



Latrobe Valley  
Mine Rehabilitation  
Commissioner

# LATROBE VALLEY MINE REHABILITATION COMMISSIONER

## ANNUAL REPORT 2019-20

Authorised and published by the Victorian Government  
Mine Land Rehabilitation Authority  
Suite 5, 55 Grey St, Traralgon, VIC 3844  
1800 571 966

ISSN 2209-7473 (online)

Print managed by Finsbury Green Printed on Ecostar (Fsc) 100% recycled paper

Unless indicated otherwise, this work is made available under the terms of the Creative Commons Attribution 3.0 Australia Licence. To view a copy of this licence, visit [creativecommons.org/licenses/by/3.0/au](https://creativecommons.org/licenses/by/3.0/au)  
It is a condition of this Creative Commons Attribution 3.0 Licence that you must give credit to the original author who is the State of Victoria.

Accessibility If you would like to receive this publication in an accessible format, such as large print or audio, telephone 1800 571 966 or email [contactus@mineland.vic.gov.au](mailto:contactus@mineland.vic.gov.au). This document is also available in accessible Word format at [mineland.vic.gov.au](http://mineland.vic.gov.au).

## TABLE OF CONTENTS

|   |    |
|---|----|
| Commissioner's foreword .....   | 5  |
| Appointment.....  | 7  |
| Establishment .....   | 7  |
| Workforce and office.....   | 8  |
| Organisational structure as at 30 June 2020 .....   | 8  |
| Objectives of the Commissioner .....  | 9  |
| Powers and functions of the Commissioner.....   | 9  |
| Rehabilitation of mine land .....   | 9  |
| Strategy.....   | 9  |
| Achievements and key initiatives .....  | 11 |
| Community outreach .....  | 11 |
| Community group engagement.....   | 11 |
| Education .....   | 12 |
| Online engagement.....  | 12 |
| Transition to the Mine Land Rehabilitation Authority .....  | 13 |
| Promoting better practice .....   | 13 |
| Working with stakeholders.....  | 13 |
| Report on performance of functions and exercise of powers .....   | 14 |
| Develop and maintain a framework for the monitoring and evaluation of rehabilitation planning activities.....   | 14 |
| Carry out strategic audits of public sector bodies and Latrobe Valley mine licensees in relation to rehabilitation planning activities .....  | 15 |
| Monitor and evaluate rehabilitation planning activities in accordance with the framework.....   | 15 |
| Review any research plan in relation to the rehabilitation of coal mine land prepared by a Latrobe Valley mine licensee and make recommendations, if any, following a review to the relevant Latrobe Valley mine licensee ..... | 17 |
| Coordinate rehabilitation planning activities .....   | 18 |
| Engage with the Victorian community, other stakeholders, public sector bodies and the Latrobe Valley mine licensees in relation to the rehabilitation of coal mine land.....  | 18 |

|   |    |
|---|----|
| Conduct and support meetings between the Victorian community, other stakeholders, public sector bodies and the Latrobe Valley mine licensees in relation to rehabilitation planning activities that promote communication and the resolution of issues..... | 18 |
| Provide information and education to the Victorian community about the planning for the rehabilitation of coal mine land and the regional rehabilitation strategy .....   | 20 |
| Carry out investigations on the referral of the Minister under Division 4 of the Act; and provide advice, reports and recommendations to the Minister on matters referred to the Commissioner under Division 4 of the Act .....                             | 20 |
| Provide advice, recommendations and reports to the Minister on the exercise of the Commissioner's functions.....  | 21 |
| Glossary .....  | 22 |

## Commissioner's foreword

*The Latrobe Valley Mine Rehabilitation Commissioner's role was established in 2017 to provide independent assurance to the community that Victorian public sector bodies and the Latrobe Valley mine licensees, ENGIE, EnergyAustralia and AGL Energy, are planning effectively for the rehabilitation of the three Latrobe Valley brown coal mines, Hazelwood, Yallourn and Loy Yang, and to promote community and stakeholder participation in the planning processes.*

It has been a very busy year with the completion of the Latrobe Valley Regional Rehabilitation Strategy (LVRRS), the review of the submitted Hazelwood mine Work Plan Variation incorporating the mine's rehabilitation and closure plan, and the preparations for the establishment of the new Mine Land Rehabilitation Authority and new Declared Mine regulations.

Throughout the year, my office has continued to engage closely with community members as well as with all the key stakeholders, including the mine licensees, the regulators and the main government departments involved with rehabilitation and future use of mine land. The conversations have been wide ranging but have largely centred on the access to water for mine rehabilitation and the potential impacts on other users if water availability in the Latrobe River system becomes much lower than it is at present.

Towards the end of 2019, the LVRRS published synopses of the findings of the feasibility studies in the areas of water availability and geotechnical stability, as well as a draft vision for the future development of the Valley. A consultation document on the directions for the LVRRS was also published and received valuable feedback. The LVRRS, published at the end of June 2020, sets the direction for rehabilitation and the actions that will be progressed by the Victorian government to enable acceptable rehabilitation plans to be developed by the mine licensees. The direction for rehabilitation will be guided by a suite of principles that set out the expectations for the implementation of the LVRRS.

Overseeing the LVRRS' effectiveness and implementation will be the Mine Land Rehabilitation Authority, the successor to my Office. My role as Commissioner ended on 30 June 2020. Over the three years of carrying out the role, it has been my pleasure to work with all stakeholders and community groups to encourage the conversations that we need to ensure that the right plans for mine rehabilitation are implemented and that a positive legacy is created as the mine land are repurposed for non-mining beneficial land uses.

In accordance with section 142 of the *Mineral Resources (Sustainable Development) Amendment Act 2019* (Vic), the Mine Land Rehabilitation Authority has continued to prepare and complete the 2019-20 Annual Report for the Latrobe Valley Mine Rehabilitation Commissioner for a period of time prior to 30 September 2020.

In accordance with section 84AZH of the *Mineral Resources (Sustainable Development) Act 1990* (Vic), I am pleased to present the Latrobe Valley Mine Rehabilitation Commissioner's Annual Report for the year ending 30 June 2020.

A handwritten signature in blue ink, appearing to read 'Rae Mackay', with a large, stylized initial 'R' at the start.

*Emeritus Professor Rae Mackay*  
*Latrobe Valley Mine Rehabilitation Commissioner*  
June 2020

## About the Commissioner

The Latrobe Valley Mine Rehabilitation Commissioner (the Commissioner) is an independent officer, appointed by the Governor in Council on the recommendation of the Minister for Resources. The role of Commissioner ceased on 30 June 2020 with the commencement of the *Mineral Resources (Sustainable Development) Amendment Act 2019*. The new amendment act established the role and functions of the Mine Land Rehabilitation Authority that succeeded the Commissioner on 30 June 2020.

Since 13 December 2018, Jaclyn Symes MP has been the Minister for Resources.

Since June 2017, the Commissioner has provided independent advice and recommendations directly to the Minister for Resources and mine licensees, ENGIE, EnergyAustralia and AGL Energy concerning mine rehabilitation for the three Latrobe Valley brown coal mines – Hazelwood, Yallourn and Loy Yang – as well as each mine’s rehabilitation and closure plans.

The Commissioner has also provided independent advice on the development of the LVRRS, which has been prepared by the Department of Environment, Land, Water and Planning (DELWP) and the Department of Jobs, Precincts and Regions (DJPR) in response to the 2015-16 Hazelwood Mine Fire Inquiry (HMFII). The LVRRS, released on 26 June 2020, seeks to promote a safe, stable and sustainable landform for the Latrobe Valley brown coal mine voids and surrounding areas and guides regional planning for mine rehabilitation in the Latrobe Valley.

The Commissioner has worked in partnership with the Latrobe Valley Mine Rehabilitation Advisory Committee (LVMRAC) and closely with other stakeholders, including providing an education and information conduit for the Latrobe Valley community. The LVMRAC comprises representation from a broad range of stakeholder groups with an interest in mine rehabilitation in the Latrobe Valley. It plays a key role in community engagement and has acted as a conduit to broader stakeholder engagement during the life of the LVRRS.

### Appointment

Professor Mackay was appointed as Commissioner in June 2017 and held the role for the three years of its existence. He was previously the Director of the Geotechnical and Hydrogeological Engineering Research Group (GHERG) at the Gippsland Campus of Federation University, formerly Monash University, working extensively with research staff and students on aspects of stability of the Latrobe Valley brown coal mines. As the Director of GHERG, he was also a member of the Victorian Government’s Technical Review Board from 2011 to 2017, which had oversight of stability issues for all mines and quarries in Victoria with emphasis on the Latrobe Valley brown coal mines.

### Establishment

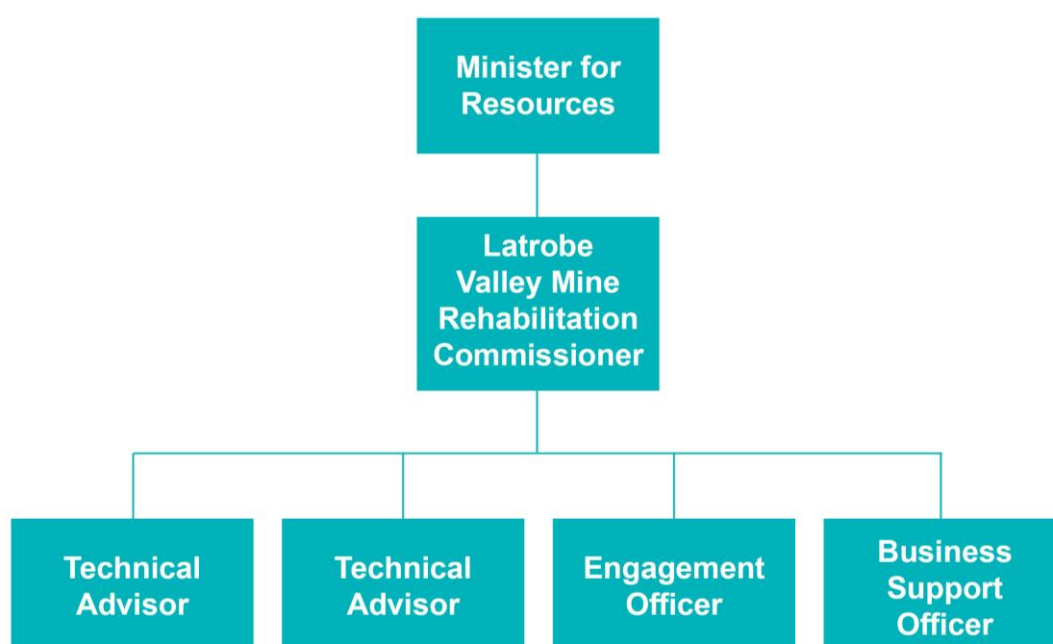
The statutory office of the Commissioner was established in 2017 by the *Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Bill 2017*. With the passage of the Bill, the Commissioner’s appointment, functions and powers were governed by Part 7A of the *Mineral Resources (Sustainable Development) Act 1990* (Vic) (the Act).

## Workforce and office

The Commissioner increased staff from three – a Technical Advisor, a Business Support Officer and an Engagement Officer – to include a second Technical Advisor in January 2020 to assist him in carrying out his role and functions. The Commissioner’s staff are employed by DJPR and were located at Suite 5, 55 Grey

Street, Traralgon. Since March 2020, the Commissioner and staff have been working from home in accordance with the requirements set out by the Victorian Government. The ‘stay at home’ directions were issued under the State of Emergency declared by the Minister for Health on 16 March 2020 under the *Public Health and Wellbeing Act 2008* (Vic).

## Organisational structure as at 30 June 2020



## Workforce data

| As at 30 June 2020 |                        |                 |                        |                 |
|--------------------|------------------------|-----------------|------------------------|-----------------|
| Classification     | Ongoing                |                 | Fixed term             |                 |
|                    | Employees (head count) | Employees (FTE) | Employees (head count) | Employees (FTE) |
| VPS-1              |                        |                 |                        |                 |
| VPS-2              |                        |                 |                        |                 |
| VPS-3              |                        |                 |                        |                 |
| VPS-4              |                        |                 | 1                      | 1               |
| VPS-5              |                        |                 | 1                      | 1               |
| VPS-6              | 1                      | 1               | 1                      | 1               |
| Commissioner       |                        |                 | 1                      | 1               |
| <b>Total</b>       | <b>1</b>               | <b>1</b>        | <b>4</b>               | <b>4</b>        |



## Objectives of the Commissioner

Under section 84AE of the Act, the Commissioner's objectives were:

- a) to provide assurance to the Victorian community that public sector bodies and the Latrobe Valley mine licensees are planning for the rehabilitation of coal mine land, and implementing the LVRRS;
- b) to promote the participation of the community and stakeholders from the Latrobe Valley region in the development and implementation of the LVRRS; and
- c) to promote the effective and consistent rehabilitation of coal mine land in accordance with the LVRRS.

## Powers and functions of the Commissioner

The Commissioner's powers were defined by section 84AL of the Act. These included:

- developing and maintaining a framework for the monitoring of rehabilitation planning activities;
- carrying out strategic audits of Latrobe Valley mine licensees and public sector bodies in relation to rehabilitation planning activities;
- monitoring and evaluating rehabilitation planning activities in accordance with the framework;
- reviewing research plans in relation to the rehabilitation of coal mine land prepared by Latrobe Valley mine licensees;
- coordinating rehabilitation planning activities; and

- engaging with and conducting meetings between relevant groups and persons.

The Commissioner's powers also included providing information and education to the Victorian community about brown coal mine land rehabilitation and the LVRRS, carrying out investigations on the referral of the Minister, and providing advice and recommendations to the Minister on matters related to the exercise of the Commissioner's powers and functions.

The Act granted the Commissioner all powers necessary or convenient to perform these functions.

## Rehabilitation of mine land

Normally, rehabilitation is considered for each mine on an individual basis. However, the closeness of the three Latrobe Valley brown coal mines and their size relative to the surrounding landscape means that their collective impacts on the environment and on future socio-economic development of the region must be considered together. The preparation of the LVRRS provides the framework for assessing the combined plans for the three brown coal mines and for coordinating responses to the collective impacts.

An overarching goal for the Commissioner's work program has been to provide independent assurance to the Minister, the mine licensees and the community of the effective development of the LVRRS.

## Strategy

The LVRRS is underpinned by the following concepts:

- All three Latrobe Valley brown coal mines are on privately owned land, and the rights and obligations of landholders apply.
- The Act places responsibility for rehabilitation of individual mine sites on mine licensees, including planning, rehabilitation works and associated costs.
- The government's role is to provide policy and guidance, and to facilitate or support investment by industry where there is a clear community benefit. Its role should not constrain the ability of industry to find new and innovative solutions to mine rehabilitation.
- There are social, cultural, environmental and economic factors that may change the feasibility of rehabilitation options available at future points in time, including significant uncertainties associated with climate change and water availability.
- Rehabilitation is likely to take decades after the cessation of mining at each site, and the community should have the opportunity to be involved over this time.

The published LVRRS sets out principles to guide the planning associated with mine rehabilitation and the monitoring and evaluation of mine land after rehabilitation is complete. The principles are:

1. The fire risk of the rehabilitated land should be no greater than that of the surrounding environment.
2. Ground instability and ground movement risks and impacts during rehabilitation and in the

long term, and requirements for ongoing management to sustain a safe and stable landform, should be minimised as far as reasonably practicable.

3. Mine rehabilitation should plan for a drying climate. Rehabilitation activities and final landforms should be climate resilient.
4. Any water used for mine rehabilitation should not negatively impact on traditional owners' values, environmental values in the Latrobe River systems, or the rights of other existing water users.
5. Traditional owners should be involved in rehabilitation planning, assessment and decision-making.
6. The community should be consulted on rehabilitation proposals, the potential impacts, and have the opportunity to express their views.
7. Mine rehabilitation and regional land use planning should be integrated, and the rehabilitated sites should be suitable for their intended uses.

The LVRRS also recognises and embeds the key legislative changes that form part of the overarching implementation of mine rehabilitation including the implementation of the Mine Land Rehabilitation Authority and the development and implementation of the Declared Mine regulations that will define the requirements for the Latrobe Valley brown coal mines for rehabilitation planning and post closure monitoring and maintenance of mine land.

A key theme in the LVRRS is the acknowledgement of risks arising from the use of water for mine rehabilitation over

extended time periods as the predictions for water availability in the Latrobe Valley suggest a progressive decline in the flows of the Latrobe River system. This has been the aspect of mine rehabilitation that has created the most concern for the community and has been a major focus of community conversations.

At the same time as the development of the LVRRS, ENGIE has developed and submitted its plans to the Victorian Government for the rehabilitation and closure of Hazelwood mine. ENGIE's plans are for the creation of a full pit lake in the mine void but with the option to review this plan if conditions of access to and use of water prove to be unfavourable. ENGIE's application remains under review at the time of preparing this report.

## Achievements and key initiatives

### Community outreach

#### *Community group engagement*

Throughout the year, conversations were held with many community groups spanning service organisations, historical societies, community development groups, neighbourhood centres, arts communities, environment and sustainability groups, water user groups, and youth groups. A total of 20 groups were visited during the 2019-20 year.

The aims of these conversations were threefold:

- To provide up-to-date information on the progress of rehabilitation planning for the three Latrobe Valley brown coal mines.

- To gain a better understanding of the key concerns of the community members.
- To discuss the key issues affecting rehabilitation planning – in particular, the approaches to managing safety and stability and the considerations influencing the availability of water for mine rehabilitation.

In addition to attendance at community group meetings, two community forums were held – the first in November 2019 at the Italian-Australian Club in Morwell which attracted about 100 attendees. The key aim of the forum was to focus on the learnings from the mine rehabilitation studies of the mine licensees and the LVRRS studies.

The second forum was held online in the form of two webinars. The first webinar considered the work that was undertaken since 2017 on planning for safe, stable and sustainable rehabilitation of the three Latrobe Valley brown coal mines. The second introduced both the Mine Land Rehabilitation Authority and the LVRRS. Both webinars had registrations of more than 120, with more than 80 people online during the meetings.

Mobile mine rehabilitation displays were installed for a period of a week at the Moe library and at the Churchill Neighbourhood Centre.

A project was established with the local arts community through the 'Coal Hole', an engagement initiative with The BIG Picture Space Inc to explore the technical aspects of mine rehabilitation through arts communication. Funds were provided for the administration of the project to facilitate the engagement while

the costs of the art materials and activities were met by the arts community.

Held over six months from July to December 2019, the Coal Hole facilitated 31 free weekly workshops for anyone over the age of 13 to explore different aspects of the rehabilitation process and showcased different mediums of art. A total of five events were also held to showcase the artworks including a fashion parade, a sound show, and a '1,000 billion litre water fight' in Morwell to raise awareness about the use of water in mine rehabilitation. The project engaged 38 artists, creating more than 260 artworks, and engaging with almost 700 people – 92 per cent of the audience were under 35 years of age. It also attracted 500 followers on Facebook and Instagram, and the Coal Hole website received more than 500 website visits. The social media reach was extended from May to the end of June 2020 to further showcase the artworks created and share mine rehabilitation learnings.

### *Education*

An important advance for this year was to develop connections with the local schools and to commence development of educational materials that could be integrated into school curricula to support students' learning across a wide range of subject areas while raising awareness among school age children of the transition that is taking place in the Latrobe Valley, as mines close and mine land is returned to safe, stable and sustainable landforms.

To initiate the connections, we engaged with Broadening Horizons, a Latrobe Valley Authority funded initiative, to ensure that what we were offering was

appropriate for the classroom and to provide introductions to the local schools with a strong interest in the Broadening Horizons learning model. Plans to implement the educational activities were placed on hold in March 2020 but are ready to be restarted as soon as social distancing rules permit.

A 3D physical model of the Latrobe Valley was commissioned as an educational tool. The model, milled in fine grained timber and containing 3D printed plastic inserts of the mines and towns, is an excellent resource for visually learning about the region with members of the community and exploring the transitions that are planned.

Four newsletters were published in the year, in August and November 2019 and February and May 2020. The final newsletter (Issue 6) was advertised on the Latrobe Valley Express website to reach a wider audience – a website which attracts 400,000 hits per month. As with all fact sheets and other media, the newsletters were also distributed to community members registered on our email database, published via our Facebook page and also via download from the Latrobe Valley Mine Rehabilitation Commissioner website.

### *Online engagement*

Online engagement has continued during the year through the Commissioner's website and Facebook pages.

Since its launch in February 2019, Facebook has continued to be a very useful platform for engaging with the community, exceeding 500 likes and almost 600 followers in June 2020. More than two posts were published per week,

covering a wide range of subject matter relevant to the Latrobe Valley on both economic transition and mine rehabilitation.

The website provides valuable access for the community to contact the Commissioner's office and to download information and reports generated by the office and by other organisations.

### *Transition to the Mine Land Rehabilitation Authority*

For the Mine Land Rehabilitation Authority to commence without delay on 30 June 2020, a range of preparatory initiatives were undertaken, including development of branding and a website that went live on 30 June 2020. The Commissioner's Facebook page was also transferred to the new Authority at the same time.

The Commissioner's staff, who are employed by DJPR, continued in their roles into the Authority to provide continuity between the work of the Commissioner and the Authority. The Traralgon office of the Commissioner has been retained temporarily as the office for the Authority while the Latrobe Valley GovHub office in Morwell is completed.

Briefing materials were provided to the new Board members for the Authority explaining the actions that have been carried out since 2017 and providing information about mine rehabilitation relevant to the Latrobe Valley brown coal mines.

### *Promoting better practice*

The Commissioner and staff attended regional, national and international

meetings related to mine rehabilitation to gain greater understanding of developments in mine rehabilitation practices and technologies and delivered presentations on the planning for rehabilitation in the Latrobe Valley and community engagement. These meetings include the 2019 NSW Health, Safety Environment Conference in the Hunter Valley, the 2019 Winter meeting of the Victorian Chapter of the Institute of Quarrying Australia, and 2019 Mine Closure Conference in Perth, WA.

The Commissioner continued to provide advice to the Batter Stability Project through the project's Technical Advisory Group.

### *Working with stakeholders*

Work with the Latrobe Valley mine licensees has continued over the year through the Integrated Mine Research Group's activities and through direct engagement on the studies and work plans developed for rehabilitation and closure planning.

ENGIE submitted its rehabilitation and closure plan for Hazelwood mine through a Work Plan Variation to Earth Resources Regulation (ERR) in March 2020. The Commissioner's office reviewed more than 90 reports, outputs from the technical studies undertaken to develop and in support of ENGIE's plans. All reports and the Work Plan Variation were reviewed as part of the statutory referral process and detailed comments returned to ERR for consideration as part of its assessment.

AGL Energy Loy Yang provided briefings on the content of its Work Plan Variation for its external overburden dump and its

updated Work Plan covering future mining plans including rehabilitation in advance of submission of the work plans proposed at the end of June 2020. Both plans will be assessed by the Mine Land Rehabilitation Authority.

EnergyAustralia has progressed its plans for mine rehabilitation at Yallourn mine over the last 12 months and has actively engaged with the office on the scope and content of the investigations and studies required to prepare a full rehabilitation and closure plan for the mine.

Significant assessments have been undertaken in support of the LVRRS, both in reviewing the technical outputs of the LVRRS feasibility studies, and in reviewing and commenting on the final strategy. The LVRRS is the culmination of a very large program of work undertaken over four years. The Commissioner was consulted by the Minister for Resources on the completion of the LVRRS. The planned activities by government to support the next steps under the LVRRS were fully endorsed by the Commissioner.

The Commissioner also continued wide ranging engagement with the Environment Protection Authority (EPA) and ERR on regulatory matters related to mine land rehabilitation.

Valuable dialogue has been maintained with the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) about plans for the rehabilitated mine lands and the water bodies.

Dialogue has also continued with the Latrobe City Council and the West Gippsland Catchment Management Authority, including a highly valuable virtual tour of the Latrobe River system to

gain greater insights into the operations of the lower Latrobe River and its estuary and wetlands.

## Report on performance of functions and exercise of powers

Under section 84AZH of the *Mineral Resources (Sustainable Development) Act 1990 (Vic)*, the Commissioner must provide an annual report to the Minister for Resources on the performance of the Commissioner's functions and the exercise of the Commissioner's powers.

*Develop and maintain a framework for the monitoring and evaluation of rehabilitation planning activities*

The *Latrobe Valley Rehabilitation Monitoring Framework 2018-20* was developed and published in 2018 after an extensive consultation with the main stakeholders. Since its publication, it has been used as the basis for overseeing the work of the major stakeholders covering the LVRRS, the mine licensees, the Integrated Mines Research Group (IMRG) and public sector bodies including DELWP, the DJPR and the regulators, ERR and EPA.

The framework was created to fulfil the needs of monitoring of planning activities through to the publication of the LVRRS. It will be necessary for the Mine Land Rehabilitation Authority to review and update or replace the framework to monitor the implementation and effectiveness of rehabilitation planning activities and LVRRS.



*Carry out strategic audits of public sector bodies and Latrobe Valley mine licensees in relation to rehabilitation planning activities*

No strategic audits have been carried out by the Commissioner in 2019-20. Throughout the three years of the Commissioner's office, audits have not been considered appropriate or necessary; mine rehabilitation planning has been changing rapidly since the 2015-16 HMFI to meet the requirements of the recommendations of the inquiry. By preference, comments in relation to mine rehabilitation practices have been made directly to the relevant stakeholders as part of the normal oversight undertaken as a regular part of the monitoring and evaluation in accordance with the framework.

The Commissioner did contribute to the inputs of the VAGO audit of mine rehabilitation in Victoria. While rehabilitation in the Latrobe Valley was not included in the scope of the audit, the learnings from the planning and regulation of Latrobe Valley mine rehabilitation were included as useful complementary evidence for consideration by the audit team.

*Monitor and evaluate rehabilitation planning activities in accordance with the framework*

Since the commencement of the *Latrobe Valley Rehabilitation Monitoring Framework 2018-20* in November 2018, the Commissioner has conducted all monitoring and evaluation of rehabilitation planning in accordance with the framework.

The stakeholders are divided into four groups: LVRRS, mine licensees, IMRG and public sector bodies.

**LVRRS**

The LVRRS program during the year has focused on the development and publication of the strategic plan. The final plan was required to set out the strategy in relation to:

- The safety, stability and sustainability of coal mine land and any adjacent land.
- The planning for the Latrobe Valley region in relation to the rehabilitation of coal mine land and any adjacent land, and the relationship between each mine void.
- The development of a plan for the monitoring and evaluation of coal mine land after rehabilitation of that land is complete.

The LVRRS achieves the first two of these requirements through an enabling framework that guides rehabilitation planning and identifies a set of actions to be undertaken by government in collaboration with the mine licensees to support the development of mine rehabilitation plans. The Mine Land Rehabilitation Authority is responsible for the monitoring and evaluation of the LVRRS and is also responsible for the monitoring and evaluation of the risks posed by geotechnical, hydrogeological, water quality or hydrological factors for declared mine land in relation to public safety, the environment and relevant infrastructure. The latter will deliver the third of the plan's requirements.

Throughout the year a regular, extensive engagement program was undertaken between the LVRRS project team and the Commissioner's office. Fortnightly information sharing meetings were undertaken to support the monitoring and evaluation processes, and the progress reports on the LVRRS work plans were provided monthly. In addition to providing feedback on the development of the LVRRS, the Commissioner and his advisors worked on the reviews of the main technical reports to be published from the feasibility studies for the LVRRS.

### Mine licensees

Regular meetings were held during the year with each mine licensee. Most of the monitoring effort was directed towards the program of works being undertaken by ENGIE. ENGIE created a Rehabilitation and Closure Plan Working Group for the purpose of information sharing, of which the Commissioner's office was a member. The Working Group enabled clear oversight of the range of studies being completed for rehabilitation and how these investigations would support ENGIE's work plan variation submission in early 2020.

As reports became available, these were provided to the Commissioner's office for review through ENGIE's online Hazelwood Rehabilitation Project knowledge repository.

The six-monthly declared mine reports for both Loy Yang and Yallourn along with other reports have been used to examine the work on rehabilitation planning for both mines, as well as to assess the progressive rehabilitation progress that has been made.

In addition to assessing rehabilitation planning at both mines through the available reporting, on-site meetings with the mine licensees have been held to address specific issues relevant to both sites. Yallourn mine's expansion of its rehabilitation investigation program is an important area of development for EnergyAustralia. The Commissioner's office provided an initial review of the plans to Yallourn's mine manager.

AGL Energy Loy Yang undertook work underpinning a Work Plan Variation on proposed changes to the extent of their external overburden dump, as well as work on a new Work Plan presenting changes to the mine's geometry with an updated rehabilitation concept integrated into the design. Detailed discussions relating to both aspects of work planning were held in the second quarter of 2020.



## Integrated Mines Research Group (IMRG)

The IMRG completed its first three years' research activities at the end of 2019 and prepared an updated research plan for the next three years. Planning meetings were held to update progress on the original plans and to identify the critical research actions needed for the next three years. The Commissioner attended these meetings to both contribute to the planning and to assess the plans proposed.

In the period to the end of 2019, the IMRG maintained regular bi-monthly meetings to examine and share information on research progress. The Commissioner attended these meetings.

## Public sector

Meetings were held with DJPR Earth Resources Policy and Programs (ERPP), ERR and EPA throughout the year. Meetings with ERPP addressed the development of the Declared Mine regulations that will incorporate changes to rehabilitation planning required of declared mine licensees. Meetings with ERR have assessed the new Rehabilitation guidelines developed for mining and exploration as well as the referral of the Hazelwood Work Plan Variation. Finally, meetings with the EPA explored the requirements for contaminated site investigations at mine sites and the management of closed landfills on mine land.

*Review any research plan in relation to the rehabilitation of coal mine land prepared by a Latrobe Valley mine licensee and make recommendations, if any, following a review to the relevant Latrobe Valley mine licensee*

The research plans of the Latrobe Valley mine licensees are focused through the 10-year research plans of the IMRG. Through the bi-monthly IMRG coordination meetings, the Commissioner has been kept apprised of the ongoing activities. This overview of research is further enhanced through direct oversight of programs of research being undertaken as part of the IMRG, including the Batter Stability Project and related research at Federation University. The IMRG 10-year plan was reviewed and updated in late 2019. The Commissioner identified several potential research areas to be considered as part of the review and forwarded this to the IMRG for evaluation and incorporation in their forward plans. The Commissioner attended planning meetings of the IMRG during which the forward program of the IMRG was reviewed and finalised.

The Commissioner engaged with the LVRRS project team to consider future research projects that would need to be addressed to support the LVRRS' implementation and would complement or could be embedded in the IMRG forward plans. The Commissioner engaged closely with Anthony Feigl, Acting Director, Coal Resources Victoria, DJPR on the establishment of new geotechnical research projects relevant to Latrobe Valley mine rehabilitation.

### *Coordinate rehabilitation planning activities*

Coordination has been achieved through close engagement with and oversight of the major activities of the mine licensees, the IMRG, the LVRRS project and public sector bodies.

### *Engage with the Victorian community, other stakeholders, public sector bodies and the Latrobe Valley mine licensees in relation to the rehabilitation of coal mine land*

Engagement with relevant public sector bodies, mine licensees and other stakeholders has occurred regularly throughout the year.

The Commissioner's office has worked to ensure that anyone with an interest in the rehabilitation of the Latrobe Valley brown coal mines is able to meet with the Commissioner.

Community conversations have followed the same pattern as the first two years, and have been further supported in the second half of this year by the available information from the LVRRS following the publication of the Draft Preliminary Land Use Vision and the Regional Geotechnical and Regional Water synopsis reports.

In the six months leading up to the publication of the LVRRS, there were productive engagements with community members with strong interests in water in the Latrobe River system and its continued availability for uses other than mine rehabilitation. This was one of several generally held community opinions expressed through the conversations with the Commissioner's office. Community feedback suggested

that there was an acceptance that mine rehabilitation landforms should contribute to the development of the economy of the region and that public access to the landforms is important, either through private or public ownership. In addition, community views also suggest pit lakes would be acceptable landforms if the water for their creation does not impact on other water users or the environment and the pit lake water quality can be maintained at a quality needed for recreation or other beneficial use.

Direct engagement through community meetings has provided important opportunities for a dialogue with the community. However, the reach of such meetings is dependent on the number of participants and the interests of the community groups. Wider reach has been possible through the Commissioner's social media presence on Facebook and through the publication of newsletters with wide distribution, as well as the Coal Hole project. Since the creation of the Facebook page in February 2019, the number of followers has increased each month and exceeded 500 in June 2020.

### *Conduct and support meetings between the Victorian community, other stakeholders, public sector bodies and the Latrobe Valley mine licensees in relation to rehabilitation planning activities that promote communication and the resolution of issues*

The Commissioner has facilitated meetings between the community, other stakeholders, public sector bodies and mine licensees primarily through biannual public forums.

The Commissioner continued his commitment to holding two public forums

each year, with the forums for 2019-20 held in November 2019 and June 2020.

The community forum held on 27 November at the Italian Australian Club in Morwell received a total of 100 registrations. DJPR Acting Director Coal Resources Victoria Anthony Feigl provided an update on the LVRRS with a focus on the 'Overview'. Guest speakers from EnergyAustralia Yallourn, AGL Energy Loy Yang and ENGIE Hazelwood participated in a panel discussion with the Commissioner, answering many questions from the floor. The LVRRS project team, ENGIE and the Coal Hole arts project also hosted displays at the event, which generated additional interest.

The June forum was held through two online webinars on the 10 June and 29 June 2020. The first webinar provided a review of the planning for mine rehabilitation that has taken place since the Hazelwood mine fire. The second webinar provided an introduction to the Mine Land Rehabilitation Authority and presented an overview of the published LVRRS. The webinars permitted questions to be posed to the speakers and the Commissioner through an online Q&A session. Questions that could not be answered immediately due to time constraints were answered in writing and published on the Commissioner's and subsequently the Mine Land Rehabilitation Authority's website.

*Provide advice and recommendations to the Minister in relation to:*

- *the possible changes to the regulatory framework;*
- *the outcomes of any engagement by the Commissioner with the Victorian community or stakeholders;*
- *the planning for the monitoring, and completion, of the rehabilitation of coal mine land;*
- *the planning for the monitoring and maintenance of coal mine land that has been rehabilitated;*
- *the regional rehabilitation strategy; and*
- *the rehabilitation plans of the Latrobe Valley mine licensees.*

Throughout 2019-20, the Commissioner has provided regular advice to the Minister for Resources on all aspects of mine rehabilitation planning and regulation.

In April 2020, the Commissioner provided an assessment to the Minister of the rehabilitation and closure planning components of the Work Plan Variation submitted by ENGIE for Hazelwood mine to ERR.

The Minister also consulted the Commissioner on the final version of the LVRRS. The Commissioner prepared a written assessment for the Minister on the value of and implications of the LVRRS and the actions embedded in the LVRRS.

The Commissioner was a statutory referral authority for all work plan variations submitted by the three Latrobe Valley brown coal mine licensees.

*Provide information and education to the Victorian community about the planning for the rehabilitation of coal mine land and the regional rehabilitation strategy*

Community education is a critical aspect of the Commissioner's role. In addition to meeting with a range of community groups, the Commissioner's office began publishing a quarterly newsletter with the first edition distributed in February 2019.

Four newsletters providing information to the community about the planning for rehabilitation of coal mine land and the LVRRS were published in 2019-20. The newsletters featured information on the Commissioner's activities, as well as articles on key mine rehabilitation concepts and the outputs of the LVRRS project. The newsletters were distributed via email and the Commissioner's website, with hard copies distributed at stakeholder and community engagement meetings and events.

The Commissioner's office also advertised a link to the final newsletter in May 2020 (Issue 6) on the Latrobe Valley Express website to provide wider distribution.

The Commissioner's website continues to be an effective means of providing the community with more detailed mine rehabilitation information. The website features copies of the Commissioner's annual reports and newsletters and a set of factsheets, allowing the public easy access to the information created by the Commissioner's office.

It has proven an effective way of enabling access to mine rehabilitation information. At all community meetings, the Commissioner's office has been handing

out information packs to members of the public. The packs provide people with background information on key mine rehabilitation concepts and the role of the Commissioner, as well as contact details for any follow-up questions. Each pack contains around eight factsheets and infographics, a copy of the latest Commissioner newsletter and office contact details. The packs have proven popular at community engagement events and enable people who attend to share information with their friends and families.

Wide ranging articles on the planning for rehabilitation and relevant developments in mine rehabilitation are also published through posts on the Commissioner's Facebook page.

Education materials have also been prepared for school children and a range of youth activities have been undertaken by the Commissioner's office to introduce young people in the region to the transition taking place in the Latrobe Valley as brown coal mining for power generation ends.

*Carry out investigations on the referral of the Minister under Division 4 of the Act; and provide advice, reports and recommendations to the Minister on matters referred to the Commissioner under Division 4 of the Act*

The Minister for Resources did not refer any matters to the Commissioner for investigation under Division 4 of the Act during 2019-20.

*Provide advice, recommendations and reports to the Minister on the exercise of the Commissioner's functions*

Throughout 2019-20, the Commissioner provided advice on a monthly basis to the Minister for Resources on the exercise of his functions.

## Glossary

|              |  |
|--------------|--|
| <b>DELWP</b> | Department of Environment, Land, Water and Planning  |
| <b>DJPR</b>  | Department of Jobs, Precincts and Regions  |
| <b>ERR</b>   | Earth Resources Regulation<br><br>Earth Resources Regulation is part of the Department of Jobs, Precincts and Region’s Resources division. It regulates mines and quarries under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and petroleum activities under the <i>Petroleum Act 1998</i> .  |
| <b>EPA</b>   | Environment Protection Authority Victoria  |
| <b>GHERG</b> | Geotechnical and Hydrogeological Engineering Research Group<br><br>The Geotechnical and Hydrogeological Engineering Research Group is a Victorian-government funded group within the School of Science, Engineering and Information Technology at Federation University Gippsland. GHERG focuses on the key issues affecting brown coal mines in the Latrobe Valley, including slope stability, groundwater impacts, environmental rehabilitation and the long-term sustainability of mine sites.  |
| <b>HMFI</b>  | Hazelwood Mine Fire Inquiry<br><br>A fire burned in the Hazelwood coal mine for 45 days in February and March 2014. It was the largest and longest burning mine fire to occur in Victoria’s Latrobe Valley. The fire had significant impacts on the Latrobe Valley community. The Victorian Government held the Hazelwood Mine Fire Inquiry from February to September 2014. The inquiry was reopened in May 2015 with new areas of investigation. These inquiries triggered many reforms across state and local government, community and industry. In response to the inquiry, the Victorian Government Implementation Plan was tabled in Parliament on 21 June 2016. The plan sets out 246 actions to implement all recommendations and affirmations from the 2014 and 2015-16 inquiry reports. |
| <b>IMRG</b>  | Integrated Mines Research Group<br><br>The Integrated Mine Research Group was established in July 2016 by the three Latrobe Valley mine licensees – ENGIE, EnergyAustralia and AGL. It is a mine-operator led initiative to collectively undertake studies and research to improve   |

|               |  |
|---------------|--|
|               | <p>knowledge of rehabilitation and closure planning and to examine the technical basis for alternative rehabilitation options.</p>   |
| <b>LVMRAC</b> | <p>Latrobe Valley Mine Rehabilitation Advisory Committee</p> <p>The Latrobe Valley Mine Rehabilitation Advisory Committee was established in response to the 2015-16 Hazelwood Mine Fire Inquiry. The committee comprises representation from a broad range of stakeholder groups with an interest in mine rehabilitation in the Latrobe Valley. It plays a key role in community engagement and acts as a conduit to broader stakeholder engagement during the life of the LVRRS. The committee also provides advice directly to the Minister for Resources regarding the development of the LVRRS.</p>   |
| <b>LVMRC</b>  | <p>Latrobe Valley Mine Rehabilitation Commissioner</p>   |
| <b>LVRRS</b>  | <p>Latrobe Valley Regional Rehabilitation Strategy</p> <p>The Latrobe Valley Regional Rehabilitation Strategy is being prepared by the Department of Environment, Land, Water and Planning and the Department of Jobs, Precincts and Regions in response to the 2015-16 Hazelwood Mine Fire Inquiry.</p> <p>The LVRRS seeks to set a safe, stable and sustainable landform for the Latrobe Valley brown coal mine voids and surrounding areas and will guide regional planning for mine rehabilitation in the Latrobe Valley.</p> <p>The Latrobe Valley Mine Rehabilitation Commissioner provides independent advice and recommendations to the LVRRS and the Minister for Resources on the development of the strategy, which is due to be completed by 30 June 2020.</p> |
| <b>MLRA</b>   | <p>Mine Land Rehabilitation Authority</p> <p>The Mine Land Rehabilitation Authority replaced the role of the Latrobe Valley Mine Rehabilitation Commissioner on 30 June 2020.</p> <p>The Mine Land Rehabilitation Authority is responsible for overseeing the rehabilitation planning of declared mines in Victoria, all three of which are currently located in the Latrobe Valley.</p> <p>The key objectives of the Mine Land Rehabilitation Authority are to:</p>   |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Monitor and evaluate the effectiveness and implementation of the Latrobe Valley Regional Rehabilitation Strategy by mine licensees and public sector bodies.</li><li>• Provide assurance to the community that mine rehabilitation planning is advancing, and ensure communities have a say in relation to the planning.</li><li>• Provide advice and recommendations to the Minister for Resources in relation to mine rehabilitation planning;</li><li>• Investigate audit and report on public sector bodies and declared mine licensees in relation to rehabilitation planning activities.</li><li>• Monitor, maintain and manage registered mine land in accordance with the relevant post-closure plan by establishing and maintaining a register of declared mine land once rehabilitation is completed, and purchase, acquire and dispose of declared mine land or land in close proximity if required.</li></ul> |
|--|---|