mick Maguire asked the Committee to consider what it would do differently in hindsight. Key feedback provided included:
  - The project could have benefitted from greater input from and engagement with key stakeholders in the early planning stages. It's promising to see that occurring now with project planning for the delivery of the implementation actions.
  - The LVRRS could have benefitted from a greater and more comprehensive discussion about the risks associated with mine rehabilitation and the level of risk (financial, physical or other) that stakeholders were willing to accept. This was an opportunity lost.
  - The Committee could have taken a greater role in advocating for more resourcing, particularly to support it in communicating with the community and key stakeholders. Lengthy approval chains meant that timely communication with stakeholders was often unable to happen.
- Mick Maguire asked the Committee to consider how government could optimise success in terms of project planning. Key feedback provided included:
  - The LVRRS 'lost its way towards the end'. There should have been a greater focus on the risks and the costs. There's a number of possibilities in terms of mine rehabilitation but we need to consider who bears the costs and the risks associated with each.
  - Towards the end of the LVRRS there was a lot of engagement with stakeholders which was welcomed. There was however some serious concerns regarding some of the late additions to the LVRRS.
  - The time it took to complete the technical studies created a large window where there wasn't necessarily anything new to share with the community.
- Mick Maguire asked the Committee to consider what's the one thing it expects as a member of this Committee. Key feedback included:
  - That members need to be willing to have the tough discussions and to listen to the views of others and take

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those on board. There were a number of occasions throughout the development of the LVRRS where it did change direction based purely on the feedback of the Committee.

- In an ideal world the Committee would have started earlier. The knowledge building took time and it would have been good to have a Committee in place with a strong knowledge of the range of issues related to mine rehabilitation when the LVRRS commenced so that it could best contribute to project planning.
- The ongoing lack of clarity regarding the use of water for mine rehabilitation during the preparation of the LVRRS was a key challenge.
- The project could have benefitted from a really clear definition on what is on and off the table from the early stages.
- The progression from the technical studies to the final LVRRS came very quickly. There were a couple of items put in the final LVRRS that there wasn't any consultation with stakeholders on which was disappointing.

#### 4 Alternative/contingency mine rehabilitation options

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

Project planning work has commenced as part of the LVRRS implementation action to 'identify alternative/contingency rehabilitation options to manage land stability and fire risks if sufficient water is not available'. This presentation provided an update on this work.

- Alternative rehabilitation options start from a design assumption that water will not be available in sufficient volumes to establish or maintain a partial or full water body. Alternative rehabilitation options do not rely on water as a fill material to provide stability or fire control.
- Contingency rehabilitation options are responses to the risk that a water-based rehabilitation plan is approved but actual water availability is less than required to fill or maintain the water body.
- It was noted that the use of the term 'alternative' may be confusing to some stakeholders as it doesn't actually define what it's alternative to (i.e. a pit lake).
- The objectives of the project are to provide:
  - government with clarity on the broad costs, risks, opportunities and constraints associated with alternative and contingency rehabilitation concepts, comparable across water-based and non-water concepts; and
  - community and stakeholders with clarity on the key risks, opportunities and constraints associated with these same concepts, comparable across water-based and non-water concepts.
- The outcomes of this project enable government and the Latrobe Valley mine licensees to:
  - prepare and assess rehabilitation plans;
  - undertake progressive rehabilitation; and
  - achieve successful relinquishment and post-closure management.
- It was suggested that while there might not yet be a sufficient information base to determine costs, there should already be a sufficient information base through the regional geotechnical and water studies to determine risks associated with rehabilitation options.
- It was noted that the work done by the Hazelwood Mine Fire Inquiry considering rehabilitation options should be taken into account as part of this options assessment. This should form part of 'setting the scene' for the options assessment rather than going back to the drawing board.
- When determining costs associated with rehabilitation options, the social and environmental costs also need to be considered.
- The following are within scope for the project:
  - Broad costs, risks and benefits associated with alternative and contingency rehabilitation options.
  - Rehabilitation and post-closure phases.
  - Mine- and domain-specific analysis.
  - Potential risk mitigations.
  - Key constraints and opportunities associated with each option (e.g. land uses).
  - Recommending any options for rejection from further consideration if they are not considered technically achievable.
- The following are out of scope for the project:
  - Assessment of the likelihood component of rehabilitation risks.
  - Defining the acceptability of ongoing costs and risks to community and government.

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- Assessing feasibility of alternative water sources (parallel study).
- Regional economic implications of different land use constraints and opportunities.
- Assessing desirability of trade-offs between options.
- Determination of a rehabilitation solution for each void.
- It was questioned where the Yallourn North Extension fits into this work? The project team either needs to accept that it's going to stay as it is or you need to include it. Another member noted that the Yallourn North Extension provides a good starting point in considering costs and risks associated with rehabilitation.
- What the role of the Mine Land Rehabilitation Authority is in this work. It was advised that the Authority's role is to act as an oversight body and ensure that government and the mine licensees are implementing the LVRRS (which this work is a part of), in accordance with its role under the *Mineral Resources (Sustainable Development) Act 1990*. The Mine Land Rehabilitation Authority will also provide independent advice on this project.
- Will consultants be used to deliver this work? It was advised that there will be a need to engage consultants for some specific activities because they have the specialist expertise that is not held within the department.

### 5 Alternative water sources for mine rehabilitation

**Delivered by:** Anna May, Director Water Resource Assessment and Planning, Department of Environment, Land, Water and Planning

Project planning work has commenced as part of the LVRRS implementation action to 'further assess the feasibility of alternative water sources that could be used for mine rehabilitation'. This presentation provided an update on this work.

- For the purposes of this project, alternative water describes water from sources other than the Latrobe River System or the Latrobe Valley aquifers and includes recycled water, desalinated water and treated stormwater.
- The updated *Guidelines for Assessing the Impact of Climate Change on Water Supplies in Victoria* (the Guidelines) is due to be released by the end of 2020.
- A key principle of the LVRRS is that mine licensees should plan for a drying climate. These Guidelines provide those climate change scenarios for a dry climate projection.
- It was noted that there are existing climate forecasts and the mine licensees need to plan for rehabilitation in accordance with those forecasts. Could excess water in wet years would or could be used to support mine rehabilitation? Is this work going to preclude that surplus water in wet years from being used to support mine rehabilitation? The use of excess water in wet years could be looked at through the LVRRS implementation action that will look at guidance on pathways to access and indicative conditions that may apply to accessing that water.
- When using forward looking supply and demand graphs it needs to be made clear that these are simply a scenario planning tool and nothing more.
- Several members noted that there is a challenge in looking at alternative water purely for the purposes of mine rehabilitation. The issues should be looked at holistically – with all potential users and benefits also considered. For example, an alternative water supply may also sure up supply for regional communities as well as supporting mine rehabilitation. There are additional benefits that could be delivered by an alternative water supply and those can't be excluded.
- Concern was expressed that this project is focussed on alternative water only being used to support mine rehabilitation. When it comes to undertaking a cost benefit analysis, the benefits that an alternative water source could offer the region are not limited to mine rehabilitation alone. There's potential to support agricultural uses or provide urban water security.
- It was noted that in briefing stakeholders on this project, collateral should be presented in a way that reflects the economic benefit of the local mining and power generation industries to not only the region but to Victoria more broadly.
- It was asked how the ¾ Bench is considered? The ¾ Bench is currently allocated water but is unused.
- One member noted that the way the issue is currently presented 'seems very one-sided' in terms of meeting the environmental requirements of the Latrobe River System. Are there other rivers or sources of water that could be used to meet environmental flows? Could other river systems (i.e. other than the Latrobe) be used to offset environmental losses? If the Gippsland Lakes require a specific volume of water as an environmental flow, could those flows be sourced from other river systems? The Latrobe River system contributes around 23% of the area that flows in to the Gippsland Lakes system – so is a significant contribution. There are many environmental and traditional owner values along the Latrobe River system as well as other entitlement holders. A principle of the LVRRS is any water used for mine rehabilitation should not negatively impact on Traditional Owner values, environmental values of the Latrobe

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River system or the rights of other existing water users.

- It was asked if there has been any studies or analysis (cost or otherwise) on the impact of a reduction in environmental flows. It was acknowledged that this would be a difficult study to do, however according to one member this is work that should be done. While this is a 'taboo' topic, there is a need to understand what the costs are associated with providing 100 per cent protection to environmental flows. As part of the LVRRS, an environmental flows study has been completed which has identified the environmental and traditional owner values of the Latrobe River system.
- It was asked if this project is going to test whether you can have a sustainable downstream environment without filling the voids? It currently seems to come from a perspective of 'we can't actually do this' rather than 'how could we go about possibly doing this'.
- There is also a need to consider what is the biggest risk is if we don't actually fill the mines? The implementation action to further explore the feasibility for alternative water the action to investigate non-water based options and contingency options could help manage the risk to mine stability from declining water availability in the Latrobe River system and will improve the information based that mine licensees can consider as part of the preparation of their Declared Mine Rehabilitation Plans.
- According to one member the lower Latrobe tertiary aquifer presents a 'massive opportunity for development' but there hasn't been any work looking at how it's currently being managed or whether it's being managed sustainably. Groundwater licenses in the region are managed by Southern Rural Water and there is a regional groundwater management program in place.

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### 6 Other business and next meeting

- Next meeting scheduled for Thursday 8 October 2020
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