

## Latrobe Valley Mine Rehabilitation Advisory Committee

### MEETING #16 MINUTES (WITH CONFIDENTIAL INFORMATION REDACTED)

THURSDAY 10 OCTOBER 2019

DEPARTMENT OF JOBS, PRECINCTS AND REGIONS  
ELLINBANK

1301 HAZELDEAN ROAD, ELLINBANK VICTORIA 3821

#### ATTENDEES

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**Ms Susan Lloyd (Chairperson)**, 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 Trevor Williams**, Gippsland Trades and Labour Council  
**Ms Jane Burton**, 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  
**Emeritus Professor Rae Mackay (observer)**, Latrobe Valley Mine Rehabilitation Commissioner  
**Mr Brett Millsom (secretariat)**, Department of Jobs, Precincts and Regions

#### APOLOGIES

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**Mr Roland Davies**, Latrobe Valley community  
**Mr Terry Flynn**, Southern Rural Water  
**Mr Troy McDonald**, Aboriginal community  
**Mr Anthony Feigl**, Department of Jobs, Precincts and Regions

#### GUESTS

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**Ms Laura Cronin**, Acting Manager Legislation Reform, Department of Jobs, Precincts and Regions  
**Ms Eva Rampal**, Principal Policy Officer, Latrobe Valley Regional Rehabilitation Strategy, Department of Jobs, Precincts and Regions

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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 Roland Davies, Mr Terry Flynn, Mr Troy McDonald and Mr Anthony Feigl.
- Minutes from the previous Committee Meeting (Meeting #15) were noted.

**Latrobe Valley Regional Rehabilitation Strategy (LVRRS) Project Status update**

**Delivered by: Ms Jane Burton, Acting Executive Director Earth Resources Policy and Programs, Department of Jobs, Precincts and Regions**

- The draft *Latrobe Valley Preliminary Land Use Vision* was released on 2 October 2019 for public consultation. The Vision will be open for submissions until 4 November 2019.
- The *Latrobe Valley Regional Geotechnical Study Synopsis Report* and *Latrobe Valley Regional Water Study Synopsis Report* were also released last week. Copies of these have been provided to members and are available for download online.
- The Project Team is progressing with plans for a community event on 30 October 2019 to provide further information about the findings of the technical studies and answer questions from the community.
- Information sessions for the Department of Environment, Land, Water and Planning's (DELWP) Long-Term Water Resource Assessment are scheduled for Traralgon and Bairnsdale for 22<sup>nd</sup> and 23<sup>rd</sup> October 2019 respectively.

**Update from the Latrobe Valley Mine Rehabilitation Commissioner**

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

- The Latrobe Valley Mine Rehabilitation Commissioner has been busy providing reviews and input to the Regional Geotechnical Study and Regional Water Study Synopsis Reports.
- The Commissioner and his office are continuing to brief stakeholders and community groups about mine rehabilitation, including a recent briefing to the Latrobe City Youth Council.
- The Commissioner and his office are also working closely with the Broadening Horizons program to incorporate teaching about mine rehabilitation into the local school curriculum.
- The Commissioner's Office has recently had a physical model of the Latrobe Valley brown coal mines developed for public use and to support engagement activities.
- The Commissioner was recently invited to participate in and contribute to a rehabilitation planning day for AGL Loy Yang. A key issue explored on the day was how you integrate the planning process for mine rehabilitation with planning for continued mining activity.

2 **Mine Closure Conference 2019 – Key learnings**

**Delivered by: Ms Susan Lloyd, Chairperson Latrobe Valley Mine Rehabilitation Advisory Committee and Emeritus Professor Rae Mackay, Latrobe Valley Mine Rehabilitation Commissioner**

The Latrobe Valley Mine Rehabilitation Commissioner and Latrobe Valley Mine Rehabilitation Advisory Committee Chairperson travelled to Perth in early September 2019 to attend the International Mine Closure Conference. This presentation provided some of the key learnings brought back from the conference.

- The Commissioner noted that there were a number of key themes to come through this year's conference that are of relevance to the Latrobe Valley. These are:
  - Social licence - one paper described it as 'the elephant in the room'.
  - Mine relinquishment (i.e. the process of a mine operator handing over the mine and recouping their bond). It's clear that this is still a really difficult process and an issue that a lot of jurisdictions are grappling with.
  - Development of closure criteria and completion objectives. This is a critical step in the mine rehabilitation planning process, however getting all the relevant parties that need to agree to those objectives to do so is a challenge.
  - Managing residual risk. The Commissioner used the new Mine Land Rehabilitation Authority as a good example of an approach to managing residual risks that simply can't be handed over.
  - Landform design. There's a lot of thinking about how to best keep engineering structures to a minimum and avoiding them wherever possible. A number of the conversations regarding this issue were focussed on

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trying to match the rehabilitated landform design to what nature would do on its own. Vegetation issues were also important in this context, particularly to best reinstate natural vegetation when you've made modifications to soils, environmental conditions, etc.

- The Chairperson's presentation was welcomed by a number of attendees, particularly the opportunity to hear the community perspective of mine rehabilitation.
- Key takeaways from the Conference for the Chairperson were:
  - 'Mining is a privilege not a right'.
  - Mine closure and rehabilitation need to be considered from the very start of the mining cycle.
  - 'It's not over when it's over'. The community has to live with whatever legacy issues and post-mining landforms may be left. It's important to strive for these to offer some sort of benefit or amenity value to the local community.
  - There's a need to understand how indigenous communities think and approach issues to inform your engagement approach with them. A case study from Manitoba in Canada was provided to illustrate this.
  - There's a need to reimagine how we reuse and repurpose infrastructure. This was a key learning from the German mine rehabilitation experience.
  - Community aspirations and socioeconomic issues must be considered as part of mine rehabilitation.
  - It's important to focus on long-term partnerships with the community and how we engage with them over the longer term.

### 3 Mine Land Rehabilitation Authority update

**Delivered by: Ms Laura Cronin, Acting Manager Legislation Reform, Department of Jobs, Precincts and Regions**

A bill to establish a Mine Land Rehabilitation Authority has passed both houses of the Victorian Parliament. The Authority will commence operations on 1 July 2020, with work now underway to formally establish the entity and appoint board members.

- The Hazelwood Mine Fire Inquiry recommended the establishment of an independent Latrobe Valley Mine Rehabilitation Authority (the Authority) to focus on the following:
  - Planning for post-closure monitoring and maintenance, including clarifying roles and financial obligations.
  - Identifying processes for community and key stakeholder input into the assessment of rehabilitation against closure criteria.
  - Addressing key issues that arise as a result of rehabilitation.
  - Monitoring water availability and conducting regional water modelling that more accurately estimates pit lake fill times.
- We're now in a period of transition. From 1 July 2020, the Commissioner's current role and responsibilities will be absorbed by the Authority.
- The Authority will also assume new responsibilities. In addition to the Commissioner's current responsibilities it will:
  - Cover declared mines alongside Latrobe Valley coal mines.
  - Be consulted as part of the Minister's decision on satisfying closure criteria.
  - Monitor registered mine land post-closure.
  - Be able to own post-closure mine land or land in close proximity if required.
  - Rehabilitate, maintain and manage registered mine land if required.
- It was asked if there are powers within the new legislation for compulsory acquisition of rehabilitated mine land if required. There are no powers within the new legislation for compulsory acquisition of land.
- The Authority will have a particular focus on the effectiveness of the post-closure scheme for coal mine land.
- In the post-closure phase, the Authority will focus on whatever land still requires post-closure monitoring. This may vary from oversight (i.e. managing vegetation) to substantial active work (i.e. managing sophisticated pumping networks).
- The Authority applies to all declared mines. At the moment, the Latrobe Valley's three brown coal mines are the only three declared mines in Victoria.
- It was asked if the Authority will be responsible for negotiating and deciding when risk is transferred from the mine operators to the next owner? The Minister for Resources will decide when rehabilitation bonds are returned and mine rehabilitation ceases.
- The Authority will advise the Minister for Resources on whether closure criteria have been addressed. The post-closure plan will be an obligation that's tied to the land (post-closure plans will be registered to the land title). The

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Authority would be part of the process of setting the closure criteria, however the Minister will ultimately make the decision regarding the satisfactory completion of rehabilitation against the approved rehabilitation plan.

- The Authority provides a means for government to ultimately take over the ongoing management of a site or monitor a private body that might do so.
- It was asked if declared quarries are covered by this legislation? At the moment, declared quarries aren't covered by this legislation. There are currently no declared quarries in Victoria.
- How will this new legislation that has an objective of ensuring that the LVRRS is implemented achieve this? Actions and decision making on the rehabilitation plans etc. will be measured and judged in such a way to determine if they are consistent with the LVRRS.
- A key short-term priority for the establishment of the Authority is the recruitment of board members.
- The Authority will have a board of up to six members, a Chairperson and a Deputy Chairperson. Terms of appointment will be up to five years.
- The intention is for the board to be involved in the selection of the Chief Executive Officer for the Authority.
- Earth Resources Regulation currently serves as the regulator of the Latrobe Valley brown coal mines, while Rae Mackay as Commissioner provides advice and oversight. It was asked if this will continue once the Authority is in place? Yes, this will continue during rehabilitation with the Authority to assume the responsibilities of the Commissioner.

### Composition of the Board

- The Chairperson of the Authority's board must have expertise relating to the rehabilitation of mines. Ideally, the Deputy Chairperson will also have similar expertise.
- All board members will be expected to have demonstrated governance skills and experience, as well as a level of financial and legal literacy.

#### 4 Latrobe Valley Regional Rehabilitation Strategy – Overview document

**Delivered by: Eva Rampal, Principal Policy Officer, Latrobe Valley Regional Rehabilitation Strategy, Department of Jobs, Precincts and Regions**

The LVRRS Project Team is working to prepare an overview of the Strategy to release for public consultation later this year. This presentation provided a summary of the document's structure and what it is proposed to include.

- The Project Team is preparing to release an overview of the LVRRS (the Overview) for public consultation later this year.
- The Overview will clearly articulate what the LVRRS is and what it is not.
- The Overview will define at a high level:
  - The objectives for the rehabilitation of the Latrobe Valley's brown coal mines.
  - The role of government in achieving those objectives.
  - The role of the mine operators in achieving those objectives.
- There's a need to get factual information out in the public domain about mine rehabilitation and the LVRRS. Work is underway to do this via an advertorial to be published in the *Latrobe Valley Express*.

#### 5 Round the table updates

##### Susan Lloyd, Latrobe Valley community (Chairperson)

- Recently participated in ENGIE's Hazelwood Concept Masterplan and mine rehabilitation focus groups.
- Received a briefing on the Regional Carbon Innovation Centre feasibility study from Australian Carbon Innovation and Federation University.
- Expressed frustration with the lack of communications and community engagement regarding the Project. Proposed an advertorial in the *Latrobe Valley Express* to share information with the local community.
- Keen to understand how we can create a vision for Latrobe Valley in terms of mine rehabilitation.

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

- EnergyAustralia recently hosted public consultation sessions in Moe.
- Currently working to help relocate the clay target club. Mine expansion will ultimately assume the club's current site.

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### James Faithful, Latrobe Valley mine operators (ENGIE Hazelwood)

- The recent *Herald Sun* Lake Como media story was a missed opportunity to share information about the LVRRS Project.
- ENGIE has recently hosted a number of community focus groups on its Rehabilitation and Closure Plan and Concept Masterplan for the Hazelwood site.
- Earthworks are now recommencing for the summer period with approximately 70 contractors onsite.
- Work is continuing on the demolition of the Hazelwood Power Station. Crusher houses and the raw coal bunker have now been removed.
- A peer review of the Integrated Mines Research Group research plan has been completed.

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

- AGL recently had a workshop exploring how it integrates future mining activity planning with mine rehabilitation planning.
- Most end of financial year reporting is now complete.
- AGL Loy Yang has been busy completing its summer readiness program.
- AGL Loy Yang is currently preparing for upcoming dust management audit.
- TS4 outage commenced yesterday and will last for 55 days.

### Gail Gatt, Latrobe City Council (Council Officer)

- Latrobe City has been preparing a submission on the draft *Latrobe Valley Preliminary Land Use Vision*.
- Latrobe City is keen to ensure that the community engages with the content of the Vision, however it's not sure how many people in the community will engage with the engage.vic website.
- Live Work Latrobe Planning Scheme amendment is with DELWP for approval.

### Graeme Middlemiss, Latrobe City Council (Councillor)

- Latrobe City Council has been working to manage expectations of the community in light of the recent Lake Como mine rehabilitation media coverage.

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

- Community information sessions for the Long-Term Water Resource Assessment and the Sustainable Water Strategy are planned for 22<sup>nd</sup> and 23<sup>rd</sup> October in Traralgon and Bairnsdale respectively.

### Alan Freitag, Department of Environment, Land, Water and Planning

- Draft *Latrobe Valley Preliminary Land Use Vision* is open for public consultation.
- Work is underway to extract coal policies from local planning policies and put them into a regional section.

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### 6 Other business and next meeting

- Next meeting scheduled for Thursday 12 December 2019.
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