LATROBE CITY COUNCIL SUBMISSION TO LATROBE VALLEY REGIONAL REHABILITATION STRATEGY – OVERVIEW

January 2020

PREFACE

Latrobe City Council acknowledges the significant contribution the Victorian Government has made with the initiation of the Latrobe Valley Regional Rehabilitation Strategy (LVRRS) led by the Department of Jobs, Precincts and Regions (DJPR) in partnership with the Department of Environment, Land, Water and Planning (DELWP).

Due to the immediacy of Hazelwood mine rehabilitation works presently underway and Engie's stated intention to submit their Rehabilitation Closure Plan (RCP) in January 2020, this submission primarily considers the Latrobe Valley Regional Rehabilitation Strategy – Overview in the context of the Hazelwood mine rehabilitation and environs. The Yallourn and Loy Yang mine areas present diverse challenges and opportunities which will require further consideration as they progress rehabilitation planning.

Latrobe City Councillors will have the opportunity to consider and endorse this submission at the ordinary Council meeting to be held 10 February 2020. Should any changes be requested by Council at this time, Latrobe City Council may seek to provide an addendum to this submission.

SUBMISSION OVERVIEW:

1. EXECUTIVE SUMMARY
2. CONTEXT (SCOPE AND FOCUS OF THE LVRRS INFORMED BY THE HAZELWOOD MINE FIRE INQUIRY)
3. RESOLVING MINE FIRE RISK WITH PROGRESSIVE MINE REHABILITATION
4. PROCESS FOR THE PREPARATION, ASSESSMENT AND APPROVAL OF A MINE REHABILITATION PLAN
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1. EXECUTIVE SUMMARY

Mine rehabilitation must be effective for decades if not centuries, with far reaching implications to the regional economy, community, natural resources and environment. Bold policy and ongoing investment will be necessary to support mine rehabilitation, repurposing of the land assets and ongoing maintenance. This will necessitate the support and resourcing by State Government now and into the long term future.

It is understood that the Latrobe Valley Regional Rehabilitation Strategy (LVRRS) Overview provides an indication of key matters and principles that will inform the final Strategy that will guide future rehabilitation of the Latrobe Valley brown coal mine areas and surrounds. As part of this process, Latrobe City Council seeks to ensure that both the immediate and long term risk to the community, economy and environment are fully considered and prioritised as the LVRRS progresses to finalisation in 2020.

It is the central position of Latrobe City Council that the risk of mine fire again impacting the community must be prevented, and that the LVRRS identify this as a leading priority of mine operators and the State Government. Whilst it has been said that covering exposed coal faces with water will resolve the fire risk, the extended time scales and ability to guarantee water availability in the long term indicates that this approach is not likely the 'most effective' solution and may require several decades to achieve. This was explained by the Hazelwood Mine Fire Board of Inquiry (HMFI), "…*without reliable sources of water, the pit lake option will be unviable and unsustainable. The uncertainty in this area is a limitation of the option, particularly due to the volumes of water, the timeframes, and the potential for external factors to influence availability of water."*

Considering the above and more recent statements communicated by Engie, it is understood that exposed coal batters could be capped for the Hazelwood mine with fill and that this would be achievable within a far reduced time frame. This is a short term outcome that should be pursued by Government and the mine operator. The importance of resolving mine fire risk as an immediate priority was outlined by the HMFI, which highlighted the importance of 'progressive' mine rehabilitation measures being implemented. It is considered that such an approach would demonstrate greater attention to precautionary principles and support mine rehabilitation approach that is resilient to variable climate conditions.

Council has consistently raised concerns regarding the limited scope of the LVRRS. Acknowledging that the 'original concept' and preference for the establishment of a 'full lake' rehabilitation outcome has remained unchanged, it appears that the LVRRS has become the mechanism to enabling access to large volumes of the region's valued water assets. Regional water security in a drying climate is therefore the essential consideration, given the many and varied impacts this may have to current and future value adding uses, natural environment values and job creation opportunities now and in the long term future.

The basis for the single focus on 'lake based' rehabilitation by the LVRRS has consistently relied upon a selected extract from the HMFI. It is however the assessment of Latrobe City Council, that the HMFI recommendations and commentary provided by the Board of Inquiry provided a range of directions and observations which in no way mandate or direct 'full lake' rehabilitation outcomes as being preferred or sustainable. To support greater clarity for all stakeholders, this submission draws upon evidence and key conclusions of the Hazelwood Mine Fire Inquiry, LVRRS Technical Study Summaries and how these may inform the draft Strategy Principles and Objectives.

Latrobe City Council remains concerned with the lack of assessment of community, environmental or economic impacts, opportunities and risks. If such work has been undertaken this should be made publicly available. For this reason, Latrobe City Council considers it essential that future Mine Rehabilitation Planning would benefit from the requirement to undertake an Environmental Effects Statement, to which Council has requested the Minister for Planning's support.

A summary of overarching priorities (not currently within policy or legislation) that Council consider to be essential inclusions within the LVRRS to guide mine rehabilitation planning and implementation is summarised below.

- **The requirement for Environmental Effects Statement (EES) to be prepared to ensure economic, community and environmental impacts and opportunities are fully and transparently understood prior to the approval of a Declared Mine Rehabilitation Plan.**
- **Public notice, exhibition and submission processes are provided as part of the preparation and approval of a Declared Mine Rehabilitation Plan. This requirement would be achieved by processes required as part of the preparation of an EES.**
- **Progressive mine rehabilitation should be required by way of variation to current Work Plans and be included in future Mine Rehabilitation Plans, including agreed milestones and outcomes to be achieved. This is considered critical to resolving the risk of mine fire, as described by the Hazelwood Mine Fire Inquiry.**
- **Future mine rehabilitation must adopt precautionary principles, minimise impacts on natural resources and be 'future proof' for a changing climate.**
- **That the Government acknowledge its role in the ongoing monitoring, maintenance and management of mine areas in instances whereby Government will utilise its powers to do so.**

Detailed comments and requested variations to the draft Principles and Objectives included within the LVRRS Overview are expanded upon within this submission.

Latrobe City Council understands that this is the last formal opportunity to provide submissions to the LVRRS, prior to the Strategy being finalised mid-2020. Acknowledging the extent of comments included within Council's submission, Latrobe City Council would welcome the opportunity to discuss how this feedback may be captured in the finalisation of the LVRRS.

2. CONTEXT – SCOPE AND FOCUS OF THE LVRRS INFORMED BY THE HAZELWOOD MINE FIRE INQUIRY

The LVRRS Overview explains that the Strategy will provide direction to mine operators and other stakeholders on matters that should be taken into consideration in planning for and undertaking rehabilitation of the Latrobe Valley's brown coal mines. Evidence to support the Strategy's directions will also be included in the document. Development of this evidence has involved geotechnical, groundwater and surface water studies and the evaluation of future land use options.

As previously requested, it is the position of Latrobe City Council that further assessment of risk and impacts to environment, community and economy have not been undertaken to inform the development of the Strategy Principles. If such assessments have been completed, these should be made available.

The LVRRS Overview establishes context by describing the 2014 Hazelwood Mine Fire event, the Hazelwood Mine Fire Inquiry and the Victorian Government response including a commitment to develop the Latrobe Valley Regional Rehabilitation Strategy (the Strategy). The continued reliance on the HMFI, in particular the '*HMFI Volume 4 (2015/16) – Mine Rehabilitation'* report as the basis for the LVRRS scope, in particular the pursuit of a full lake rehabilitation outcome, must ensure that attributions to the findings of the Inquiry are clearly represented and understood.

The HMFI Board Inquiry provided a range of directions and observations which in no way mandate or direct 'full lake' rehabilitation outcomes as being preferred, rather it identifies a range of issues regarding the reliance on water for rehabilitation and the need to reduce interim fire risk progressively. The HMFI report *Volume 4 (2015/16) – Mine Rehabilitation* discusses the rehabilitation plans of the Latrobe Valley mines, including the role of the government and key agencies, viable rehabilitation options, the need for future coordination and collaboration, water availability, licensing and the importance of resolving present mine fire risk. Importantly HMFI Volume 4 report states: '*This report seeks to review key elements of the Inquiry report with a view to reducing the potential for misrepresentation of some of the findings of the Inquiry.'*

To support greater transparency and understanding for all stakeholders, key sections from the HMFI – Volume 4 Mine report are included below.

The LVRRS Overview, states *'The Inquiry found that using water to create 'pit lakes' in the excavated coal mine voids is likely to be the most viable way to achieve long term safe and stable rehabilitation.*' It is important that this statement is considered in the context in which it was made. For the purpose of clarity the extract below from the HMFI Volume 4 is provided:

> *Given the evidence before the Board, it is not presently possible to provide a definitive evaluation of rehabilitation options, in particular the pit lake option, against the criteria set out in Term of Reference. The Board heard that there are many gaps in current knowledge of the technical issues related to mine rehabilitation, such as fire risk mitigation, mine stability, groundwater management, water availability, and water quality, at both a regional and mine-specific level. Therefore, while the Board acknowledges that the pit lake option is currently the most viable rehabilitation option, considerable further investigation is required, as new knowledge could result in an alternative preferred option.*

It is important that all parts of the report are considered as relevant. The primary thrust of the Board of Inquiry's recommendations are directed toward the processes, arrangements and structures which the Inquiry considers will be crucial to the eventual achievement of satisfactory, appropriate rehabilitation outcomes. Foremost among the Board's concerns are the need for: the application of expert professional skills; process transparency and accountability; requirements for appropriate guarantee mechanisms; and the need for substantial further research. It is the assessment of Council that the HMFI identifies a range of issues regarding the reliance on water for mine rehabilitation and the importance of reducing mine fire risk progressively. Key points of clarification from the HMFI follow:

- The HMFI report makes no recommendations about how Latrobe Valley mines should be rehabilitated.
- Not one of the 19 recommendations in the Inquiry's report makes any specifications as to what form mine rehabilitation should occur.
- The Inquiry Board uses the term "pit lake option" to refer to a wide variety of different rehabilitation options which could have varying levels of overburden and amounts and depths of water stating that "*The joint expert report records the consensus position of the experts that the two options identified as viable by Jacobs are variants of the one basic outcome, which is that the final mine pit for all mines will be backfilled with overburden and water to varying degrees*." (pg81).

In relation to the reliance on water, the Board provides the following important commentary and qualifications within its report HMFI report *Volume 4 (2015/16) – Mine Rehabilitation*:

> *"The Board heard that an enormous amount of water will be required by each mine to fill its pit to the intended final lake depth…. In each case, these estimates assume access to current water entitlements for many years after the mines and associated power stations cease operating. If the assumptions about access to existing water allocations prove unfounded, the fill times will be considerably longer."*
>
> *"Even if existing bulk entitlements are available for mine filling, it is unclear what quantity of water will be available at the time it is needed. Each entitlement is limited by a percentage share of the water storage (at Blue Rock Reservoir and Lake Narracan), and by the water flow (from Tanjil River at Blue Rock Reservoir and the Latrobe River at Lake Narracan)."*
>
> *"The Board is conscious that at various times the three mine operators will be filling the mine pits concurrently. At this point in time, the mine operators are not using their full water allocations under their groundwater licences, despite this being proposed under the rehabilitation plans for the Yallourn and Loy Yang mines. This means that the impacts on the water system of the full use of those allocations (assuming they are available) are unknown, and could be significant for the region. Further, if water is available under the current allocations but at a cost, or only over a certain period of time, this may impact the viability of this option as compared with others."*
>
> And;
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> *"The Board considers that the issue of sourcing water is key to the viability of the pit lake options. Based on the evidence before the Board and having regard to the submissions of the parties, the Board accepts that it is not at all clear that sufficient water will be available to any of the mines for the purpose of rehabilitation, in terms of both using existing water allocations and the quantity of water available in the water system at the time the mines are scheduled to be filled."*
>
> *"Prolonged years of drought combined with water restrictions, extreme weather events and a greater awareness of climate change have dramatically influenced society's views and expectations on current and future water usage. The original concept of all three coal mines being flooded with water to create artificial lakes may not be viable in light of changing environmental and regulatory constraints. This plan needs to be revisited, as recommended by the Sustainable Water Strategy."*
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> *"It is sufficient for present purposes to note that there is a real question about whether a licence with a limited life that was granted 'to facilitate mining for coal and generation of electrical energy and purposes incidental thereto' would authorise use of water to fill the former mine after mining and power generation has ceased."*

"…without certainty around this issue, it is difficult for the Board to determine Terms of Reference 9(f) and 9(i), other than to confirm that without reliable sources of water, the pit lake option will be unviable and unsustainable. The uncertainty in this area is a limitation of the option, particularly due to the volumes of water, the timeframes, and the potential for external factors to influence availability of water."

Considering the significant challenges and uncertainties described by the Board of Inquiry and LVRRS Technical Studies, in particular the ability to secure the volumes of water proposed, it is unclear as to why this outcome continues to be pursued by Government and mine operators and routinely communicated to the community as the preferred, if not – only option. Of particular importance is the statement below provided within the LVRRS Progress Report and Water Synopsis as follows:

'Under recent and current conditions or a drier future climate, average water availability is less than that needed to supply all consumptive demands and mine rehabilitation while meeting minimum river flow requirements in the Latrobe River system.' (LVRRS Progress Report, Page 4)

'New water demands or future growth in the Latrobe Valley could reduce the amount of water available for mine rehabilitation if water availability is limited in the future and new sources of water are not found.' (LVRRS Water Study Synopsis, Page 4). The report continues to explain that no alternatives have been found.

The above statements indicates that lake based rehabilitation will not likely be sustainable given current and predicted water availability, whilst meeting present demands and avoiding negative impacts to the environment. It is assumed that water availability for new job creation opportunities which might otherwise be available will also be limited should approval be given to rehabilitate mine areas with water at the quantities being proposed, that is in the order of or equivalent to 6 Sydney Harbors.

Further discussion of the immediate need to resolve mine fire risk follows and direction of the HMFI as to how this may be achieved is outlined below.

3. IMPORTANCE RESOLVING MINE FIRE RISK WITH PROGRESSIVE MINE REHABILITATION

It is Council's assessment that the context and importance of resolving 'mine fire risk' to the community may have been lost amidst emerging priorities of 'passive controls' and 'low cost' rehabilitation. As outlined in Council's October 2019 submission to the LVRRS Preliminary Land Use Vision, resolving Mine Fire risk must be the immediate short term priority of State Government and mine operators. It is noted that the LVRRS Overview does not include a specific Principle or Objective in response to the need to mitigate mine fire risk as an immediate short term priority. Council believes such a principle should be included.

Indications that water, if available, will in time cover the exposed coal batters and will prevent future mine fire events is understood – however the extended timescales (possibly taking several decades to achieve) will see mine fire risk remain for years to come. It is the assessment of Latrobe City Council that the quantity and quality of water required to fill and maintain a 'full pit lake' mine rehabilitation outcome is not reasonably able to be confirmed within a predicted drier climate, it then follows that stability and fire risk are also problematic if water is relied upon as the primary rehabilitation treatment to achieving a safe, stable or sustainable outcome.

This risk was identified by the HMFI Board of Inquiry, which explained that:

> *"As the 2014 Hazelwood mine fire demonstrated, uncovered coal represents a serious fire risk. To reduce fire risk, exposed coal between the weight balance or batter stability level and the pit crest need to be covered."*
>
> *"If final water levels vary, a zone of exposed coal may occur between the water level and the soil-vegetation cover at or above the maximum water level."*

It is recommended that this information be communicated as part of the continued discussion with community and is made clear within the LVRRS along with the requirement for progressive rehabilitation methods that would prevent such an occurrence. The preparation of the Environmental Effects Statement as part of the consideration of future mine rehabilitation planning, assessment and approval proposals would provide greater transparency of options, impacts and risks including the consideration of ongoing land stability and mine fire risk.

It is the position of Latrobe City Council that efforts to 'cap' exposed coal batters in the short term should be the joint priority of State Government and mine operators. This would also reduce mine fire risk in the event that filling the mine voids with water is proposed and ensure that mine fire risk does not reappear in the event that water is not available to maintain the desired water level.

4. PROCESS FOR THE PREPARATION, ASSESSMENT AND APPROVAL OF A MINE REHABILITATION PLAN

It is understood the State Government has a legislative commitment to prepare the Strategy by 30 June 2020 to address the following matters:

1. the safety, stability and sustainability of coal mine land and any adjacent land;
2. 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; and
3. the development of a plan for the monitoring and evaluation of coal mine land after rehabilitation.

The LVRRS Overview explains that the Department of Jobs, Precincts and Regions (DJPR) is leading a program to reform policy, legislation and regulatory practice for Victoria's coal mines. The program includes reforms to the *Mineral Resources (Sustainable Development) Act 1990* and associated regulations, and the commencement of a new Mine Land Rehabilitation Authority which will oversee implementation of the Strategy. Latrobe City Council previously provided a submission to draft reforms later introduced to the Mineral Resources (Sustainable Development) Act 1990. Latrobe City Council request that similar opportunities to participate in the development of regulations is also provided.

The LVRRS Overview does not appear to describe the process by which mine rehabilitation plans will be prepared, notification or submission processes, only to say that plans must be in accordance with the Land Use Vision which is a high level strategy. In particular no indication for the requirement to complete an Environmental Effects Statement (EES) is shown. Council understand that a number of submitters have requested that the LVRRS include a requirement for future mine rehabilitation planning to include an EES process. Council has since requested consideration of this requirement by the Minister for Planning, who is the determining authority for such matters.

In relation to the preparation, assessment and approval of mine rehabilitation plans the LVRRS does however provide a brief indication of the proposed process that will be followed, explaining that:

> *"Amendments to the Mineral Resources (Sustainable Development) Act 1990 will require each of the Latrobe Valley coal mine operators to submit a Declared Mine Rehabilitation Plan, which includes a rehabilitation plan and post-closure plan (including closure criteria) to DJPR for approval."*

The LVRRS Overview explains that Mine Rehabilitation Plans are to be submitted to DJPR, and following receipt of comments from the soon to be formed Mine Land Rehabilitation Authority and relevant Ministers that DJPR will approve, request amendments or refuse the rehabilitation plan. Similar to the process for approving a Declared Mine Rehabilitation Plan, the proposed closure and relinquishment stages are also outlined by the LVRRS Overview.

Latrobe City Council believes this process to be inadequate given there is no indication for a requirement for public notice, including the sharing of economic, social or environmental assessments. It is Council's understanding that the recent Mineral Resources (Sustainable Development) Amendment also lacks direction on the need for such requirements. As outlined in Latrobe City Council's previous submission to the LVRRS, Council retains the strong view that the preparation and assessment of proposed mine rehabilitation plans should not occur without proper consideration of all options, associated risks, timeframes, economics and outcomes which may be achieved and this must be undertaken transparently with the community. These matters would however be appropriately addressed with the preparation of an EES, while providing the benefit of greater confidence in the transparency and process of mine rehabilitation planning.

Whilst it is acknowledged that previous work plan variations and environmental assessments prepared for the Hazelwood mine have been undertaken, this did not consider or assess a full lake rehabilitation outcome now being proposed. This demonstrates the appropriateness and precedent for the requirement to undertake an EES for significant mine related

works. Acknowledging the extent of possible impacts and outcomes to community, environment and economy and intergenerational implications associated with the rehabilitation of the Latrobe Valley mine areas, the absence of any reference within the LVRRS Overview is difficult to understand or support.

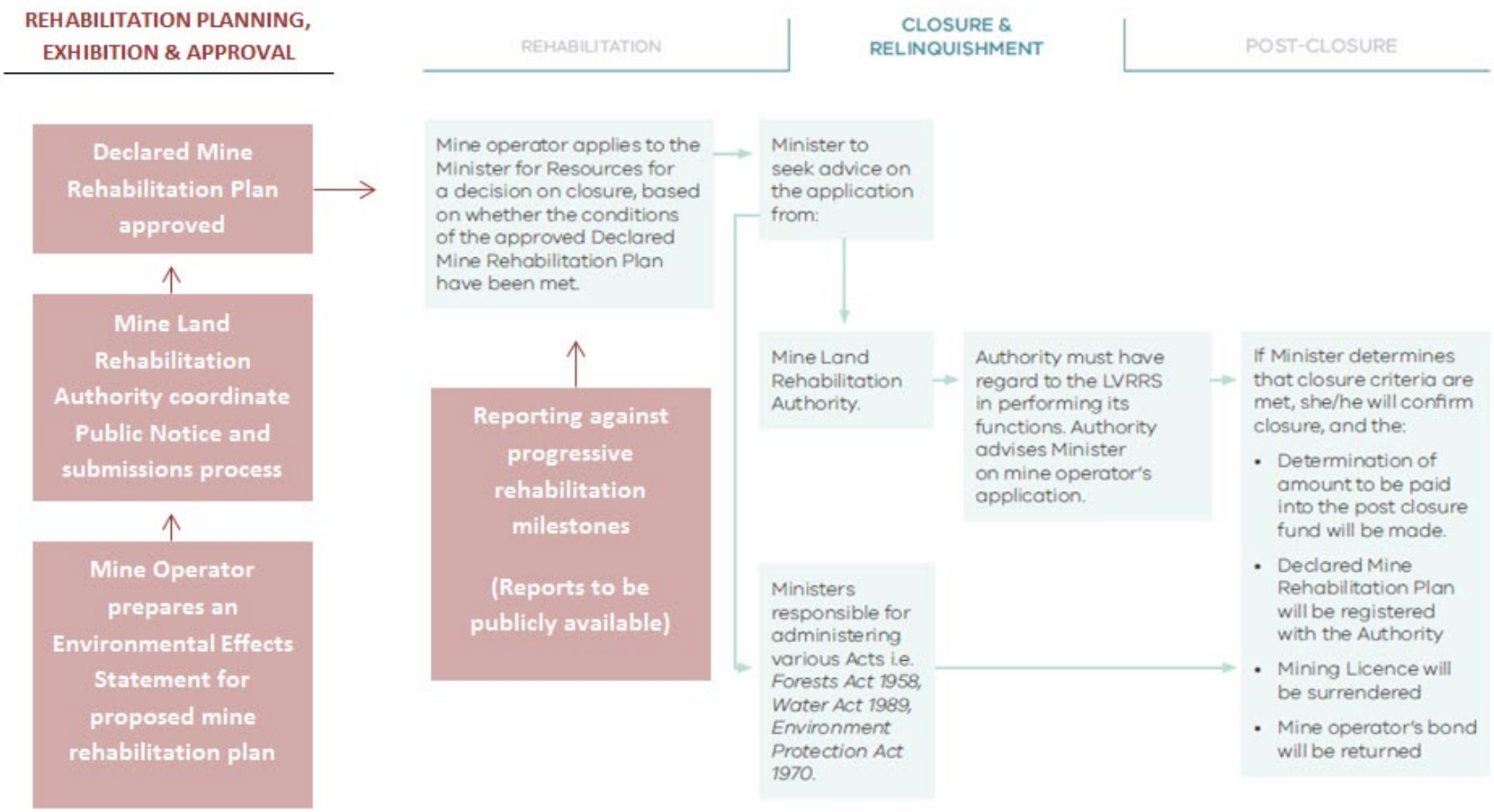
In the event the requirement for an EES and associated notification is not required, it is essential that the nature of information to be made available and processes to support this should be established by the LVRRS and articulated within the supporting regulations.

Request:

That the nature of information to be made available as part of the preparation of mine rehabilitation plans and processes to support this are best established by the LVRRS and supported in regulations. This should include public notification and submission processes.

The above requirement would be best achieved by processes required in the preparation of an EES, as shown with suggested amendments to the progress diagram provided within the LVRRS Overview (shown in red).

Outline of requested additions to mine rehabilitation planning and implementation



5. LVRRS STRATEGY PRINCIPLES & OBJECTIVES

The LVRRS Overview describes the proposed principles that are to underpin the LVRRS Strategy, which are to provide direction for the following matters:

- ***Objectives for the rehabilitation of the mines for the Latrobe Valley region***
- ***The role of Government in achieving those objectives***
- ***The role of mine operators in achieving those objectives***.

The following tables list each of the Strategy Principles and Objectives, provide comments to each and proposes a number of variations and additions which are considered necessary to ensuring the achievement of LVRRS leading objectives principles of safety, stability and sustainability.

Council notes that specific objectives or outcomes have not been included regarding the need to progressively reduce the risk of mine fire now and in the long term. Acknowledging the context of Hazelwood Mine fire and subsequent Inquiries being the central motivation to the initiation of the LVRRS by Government, this is considered to be a key limitation and oversight. Further there is a lack of objectives or principles describing processes in which Mine rehab plans are to be prepared, assessed or approved.

Acknowledging the extent of comments included within Council's submission, Latrobe City Council would welcome the opportunity to discuss our feedback with relevant parties as this may be captured as part of finalisation of the LVRRS.

OVERARCHING PRINCIPLES	COMMENT
1. All three mines are on privately owned land, and the rights and obligations of the current landholders apply, which means Government should not prescribe the rehabilitation solution at each site and cannot guarantee future public access to these sites.	Current land ownership arrangements have previously been considered by Council in its previous submission to the LVRRS, which identified that land tenure of mine areas present challenges to achieving an integrated rehabilitation strategy, including the realisation of opportunities outlined by the draft LVRRS Land Use Vision. Recognising the mine areas are owned by a mixture of entities, rather than in single ownership, this presents further challenges, in particular the ability to provide public access to which several opportunities identified by the Land Use Vision rely. This challenge is recognised within the LVRRS Vision which states: *"Much like any private landowner, the current owners may seek to reuse or sell parts or all of this land, subject to the need for rehabilitation and the planning scheme controls of the day. This will make planning for the sites complex, including allowing for public access."* Achieving an integrated outcome and repurposing of mine land will require State Government to facilitate coordinated planning and development. The view that such an outcome may be achieved by way of Government regulation and in the interest of public good is questionable, with regulation responsibilities to date given the significant gaps and failures – demonstrated by mine collapses and mine fire. The simplest way that land tenure challenged could be mitigated is if all of the land is sold or transferred to a single

	entity. To find a single private entity with the means to buy all of the land would be an additionally difficult prospect. It is reasonable therefore to explore a government ownership option as a complementary acknowledgment to the regions contribution to the State of Victoria and importance of mine rehabilitation and opportunities this now provides for the community and region. As previously stated within the submission, Council resolved at the 4 June 2018 Council meeting that: *The land holdings of Engie, Hazelwood Power and other companies associated with the Hazelwood Power Station and Mine are transferred to the ownership of the Victorian or Federal government to provide a coordinated planning approach to the continued use of the mine and community benefit following mine closure; and,* *That at least a 30 year obligation be placed on the owner of the land following mine rehabilitation with a long-term goal of government obtaining ownership to guarantee care and maintenance and minimisation of post-rehabilitation risks.* The ability of Government to undertake this function is enabled by the Mineral Resources (Sustainable Development) Amendment Bill 2019, passed through the Victorian Parliament 10 September 2019 which introduces the establishment of a Latrobe Valley-based Mine Land Rehabilitation Authority and Post Closure Fund. The notion that Government should not prescribe the rehabilitation solution is supported. Referencing a number of objectives of Government included within the LVRRS Overview appears to contradict this position (in particular Objectives of Government outlining how water is to be used and accessed). **Request:** ***Latrobe City Council requests that the LVRRS provides objectives for progressive mine rehabilitation as described by the HMFI and establishes desired outcomes for the final land form in the interest of public good and safety.*** ***Latrobe City Council also requests that the LVRRS outlines arrangements by which Government will ensure the achievement of coordinated land use planning outcomes, including the long-term goal of government obtaining ownership where ongoing care, monitoring and maintenance is required to minimise post rehabilitation risk.***
2. Government's role in mine rehabilitation should be limited to setting legislation, regulation, policy and guidance. It should not constrain the ability of the industry to find new and innovative solutions to mine rehabilitation.	Latrobe City Council encourages and supports the effort of industry in finding new and innovative solutions to mine rehabilitation. Government's role in mine rehabilitation should not however be limited to a 'regulatory' function, for reasons described above, in particular the coordination of land use planning outcomes, ongoing maintenance and management where necessary. The ability of Government to undertake active rehabilitation functions and coordination of land use repurposing, monitoring and maintenance should be appropriately acknowledged as a possible requirement in the long term future.

	This function is enabled by the Mineral Resources (Sustainable Development) Amendment Bill 2019, passed through the Victorian Parliament 10 September 2019 which introduces the establishment of a Latrobe Valley-based Mine Land Rehabilitation Authority and Post Closure Fund, and includes: • *Scope for the Minister and the Authority to take direct action if further rehabilitation is considered to be necessary. (Clause 10)* • *The establishment of the Declared Mine Fund to provide funding for monitoring and maintenance of registered mine land. (Clause 40)* • *Empowering the Mine Land Rehabilitation Authority to be able to carry out works. (Clause 40)* **Request:** ***That the LVRRS acknowledge and describe Government's role and powers to effect desired mine rehabilitation outcomes, including occurrences in which Government will utilise its powers to provide ongoing care, monitoring and maintenance.***
3. There are social, environmental and economic factors that may change the rehabilitation options available at future points in time, including the uncertainty associated with climate change and water availability.	The need to ensure mine rehabilitation planning and rehabilitation works fully consider social, environmental and economic factors is best undertaken by processes required in the preparation of an EES. Council has requested the Minister for Planning to consider and support such a requirement for current and future mine rehabilitation. Acknowledging that there are a range of known and unknown risks, it is essential that mine rehabilitation is undertaken progressively, as described by the HMFI. It is also critical that planning and rehabilitation works are designed to be future proof for a changing climate by adopting precautionary principles. **Request:** ***That the LVRRS include a requirement for current and future mine rehabilitation planning to undertake an EES.*** ***That the LVRRS introduce requirements for progressive mine rehabilitation to achieve short, medium and long term outcomes.*** ***That the LVRRS require that all mine rehabilitation planning and works adopt precautionary principles and are designed to be 'future proof' for a changing climate.*** ***That the LVRRS identifies a commitment to social, environmental and economic studies to be undertaken.***

4. Rehabilitation is likely to take decades after the cessation of mining operations at each mine, and the community needs to have the opportunity to be involved over this timeframe.	Supported. The need to provide opportunities to community to participate in the planning and ongoing implementation of mine rehabilitation outcomes is supported. To enable ongoing opportunities, this would be best supported with the introduction of preparation and publishing against agreed performance reporting criteria specific to each mine area and predetermined milestones. Suggested objectives to support this are outlined in the tables below.

OBJECTIVES OF THE STRATEGY	COMMENT
1. Long-term benefits to the community are maximised while costs to the community (including Government) are minimised, and opportunities for future economic, environmental, and social sustainability are optimised.	Request variation. Recent LVRRS communication has seen the introduction of new priorities of 'passive maintenance' and 'low cost' which have in our view been provided greater priority to the original objectives of safe, stable and importantly, sustainability. This principle does not appear to consider short to medium term implications or costs to the community, economy or environment. Given mine rehabilitation may take several decades to achieve, this is an important consideration. Mine rehabilitation planning must seek to leverage the competitive advantages of Latrobe City to support transition of the regional economy, including opportunities to access globally significant coal reserves and preserve the regions valued water security. Latrobe City Council has prepared a strategic framework for growth, targeting investment and collaborative action with the region's local governments, businesses and community. We ask that mine rehabilitation does not limit or reduce these opportunities, in particular compromising regional water security, associated environmental values and economic growth opportunities which might otherwise be enabled. It is understood that costs should be minimised to Government, however these should not take precedence over other objectives, particularly where the most suitable outcome requires ongoing management and maintenance by Government in order to achieve public good outcomes or harm minimisation. (i.e. monitoring and maintaining batters in the long term future in order to provide water to other, high value and more critical uses). **Alternative:** ***Mine rehabilitation planning should not compromise current and long term advantages of the Latrobe Valley and region including water security, environmental values and economic growth opportunities identified by the LVRRS Land Use Vision.***

2. ***Traditional Owners have a clear role in the preparation of rehabilitation plans for the Latrobe Valley mines, and Aboriginal values are incorporated in rehabilitation plans where appropriate.***	Supported.
3. ***The fire risk at each mine void is no greater than that of the surrounding environment.***	Request variation. The cost, consequences and lasting impact of the mine fire which impacted Morwell cannot be underestimated. The potential for such an event to repeat must be prevented. Impact statements from victims were recently heard in the Supreme Court 20 November 2019, and provide some insight into the personal impact of mine fire. The context and importance of resolving the current 'mine fire risk' to the community in the short term (a focus of the HMFI) must not be lost amidst LVRRS emerging priorities of 'passive controls' and lower cost rehabilitation. As previously requested in Latrobe City Council's submission to the LVRRS, and recently communicated to various State Government Ministers, it is of critical importance that the risk of mine fire is resolved in the short term and that this must be an immediate priority of mine operators and State Government. Relying on water to achieve this over extended timeframes is not an outcome which Council support. The HMFI Board of Inquiry took a similar position, and appropriately provided a number of observations and conclusions regarding the need to progressively lower the risk of mine fire in the short term. Relevant extracts from the HMFI include: • *To reduce fire risk, exposed coal between the weight balance or batter stability level and the pit crest need to be covered (page 86 HMFI – Vol 4).* • *Mr Faithful [Engie Mine Manager] identified that the removal and relocation of in-pit fixed fire services will be an issue after the Hazelwood mine's operations cease, and during the lake filling and rehabilitation of batters above the planned water level. The removal will reduce the existing fire protection capabilities of the mine operators (page 87).* • *As the 2014 fire demonstrated, uncovered coal represents a serious fire risk to the mines, which can impact critical infrastructure and the communities situated next to the mines…. This is of particular importance to the Board in the short and medium-term, considering the risks associated with worked out batters being exposed during mine operations and while lakes are filling. It is apparent that with each mine there will be years, and possibly decades, in which batters that will eventually be underwater, remain uncovered. (Page 107).* • *Ongoing monitoring and fire services will be vital throughout the entire period the pits are filling. Based on the evidence before the Board, it is not clear what the cost or practicalities are of maintaining these fire services post-mining. Alternative options, such as additional covering of exposed batters below the planned waterline during lake filling, need to be considered (Page 108).*

	• *The risk involved in not undertaking progressive rehabilitation (including further fire risk) must be a key consideration, particularly considering batters will be exposed while each lake is filling and will therefore pose a fire risk over a number of years. The Board concludes that the pit lake option cannot be seen to 'ensure' progressive rehabilitation in a literal sense any more than any other long-term option (Page 110).* In addition to the above, it is also noted that the Board of Inquiry describes the 'pit lake' option as including the backfilling of exposed coal faces below the water table. This is significant in that it resolves the immediate fire risk in the short term and represents a progressive goal encouraged by the HMFI. Engie have confirmed in community forums and recent media, that covering the fill is available and achievable at the mine site, however this is not an outcome which the LVRRS has pursued to date. It is therefore concerning that a commitment by Engie, or indication of assistance from State Government to 'capping the coal' has yet to be made, rather a preference that we rely on water to achieve to resolve mine fire risk in the long term, an outcome which may take several decades to achieve (if water is available amidst forecast water uncertainties). **Alternative:** ***That progressive rehabilitation be required to commence for all operating mines, by requiring variation to existing work plans to see the use of overburden to reduce the amount of exposed coal.*** ***That mine fire risk is resolved as an immediate and short term priority within rehabilitation plans, including the treatment of exposed coal batters below the water table.***
4. Risks and impacts associated with ground instability and ground movement during rehabilitation and post closure are minimised as far as practicable, with control measures put in place.	Request variation. Given instability concerns to the Princess Highway and southern parts of the Morwell Township in recent times, it is the position of Latrobe City Council that mine rehabilitation options should not increase instability risk in the short, medium or long term or result in a significant time delay to viable land use options being achieved for land adjoining mine areas. Council is concerned that given stated preference for a full lake rehabilitation outcome by the Mine Commissioner and mine operators, if a slower fill period is required or there are difficulties in maintaining a full lake, this may result in a lowering of the water level leading to land instability and re-emergence of mine fire risk as is described by the Technical Study summaries. Council is equally concerned that such considerations have not been made as part of the LVRRS, the Geotechnical Study Synopsis explaining that important considerations have not been assessed including an '*examination of future water level changes in the rehabilitated mines arising from either planned or climate-induced changes in water*

	supply'. The indication that further research, long term monitoring with 'adaptive management' is necessary does not indicate confidence in what may occur once filling the mine void commences, neither does it suggest a 'passive' rehabilitation outcome. **Alternative:** ***Risks and impacts associated with ground instability and ground movement during rehabilitation and post closure are minimised as far as practicable, adopting a precautionary approach with control measures put in place that ensure mine rehabilitation is resilient to variable conditions including changing climate.***
5. If water is proposed to be supplied for mine rehabilitation, then the essential need for water to achieve a safe, stable, and sustainable rehabilitated final landform must be demonstrated.	Request variation. Whilst on the surface, the Latrobe area is well serviced for water given its relatively high reliability rainfall and ample winter run-off to fill dams. Licenses for the diversion of water for irrigation from the Latrobe River and its tributaries are fully allocated. Referring to the observations of Board of Inquiry and evidence provided to the HMFI, and more the recently the findings of the LVRRS Technical Studies, it is difficult to understand that full lake rehabilitation can be reasonably supported. Further, the sustainability of large volumes of high quality water being redirected to maintain mine stability in perpetuity over other opportunities in the region is not supported. This matter was sufficiently explored by the HMFI in a number of instances, key statements including: - *The Board accepts that it is not at all clear that sufficient water will be available to any of the mines for the purpose of rehabilitation, in terms of both using existing water allocations and the quantity of water available in the water system at the time the mines are scheduled to be filled.* - *Prolonged years of drought combined with water restrictions, extreme weather events and a greater awareness of climate change have dramatically influenced society's views and expectations on current and future water usage. The original concept of all three coal mines being flooded with water to create artificial lakes may not be viable in light of changing environmental and regulatory constraints.* - *The Board heard that an enormous amount of water will be required by each mine to fill its pit to the intended final lake depth.* - *The Board heard that a key state policy, the 2011 Gippsland Region Sustainable Water Strategy (Sustainable Water Strategy) provides that '[c]urrent rehabilitation plans for open-cut coal mines involve flooding them to create artificial lakes. However, this is not considered to be an entirely viable option any longer because there is insufficient water to fill most of the mines.'* - *Bulk entitlements do not expire. They are however issued to the relevant power generation companies associated with the three mines, and are tied to the purpose of operating the power station. In addition [the]*

	current Bulk Entitlement from the Latrobe system does not allow water use for mine flooding'. - *Similarly, as stated by Mr David Mawer, (former) Managing Director of Gippsland Water, the water supply agreements between Gippsland Water and the power stations 'do not extend to the mine rehabilitation process' and 'end when the power generating entity ceases'.* - *Even if existing bulk entitlements are available for mine filling, it is unclear what quantity of water will be available at the time it is needed. Each entitlement is limited by a percentage share of the water storage (at Blue Rock Reservoir and Lake Narracan), and by the water flow (from Tanjil River at Blue Rock Reservoir and the Latrobe River at Lake Narracan).* - *As with the other issues relevant to this Part, without certainty around this issue, it is difficult for the Board to determine Terms of Reference 9(f) and 9(i), other than to confirm that without reliable sources of water, the pit lake option will be unviable and unsustainable. The uncertainty in this area is a limitation of the option, particularly due to the volumes of water, the timeframes, and the potential for external factors to influence availability of water.* - *It is sufficient for present purposes to note that there is a real question about whether a licence with a limited life that was granted 'to facilitate mining for coal and generation of electrical energy and purposes incidental thereto' would authorise use of water to fill the former mine after mining and power generation has ceased.* In evidence presented to the HMFI, Jacobs consulting identified a number of significant risks to both groundwater and surface water quality and availability within the Latrobe catchment area as being 'high' and 'critical.' Key findings from their evidence included: *"Water resource issues arise for the Pit Lake landform due to the volume of groundwater required to fill the lake and therefore the potential limited availability of water for other users.* *As water would provide the bulk of weight balance for underlying aquifer pressures there would be an imperative to maintain Pit Lake level even in times of low catchment water availability, which is likely to see the Pit Lake as a competitor for other users; and* *The Pit Lake may not result in the freeing up of any entitlement back to the catchment in the long term."* The observations of the HMFI have since been reconfirmed within the LVRRS Water Study Summary and Progress Report, which made a number of key conclusions, as follows: *"The Latrobe Valley has experienced dry conditions since 1997, and the LVRRS will need to be able to account for uncertainty around future climate and water availability by planning for a continuation of this drying trend and a drier future.* *New water demands or future growth in the Latrobe Valley could reduce the amount of water available for mine rehabilitation if water availability is limited in the future and new sources of water are not found.* *Under recent and current conditions or a drier future climate, average water availability is less than that needed to supply all consumptive demands and mine rehabilitation while meeting minimum river flow requirements in the*

	Latrobe River system." Responding to the views of mine operators shared at the HMFI and recently repeated in community forums regarding their expectation for access to large volumes of water, it is Council's position that there are a number of significant 'rational reasons' for not supporting large volumes of water being set aside for mine rehabilitation, least of which being regional water security in a drying climate, opportunity cost, economic impact and forgone job creation opportunities and likely environmental implications now and in the long term future. **Alternative:** ***If water is proposed to be supplied for mine rehabilitation, then the essential need for water to achieve a safe, stable, and sustainable rehabilitated final landform must be demonstrated along with an assessment of impacts and risk to regional water security, the community, economy and environment.***
6. Any surface water or groundwater made available for mine rehabilitation will be the minimum volume necessary to achieve a safe, stable and sustainable landform. If water is proven to be essential for mine rehabilitation, and post-closure maintenance, mine operators will need to demonstrate how water levels are to be achieved and maintained in perpetuity, accounting for evaporative loss.	Supported. Council support this objective, provided that the minimum amount necessary refers to weight balance of the underground aquifer only and that any exposed coal surfaces are capped below the water table in order to resolve fire risk, as described by the HMFI. Reference to the '*minimum amount necessary'* is not considered to include opportunities to rehabilitate and maintain the coal batters by other means. It is not considered possible to demonstrate that water levels can be achieved and maintained given variable climate conditions, given predicted reduced rainfall.
7. The impacts on other consumptive water users, the environment, cultural and other values will be prevented, or minimised, by conditions placed on the access to water for rehabilitation purposes.	Request variation. Mine rehabilitation must not compromise existing and future opportunities for growth and investment in Latrobe City and the broader Gippsland Region. **Alternative:** ***The impacts on other consumptive water users, potential future users and the environment, cultural and other values will be prevented, or minimised, by conditions placed on the access to water for rehabilitation purposes***.

8. Water quality in any potential mine pit water bodies is appropriate and can be managed over time for the intended beneficial use.	Request variation **Alternative:** ***Water quality in any potential mine pit water bodies is appropriate, must demonstrate that no contamination of ground aquifers or surface water will result and can be managed in the long term future, including for potential beneficial uses by third parties.***
9. The mine voids do not pollute downstream waterways in the Latrobe River system.	Supported
10. Risks to infrastructure and valued assets are minimised through a range of measures. These include appropriate separation distances, having regard to the final rehabilitation and closure plan and the associated potential for land movement, fire and flood, and environmental and amenity protections.	Request variation: Acknowledging that both mine areas and established and developing urban areas and major assets are existing, the ability to minimise risk through appropriate separation distances is difficult to achieve. The HMFI noted the importance of progressive rehabilitation that would be necessary to reduce risk, in particular mine fire risk. **Alternative:** ***Risks to infrastructure and valued assets are minimised through a range of measures, including geotechnical monitoring, during the rehabilitation stages to assess and address potential land movement, fire and flood, and environmental and amenity protections.***
11. Any future potential mining activities will be appropriately distanced from rehabilitated mines to ensure the safety and stability of the old and new mines.	Request variation. Whilst this principle appears to be logical, it is Council's view that mine rehabilitation should be undertaken in a manner that does not preclude future opportunities to utilise what is a globally significant resource. Acknowledging that significant coal reserves are located in close proximity to existing mine voids this principle may however result in sterilising significant coal reserves, and with this potentially limiting a range of low carbon or carbon neutral uses of this resource currently being explored. This includes opportunities for coal to hydrogen project and Carbon Sequestration. This principle is considered to be inconsistent with the State Government's Coal Statement, in particular: *"Ensuring new brown coal projects source their coal from existing mines and that any new licence would only be granted where proponents have been unable to agree reasonable terms to access coal from existing mines, with*

	preference given to applications for coal fields adjacent to existing mines." This is not supported – given it drives the creation of new mine voids – sterilising other land assets and opportunities. Resources is in many instances located in distances close to existing mines. If distances of up to 2km are now considered necessary – this will likely sterilise large areas of coal resources. **Alternative:** ***Mine rehabilitation plans should be undertaken in a manner that would not inhibit future coal mining opportunities to ensure the safety and stability of the old and new mines.***
12. The transitions from existing land use to future land uses are aligned with the phases of mine rehabilitation and stabilisation.	Supported.
13. Stakeholders understand the long timelines for realising beneficial uses at the rehabilitated sites and are engaged over those timeframes.	Supported.

ROLE OF GOVERNMENT **is to provide, through the final Strategy and other legislative and regulatory instruments:**	**COMMENTS**
1. Information on the regulatory context the Strategy fits within, and how the Strategy is expected to be used by mine operators and Government to guide mine rehabilitation.	Request variation. This is a primary role of the LVRRS. The objective is therefore essentially describing the LVRRS, and will likely be a redundant provision at the point the LVRRS is completed 2020. An opportunity to make this responsibility relevant, reference to the ongoing responsibility of Government to undertake periodic reviews (as indicated may occur every three years – check reference) would provide value and relevance. **Alternative:** ***Establish and undertake periodic review of the LVRRS Strategy and related regulations.*** ***Facilitate the public notice of proposed mine rehabilitation plans and related submission processes.***

	Establish requirements for the preparation and publishing of mine rehabilitation compliance with agreed milestones, outcomes and critical impacts which must be prevented specific to each mine area (i.e. mine fire, land movement). ***Provide assistance and guidance to mine operators in undertaking mine rehabilitation tasks in accordance with the LVRRS and related regulations.*** ***Outlined consequences and enforcement measures to be applied for non- compliance with an approved rehabilitation plan.***
2. A statement of expectations with respect to engagement with Traditional Owners and incorporation of Aboriginal values in rehabilitation and closure plans.	Request variation. This should be strengthened to establish more than expectation. It is also considered appropriate that Traditional Owners would have a formal approval function as part of the assessment of proposed mine rehabilitation plans and opportunity to participate in the monitoring of mine rehabilitation against progressive rehabilitation milestones and outcomes. **Alternative:** ***Establish requirements for mine operators with respect to Traditional Owner participation in the preparation and approval of mine rehabilitation plans to ensure the incorporation of Aboriginal values in rehabilitation and closure plans.*** ***Provide support and assistance to Traditional Owners to participate in the preparation and assessment of mine rehabilitation plans.*** ***Establish processes by which Traditional owners will have the opportunity to participate in the monitoring of mine rehabilitation against rehabilitation milestones and outcomes agreed to by Traditional owners.***
3. Guidance on community engagement required to support the rehabilitation and closure process.	Request variation. This should be strengthened to establish more than guidelines. It is appropriate that there are requirements for public notice and opportunity for community and stakeholders to provide submissions are formalised within regulations. The opportunity to access performance of mine rehabilitation against progressive rehabilitation milestones and outcomes should also be established. **Alternative:** ***Establish legislated requirements for mine operators with respect to public notice and community participation in the preparation and approval of mine rehabilitation plans.***

	Establish processes by which mine rehabilitation performance reports are to be prepared and published, including agreed milestones, outcomes and critical impacts to which must be prevented (i.e. mine fire, land movement).
4. Evidence, from detailed investigations into regional land stability, fire risks, and water availability, to support Government decision-making, and to inform the activities of the mine operators, throughout the operation, rehabilitation, and post-closure periods for each mine.	Request variation. Reference to evidence from detailed investigations has yet to be made available as part of the LVRRS. What has been provided within the LVRRS Technical Studies is a summary of findings. The evidence upon which these findings are made has previously been requested by Council formally and informally, however this information has not been forthcoming. The alternative objective includes references to: - Local and regional land stability - Water quality (including groundwater) - Community understanding - Information being utilised in the preparation of mine rehabilitation plans - Ongoing requirements post closure, specific to each mine and final landform. **Alternative:** ***Provide evidence from detailed investigations into local and regional land stability, fire risks, and water availability and quality (including groundwater) to support community understanding and Government decision-making, and to inform the activities of the mine operators in the preparation and implementation of mine rehabilitation, and ongoing requirements for post-closure periods specific to each mine area and final landform.***
5. A biophysical feasibility statement on regional ground movement considerations for rehabilitation design and implementation and filling the voids with water, partly or fully, as a rehabilitation option	Not supported. The purpose of this objective is not clear. This objective appears to prescribe a specific action in support of a particular mine rehabilitation solution. At worst this may be considered 'leading,' given no other feasibility assessments for rehabilitation options are proposed to be undertaken and may therefore be prohibitive to mine operators requirement to assess or consider alternatives. **Alternative:** ***Prepare and publish a feasibility assessment detailing localised and regional ground movement, ground water and surface water considerations to support progressive and final mine rehabilitation design , implementation and performance reporting requirements against identified impacts and risks which must***

	be prevented.
6. An action plan for the monitoring and management of regional land-level subsidence and rebound.	Request variation. Action plans for the monitoring and management would need to be prepared specific to each mine area and relevant to the rehabilitation methodology and milestones. This is especially the case given the vast differences to each mine area and their surrounds. Monitoring and management requirements must extend beyond regional land subsidence to consider additional matters including: - Local land subsidence, - Occurrences of instability and impacts - Adjoining urban areas, critical infrastructure and assets - Mine fire risk and incident response - Water quality (including lakes where formed, groundwater and surface water) - Water volumes purchased - Evaporation rate **Alternative:** ***Establish requirements and supporting processes for the monitoring, management, reporting and publishing of local and regional impacts resulting from mine rehabilitation, including land subsidence, mine fire risk, water quality and volume purchased.***
7. A high-level assessment of potential water sources and access arrangements for mine operators to undertake rehabilitation, if water is demonstrated to be essential for mine rehabilitation.	Purpose of this objective is unclear. The inclusion of this responsibility appears to assume what may be considered a predetermined rehabilitation outcome. This does not suggest independence of the LVRRS, rather it appears to prescribe a particular rehabilitation outcome by describing how water may be sourced and what access arrangements will be made available. Council considers it important that future allocations of water resources are equitable. Draft principles resulting from the LVRRS Water Study have been distributed to the Latrobe Valley Regional Rehabilitation Advisory Committee. Council will provide its response to these within a separate submission.
8. An assessment of future water availability scenarios and expected minimum environmental flow requirements in the	Request variation. The Latrobe River system is described as being in poor health -

Latrobe River system and its estuaries.	To inform any future request to redirect existing water allocations from energy generation to mine rehabilitation, a better understanding of the relationship between various rehabilitation options and their impact to future water use, water pricing, downstream irrigation along with the economic and natural environment values of the lower Latrobe River wetlands and Gippsland Lakes will be essential. It is also essential that the opportunity cost of water being utilised for value adding purposes is understood, communicated and considered as part of requests by each mine operator to access water for mine rehabilitation. The preparation of an Environmental Effects Statement establishes the necessary processes for this and would provide further confidence to community stakeholders. **Alternative:** ***An assessment of future water availability scenarios in the short to long term future that will be necessary to support improved environmental flow requirements in the Latrobe River system, its tributaries and wetlands; and which are necessary to support improved health of RAMSAR listed wetlands and the Gippsland Lakes.*** ***An assessment of current and predicted catchment scenarios to determine likely inflow and predicted demand (considering residential, industry and agriculture requirements), in order to determine the reliability of major water storages within the Latrobe River Catchment.*** ***An economic assessment of water resources available within the Latrobe River catchment, including opportunity costs if expanded irrigation opportunities are not realised.***
9. A summary of the potential future land-use constraints, based on the Strategy's technical studies along with identified timelines for potential Planning Scheme responses.	Request variation. The progressive stages of the mine rehabilitation will bring with it possible impacts to surrounding areas. It is vitally important that contingencies are put in place as part of the rehabilitation phases to ensure any such risks are managed in way that will not detrimentally impact existing uses or identified development potential that is currently recognised in the Latrobe Planning Scheme for example south of Morwell CBD and South East Traralgon. This "agent of change" is a common planning principle and given the nature of the use of the mining areas will change from one primarily used for power generation into the phases of rehabilitation, any additional impacts will need to be addressed appropriately as part of that work as opposed to expecting adjoining uses in particular to address the impact of this change **Alternative:** ***A summary of the potential measures to be put in place as part of the mine rehabilitation plans based on***

	the Strategy's technical studies along with identified timelines for potential Planning Scheme responses to ensure that existing and identified supported uses and development within the Planning Scheme are not detrimentally impacted.
10. Identified potential land-use outcomes, and the future decision process including timelines, for decisions on next beneficial land uses.	Supported. Council request that community and stakeholder notification and participation is provided as part of decision making processes.
11. A process to enable public access to the Government-funded technical information underpinning the preparation of the strategy.	Request variation. All relevant information informing rehabilitation plans should be made available, including those undertaken by mine operators. This process would be adequately addressed by the requirement to complete an EES, to which previous work plans and variations provide precedent. This is considered to be essential to transparency and confidence in the interest of public good. It is unclear as to why such a requirement has not yet been identified within the LVRRS Overview, given precedent for this process and number of submissions received by the LVRRS requesting this commitment. **Alternative:** ***Facilitate public access to the Mine Operator's and Government-funded technical information underpinning the preparation and assessment of mine rehabilitation plans, utilising processes required in the preparation of an Environmental Effects Statement.***
12. A data management framework to ensure available evidence and knowledge used to inform development of the Strategy is securely retained and accessible for future strategy implementation and knowledge management requirements.	***Request variation.*** **Alternative:** ***A data management framework to ensure available evidence and knowledge used to inform development of the Strategy is reported and published to assist for future strategy implementation, review and knowledge of ongoing management, maintenance and reporting requirements specific to each mine area.***
ADDITIONAL OBJECTIVES FOR CONSIDERATION AS REQUESTED BY COUNCIL	

- ***Establish processes by which existing work plans may be varied to include progressive mine rehabilitation necessary to reduced risk of mine fire and liabilities, as recommended by the HMFI.***
- ***Establish processes and approvals to which mine rehabilitation plans will need to be completed.***
- ***Establish and publish processes and requirements by which Government will assess proposed rehabilitation plans.***
- ***Identify and secure resources and capabilities necessary to assess rehabilitation plans, their implementation and ongoing maintenance (where necessary) including the ability to undertake and commission works as necessary as is enabled by the Mineral Resources (Sustainable Development) Act 1990 (MRSD Act).***
- ***Establish processes and penalties necessary to enforce non-compliance with the regulations and approved mine rehabilitation plans.***
- ***Support the facilitation of appropriate land tenure arrangements and associated ongoing stewardship, beyond mandatory post rehabilitation monitoring and maintenance responsibilities of mine operators, necessary to achieve opportunities outlined by the LVRRS Land Use Vision.***

ROLE OF MINE OPERATORS	COMMENTS
1. Develop their rehabilitation and post-closure plans, in consultation with the community, as required by legislation and with consideration of the guidance and expectations set out in the Strategy.	Supported. It is essential that all aspects and stages of rehabilitation planning and approval provide high levels of transparency, accountability, and technical competence, including mandatory requirements for the provision of substantial opportunities for public input, involvement, and information availability. Unfortunately it would seem that the MRSD Bill is effectively silent on the need for such requirements. It is therefore unclear what legislation is to be relied upon to require consultation with community during the preparation of mine rehabilitation planning and post closure plans. As outlined above, it is requested that expectations for public exhibition and consultation are formalised and supported in regulations.

2. Demonstrate that their final rehabilitation design, as submitted to Government, is based on a broad options analysis, including non-water-based stability options, and that future stability controls are appropriate to the residual risks.	Request variation. This requirement would be best supported by the requirement to prepare an EES. ***Alternative:*** ***Demonstrate that progressive rehabilitation milestones and the final rehabilitation design, as submitted to Government, is based on an analysis of broad options, their impacts, risks, costs and benefit. This should include as assessment as to how each is appropriately achieved against the objectives of safety, stability and sustainability.***
3. Demonstrate that the final landform facilitates a range of uses and amenity over time.	Request variation. **Alternative:** ***Demonstrate that the progressive rehabilitation will not limit or reduce current urban development opportunity, and that the final landform will facilitate its use for a range of opportunities and amenity values as described by the LVRRS Land Use Vision.***
4. Provide evidence that demonstrates that water is essential to achieve rehabilitation objectives, considering all reasonable alternatives, as well as the efficient use and management of water resources including the water level in the mine void to achieve stability.	Request variation. This is considered to be a leading objective, directing mine operators to demonstrate a particular rehabilitation methodology and suggests a clear preference of the LVRRS. It is disappointing that consideration of critical outcomes have not been included, in particular reducing the risk of mine fire now and in the long term. Acknowledging the context of the Hazelwood Mine Fire and it being the central motivation for the LVRRS this is considered to be a key limitation of the objectives outlined by the LVRRS Overview Principles and Objectives. The requirement to prepare an EES as part of mine rehabilitation planning would avoid any conflict, either perceived or real. **Alternative:** ***Demonstrate how progressive rehabilitation measures are to be implemented to reduce the risk of mine fire.*** ***Provide evidence that demonstrates consideration of all reasonable rehabilitation solutions, risks, impacts, cost and benefits.*** ***Seek to minimise impacts on natural resources in the short and long term future (including water quantity,***

	quality and availability of water where this is required).
5. Identify the pathway to access any water required for rehabilitation, consistent with Water Act 1989 and Water Entitlement Framework, and how water levels will be maintained over the near and long term.	Not supported. This objective is unclear in that it may be problematic to demonstrate in the long term amidst a predicted changing climate. It is also considered to premise a particular rehabilitation outcome. Given pathways to access water must be consistent with relevant legislation and frameworks, it may be considered that this objective as worded is not required. **Alternative:** ***Where significant volumes of water is proposed to be required, demonstrate how access to such water has or may be secured in the near and long term future.***
6. Articulate land-use options that are consistent with the objectives of planning in Victoria, and with State/Regional/Local Planning Policy and planning scheme provisions.	Request variation. The below alternative is suggested on the proviso that Councils position as per our response to the draft preliminary land use vision and related technical summaries, including suggested changes and variations, are incorporated as part of the final approved document. **Alternative:** ***Articulate land-use options that are consistent with the objectives of planning in Victoria, and with State/Regional/Local Planning Policy, planning scheme provisions and support opportunities outlined by the LVRRS Land Use Vision.***
ADDITIONAL OBJECTIVES REQUESTED BY COUNCIL	
• **Demonstrate commitment and resources necessary for an agreed period of ongoing maintenance, management and monitoring in support of the achievement of progressive and long term rehabilitation outcomes and repurposing of the final landform.**	

6 CONCLUDING COMMENTS:

Recognising the interrelationship of mine rehabilitation to the surrounding landscape, regional resource strengths and broader economy, State policy for future mine rehabilitation of coal mines will, to greater or lesser degrees, determine the sustainability and liveability of Latrobe City and broader region now and in the long term future. This requires careful consideration of a range of matters many of which are outlined within the Technical Summaries.

The approach of the LVRRS has in Council's view, limited the ability of community and stakeholders understanding of issues, risks, impacts and opportunities and prevented the meaningful and informed consideration of alternatives due to the limited scope and access to technical studies, whilst no assessment of economic impact or environmental risk assessment have been undertaken. If such assessments have been completed, this information should be made available.

Despite the LVRRS having new information available to which the HMFI did not, it is concerning that the findings (in particular the Geotechnical and the Water Study) do not appear to have altered the 'original concept of all three mines being flooded with water' as was recently communicated in media and public forums held. It appears that the LVRRS has therefore become the mechanism by which Government will enable access to large volumes of the region's valued water assets for mine rehabilitation (access which current water entitlements do not provide). It is Council's assessment that the notion of filling each mine with water, based on information now available and the advice of various stakeholders is unsubstantiated and on this basis is difficult to support as a sustainable long term rehabilitation outcome.

More immediately, the primary concern of Council is the lack of attention and importance to resolving the risk of mine fire as an immediate priority. This is surprising understanding the Hazelwood Mine Fire was the central motivation for the initiation of the LVRRS.

Latrobe City Council requests the State Government's commitment to providing the time and resources necessary to 'getting this right' for Latrobe City and the broader Gippsland Region. Latrobe City Council would welcome the opportunity to discuss this submission with relevant parties to the LVRRS.