

**Latrobe Valley Mine Rehabilitation Advisory Committee****MEETING #29 MINUTES** (WITH CONFIDENTIAL INFORMATION REDACTED)

WEDNESDAY 4 MAY 2022 AND THURSDAY 5 MAY 2022

ALCOA ANGLESEA COAL MINE AND THE SANDS AT TORQUAY,  
2 SANDS BOULEVARDE TORQUAY 3228**ATTENDEES**

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**Roland Davies (Chairperson)**, Latrobe Valley community  
**Susan Lloyd (Deputy Chairperson)**, Latrobe Valley community  
**Ron Mether**, Latrobe Valley mine operators (EnergyAustralia Yallourn)  
**Jane Burton**, Department of Jobs, Precincts and Regions  
**Ian Filby**, Department of Jobs, Precincts and Regions  
**Anna May**, Department of Environment, Land, Water and Planning  
**Loren Robinson (secretariat)**, Department of Jobs, Precincts and Regions

**OBSERVERS**

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**Daniel Mainville**, Loy Yang B  
**Tim Ellis**, Latrobe City Council  
**Jon Missen**, Latrobe Valley mine operators (ENGIE)  
**Amanda Cooke**, Latrobe Valley Mine Operators (AGL)  
**Rae Mackay**, Chairperson, Mine Land Rehabilitation Authority

**APOLOGIES**

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**Graeme Middlemiss**, Latrobe City Council  
**Anne Murphy**, Gippsland Trades and Labour Council  
**Alan Freitag**, Department of Environment, Land, Water and Planning  
**Terry Flynn**, Southern Rural Water  
**Chris Wood**, Gippsland Water

**GUESTS**

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**Chris McAuley**, Senior Project Manager – Latrobe Valley Regional Rehabilitation Strategy, Department of Jobs, Precincts and Regions  
**Andrea Ballinger**, Senior Manager Water Assessment Projects and Planning, Department of Environment, Land, Water and Planning  
**Laura Cronin**, A/Director Policy & Legislation Reform, Department of Jobs, Precincts and Regions  
**Brendan Atkinson**, A/Manager Legislation Reform, Department of Jobs, Precincts and Regions  
**Gregory McCallum**, Senior Resources Economist, Department of Jobs, Precincts and Regions  
**Lisa Lowe**, Senior Manager, Sustainable Water Strategies, Department of Environment, Land, Water and Planning

## Latrobe Valley Mine Rehabilitation Advisory Committee

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### Agenda

### Minutes

### Item

WEDNESDAY 4 MAY 2022

#### 1 Alcoa's Anglesea site tour and mine rehabilitation update

*Delivered by Warren Sharp, Anglesea & Pt Henry Site Asset Manager, Alcoa  
John Osbourne, Director - Asset Planning & Management - Eastern Australia, Alcoa  
Kate Betts, Senior Communications & Engagement Advisor, Alcoa  
Nicci Marris, Environment, Health and Safety Manager, Alcoa*

The Committee was provided with an update on recent mine rehabilitations works by Alcoa.

- Alcoa has a regulatory obligation to deliver the final Anglesea Mine Rehabilitation and Closure Plan (MRCP) so the site can be made available for new community uses
- Major earthworks and revegetation completed 2020 - safe, stable and sustainable landform, requires ongoing monitoring and maintenance activities over the next decade
- Key remaining aspect of the mine's rehabilitation and closure plan is an approved strategy to fill and maintain the mine void with water.
- Status of mine activities:
  - Major earthworks completed
  - Coalmine Road relocated
  - Native topsoil on north and west walls completed
  - Hydroseeding of native grasslands on south wall completed
  - 9 engineered surface water drains completed
  - Maintenance and monitoring phase commenced:
    - Vegetation and weed management
    - Erosion monitoring and repairs when required
- Mine void filling timeline:
  - Naturally over the next 50 – 100 years
  - Fast fill option 7-10 years – will allow earlier community access
- The groundwater pumping test is being executed in two 6-month stages with engagement from regulators
  - Testing will reveal any adverse impact on groundwater dependent ecosystems
  - Results will inform application to Southern Rural Water who must approve any potential licence amendment to support the filling of the mine void. This in turn will support the final MRCP which must be approved by Earth Resources Regulation.
- Stage 1 from May 2021 – Dec 2021 completed, currently collating and analysing results
- Decision to proceed to Stage 2 is dependent on DELWP independent peer review of the groundwater model and the model analysis of the Alcoa Stage 1 data, anticipated to be later this year
- Potential future uses for mine area and waterbody:
  - Eden Project – eco tourism attraction. More information [here](#)
  - Walking tracks, BBQ areas, information signs, bushland – waterbody is for aesthetic purposes (not for recreation purposes)

#### 2 Dinner

THURSDAY 5 MAY 2022

#### 3 Welcome and introduction from the Chairperson

- The Chairperson opened the meeting and acknowledged the Traditional Owners of the land.
- The Chairperson noted apologies for Graeme Middlemiss, Anne Murphy, Alan Freitag, Terry Flynn, and Chris Wood.

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### 4 Latrobe Valley Regional Rehabilitation Strategy implementation actions status update

*Delivered by Andrea Ballinger, Senior Manager Water Assessment Projects and Planning, Department of Environment, Land, Water and Planning and*

*Chris McAuley, Senior Project Manager – Latrobe Valley Regional Rehabilitation Strategy, Department of Jobs, Precincts and Regions.*

The Committee was provided with an update on recent work to deliver implementation actions 3, 4, and 5 of the Latrobe Valley Regional Rehabilitation Strategy.

**Action 3** – Guidance on potential water sources and access arrangements for mine licensees to undertake rehabilitation.

**Action 4** – Further assess the feasibility of alternative water sources that could be used for mine rehabilitation.

**Action 5** – Identify alternative/contingency rehabilitation options to manage land stability and fire risks if sufficient water is not available.

#### Evaporative losses from pit waterbodies under climate change

- Engaged with mine licensees and key stakeholders on the draft finding of the LVRRS implementation actions which was presented to LVMRAC in December 2021 committee meeting. Current focus is to refine pit water balances such as local catchment inflows and evaporative losses under climate change for 2023 LVRRS review.
- Pit waterbodies require evaporative losses to be met into perpetuity
- Evaporative losses under climate change depend on climate (temp, wind, humidity, air pressure) and characteristics of water body (surface area, shading etc)
- Example high climate change scenario by 2065 is likely to be hotter and drier (pessimistic approach)
- Net evaporation = Evaporation minus Rainfall
- Under historical climate likely to be 15 GL/year from the 3 water bodies. However by 2065 under a high climate change scenario evaporative losses due to increase by 11% and rainfall to decrease by 16% thus net evaporative losses could increase to 24GL/year
- Water availability also decreases, inflows into Latrobe River systems to decline by 41%. Under current climate need to set aside 2% of Latrobe River flow to make up evaporative losses, under high climate change scenario 5% needed
- Under example climate future, some years there would not be sufficient water available to meet evaporative losses (long period of droughts), but over the long-term water availability would generally keep pace with evaporation
- Under example climate future (e.g., super drought) pit water volume substantially decreases – low surface water availability and high evaporative losses, possible 5m – 10m drop in void water level
- Intermittent declines in water levels need to be considered in safety and stability analysis for mine rehab if relying solely on local water sources
- Mine licensees may need to consider contingency plans for prolonged drought conditions
- Under a drier climate future making up evaporative losses from pit waterbodies imposes significant burden on Latrobe River system, preventing that water from being available for other uses
- A committee member asked how would you accommodate for extreme flood events?
- It was indicated that there would be similar issues with void stability if the water levels are down to maintain air space to accommodate a super flood. Currently there is no global climate model at this scale that provide accurate insights into flood patterns – not considered in this piece of work.
- A committee member asked has the usage of groundwater been considered?
- It was indicated that mine licensees should consider this in their contingency plans to sustainably use groundwater in periods of extreme droughts

#### Non-Water, Partial and Full Fill Stability Analysis

- Update on analysis and outcomes for Yallourn by the LVRRS team:
  - By closing mine 4 years earlier (2028) than planned estimated up to 50GL reduction in void volume for full fill / RL37

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- Dry void (12° gradient) estimated 190MCM of material required, capacity to source material within mine licence highly unlikely
  - Partial fill (6° gradient) fill level to RL20 mAHD, estimated 45MCM of material required, capacity to source material within mine licence likely
  - Full fill (6° gradient) fill level RL37 mAHD, estimated 40MCM of material required, capacity to source material within mine licence likely
  - These approximations assumed particular groundwater gradients behind the batters, which are a key element for stability of the batter, in the water fill scenario assuming that the gradients are managed or not exceed 6 degrees (conservative)
  - A committee member asked how has the Morwell River diversion structure been analysed by the LVRRS team, in relation to the general batter considerations?
  - LVRRS team has analysed the batters against the Morwell River diversion and applied the same criteria to the batters, but there is lower confidence in the analysis of the results due to the DJPR not having details on the construction and a previous failure. More work would need to be completed by the mine operator to demonstrate the feasibility of the MRD as part of the rehabilitated mine void, in whatever configuration that is
  - A committee member noted that ECT is considering further development at a site adjacent, and asked if that has been considered in the analysis?
  - Analysis was based on the current mine plan projected to 2032 with adjustments made for 2028 closure, but acknowledge that things will change over time and changed mine activity has not been factored into this analysis.
  - Update on analysis and outcomes Loy Yang (2048 closure):
    - Dry void (15° gradient) estimated 240MCM of material required, capacity to source material within mine licence unlikely
    - Partial fill (6/7° gradient) fill level to RL25 mAHD, estimated 45MCM of material required, capacity to source material within mine licence highly likely
    - Full fill (6/7° gradient) fill level RL46 mAHD, estimated 40MCM of material required, capacity to source material within mine licence highly likely
  - A committee member noted that the Loy Yang example is quite conservative. Chris agreed the groundwater gradients applied are upper estimates for an operating mine.
  - One of the key safety risks is the potential of coal fire, depending on partial or full fill understanding the area of cover that would need to be actively maintained to ensure underlying coal doesn't catch fire
  - Mine filling / rehabilitation timeframes:
    - Summary based on literature reviews of active fills
    - Community expectations (not based on full understanding of mine rehabilitation) up to 50 years
    - LVRRS 15 to 30 years
    - National /International experience up to 25 years
    - Anglesea 'quick fill' 5-10 years, 'natural fill' up to 80 years
    - MLRA estimation 20-25 years
  - Many things can influence the rate of fill, not just the availability of water but also the how the stability of the mine itself changes on filling i.e., need to cover acid and metalliferous drainage, need to fill past zones where erosion or impact on material strength may reduce stability and / or effectiveness of coal fire management.
  - Importance of managing groundwater gradients during drought: a scenario based on a 10-year drought period with no inflow, evaporative losses and reduction of water levels to illustrate how would this impact stability.
    - Full fill scenario a 10-year drought has limited impact on the 'Probability of Failure' if groundwater gradients increase
    - Partial fill scenario a 10-year drought may increase the 'Probability of Failure' if groundwater gradients increase. Active groundwater management is required to limit impacts on PoF during these times
  - Information needs to inform landform and use are focussed on:
    - Understanding the implications for water quality, particularly with potential water recreation activities.
    - Understanding of residual ground movements post rehabilitation, specifically as they may influence potential
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future land uses

- Understanding revegetation capacity and impact on end uses
- There has been additional work done through the LVRRS Implementation Action 5 in response to the feedback received through engagement with stakeholders last year and internal government considerations
- Preliminary findings for technical report produced mid-2021, final report supporting IA5 due mid 2022
- Review required of LVRRS due mid 2023 and ensure alignment with the development of Hazelwood EES
- Continue to work with operators as they develop their Declared Mine Plans- refer to the next agenda item.

### 5 Morning Tea

### 6 Declared Mine Regulations

*Delivered by Laura Cronin, A/Director Policy & Legislation Reform, Department of Jobs, Precincts and Regions*

*Brendan Atkinson, A/Manager Legislation Reform, Department of Jobs, Precincts and Regions*

*Gregory McCallum, Senior Resources Economist, Department of Jobs, Precincts and Regions*

This presentation provided an update on the development of the Declared Mine Regulations.

- Summary of Declared Mine Regulations: The Mineral Resources Amendment Act 2019 introduced new rehabilitation and post closure requirements for declared mines and established the Mine Land Rehabilitation Authority to monitor and advise. New law sets out that declared mine rehabilitation plans require more detail (than previously required), with specific closure criteria and post closure plan with ongoing monitoring, maintenance and risk management. The MLRA can continue to oversee and has the power for responsibility if needed. A declared mine fund was also set up to fund for ongoing monitoring and maintenance if needed.
- Regulatory Impact Statement – required under legislation to provide draft regulations to the public and impacted stakeholders.
- Current State – Base Case provides starting point for analysis and represents the obligations that operators will have if new regulations aren't introduced. Without new declared mine rehabilitation regulations there is no requirement for operators to submit a new declared mine rehabilitation plan.
- Assessed against base case is net benefits and cost to the community, government, operators, and industry as a result of the regulations. Which resulted in two main options:
  - Option 1: Outcomes focused, licensee driven
  - Option 2: Principles based, continuous improvement (preferred)
- Designing options for Regulatory Impact Statement (RIS) – looked at legislation from across Australia, looked at practice models, looked globally at regulators and regulated parties with experience in large coal mine rehabilitation
  - Basic components of rehabilitation plans are similar across jurisdictions and international models but no other jurisdictions have enforceable post closure plans
  - Key differences between models:
    - How and when outcomes are set
    - Extent of detail required for approval
    - How the plan changes over time
- Option 1 - Outcomes focused, licensee driven: based on current regulations, set a high level outcome, but no detail in regulations of rehab planning objectives and criteria, and there's need for closure criteria and post closure plan, updated through licensee variation applications
  - Outcomes and objectives include:
    - Safe, stable and sustainable landform for a specified land use
    - Licensee-driven
    - Objectives set against site specific use
  - Approval and closure determination not prescribed because decisions are site specific
  - Full plan detail required approval (regulator has limited ability to set plan conditions)
  - Licensee applies for variation of plan, threshold set in regulations, regulator can request application for variation
  - Annual report on rehabilitation milestones and liability assessment

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- Options 2 – Principles based, continuous improvement: regulations include more detail about expectations of rehabilitation plan, content about closure criteria and decision-making framework to rehab plan approval and closure determination, plus an ongoing review process
  - Outcomes and objectives:
    - Safe and stable land form is primary outcome
    - Regulation set principles and objectives based on regulatory or industry best practice
  - Approval and Closure determination, regulations set:
    - Evidence to be provided with plan approval/closure determination application
    - Matters to be considered by decision maker
    - Extended list of referrals
  - Expectation at plan approval that each element must be addressed, but less detail may be required depending on mine life cycle
  - Regular review of plans, plus review after reportable event, variations similar to option 1
  - Annual Report with research undertaken, site status information, rehab planning update, rehab milestones/activity, liability assessment. Plus, trigger reporting on reportable events and plan updates
- Shared elements between two options includes post closure plans, consultation and referral requirements set by MRSDA, sustainable development, safe, stable and non-polluting landforms, rules for plan variations, annual reporting and finally fire management, stability and groundwater management plans through life of rehabilitation
- Public release of draft Regulations / RIS expected within weeks with 28 days of consultation on Engage Victoria website, with list of consultation questions
- Declared Mine Regulations set by end of August

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### Central and Gippsland Region Sustainable Water Strategy update

***Delivered by Lisa Lowe, Senior Manager, Sustainable Water Strategies, Department of Environment, Land, Water and Planning.***

This presentation will provide an update on the *Central and Gippsland Region Sustainable Water Strategy*, including feedback provided as part of the consultation period in 2021.

- Central and Gippsland Region Sustainable Water Strategy (SWS) Recap:
  - The region covers South of the divide to the Otways and to East Gippsland – which supplies water to 90% of Victorians
  - The SWS covers water for drinking water, agriculture, Traditional Owners, rivers, recreation, and industry
  - Timeline: Early consultation May 21, Discussion Draft Strategy Sept 21, Community Consultation Dec 21, Final strategy to be released mid 22
- Water challenges across region:
  - Victoria's dryer future with less water flow and more extreme weather events
  - Population growth, water supplies need to double over next 50 years
  - Agriculture and industry increasing, under pressure due to decline water flows and population growth
  - Rivers need more water for waterway health
  - Traditional Owners have right to water justice
- Engagement and public consultation included online community information sessions, detailed submissions, meeting with peak body groups and key stakeholders etc. Reports from both engagement periods can be found [here](#).
- Key takeaways from community consultation:
  - Over 200 people filled out short survey, a small group of people provided detailed comments online, over 50 detailed submissions
  - 43% of submissions were from environmental groups, and 20% submissions were from community groups
  - Strong support for transition to manufactured water, plus returning water to environment incl. recycled water, desalinated water, storm water etc. – concerns about water quality
  - Strong support for using water more efficiently within homes, businesses, and farms

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- Strong desire for more information and details – where is the water coming from, costs and other impacts
  - More information about Traditional Owners and what the water can be used for
  - Calls for tighter regulation and monitoring
  - SWS is not looking for potential water sources for mine rehab, this is being done through LVRRS, but won't restrict any decisions to be made for Latrobe Valley mine rehab. The SWS is considering other changes to the system that are needed as a transition away from electricity generation regardless of mine rehab options
  - Five proposed directions for Latrobe Valley:
    - 10.1 Latrobe Loy Yang 3/4 bench bulk entitlement
      - Seven respondents provided feedback with a wide range of views
      - 4 respondents propose be used for environment
      - 3 respondents propose it should be used for agriculture
    - 10.2 Guidance and improved information base through implementation of the LVRRS
      - 14 respondents provided feedback relevant to 10.2, 10.2 and 10.4
      - A range of views presented about using water from various sources for mine rehab and transition mine water for different uses in Latrobe Valley
      - 9 respondents expressed concern about using water for mine rehab and potential effect on environment
      - 7 respondents say more investigation is required
    - 10.3 Review of Latrobe Reserve
      - See above
    - 10.4 Vision for the future of Latrobe River system
      - See above
    - 10.5 Identify and pursue opportunities for TO water entitlements
  - Victoria Farmers Federation feedback– disappointed that paper didn't include more information on water recovery targets in Latrobe due to mine rehab. More information [here](#)
  - Concerned Waterways Alliance (includes Environmental Justice Australia, Environment Victoria plus more) feedback – propose SWS expressly rules out use of river water for mine rehab. More information [here](#)
  - A committee member asked due to polarizing views and diverse stakeholders how the government will make a decision?
  - It was indicated that the SWS would focus on the areas of strong support i.e water efficiency and manufactured water. For the Latrobe Valley there is support for creating a long-term vision for the Latrobe River system and continue to work with water agency stakeholders – vision won't be apart of SWS but a commitment to the process will. SWS will not make decision around mine rehabilitation but feedback from community engagement has been passed onto relevant teams. There will be a lot of data, information and modelling provided to government as well as the community feedback to make final decisions.
  - A committee member asked how long the strategy is in play for and whether the \$57 million budget is enough to implement the strategy?
  - It was indicated that the budget is for phase one of the implementation. The strategy looks at the next 50 years but has actions to be implemented over the next 10 years. DEWLP will report on progress annually, a review is scheduled after 5 years to report on progress of actions, water act requires review after 10 years.
  - A committee member asked whether the low response rate (approx. 200 across whole region, 14 in Latrobe Valley) is statistically significant enough?
  - It was indicated that many of the respondents are from groups or organisations that represent the views of a larger group. They are also working closely with Water Corporations, Catchment Management Authorities (CMA's) and peak body groups ensuring that the feedback aligns with their communities. Although feedback responses were low the context is a much larger group.
  - A committee member asked in terms of governance did the committee include community members and interested parties from Gippsland?
  - It was indicated that it included all agencies i.e Gippsland Water, South Gippsland Water, East Gippsland Water, Southern Rural Water, West Gippsland Management Authority, East Gippsland Management Authority, Gunaiakurnai, and
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DJPR.

- A committee member stated that this was government heavy group and asked if there was an outside view on the committee?
- It was indicated that there was an independent panel who also report to Minister. Meetings with peak body group, key stakeholders and community consultation represents a wide view.
- A committee member during the last SWS in 2010/11 the CMA's were working on their catchment management strategies, how were they placed to give feedback this time around without updated strategies?
- It was indicated that the CMA's have been doing ongoing work to make sure they understand community values, they complete scientific environmental water flow studies plus and ongoing cycle of reviews that will feed into the SWS. Question noted to see exactly how the catchment management strategy linked to the SWS.
- A committee member asked why the regions were combined (Gippsland and Central) to create one larger SWS?
- It was indicated that there were concerns from community that this was a strategy to take more water from Gippsland for Melbourne, but this is not true. It was indicated that the reason is because the systems are interconnected, Thompson feeds into Gippsland lakes. Secondly both strategies needed to be updated. Thirdly there was a long term water resource assessment where water sharing arrangements for a range of basins, including Central and Gippsland, were revisited.

### 8 Operational updates from members

#### Ron Mether, Latrobe Valley mine licensees (EnergyAustralia Yallourn)

- Overburden removal and truck and shovel on target
- Coal reserves are quite strong
- Earlier closure from current plan will mean footprint won't cross Old Melbourne Road and realigned conveyor for better stability options for the river
- MRD recovery reinstated low flow into the channel, works have been completed to seal cracks, through to end of life
- There's still additional works to be done to close out the 1:10 notices from Department to provide more stability
- 2028 early closure – good feedback with individual plans and providing support
- Rehab master plans and work packages being progressed

#### Roland Davies, Latrobe Valley Community

- New Minister's advisor Rachel Wilkin recently visited mines in LV, and had opportunity to chat about committee and spoke positively that the minister would like to be involved
- Round table event
  - High level support across department, we've had a number people of the committee interested
  - Was offered previous Minister to keynote and was declined, will offer opportunity to Minister Pulford
  - A few challenges that have impacted delays in documents; progress in LVRRS, declared mines etc., election cycle, change of personnel
  - Moving forward recommit to the event, MLRA are interested in the event, consider those key factors in determining timing, new year likely timing.
  - Assign the responsibility inside the department, facilitate subcommittee to meet late September

#### Susan Lloyd, Latrobe Valley Community

- Nothing to report

#### Daniel Mainville, Loy Yang B Power Station

- 8-day outage in early April (planned) went very well
- Planned outage due in September on Unit 2
- Markets – plant availability issues, less unit offloading and contributing to firmer prices

#### Amanda Cooke, Latrobe Valley mine licensee (AGL)



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- Proposed demerger plan is going ahead
- Changes internally – currently recruiting to replace Jon Missen
- Current work plan application – raised issues to the Department around rehabilitation, with some proposed options to move forward
- Optimised coal quality to South-East rather than north

### Jon Missen, Latrobe Valley mine licensees (ENGIE)

- Morwell river flood diversion is practically completed, full commission hasn't been completed (stressed on high flow)
- EES the scoping process is being worked on
- Mine stability surcharge work has been completed
- Priority is external dump, reviewing and contract packages
- Water retention at bottom of mine has commenced, seen favourable stability outcomes

### Tim Ellis, Latrobe City Council

- Involved in EES from council perspective
- Double election year, advocating hard for priorities - particularly for travel bypass

### Rae Mackay, Mine Land Rehabilitation Authority

- Jenny Bretan has joined as interim CEO, the board has been working with the MLRA on a strategy for the next 5-10 years, and corporate plan to be released later this year
- Interviews out for education officer and finance officer
- Final monitoring and evaluation framework to be released later this year

### Jane Burton, Department of Jobs, Precincts and Regions

- Suggestion to hold next meetings at Hazelwood, Loy Yang, Yallourn sites
- Restructured into different group within DJPR changed from *Rural and Regional Victoria* to now *Forestry, Resources and Climate Change* new Deputy Secretary – Paul Smith
- Brett Millsom role has been advertised
- Formal reorganisation (Clause 11) within FRCC
- CRV will be reconstituted as the Rehabilitation and Innovation group reporting to Ian Filby
- MRSDA reform – changes to workplans been deferred to end of 2022

### Ian Filby, Department of Jobs, Precincts and Regions

- Encourage committee to provide feedback to frame up and close out LVRRS implementation actions and inform the next program of work to update the LVRRS by mid 2023

### Anna May, Department of Environment, Land, Water and Planning

- Reiterate closing out LVRRS actions over the rest of the year
- Request for further information RE: EES from ENGIE
- MRD repair works – important learnings, is that concept still relevant and what are the considerations?

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9 Lunch

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10 Other business and next meeting

- Next meeting to be confirmed for July 2022 (bi-monthly)
-