



LVMRC Webinar 2: Introducing the Mine Land Rehabilitation Authority

Q&A SESSION

29 June 2020

Questions via Microsoft Teams

No.	Question	Answer
1	<p><i>When will the draft Declared Mine regulations be available for review?</i></p> <p><i>Note: This question was also answered live</i></p>	<p>The Declared Mines regulations will be available in draft in September or October 2020, with public consultation led by the Department of Jobs, Precincts and Regions (DJPR). It's planned that the Engage Victoria website (engage.vic.gov.au) will be used to consult on the regulations.</p>
2	<p><i>Why does the water study in the Latrobe Valley Regional Rehabilitation Strategy (LVRSS) document only include Latrobe Flows to 2015? Have the flows increased or decreased since 2015?</i></p> <p><i>Note: This question was also answered live</i></p>	<p>At the commencement of the LVRSS Regional Water Study, flow data to 2015 was the most current annual information available. The aim of the study is to identify long-term trends in water availability, so while the more recent data may demonstrate year to year variation, it is not expected to significantly change the longer-term trends and findings of the study.</p> <p>Long-term average flows in the Latrobe River appear to have decreased from an average of around 800 gegalitres per year to 600 gegalitres per year. This decrease reflects drier conditions seen across Victoria since 1997.</p>
3	<p><i>You said 13 gegalitres of water is provided to towns/irrigators. Don't the mines already have water allocations/historically had allocations? So, aren't all groups already receiving water from the system now?</i></p>	<p>Yes – the Latrobe River system supports water supply for many different uses in the region – including towns, farms, and power generators. The net surface water use for power generation is on average around 55 gegalitres per year.</p> <p>The power stations currently have allocations from the Latrobe River system, and the mines have groundwater extraction licenses. The power station surface water allocations could be used for mine rehabilitation if approved by the Minister for Water, but if climate change persists, the volume in the river won't be available in the longer term.</p>

Questions via Slido.com (code: lvmrc2)

No.	Question	Answer
1	<i>Will compensation for any damage to homes near the mine (particularly those around Wallace Street, Morwell area) this be built into the legislation?</i>	Under Part 8 of the <i>Mineral Resources (Sustainable Development) Act 1990</i> (Vic), section 85 provides that compensation is payable by a licensee to the owner or occupier of private land for any loss or damage that has been, or will be sustained as a direct, natural and reasonable consequence of the approval of the work plan or the doing of work under the license. Compensation may also be sought under the common law.
2	<i>Will there be robust regulation developed around internal/external ash dams/landfills that currently do not meet best practice guidelines, specifically Hazelwood?</i>	The regulation of landfills on mine land is undertaken by the Environment Protection Authority. The Mine Land Rehabilitation Authority (MLRA) will maintain a very close interest in making sure that unregulated, uncontrolled risks are managed into the future and that work is undertaken to manage landfills and any risks identified with them.
3	<i>Will MLRA monitor ground movement? What specific dept/authority/mechanism/ regulations will manage infrastructure damage or are those details being developed?</i>	One of the MLRA's key functions is to monitor rehabilitation progress, including ensuring the ground movement monitoring is undertaken by the mine licensees through the rehabilitation period and that this information is available to stakeholders.
4	<i>What is a declared mine?</i>	A declared mine is a mine that has geotechnical, hydrogeological, water quality or hydrological factors that may be deemed to pose significant risk of harm to the community, environment or infrastructure. There are currently three declared mines in Victoria, all of which are in the Latrobe Valley: Hazelwood, Yallourn and Loy Yang brown coal mines.
5	<i>Strategy identified ground movement will occur <1km - is there opportunity to insert Presumptive Liability into Act to prove who caused damage for compensation?</i>	At present, there are no plans to amend the Act to introduce a general presumption of liability for any damage or loss caused by ground movement in the Latrobe Valley region.
6	<i>Hazelwood mine land contains 75,000 cubic metres of asbestos, will MLRA be responsible for monitoring/managing best practice remediation?</i>	See Question 2 (page 2).
7	<i>Have calculations been made on the feasibility of utilising seawater as a source for mine void fill by using desalination technology such as reverse osmosis?</i>	Alternative water sources, such as recycled water or desalinated water, could provide a reliable source of water for mine rehabilitation, even in dry years. While a preliminary review of alternative water options was undertaken by the LVRRS, further work is required to thoroughly assess the potential opportunity to use desalinated sea water as a water source.

		The Department of Environment, Land, Water and Planning (DELWP) will lead a whole-of-government exploration of this option, in collaboration with mine licensees. That work will further consider the cost, as well as potential regional development opportunities that could come from using alternative water.
8	<i>Is the engineering required to bring refined seawater across Gippsland to the Latrobe Valley possible?</i>	See Question 7 (page 2).
9	<i>The energy required for desalinated water would be considerable and could be achieved via solar and wind.</i>	See Question 7. The efficiency of desalination plants has improved considerably over time. Solar powered desalination plants are feasible. For example, the power requirements for the Victorian Desalination Plant at Wonthaggi are offset by 100% renewable energy. Any potential new source would need to be consistent with Victorian government climate policy.
10	<i>As the MLRA is also looking beyond Latrobe Valley, is it also managing/monitoring historic mines (as declared mines?) and potential issues?</i> <i>Note: This question was also answered live</i>	Currently, the only declared mines in Victoria are the three Latrobe Valley brown coal mines. The government recognises that it is possible that the MLRA could in the future look at abandoned or historic mines but there would need to be different legislation and extra funding to undertake this additional work.
11	<i>Will the MLRA make sure the 90,000 square cubic metres of asbestos in the cell at the rear of PPS make sure it is kept stable and safe forever?</i>	See Question 2 (page 2).

Answered live

No.	Question	Answer
1	<i>If there is not enough water available to give us a safe and stable landform, what is Plan B?</i>	The LVRRS's implementation phase includes additional work to determine reasonable, practicable, acceptable alternative approaches to Latrobe Valley brown coal mine rehabilitation. These approaches will need to address long-term stability and fire risks to achieve safe and stable landforms.
2	<i>Will work plan variations as the mines start to rehabilitate be made publicly available to the community?</i>	<p>Under section 74 of the Act, any person is entitled to access and obtain a copy of an approved work plan or work plan variation by contacting DJPR and paying the prescribed fee.</p> <p>Where a licensee proposes to vary its work plan, it is expected that – to the extent that the activities under the proposed work plan variation affects the community – the licensee would share information that would inform the community about these activities and the licensee would provide the community with a reasonable opportunity to express their views about those activities. Licensees are under a duty to consult with the community under section 39A of the Act throughout the period of the license.</p> <p>Consideration will be given to whether any additional obligations are necessary or desirable to ensure the community is informed and engaged about rehabilitation and closure planning and activities.</p>
3	<i>If there isn't enough water available for mine rehab, how is ENGIE saying they'll start filling Hazelwood with water as early as January 2021?</i>	ENGIE has a contract for water that could be used for mine rehabilitation purposes. Water resource availability modelling was undertaken to support this contractual arrangement. This water would supplement existing groundwater entitlements currently extracted for mine stabilisation purposes to fill the mine. ENGIE has submitted its rehabilitation and closure plan to Earth Resources Regulation (ERR) for approval based on these water supply arrangements. If this plan is approved, but requires future amendment, ENGIE has identified an alternative partial lake landform that would be feasible, albeit less attractive in relation to future useability. ENGIE's Rehabilitation Plan is currently under review by ERR.
4	<i>We all want more water. What do you think are the best options available to make more water available to irrigators, the mines, rivers and the community?</i>	We know that water availability has decreased in the Latrobe River over the past 20 years, and that mine rehabilitation needs to plan for a drier future. The LVRRS has committed to exploring approaches that do not rely on drawing large volumes of water from local sources, including alternative water options that could be used for mine rehabilitation.

		<p>This work will also consider potential regional development opportunities such as irrigated agriculture and new industry that could be supported by a climate resilient water supply.</p> <p>A key principle of the LVRRS is that the entitlements and rights of existing water users – including farmers, towns, industry and the environment – will be fully protected during any rehabilitation process. The community and all interested groups are encouraged to participate in the development of the Central and Gippsland Regional Sustainable Water Strategy, which will help shape how water is managed in Gippsland. This is a DELWP-led process and community engagement is expected to commence in early 2021. More information about the Strategy is available at https://www.water.vic.gov.au/planning/long-term-assessments-and-strategies/sws/central-gipps-sws.</p>
5	<i>Will the MLRA monitor and manage ash dams/landfills on mine land? If so, what is the current baseline status/integrity of these sites that also contain asbestos?</i>	The regulation of landfills on mine land is undertaken by the Environment Protection Authority. However, as part of the future registration of mine land, the MLRA will need to ensure that the licensees do not leave unregulated, uncontrolled risks into the future and that work is undertaken to manage landfills and any risks identified with them.
6	<i>How will Traditional Owners be engaged, consulted and involved with the MLRA?</i>	Engagement with the Aboriginal community and actually working with this community to make sure that their voices are heard is part of the continuing conversation that we will be having going forwards and we're looking forward to working very closely with the Traditional Owners.

Glossary

LVMRC	<p>Latrobe Valley Mine Rehabilitation Commissioner</p> <p>The establishment of the Commissioner was a recommendation by the Hazelwood Mine Fire Inquiry. The Commissioner was appointed in June 2017 to provide independent advice to mine licensees, government stakeholders and the Minister for Resources on mine rehabilitation planning, to oversee the development of the Latrobe Valley Regional Rehabilitation Strategy and to provide assurance to the community that rehabilitation planning is advancing.</p>
LVRRS	<p>Latrobe Valley Regional Rehabilitation Strategy</p> <p>A Victorian government project recommended by the Hazelwood Mine Fire Inquiry, and led by the Department of Jobs, Precincts and Regions and the Department of Environment, Land, Water and Planning. The LVRRS undertook a series of geotechnical, water and land use studies based on a water-based rehabilitation option for the three Latrobe Valley brown coal mines and put forward a Vision for the Valley. It provides information in a regional context for the Latrobe Valley brown coal mine licensees to consider and incorporate in their mine rehabilitation plans. The LVRRS was released on 30 June 2020 and includes actions for implementation which will be overseen by the MLRA. It will be reviewed every three years.</p>
MLRA	<p>Mine Land Rehabilitation Authority</p> <p>A newly established independent body which replaced the office of the Latrobe Valley Mine Rehabilitation Commissioner on 30 June 2020. The Authority will continue to deliver the role and functions of the Commissioner, it will monitor and evaluate the implementation and effectiveness of the LVRRS by public sector bodies and mine licensees, and will keep the community informed on mine rehabilitation planning. The Authority also has additional functions including maintaining a register of declared mine land, monitoring declared mine land post closure, and has the ability to own declared mine land once rehabilitation is completed.</p>
ERR	<p>Earth Resources Regulation</p> <p>Victoria's earth resources regulator sits within the Department of Jobs, Precincts and Regions and regulates exploration, mining, quarrying, petroleum, recreational prospecting and other resource activities. ERR's role is to ensure earth resources activities are conducted safely to protect people, property, infrastructure and the environment.</p>