CHAPTER 5

Rehabilitation Obligations and Commitments

1. Overview

ENGIE Hazelwood is subject to a wide range of rehabilitation and closure obligations in relation to the Hazelwood Mine (and broader Hazelwood site) under Victorian mining and environmental protection legislation.

ENGIE Hazelwood's key obligation under Victorian mining legislation is to rehabilitate the Hazelwood Mine to achieve a safe, stable, sustainable and non-polluting final landform, capable of supporting productive future land uses.

This chapter outlines the regulatory framework for the rehabilitation of the Hazelwood Mine (and broader Hazelwood site), and the relevant approval arrangements in respect of the planning and execution of the proposed rehabilitation works under both Victorian and Commonwealth legislation.
It also specifies relevant legislative obligations relating to the contents of the DMRP, obligations under existing approval documents relevant to the rehabilitation of the Hazelwood Mine, and proposed rehabilitation outcomes.

2. Summary of Relevant Legislation

2.1 STATE (VICTORIAN) LEGISLATION

2.1.1 *Mineral Resources (Sustainable Development) Act 1990 (Vic)*

The *Mineral Resources (Sustainable Development) Act 1990* (Vic) (**MRSD Act**) governs mining and extractive exploration in Victoria. It seeks to encourage mineral exploration and economically viable mining and extractive industries which make the best use of, and extract the value from, resources in a way that is compatible with the economic, social and environmental objectives of the State.
The Hazelwood Mine is a *"declared mine"* under section 7C of the MRSD Act, where the Minister for Resources has determined that there are geotechnical, hydrogeological, water quality or hydrological factors within the Hazelwood Mine that pose a significant risk to public safety, the environment and/or infrastructure.

Accordingly, the MRSD Act requires ENGIE Hazelwood to prepare a DMRP for the land covered by Mining Licence MIN5004, which is satisfied by this document. DMRP requirements, including the key role of *"closure criteria"* in enabling the closure of the Hazelwood Mine and relinquishment of Mining Licence MIN5004, are discussed in further detail in section 2.1.2 below.

Other than the DMRP, ENGIE Hazelwood's operational and rehabilitation activities at the Hazelwood site are primarily governed by the following approval documents under the MRSD Act:

- Mining Licence MIN5004; and
- An approved Work Plan, being the 2017 Work Plan Variation (**2017 WPV**).

Mining Licence MIN5004

In the context of the privatisation of the Hazelwood Mine and Power Station in September 1996, the Minister for Agriculture and Resources granted Mining Licence No. 5004 to Hazelwood Power Corporation Limited under section 47A of the *Electricity Industry Act 1993* (Vic), by an order published in the Victorian Government Gazette (No. S 104 (Thursday 12 September 1996)).

The Order granting MIN5004 enclosed (and approved) an initial Work Plan and rehabilitation plan in relation to the area covered by the licence. The rehabilitation plan was entitled Morwell Mine Rehabilitation Concept Master Plan, developed in 1994 by DPS Pty Ltd for the State Electricity Commission of Victoria (**SECV**), which contemplated that the Hazelwood Mine would be flooded to form a high-level lake.

Mining Licence MIN5004 (as last amended in August 2021) itself contains several conditions relevant to the rehabilitation of the Hazelwood Mine, listed in section 3.

Approved Work Plan

The current approved Work Plan for the Hazelwood Mine, the 2017 WPV, documented the decommissioning and rehabilitation works to be progressed by ENGIE Hazelwood in the first 3 to 5 years following the closure of the Hazelwood Power Station (i.e. the *"Initial Post Station Closure and Closure Planning"* Period (**IPSCCP Period**)). These works included earthworks (e.g. batter re-profiling and surcharge dump construction works) and decommissioning of redundant mine plant (e.g. infrastructure and surface water storages), and characterised within the 2017 WPV as *"no regrets"* works, on the basis that they were required regardless of whether a full or partial lake landform was ultimately pursued for the final rehabilitation of the Hazelwood Mine.

ENGIE Hazelwood has obtained approval for interim rehabilitation and decommissioning works through regular updates to Figure 27 of the 2017 WPV (as required by the Conditions of Approval for the 2017 WPV), submitted to ERR through ENGIE Hazelwood's six-monthly Declared Mine Reports.

The 2017 WPV presented two closure concept options:

- a partial pit lake with a water level at RL +8m AHD; and
- a full pit lake with a water level at RL +45m AHD.

The two options were characterised within the 2017 WPV as being intended to be further refined during the IPSCCP Period.

The proposed rehabilitated landform described in this DMRP reflects the second of these options, following the completion of further assessments by ENGIE Hazelwood (including through the EES process described in section 2.1.4 below).

Summary of key rehabilitation obligations under MRSD Act

The key obligations under the MRSD Act applicable to ENGIE Hazelwood in relation to the rehabilitation of the Hazelwood Mine (and broader MIN5004 area), along with the current status of ENGIE Hazelwood's compliance with those obligations, are set out in the table below:

PROVISION OF MRSD ACT	SUMMARY OF OBLIGATION(S)	CURRENT STATUS
Section 40(3)(e)	A Work Plan in relation to a mining licence (under which mining activities are to be carried out) must include a rehabilitation plan. Under regulation 43(2)(b) of the MRSD Regulations, a rehabilitation plan must include a landform that will be achieved to complete rehabilitation, which must be *"safe, stable and sustainable"*.[1]	Section 5 of the approved 2017 WPV addressed final rehabilitation, and identified that: • The approved conceptual closure concept for the Hazelwood Mine under the 2009 WPV was a partial lake; • Further technical work was required to determine an optimal lake depth (from the perspective of ensuring a passively safe, stable and sustainable landform); • This further technical work would be pursued during the IPSCCP Period; and • A Rehabilitation and Closure Plan (**RCP**) would be subsequently submitted confirming ENGIE Hazelwood's proposed work methodologies. A further Work Plan Variation application, enclosing an RCP, was submitted to ERR in January 2020. It documented a proposal to pursue a high-level lake, to an expected water levelof RL +45m AHD. The RCP was not ultimately approved by ERR, with the works instead (following consultations between ERR, ENGIE and other interested regulatory agencies) becoming the subject of referrals under the EE and EPBC Acts, and currently the subject of an EES process. As is detailed within the EES Project Description, ENGIE Hazelwood proposes to achieve a safe, stable, sustainable and non-polluting final landform by implementing a full pit lake to a depth of approximately RL +45m AHD.
Section 78(1)	The holder of a mining licence must rehabilitate land in accordance with the rehabilitation plan approved by the Department Head.	ENGIE Hazelwood: • Has undertaken various rehabilitation and decommissioning works since the operational closure of the Hazelwood Mine in March 2017, as set out within the approved 2017 WPV; and • Seeks approval to undertake the final rehabilitation works set out in this DMRP (as updated or varied from time to time).
Section 80	A licensee must enter into a rehabilitation bond for an amount determined by the Minister for Resources.	ENGIE Hazelwood has provided the Victorian Government with a rehabilitation bond of $289million for the MIN5004 area.
Section 81	An authority holder must rehabilitate land in the course of doing work under the authority and must, as far as practicable, complete the rehabilitation of the land before the authority or any renewed authority ceases to apply to that land.	Mining Licence MIN5004 remains in force. ENGIE Hazelwood undertook extensive progressive rehabilitation works throughout the operational life of the Hazelwood Mine. Further, it has undertaken significant preliminary rehabilitation and decommissioning works across the Hazelwood site since operational closure in March 2017 pursuant to existing approvals (including particularly the 2017 WPV).
Sections 84AZU(1), (3)	A declared mine licensee must prepared a plan for the rehabilitation of the declared mine land covered by the licensee's licence. The plan must include: • Any rehabilitation plan or requirement under section 82(3) that the declared mine licensee enter into a further rehabilitation bond; • The prescribed criteria to be met by the declared mine licensee for the closure of the mine on the declared mine land **(closure criteria)**; • A document that sets out the monitoring and maintenance to be carried out on the closure of the mine on the declared mine land by the declared mine licensee, Rehabilitation Authority or the owner of the land **(post-closure plan)**; • An undertaking by the declared mine licensee to pay the registration amount to the Minister on a registration direction being given for the declared mine land; • An assessment of the risks posed by the geotechnical, hydrogeological, water quality or hydrological factors within the declared mine land; and • Any other prescribed matter.	This DMRP addresses the requirements of section 84AZU(1) and (3) of the MRSD Act, along with the specific content requirements set out in the MRSD Regulations. DMRP requirements are addressed in further detail in section 2.1.2 below.

1. *This requirement generally applies to work plans lodged on or after 1 July 2020 (MRSD Regulations, r 43(1)).*
Regulation 4 defines "safe, stable and sustainable" as meaning:
not likely to cause injury or illness;
structurally, geotechnically and hydrogeologically sound;
non-polluting; and
aligns with the principles of sustainable development.

Other key aspects of MRSD Act

As discussed further in section [5.5] below, the MRSD Act also:

- Establishes the Mine Land Rehabilitation Authority (**MLRA**) as an independent statutory authority, with a broad range of objectives and functions in relation to the rehabilitation of the Latrobe Valley *"declared mines"*; and
- Sets out the legislative basis for the Latrobe Valley Regional Rehabilitation Strategy (published by the Department of Jobs, Precincts and Regions (**DJPR**) and Department of Environment, Land, Water and Planning (**DELWP**) in June 2020) (**LVRRS**) and the Latrobe Valley Regional Rehabilitation Strategy Amendment (published by DEECA in October 2023) (**LVRRS Amendment**).

2.1.2 Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 (Vic)

The MRSD Act is accompanied by the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019* (Vic) (**MRSD Regulations**). The objectives of the MRSD Regulations include to (among other matters):

- Prescribe various procedures, details, royalties, fees, forms, rents, information required in documents and other matters authorised by the MRSD Act; and
- Set out requirements relating to declared mines.

Risk management documentation requirements under MRSD Regulations

As a brown coal (lignite) mine and a "*declared mine*", the Hazelwood Mine is also subject to the following obligations under the MRSD Regulations in relation to risk management documentation (which are subject to review and approval by ERR):

- The requirement that a Work Plan include a risk management plan specifying what the licensee will do to minimise identified risks as far as reasonably practicable,[2] which is met through ENGIE Hazelwood's Risk Management Plan (**RMP**). The RMP addresses four key risk events at the Hazelwood site (Major Fire; Batter and/or Mine Floor Failure; Adverse Environmental Impact; and Site Security and Emergency Response Compromised) and identifies various control measures to address these events.
- The requirement for a fire risk management plan (**FRMP**), which must be included in a Work Plan that involves the mining of coal.[3] The FRMP describes fire risk mitigation measures to assist ENGIE Hazelwood in managing fire risks which have the potential to impact upon the environment, to any member of the public or to land, property or infrastructure, and cross-references a range of other fire risk management procedures that have been developed for the Hazelwood site (e.g. Fire Readiness Planning Guidelines).
- The requirement for a Work Plan to include the "*declared mine stability requirements and processes*",[4] which is met through ENGIE Hazelwood's Ground Control Management Plan (**GCMP**). The GCMP identifies major geotechnical and hydrogeological hazards at the Hazelwood Mine, provides a risk management framework, and requires regular reporting of risk management activities.

ENGIE maintains the RMP, FRMP and GCMP as "*live*" operational documents, which are cross-referenced and integrated within its Work Plan documentation. These documents are relevant to the rehabilitation of the Hazelwood Mine, where they:

- Include comprehensive assessments of risks at the Hazelwood site, including risks that will continue and/or change over the course of the final rehabilitation works (such as changes in mine fire risk as the exposed coal on the floor and batters of the Hazelwood Mine is covered with water);
- Incorporate the outcomes of technical studies commissioned by ENGIE Hazelwood in the course of its rehabilitation planning (such as batter stability assessments); and
- Describe a range of monitoring and maintenance activities to be carried out to maintain safe and stable conditions at the Hazelwood site (e.g. in relation to ongoing aquifer depressurisation pumping), separately to the risk management plan documentation required under the DMRP regime.

Updated versions of the GCMP and FRMP are included at **Appendices F** and **G** of this DMRP.

2 *MRSD Act, s 40(3)(c); MRSD Regulations, r 45.*

3 *MRSD Act, s 40(3)(g); MRSD Regulations, r 40(b)(iii), Schedule 8.*

4 *MRSD Act, s 40(3)(f); MRSD Regulations, r 63, Schedule 12.*

DMRP requirements

The MRSD Regulations were amended by the *Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2022* (Vic), which commenced on 30 September 2022 and expanded upon the DMRP provisions of the MRSD Act.

As amended, Division 3 of Part 5 of the MRSD Regulations prescribes various requirements for declared mine land rehabilitation, including in relation to:

- Preparation, consideration and approval of DMRPs;
- The "*prescribed period*" for the preparation of a DMRP (by 1 October 2025 in the case of the Latrobe Valley region coal mines, subject to any granted extensions of time);
- Consultation requirements in relation to DMRPs;
- Preparation, consideration and approval of applications for a determination that the "*closure criteria*" for a declared mine have been met; and
- The determination of contributions to the Declared Mine Fund.

Key provisions of the MRSD Regulations (and MRSD Act, where relevant) in relation to DMRPs are set out below.

PRESCRIBED CONTENTS OF DMRPS

The prescribed contents of a DMRP under the MRSD Regulations are relevant to each phase of the mine rehabilitation and closure process, being:

- (**Active rehabilitation**) The implementation of active rehabilitation works (i.e. the filling of the Hazelwood Mine);
- (**Passive management**) The monitoring and maintenance of the rehabilitated landform once active rehabilitation works (i.e. mine filling) are complete, prior to mine closure; and
- (**Post-relinquishment**) The monitoring and maintenance of the mine following its closure and the relinquishment of the relevant mining licence – namely through a post-closure plan registered against the title of the land.

The key provisions of the MRSD Regulations regarding the required contents of a DMRP, and the extent to which they are addressed by this DMRP, are summarised below:

PROVISION OF MRSD REGULATIONS	DESCRIPTION	CURRENT STATUS
Regulation 64C	A DMRP must include a range of closure criteria to enable the closure of the mine, being: the measures the licensee must take to address the risks to public health and safety, the environment and infrastructure posed by the geotechnical, hydrogeological, water quality or hydrological status of declared mine land covered by the licence; the actions the licensee must take to achieve the long-term objective to convert the declared mine land to a safe and stable and sustainable condition; the measures the licensee must take to minimise the erosion of the declared mine land; the measures the licensee must take to revegetate the declared mine land; the measures the licensee must implement to assess and manage fire risks; the actions that the licensee must take to manage the physical attributes of the declared mine land; the measures the licensee must take to mitigate the limits or constraints on rehabilitation of the declared mine land; the objectives that the licensee must satisfy for the proposed landform to be able to support the proposed outcomes for land use; the actions that the licensee must take to ensure the compatibility of the proposed final landform with the surrounding areas; the milestones that the licensee must meet on the progress of the rehabilitation, the rate of mining and the nature of the mining operation; the rate and expected level of ongoing research into aspects of the declared mine land and water that the licensee must achieve: to resolve any deficiencies in the available data; to limit any uncertainty surrounding the state of the declared mine land and water; the measures the licensee must take to manage aspects of the water that includes water quality, water availability for rehabilitation, water balance and any impacts on the broader water system; the use that the licensee must make of appropriate technologies to mitigate negative impacts on the declared mine land; and the measures the licensee must take to enable all the expected post-closure outcomes.	ENGIE Hazelwood's closure criteria (and related milestones) are set out in Chapter 10.

PROVISION OF MRSD REGULATIONS	DESCRIPTION	CURRENT STATUS
Regulation 64D	The Post-Closure Plan within the DMRP must contain information regarding: the ongoing monitoring and maintenance activities required to maintain the declared mine land in a safe and stable state after closure; a risk management plan for the mitigation of risks that may continue post-closure; the plant that the declared mine licensee proposes to use to meet the closure criteria for the declared mine land; the plant that the declared mine licensee proposes to leave on the declared mine land and that will become the property of the Crown under section 114 of the MRSD Act; who is responsible for post-closure monitoring and maintenance activities; the time and manner in which the ongoing monitoring and maintenance activities will be carried out after closure; any further supporting data, reports and information that must be provided to the Rehabilitation Authority after the post-closure plan is registered, for the purposes of monitoring and evaluating the rehabilitation planning activities.	ENGIE Hazelwood's Post-Closure Plan is set out in Appendices B and C, noting that specific monitoring and maintenance activities under the plan will develop over time as the final rehabilitation works are implemented.
Regulation 64F	A DMRP must include:	Each of the requirements of regulation 64F are addressed within this DMRP, as noted below:
	• a stakeholder engagement plan that: i. identifies the persons or classes of persons, including the persons or classes of persons prescribed by regulation 64G consulted on the draft declared mine rehabilitation plan, or who will be consulted on the declared mine rehabilitation plan; ii. includes a strategy and milestones for ongoing engagement with those persons and classes of persons during rehabilitation and closure of the declared mine; and iii. complies with any relevant guidelines issued by the Minister under section 120A of the Act;	ENGIE Hazelwood's DMRP Stakeholder Engagement Plan is set out in **Appendix D**.
	• the proposed outcomes for land use and proposed post-mining land use, including any land that is not able to be rehabilitated to a stable condition, described in a manner consistent with any relevant guidelines issued by the Minister under section 120A of the Act;	Proposed outcomes for end land use are set out in **Chapter 6**.
	• all the legal approvals and permissions required for the activities or outcomes in the declared mine rehabilitation plan;	The relevant legal approvals and permissions required for the final rehabilitation works are listed in section 4 of this Chapter.
	• the components of the declared mine rehabilitation plan in relation to which additional details must be provided annually;	Aspects of ENGIE Hazelwood's rehabilitation and closure arrangements that require the submission of further information are identified (where relevant) throughout the DMRP.
	• any use of passive controls to maximise the rehabilitation outcome that any landforms are to be safe, stable and sustainable;	Details regarding passive controls are set out in the updated GCMP in **Appendix F**.
	• the rehabilitation or closure objectives that are consistent with: i. any relevant guidelines issued by the Minister under section 120A of the Act; or ii. information that the Department Head has approved;	The relevant closure objectives are set out in **Chapter 9**.
	• the rehabilitation or closure milestones relevant to the ongoing monitoring, management and maintenance of the declared mine land including: i. milestones necessary for the rehabilitation of the land to a safe, stable and sustainable condition and to minimise the risks posed by the declared mine land; ii. milestones required to meet the closure criteria set out in regulation 64C; and iii. milestones for obtaining the relevant legal approvals and permissions required for the rehabilitation of the mine, the closure of the mine and post-closure of the mine	The relevant rehabilitation and closure milestones are set out in **Chapter 15**.
	• an identification and assessment of: i. risks that may lead to an early or sudden cessation of operations and closure of the mine; ii. rehabilitation risks and hazards; and iii. risks that may affect the rehabilitation outcomes, objectives and milestones that apply to the rehabilitation of the declared mine land;	The assessment of relevant risks, and measures for mitigating and managing those risks, are set out in **Chapters 13** and **14** and **Appendix C**.
	• a risk management plan that specifies the actions the licensee will take to mitigate, as far as reasonably practicable, the risks referred to above;	See row immediately above.
	• an outline of the roles and responsibilities of employees of the licensee including: i. the qualifications that the employees hold to competently perform their role; and ii. the accountability of the employees for the implementation, management and review of the risk management plan.	The relevant roles and responsibilities of employees are set out in **Chapter 19**.

PROVISION OF MRSD REGULATIONS	DESCRIPTION	CURRENT STATUS
Regulations 64G, 64H and 64J	These regulations prescribe: The particular persons and classes of persons with whom a declared mine licensee must consult; Processes for seeking public submissions on a proposed DMRP; and The requirement for an application for approval of a DMRP to include consultation-related information (including a report on the consultations undertaken) and an assessment of how the DMRP will meet the relevant rehabilitation outcomes.	ENGIE Hazelwood will undertake the consultations required under these regulations in relation to its DMRP.

Consistent with the iterative approach underpinning the regime for the prescribed contents of DMRPs under the MRSD Regulations,[5] ENGIE Hazelwood expects to regularly update this DMRP over time, including to reflect:

- Changes in prevailing site conditions and risks;
- The status of implementation of rehabilitation works; and
- New technical information, including from monitoring data and learnings as the works progress (which may also be reflected in updates to closure criteria, and the risk assessment and risk management plan within the DMRP in accordance with provision 64F(2)(f)(ii) of the MRSD Regulations).

ANNUAL REPORTING REQUIREMENTS IN RELATION TO DMRPS

The MRSD Regulations also require declared mine licensees to submit annual reports regarding in relation to DMRPs, including a range of specified information (such as details on the progress of components of the DMRP that require the submission of additional information).[6]

CLOSURE AND RELINQUISHMENT PROCESSES FOR MIN5004

Together, the DMRP provisions of the MRSD Act and MRSD Regulations provide a process for the eventual closure of the Hazelwood Mine and the relinquishment of Mining Licence MIN5004, where:

- The Minister for Resources will ultimately determine whether the closure criteria within a DMRP have been satisfied, and therefore whether the declared mine may be closed;[7]
- The licensee will apply for a determination that the closure criteria have been met, and the application must contain:
  - An assessment of whether the closure criteria have been met (including supporting evidence);
  - An assessment of community and stakeholder engagement (including supporting evidence);
  - Information that enables the Minister to determine the amount (if any) that the licensee must contribute to the Declared Mine Fund (which will be used to meet the ongoing costs associated with the post-closure management of declared mine land);[8]
- If satisfied that the closure criteria have been met, the Minister may:[9]
  - Consent to the surrender of the Mining Licence;
  - Return the balance of the rehabilitation bond to the declared mine licensee; and
  - Direct the MLRA to register the declared mine land and post-closure plan in the declared mine land register (**DML Register**), at which stage it becomes "*registered mine land*";
- The post-closure plan would be registered against the title of any affected land (other than unalienated Crown land);[10] and
- The registered mine land and post-closure plan would only be removed from the DML Register (and the post-closure plan would only be removed from the title of any affected land) once the Minister is satisfied that the geotechnical, water quality or hydrogeological factors that posed a significant risk to public safety, the environment or infrastructure that existed on the registration of the declared mine land are no longer present.[11]

RELINQUISHMENT OF DECLARED MINE LAND

Once the closure criteria within the DMRP have been met, ENGIE Hazelwood is entitled to apply for the surrender of MIN5004 (in full or part). The Minister, in determining an application of this nature, must be satisfied that any residual risks applicable to the declared mine land can be appropriately managed by the State, or transferred to future landowners.[12]

Once MIN5004 has been surrendered, ENGIE Hazelwood would (at least initially) remain land

5 *DJPR, Proposed Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2022: Summary of issues raised in submissions on the Regulatory Impact Statement - Response and Statement of Reasons, p. 7.*
6 *MRSD Regulations, rr 53(4)(c) and 57A.*
7 *MRSD Act, ss 84AZY-84AZZA.*
8 *MRSD Regulations, r 64N(c).*
9 *MRSD Act, s 84AZZB(1).*
10 *MRSD Act, s 84AZZD.*
11 *MRSD Act, s 84AZZM.*
12 *MLRA, Monitoring and Evaluation Framework (16 September 2022), section 4.4.3, p. 22, available at* <https://www.mineland.vic.gov.au/publications/monitoring-and-evaluation-framework-september-2022/>. *Note that the MLRA published an updated version of this Framework in October 2024, available at* <https://www.mineland.vic.gov.au/resource-library/monitoring-and-evaluation-framework/>.

"*owner*", including where the vast majority of the land within the MIN5004 boundary is held by ENGIE Hazelwood in freehold title. Upon the registration of the declared mine land in the DML Register, the MRSD Act provides that ENGIE Hazelwood may then transfer the land to the MLRA,[13] or another third party.

If ENGIE Hazelwood does not transfer the land to the MLRA, then the MLRA will still be responsible for ensuring that monitoring and maintenance activities are carried out on the land by ENGIE Hazelwood or the other relevant landowner (i.e. by monitoring the implementation of these activities in accordance with the post-closure plan).[14]

A simplified timeline of the process for relinquishing declared mine land in accordance with the MRSD Act is set out in **Figure 1** below.

ENGIE Hazelwood is entitled to seek to ***progressively*** relinquish individual portions of the declared mine land, either:

- Prior to demonstrating that it has met the closure criteria within the DMRP and surrendering MIN5004; or
- After the Minister for Resources has determined that the closure criteria have been satisfied (e.g. for an individual domain), and prior to the land being registered in the DML Register – noting that not all of the declared mine land within the MIN5004 boundary would necessarily be registered in the DML Register once MIN5004 is surrendered,[15] where some of this land may (by that stage) have been rehabilitated to a condition that does not require ongoing monitoring and maintenance.

Neither the MRSD Act nor MRSD Regulations set out specific provisions or requirements for relinquishing individual portions of declared mine land. However, where ENGIE Hazelwood seeks to progressively relinquish a portion of the declared mine land and transfer it to another party, it is anticipated that ENGIE Hazelwood may be required to:

- Excise that portion of the land from MIN5004, such as by surrendering part of the mining licence in accordance with section 37 of the MRSD Act; and/or
- Demonstrate that:
  - The relevant portion of the land does not require any further rehabilitation or environmental remediation works to be undertaken (with any relevant "*closure criteria*" for that domain having been satisfied), prior to any alternative land uses being implemented;
  - There is no requirement for ongoing monitoring and maintenance activities in relation to that portion of the land; and
  - Any intended use of that portion of the land following its transfer will be compatible with (or will not conflict with) the use of the remainder of the declared mine land (e.g. where final rehabilitation and clean-up works are being undertaken).

The specific process and requirements for progressively relinquishing individual portions of the declared mine land is subject to further engagement between ENGIE Hazelwood, ERR and the MLRA.

13 MRSD Act, s 84AZZF.

14 MRSD Act, s 84AL(1)(kb).

15 DJPR, Introducing the Mine Land Rehabilitation Authority, slide 12, available at <https://www.mineland.vic.gov.au/wp-content/uploads/2023/04/LVMRC-WEBINAR-Introducing-the-Mine-Land-Rehabilitation-Authority-29-06-2020.pdf>.

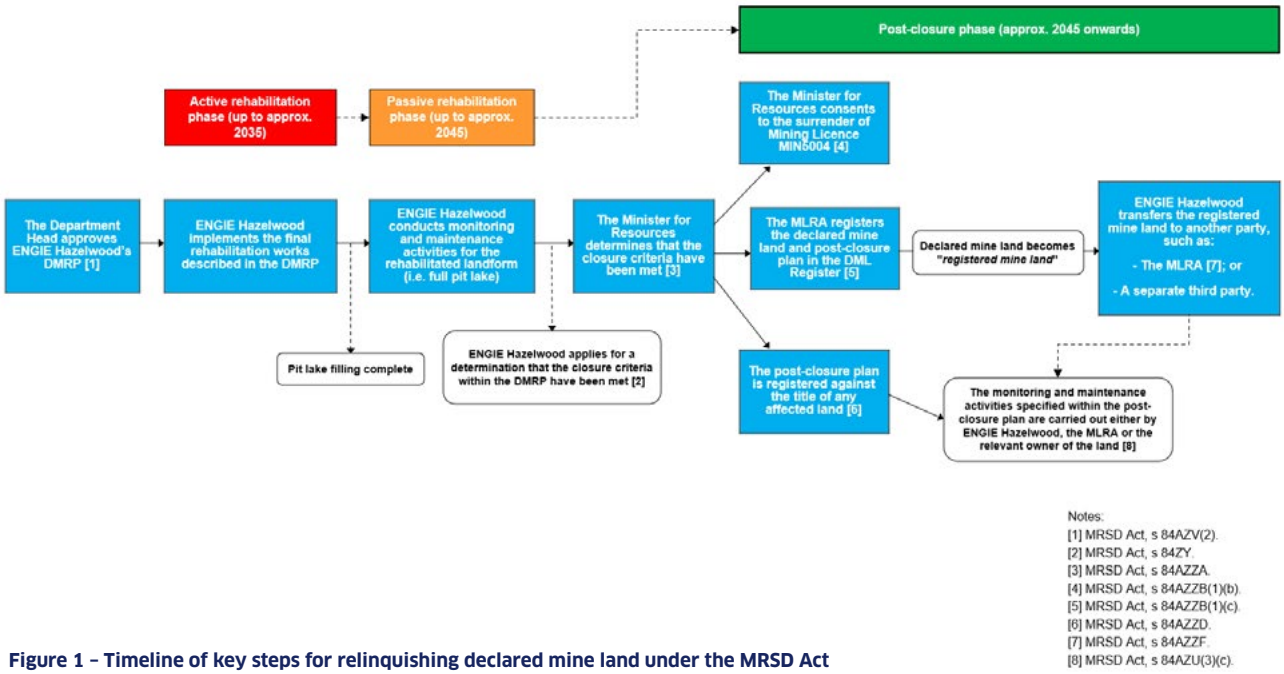

Figure 1 – Timeline of key steps for relinquishing declared mine land under the MRSD Act

2.1.3 *Mineral Resources (Sustainable Development) Amendment Act 2023 (Vic)*

The Victorian Parliament passed the *Mineral Resources (Sustainable Development) Amendment Act 2023* (Vic) (**MRSD Amendment Act**) in August 2023. The key reforms under the MRSD Amendment Act will commence by 1 July 2027 at the latest, although some of the amendments are anticipated to take effect sooner.

The key reforms introduced by the MRSD Amendment Act include:

- The introduction of "*risk levels*" for licences and work authorities issued under the MRSD Act, as part of the transition to a "*risk-based*" regulatory regime;
- A new statutory duty to eliminate or minimise the risk of harm, as far as reasonably practicable, from mining or rehabilitation of land or any related activity carried out by or on behalf of the duty holder (e.g. a mine licensee); and
- The removal of requirements for lodgement and statutory endorsement of Work Plans, which will be replaced with obligations (for moderate or higher risk licence holders) to lodge rehabilitation plans for approval by ERR.

Once these amendments take effect, they will be relevant to ENGIE Hazelwood's rehabilitation commitments, including where holders of higher or moderate risk licences will be obliged to rehabilitate land in accordance with the rehabilitation plan approved by ERR. However, it is expected that the DMRP will comprise the relevant "*rehabilitation plan*" for this purpose in the case of the Hazelwood Mine.

2.1.4 *Environment Effects Act 1978 (Vic)*

The *Environment Effects Act 1978* (Vic) (**EE Act**) provides for the assessment of the environmental impacts of proposed works capable of having a significant effect on the environment. This assessment does not itself involve granting approvals for a project; instead, it informs decision-makers in subsequently considering whether to grant the regulatory approvals sought by a proponent.

The EE Act provides for referrals of proposed projects to the Minister administering the EE Act (currently the Minister for Planning) to allow them to decide whether the proponent must undertake an Environment Effects Statement (**EES**).

An EES represents the highest level of environmental impact assessment in Victoria, typically requiring:
A range of matters to be investigated through technical studies, in accordance with the scoping requirements for the EES;
An inter-agency Technical Reference Group (**TRG**) to be convened; and
Consultation between the proponent and various stakeholders regarding the project and its potential impacts, including the community and regulatory agencies.

EES process for West Field Project

Between approximately 2004 and 2006, an EES satisfying the requirements of the EE Act (along with the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**), as discussed in section 2.2.1 below) was prepared in the context of the

West Field Project at the Hazelwood Mine, which involved extending the Mine by approximately 1.5km in a westerly direction to gain access to coal reserves within the West Field.

The EES had regard to the future final rehabilitation of the Hazelwood Mine, with a partial lake landform to an expected lake depth (taking account of the extent of expected recovery within the M1 and M2 aquifers) of RL +8m AHD having been proposed at this time. This landform was presented in the subsequently-approved 2009 Work Plan Variation.

The Minister's Assessment of the West Field Project EES (released on 1 September 2005) recommended that the works proceed subject to various conditions, including that:

- An agreement be entered into between West Gippsland Catchment Management Authority (**WGCMA**) and International Power Hazelwood (being the former operator of the Hazelwood Mine and Power Station) that sets the criteria for "*handing over*" the completed diversions of the Morwell River, Eel Hole Creek and Wilderness Creek;
- Impacts upon native vegetation be mitigated through 'net gain' offsets, in accordance with a former incorporated document relating to native vegetation management in Victoria;
- Several changes to the design of the proposed deviation of the Strzelecki Highway be implemented, along with the resolution of a future amendment to the Latrobe Planning Scheme in relation to a route alignment;
- The drafting of the Mining Licence or Work Plan take into account matters such as the continued development of its aquifer and subsidence monitoring program into the future (until completion of the coal extraction process from the West Field and the completion of the agreed rehabilitation program for the Hazelwood Mine in its entirety); and
- A noise monitoring program be prepared (in consultation with the EPA) and implemented.

Subsequent to the EES, various approvals were granted to facilitate the development of the West Field of the Hazelwood Mine, including to enable the fifth diversion of the Morwell River, diversions of Eel Hole Creek and Wilderness Creek, and the relocation of the Strzelecki Highway. These approvals included:

- A licence for the diversion of the Morwell River, Eel Hole Creek and Wilderness Creek;
- A Works on Waterways Licence;
- EPBC Act approval in relation to anticipated native vegetation impacts;
- Planning Scheme Amendments;
- A Crown Land licence (and subsequent Crown Land Exchange Agreement); and
- Aboriginal Cultural Heritage permits.

EES process for ENGIE Hazelwood's proposed final rehabilitation works

The proposed final rehabilitation works at the Hazelwood Mine are currently subject to an EES process under the EE Act.

ENGIE Hazelwood referred the Hazelwood Rehabilitation Project to the Victorian Minister for Planning under the EE Act, and to the Commonwealth Minister for the Environment and Water under the EPBC Act, on 2 December 2021, as required by Condition 15B.1 of Mining Licence MIN5004.

In response, the Minister for Planning determined that an EES was required for the Project on 3 February 2022, on the basis that the proposed rehabilitation works had the potential for significant environmental effects, including on:

- Surface water and groundwater resources, including hydrology, water quality, availability and associated environmental values;
- Existing land uses and landscape values;
- The Gippsland Lakes Ramsar site;
- Native vegetation, listed ecological communities and species of flora and fauna; and
- Aboriginal and non-Aboriginal heritage values.

The EES identifies a range of statutory approvals that ENGIE Hazelwood must obtain to undertake its proposed final rehabilitation works, including the approval of this DMRP. These approvals are identified in section 4 below.

2.1.5 *Environment Protection Act 2017 (Vic)*

The *Environment Protection Act 2017* (Vic) (**EP Act**), amongst other matters, sets out the legislative framework for the protection of human health and the environment from pollution and waste.

ENGIE Hazelwood has a range of existing obligations in relation to the current management and future rehabilitation of the Hazelwood site under the EP Act, in parallel with its obligations under the MRSD Act and MRSD Regulations.

Operating Licence No. OL000046436

ENGIE Hazelwood holds Operating Licence No. OL000046436 under the EP Act in respect of the Hazelwood site, as issued by EPA Victoria. The area covered by the Operating Licence includes both the footprint of MIN5004, and portions of the Hazelwood site excluded from MIN5004 (such as the Hazelwood Cooling Pond (**HCP**) and the site of the former Hazelwood Power Station).

The Operating Licence contains various conditions relevant to waste management and landfills on the Hazelwood site (including auditing, monitoring and rehabilitation requirements). The rehabilitation-related conditions of the Operating Licence are set out in section 3 below.

Rehabilitation of the ash and asbestos landfills on the Hazelwood site either has been, or is currently being, undertaken in accordance with ENGIE Hazelwood's Landfill Environmental Management Plan (**LEMP**) (as approved by EPA) and ongoing statutory audit requirements. Landfills which have been capped and rehabilitated are generally subject to ongoing aftercare and monitoring requirements.

As an ash landfill, the HARA is also subject to the conditions of the Operating Licence. However, given that the HARA would be submerged by ENGIE Hazelwood's proposed full pit lake landform, ENGIE Hazelwood is currently engaging with EPA Victoria regarding appropriate future rehabilitation arrangements for the HARA (namely appropriate capping designs), where current EPA Victoria landfill guidelines do not contemplate underwater landfills.

Clean Up Plan

EPA Victoria issued post-closure Clean Up Notices to ENGIE Hazelwood under section 62A(1) of the former *Environment Protection Act 1970* (Vic) in relation to the Hazelwood Power Complex in July 2019 (which were amended and re-issued in March 2020).

The Notices required ENGIE Hazelwood to provide EPA Victoria with a Clean Up Plan to "*restore beneficial uses of the premises for ongoing use*", in the context of the presence of potentially contaminated land at the Hazelwood site.

ERM prepared the Clean Up Plan (**CUP**) on behalf of ENGIE Hazelwood, which was finalised on 24 June 2021. Although the Hazelwood Mine void was excluded from the scope of the CUP, it addressed the surrounding areas of the Hazelwood site (including areas within the MIN5004 boundary).

The CUP identified that the "*overall clean-up goal for the Hazelwood Power Complex is to remediate the site to the extent practicable in order to restore beneficial uses of land and groundwater for ongoing use*". It also:

- Included an "*End Land Use Plan*", which identified the post-relinquishment land uses for specific portions of the Hazelwood site (other than the proposed pit lake landform) as including "*modified ecosystems*", "*agriculture*", "*industrial*" and "*managed landfill*". For example, the Eastern Overburden Dump (**EOD**) was identified as a "*managed landfill*" area, with licensed landfills within the EOD to remain subject to EPA Victoria licensing and closure arrangements (including any future regulatory instruments issued by EPA Victoria) until ENGIE relinquishes the land.
- Recognised that the investigation and delineation of identified potential pollution sources across the Hazelwood site had not been completed, such that specific "*Clean Up Goals*" could not yet be fully developed.
- Acknowledged that the development of any Clean Up Goals that allow for more sensitive land uses than those within the End Land Use Plan may be "*undertaken by others post-relinquishment*".
- Also acknowledged that other documentation under MRSD legislation (including Work Plan and Rehabilitation and Closure Plan documentation) provided a separate vision for future end land use opportunities.

The CUP was reviewed by an independent auditor appointed by EPA Victoria and subsequently approved by EPA Victoria through the issuing of two Environmental Action Notices (**EANs**) under the EP Act on 14 April 2022. These EANs require ENGIE Hazelwood to clean up the land in accordance with the CUP, and verification of the completion of the remediation activities under the CUP by an auditor, by 23 February 2026.

Mine Void Audit

In response to Clean Up Notices issued by EPA Victoria on 2 October 2020 (which subsequently transitioned to EANs under the EP Act), ENGIE Hazelwood also engaged an independent statutory auditor appointed by the EPA (AECOM) to undertake an environmental audit of the Hazelwood Mine void (**Mine Void Audit**).

The Mine Void Audit has been progressed in two separate parts, consistent with an audit scope approved by EPA Victoria, in recognition of uncertainties at that time regarding the ultimate depth of the proposed pit lake landform, and the proportions and rates of water sources to be used for the purposes of mine filling. As a result, the Mine Void Audit was split into:

SCOPE	CURRENT STATUS
Part 1 - Current state (Pre-Filling): relating to the historic use of the Mine Void for coal mining operations in an industrial context, including impacts land, water (surface water and groundwater) and air.	AECOM completed Part 1 of the Mine Void Audit and submitted the relevant audit report to EPA Victoria on 6 July 2021.
Part 2 – Future states (Filling): relating to the proposed filling of the Mine Void with water, including impacts to groundwater from filling operations, impacts to Pit Lake water quality, impacts to groundwater and Pit Lake water quality from the Hazelwood Ash Retention Area (HARA) and all other remaining elements.	AECOM finalised Part 2 of the Mine Void Audit in August 2024. Part 2 of the Mine Void Audit Report contains various recommendations in relation to surface water, groundwater and ambient air. ENGIE Hazelwood is currently engaging with EPA Victoria and relevant technical consultants regarding the appropriate means through which these recommendations have been, or will be, addressed.

Other obligations under the EP Act

ENGIE Hazelwood is also subject to all relevant obligations under the EP Act in its operations at the Hazelwood site, including in the context of rehabilitation works. These obligations include compliance with the:

- General Environmental Duty under section 25(1) of the EP Act, which requires that a person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable.
- Duty to notify EPA of a "*notifiable incident*" under section 30 of the EP Act, which means either "*a pollution incident that causes or threatens to cause material harm to human health or the environment*" or "*a prescribed notifiable incident*". This obligation does not extend to "*prescribed excluded notifiable incidents*".
- Duty to notify EPA of land contaminated by "*notifiable contamination*" under section 40 of the EP Act. "*Notifiable contamination*" is defined by section 37 of the EP Act to refer to "*prescribed notifiable contamination*". Part 2.1 of Chapter 2 of the *Environment Protection Regulations 2021* (Vic) identifies various forms of prescribed notifiable contamination.

2.2 COMMONWEALTH (CTH) LEGISLATION

2.2.1 *Environment Protection and Biodiversity Conservation Act 1999* (Cth)

The EPBC Act provides a legal framework for the protection of nationally and internationally significant flora, fauna, ecological communities and heritage places, defined in the EPBC Act as Matters of National Environmental Significance (**MNES**).

The EPBC Act includes requirements for the approval by the Commonwealth for activities that may have a significant impact on MNES, which include World Heritage areas, wetlands of international significance, listed threatened species and communities, listed migratory species and water resources (in relation to unconventional development and large coal mining development).

If a proposed action has or is likely to have a significant environmental impact on a MNES, the Commonwealth Minister for the Environment may declare that a proposal is a controlled action. A person, state or territory may seek advice as to whether a proposal may be a controlled action by making a referral to the Minister.

A "*controlled action*" cannot be undertaken without assessment and approval under the EPBC Act. The Minister may require an environmental assessment under the EPBC Act (e.g. an Environmental Impact Statement) or accredit a state assessment process for this purpose (e.g. an EES under the EE Act).

EES process for West Field Project

As above in section 2.1.4, the EES for the West Field Project addressed environmental assessment requirements under both the EE Act and EPBC Act, in the latter case particularly in light of anticipated impacts of the project on Strzelecki Gum (a listed threatened species under the EPBC Act) (*EPBC Act referral no. 2002/903*).

In addition to the Minister's Assessment of the West Field Project released by the Victorian Minister for Planning, the Commonwealth Minister for the

Environment approved the West Field Project under the EPBC Act, with conditions including the development of an offset strategy to compensate for impacts upon Strzelecki Gum, the planting of at least 160 Strzelecki Gums, and measures to ensure the ongoing management of the established Strzelecki Gum trees (with compliance to be verified through the requirement for provision of a certificate on an annual basis to confirm that the conditions of the approval have been complied with).

ENGIE Hazelwood is subject to ongoing obligations in relation to net gain conservation reserves and the maintenance of Strzelecki Gum offsets across the Hazelwood site.

EES process for Hazelwood Rehabilitation Project
As noted above in section 2.1.4, ENGIE Hazelwood referred the Hazelwood Rehabilitation Project to the Commonwealth Minister for the Environment and Water on 2 December 2021 (*EPBC Act referral no. 2022/09239*).

On 20 February 2023, a delegate of the Commonwealth Minister for the Environment and Water determined that the proposed final rehabilitation works the subject of this DMRP required assessment under the EPBC Act, on the basis of the following controlling provisions (MNES) under the EPBC Act:

- Ramsar wetlands (sections 16 & 17B);
- Listed threatened species and communities (sections 18 & 18A);
- Listed migratory species (sections 20 & 20A); and
- A water resource, in relation to a large coal mining development or coal seam gas development (sections 24D & 24E).

The delegate decided that the EES process for the proposed works under the EE Act would serve as the accredited assessment process for the purposes of the EPBC Act, in accordance with a Bilateral Assessment Agreement between the Commonwealth and Victorian governments.
As above, the EES process remains ongoing as at the date of this DMRP.

2.2.3 *Native Title Act 1993 (Cth)*

The *Native Title Act 1993* (Cth) (**NTA**) recognises the traditional rights and interests of Aboriginal and Torres Strait Islander people over certain lands and waters and establishes a framework "*to provide a national system for the recognition and protection of native title and for its co-existence with the national land management system*".

The Gunaikurnai people, (Prescribed Body Corporate: the Gunaikurnai Land and Waters Aboriginal Corporation (**GLaWAC**)), are the recognised native title holders over nominated areas of Crown land within the Latrobe Valley and broader Gippsland region, in accordance with:

- A consent determination made by the Federal Court of Australia dated 22 October 2010; and
- A related Indigenous Land Use Agreement (**ILUA**) and Recognition and Settlement Agreement under the *Traditional Owner Settlement Act 2010* (Vic) dated 22 October 2010.

The vast majority of land within the MIN5004 boundary is freehold title, such that native title rights and interests have been fully extinguished.

Insofar as the limited portions of Crown land within the MIN5004 boundary are concerned, extinguishment assessments were conducted by a relevant agency of the State of Victoria prior to the grant of mining approvals for the West Field development.

Further, the limited areas of Crown land within the project area are the subject of a Crown Land Exchange Agreement signed on 4 October 2011, under which they are to be the subject of a freehold grant to ENGIE Hazelwood (with ENGIE Hazelwood having already transferred its commensurate parcels of land to the State of Victoria).

2.3 OTHER RELEVANT LEGISLATION

A range of other State and Commonwealth legislation is relevant to the rehabilitation and closure of the Hazelwood Mine which, although not addressed in detail in this chapter, has informed ENGIE Hazelwood's rehabilitation planning and the drafting of this DMRP. This includes:

- *Aboriginal Heritage Act 2006* (Vic);
- *Building Act 1993* (Vic);
- *Catchment and Land Protection 1994* (Vic);
- *Conservation, Forests and Lands Act 1987* (Vic);
- *Dangerous Goods Act 1985* (Vic);
- *Flora and Fauna Guarantee Act 1988* (Vic);
- *Heritage Act 2017* (Vic);
- *Occupational Health and Safety Act 2004* (Vic);
- *Occupational Health and Safety Regulations 2007* (Vic) – including the designation of the Hazelwood Mine as a "*prescribed mine*" for the purposes of regulation 401, and the associated requirement for a "*safety management system*" to be used as the primary means of ensuring the safe operation of the mine under regulation 418(2);
- *Planning and Environment Act 1987* (Vic);
- *Water Act 1989* (Vic); and
- *Wildlife Act 1975* (Vic).

3. Existing Approvals and Conditions in relation to Mine Rehabilitation

The below table summarises the key existing approvals held by ENGIE Hazelwood that contain conditions or obligations relevant to the rehabilitation of the Hazelwood Mine, along with the key compliance mechanisms through which those conditions and obligations are addressed.

NO.	CONDITION / OBLIGATION	COMPLIANCE MECHANISM(S) / STATUS
MINING LICENCE MIN5004 (AS LAST AMENDED ON 6 AUGUST 2021)		
1.1	***Work Plans and environmental management*** *Work shall be carried out in accordance with the conditions of this licence and the approved work plan (incorporating a rehabilitation plan) as amended from time to time in accordance with the Mineral Resources (Sustainable Development) Act 1990 (**MRSD Act**). Where any inconsistency occurs between the work plan and any licence conditions or regulations, the licence conditions and regulations have precedence.*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR.
1A.2	***Risk management*** *The licensee shall conduct a risk assessment and submit a risk assessment and risk management plan in accordance with condition 1A.4 (**Risk Assessment and Management Plan**) by 30 June 2015.*	As above.
1A.7	*The licensee shall provide to the Department Head a statement of compliance in respect of each period of 12 months ending on 30 June within three months after the end of the period to which it relates. The statement of compliance must detail the progress in implementing actions in the Risk Assessment and Management Plan as well as compliance with the requirements of this licence and any approved work plan. The statement of compliance must be certified by the Chief Executive Officer (or delegate).*	As above.
5.1	***Drainage and discharge control*** *Any discharges from the licence area shall be minimised and any water discharged must be as free as possible of pollutants, save as provided by any licence issued pursuant to the Environment Protection Act 1970.*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR. Compliance with Operating Licence issued by EPA Victoria – as discussed further below.
5.2	*All discharges shall meet the standards required under the State Environment Protection Policies under the Environment Protection Act 1970.*	As above.
7.1	***Groundwater*** *Any aquifer dewatering, and/or depressurisation must be carried out in accordance with the conditions specified in the Groundwater Licence issued by the Minister responsible for the Water Act 1989 (or any successor legislation).*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR. Groundwater quality review reports prepared by GHD for ENGIE Hazelwood, and six-monthly Declared Mine Reports submitted to ERR. Annual Latrobe Valley Regional Groundwater and Land Level Monitoring reports prepared by GHD for Hazelwood, Yallourn and Loy Yang Mines.
7.2	*A monitoring program consistent with the programs previously carried out by the State Electricity Commission of Victoria and Generation Victoria to determine the impacts of dewatering/depressurisation both on site and regionally must be maintained to the satisfaction of the Chief Inspector under the MRSD Act (hereinafter referred to as the Chief Inspector) and the responsible Minister under the Water Act 1989 or delegate.* *The licensee shall ensure that results of the monitoring program are reported to the responsible Minister under the Water Act 1989 or delegate and the Environmental Review Committee annually and at whatever times required by the Groundwater Licence.*	As above.
7.3	*In the event that the monitoring program in 7.2 indicates material adverse impacts beyond those evident at the date of issue of the licence which are attributable to the dewatering/depressurisation by the licensee after the date of issuing of the licence then the licensee must institute such appropriate remedial action as may be required by the Inspector and the responsible Minister under the Water Act 1989 or delegate to ameliorate these effects, proportionate to the licensee's contribution.*	As above.
7.5	*Any remedial action under 7.3 must be to the satisfaction of the Chief Inspector and the responsible Minister under the Water Act 1989 or delegate.*	As above.

NO.	CONDITION / OBLIGATION	COMPLIANCE MECHANISM(S) / STATUS
8.1	***Erosion*** *The licensee shall undertake all necessary works to ensure that the potential for erosion of land affected by mining is minimised.*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR. Also addressed through GCMP.
8.2	*Should erosion occur, the licensee shall take all practical steps to minimise the erosion to the satisfaction of an Inspector.*	As above.
10.1	***Dust emissions*** *Dust control measures must be in place to minimise dust generation so that detriment is not caused to surrounding areas and residents.*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR.
10.2	*Dust resulting from all operations including extraction, loading, transport and stockpiling shall be controlled to the satisfaction of an Inspector. The licensee must install any dust control measures to the satisfaction of an Inspector.*	As above.
11.1	***Noise*** *Precautions to the satisfaction of an Inspector shall be taken to ensure that noise emissions comply with provisions of any regulations under the [MRSD] Act as they relate to noise exposure to workmen. Noise emissions measured at any residence within the vicinity of the licensed area shall comply with limits set using the procedures described in State Environment Protection Policy No. N1 (SEPPN-1) or any other limit set under the Environment Protection Act 1970 where SEPPN-1 is not applicable.*	As above.
11.2	*The mines are permitted to operate 24 hours per day, 7 days per week.*	As above.
15.1	***Rehabilitation*** *Rehabilitation works will be conducted in accordance with this licence, any approved work plan and any additional requirements as directed by an Inspector.*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR.
15.2	*Failure to complete works in accordance with the conditions of this licence, any approved work plan or in accordance with the directions of an Inspector, shall constitute grounds upon which the rehabilitation bond may be forfeited either in whole or in part in accordance with section 83 of the MRSD Act.*	As above.
15B.1	***Final rehabilitation*** *The licensee must:* *a. by 30 October 2021, refer to the Minister for Planning under the Environment Effects Act 1978 and Environment Protection Biodiversity Conservation Act 1999 (Cth) its proposed works for the final rehabilitation of the mine, to enable an assessment of (amongst other relevant matters):* *ii. the suitability of the proposed final landform (including from a long-term stability, risk, and aftercare perspective);* *iii. access to water for rehabilitation purposes (including any proposal to continue to maintain and operate the diversion infrastructure in condition 15A.1(a)); and* *iv. potential environmental effects of the proposed works.* *b. within 6 months of the conclusion of the referral processes in condition 15B.1(a), submit an updated Work Plan variation application for the final rehabilitated landform, reflecting relevant recommendations and outcomes arising from these referral processes.*	Referrals submitted under EE Act and EPBC Act, and EES currently being progressed in response to assessment requirements under each Act.
15C.1	***Requirements to stabilise land*** *For the purposes of condition 15A and 15B, the licensee must conduct work (including rehabilitation) in accordance with relevant guidelines which set out transitory (mine fill) and long term (final landform) stability acceptance criteria for long term stability of a final rehabilitated landform, including but not limited to:* *a. CSIRO Guidelines for Open Pit Slope Design (Read and Stacey, 2009), including a factor of Safety of at least 2.0 and a Probability of Failure of less than 0.5 per cent for long term slopes (final landform);* *b. AS 4678-2002 Earth retaining structures;* *c. AS3798-2007 Guidelines on earthworks for commercial and residential developments; and* *d. Australian Standard 1289: Methods of Testing Soils for Engineering Purposes.*	Addressed through GCMP.
19.1	***Rehabilitation bond*** *The licensee shall lodge with DJPR a rehabilitation bond as described in section 80(1) of the MRSD Act when required in accordance with these conditions. The bond must be lodged in the form of a bank guarantee issued by a bank licensed under the Banking Act 1959 (Cth).*	Annual Activity and Expenditure Return Report. Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR.
19.2	*The licensee shall be required to lodge that bond upon the licensee ceasing to be a State Owned Corporation and upon being directed to do so by the Minister for Agriculture and Resources.*	As above.
19.3	*The level of this bond has initially been assessed at $15 million.*	As above.

NO.	CONDITION / OBLIGATION	COMPLIANCE MECHANISM(S) / STATUS
2017 WORK PLAN VARIATION		
4.1	***Rehabilitation and closure plan framework*** *Preparation of a Rehabilitation and Closure Plan (RCP) with community and stakeholder involvement and the submission of that RCP to DJPR for approval.*	RCP as submitted to ERR in January 2020 (acknowledging that this document was not ultimately approved). Stakeholder and community consultation occurred through the Environmental Review Committee (ERC), rehabilitation and closure plan working group and various community consultation sessions.
4.2.1	***Decommission redundant mine plant*** *All works to be performed on the Hazelwood site during the Immediate Post Station Closure and Closure Planning (IPSCCP) period will be carried out in accordance with all relevant safe working and environmental management policies and procedures.*	Health, Safety and Environment Management Systems are in place in accordance with requirements of relevant AS ISO standards, and in compliance with applicable obligations under OHS legislation.
4.2.4	***Limited re-profiling of coal batters*** *Some 4200 m of the top batter in the East Field East Batter, East Field North Batter and South West Field North Batter area will be re-profiled to achieve a 3H:1V (or flatter) slope gradient above the +45 m RL. Below the +45 m RL, coal will remain exposed in the batters during the IPSCCP period and will continue to be serviced by the reticulated fire service network within the mine.*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR. Updates to Figure 27 of 2017 WPV via six-monthly Declared Mine Reports submitted to ERR.
4.2.5	***Material Balance*** *The only excavation during the IPSCCP period will be overburden (and some topsoil) from the North and West Fields and some mixed material (overburden and coal) from the re-profiling of mine batters above +45 m RL.*	As above.
4.2.6	***Monitoring and Reporting*** *ENGIE Hazelwood is committed to the continuation of the current systematic and consistent recording and reporting of geotechnical and hydrogeological data within the context of Hazelwood mine ground stability management during the IPSCCP period.*	GCMP and six-monthly Declared Mine Reports submitted to ERR.
5	***Rehabilitation*** *The rehabilitation works proposed in this WPV 2017 cover only the rehabilitation works that will be undertaken in the IPSCCP period, termed 'no-regrets" rehabilitation works – that is, rehabilitation works that will need to be undertaken irrespective of the final rehabilitated landform which is pursued.*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR. Updates to Figure 27 of 2017 WPV via six-monthly Declared Mine Reports submitted to ERR.
5.6	***Rehabilitation Works*** *The overall plan behind the rehabilitation works during Stage 1 is to:* • *Support continued overburden mining to obtain overburden for aquifer pressure balance and for mine floor and surcharge dumps.* • *Support the planned decommissioning and dismantling of the Hazelwood Power Station and infrastructure by maintaining a surface run off system to capture and settle dirty water produced by during these activities.*	As above.
5.7	***Rehabilitation Works – Mine Batters*** *During Stage 1, the coal batters below the final full lake water level (RL +45 m) will be left uncovered and fire services maintained over them. Geotechnical and hydrogeological stability management activities will continue during Stage 1.*	As above.

NO.	CONDITION / OBLIGATION	COMPLIANCE MECHANISM(S) / STATUS
CONDITIONS OF APPROVAL FOR 2017 WORK PLAN VARIATION		
2.a (iv)	*The licensee, prior to commencing the construction of any earthen structures (including toe weights, dumps, buttresses, surcharges), must:* *…* *Provide the Department with the design, construction plan and performance monitoring schedule and the peer review of those items that is to the satisfaction of the Department Head or delegate, at least one (1) month prior to the proposed construction of the structures.*	Designs submitted by ENGIE Hazelwood and endorsed by ERR. Updates to Figure 27 of 2017 WPV via six-monthly Declared Mine Reports submitted to ERR.
3.a (i-vi)	*The licensee is required to undertake a Site Contamination Assessment prior to finalisation of the rehabilitation and closure plan to determine the potential risk to the environment and appropriateness of the plan to leave infrastructure on site. In undertaking the Site Contamination Assessment, the licensee must:* *i. Consider all current and future beneficial uses of land, groundwater and surface water regarding current and future uses of the site in consideration of relevant State Environmental Protection Policies (SEPPs) and EPA Publication 759;* *ii. Include an appropriate sampling, analysis and validation plan relating to where assets and contaminated land are and are not being removed, in accordance with EPA Publication 759;* *iii. Categorise and manage waste generated from the decommissioning of assets and infrastructure in accordance with the Environment Protection (Industrial Waste Resources) Regulations 2009;* *iv. Review potential contaminants within infrastructure / assets that could be contaminated (e.g. fire services pipeline with fire-fighting chemicals);* *v. Maintain suitable spatial data (Geographic Information Systems (GIS)) to identify the location of assets and material type; and* *vi. Consider contamination and chemistry of the site in relation to stormwater and runoff entering the void and how this affects the chemistry of the water in the void in accordance with SEPP Waters of Victoria.*	Site contamination assessments have been progressed through: • Independent audits as required under post-closure Clean Up Notices (Environmental Action Notices) issued by EPA; and • Preliminary and detailed site investigations in relation to the Hazelwood site undertaken by specialist contamination consultants (ERM). Also addressed through ENGIE Hazelwood's Mine Waste Management Plan.
3.b	*The licensee to remove from site and dispose of any infrastructure or non-benign material with potential to impact on the structural integrity of the material in which it is buried or with potential for contamination risk at any stage or with the potential to impact on the long-term performance of the rehabilitation earthworks and other rehabilitation profiles.*	Maintenance of Buried Infrastructure Register. Agreed position with ERR and EPA Victoria on risk-based assessment approach to permit environmentally benign infrastructure to remain below final pit lake level.
4.a	*Within three (3) months of the date of approval of this Work Plan Variation, the licensee is to engage suitably qualified and / or accredited expertise in rehabilitation and closure planning to manage the site's closure planning process during the Immediate Post Station Closure and Closure Planning Period and to oversee the development and implementation of the rehabilitation and closure plan.*	ENGIE Hazelwood engaged Eco Logical Australia for this purpose.
4.b	*The proposed closure objectives and closure criteria to be developed in the conceptual and final rehabilitation and closure plan must be provided to the Department in draft two (2) months prior to being finalised and must be to the satisfaction of the Department Head or delegate.*	Closure objectives, completion criteria and verification criteria addressed by RCP as submitted to ERR in January 2020 (acknowledging that this document was not ultimately approved).
4.c	*The licensee must review the Rehabilitation and Closure Plan Framework (Figure 27 and Figure 28 of this Work Plan Variation Vol. 1) biannually (by 30 June and 31 December each year) for the period of the work plan. The review must:* *i. incorporate where necessary relevant changes to designs, rehabilitation works, investigations and trials, research and the assessment of rehabilitation and closure risks resulting from any rehabilitation works or studies being undertaken or completed including but not be limited to:* *• findings from the Latrobe Valley Regional Rehabilitation Strategy;* *• findings from the Batter Stability Project;* *• outcomes and planning by the Integrated Mines Research Program; and* *ii. include any amendments required to the scheduling and / or timing of the development of plans, approvals, studies, stakeholder engagement activities or works as outlined in Rehabilitation and Closure Plan Framework (Figures 27 and 28) of this Work Plan Variation.*	Updates to Figure 27 of 2017 WPV via six-monthly Declared Mine Reports submitted to ERR.
4.d	*The Licensee shall, at the same time as providing a report relating to a declared mine as required by Regulation 45 of the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013, also provide the Department with any updates to the Rehabilitation and Closure Plan Framework following each 6-monthly review required by condition 4(c).*	As above.

NO.	CONDITION / OBLIGATION	COMPLIANCE MECHANISM(S) / STATUS
OPERATING LICENCE NO. OL000046436		
OL_G5	***General conditions*** *1. You must develop a risk management and monitoring program for your activities which: (a) identifies all the risks of harm to human health and the environment which may arise from the activities you are engaging in at your activity site; (b) clearly defines your environmental performance objectives; (c) clearly defines your risk control performance objectives; (d) describes how the environmental and risk control performance objectives are being achieved; (e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable (SFARP); and (f) describes how the information collated in compliance with this clause, is or will be disseminated, used or otherwise considered by you or any other entity.* *2. The risk management and monitoring program must be: (a) documented in writing; (b) signed by a duly authorised officer of the licensed entity; and (c) made available to the Authority on request.*	ENGIE Hazelwood's Risk Management and Monitoring Program.
OL_G7	*You must: (a) develop and maintain a decommissioning plan that is in accordance with the current decommissioning guidelines published by the Authority; (b) provide the decommissioning plan to the Authority upon request; (c) supply to the Authority an updated detailed decommissioning plan 40 business days prior to commencement of decommissioning, if you propose to divest a section of the licensed site, cease part or all of the licensed activity or reduce the basis upon which the licence was granted to a point where licensing is no longer required; and (d) decommission the licensed site in accordance with the detailed decommissioning plan, to the satisfaction of the Authority and within any reasonable timeframe which may be specified by the Authority.*	Detailed designs submitted to (and approved by) EPA Victoria for capping and rehabilitation of various landfills, and arrangements for auditing and monitoring of works once complete. Landfill Environment Management Plan (as approved and verified by an independent auditor).
OL_L1	***Standard conditions*** *The risk management and monitoring program referenced in condition OL_G5 must be in accordance with Section A of the Landfill Licensing Guidelines (EPA Publication 1323). The risk management and monitoring program must be verified by a person who has been appointed as an environmental auditor under the Environment Protection Act 2017 and it must: a) describe the environmental monitoring of landfill gas, leachate, groundwater, land, air, odour, noise, dust and surface water which will be undertaken to respond to the risks identified in the risk assessment; b) contain trigger levels and contingency actions to prevent further pollution if trigger levels are exceeded; and c) specify the frequency for completing environmental audits of the landfill operation.*	ENGIE Hazelwood's Risk Management and Monitoring Program.
OL_L2	*You must engage a person who has been appointed as an environmental auditor under the Environment Protection Act 2017 to conduct environmental audits of the nature and extent of the risk of harm to human health or the environment arising from landfill operation under Section 208 of the Act at the frequency specified in the monitoring program.*	ENGIE Hazelwood's Risk Management and Monitoring Program is in place. Landfill Environment Management Plan (as approved and verified by an independent auditor).
OL_L25	*Prior to commencing construction of each new section of landfill cap you must submit the following to the Authority for approval: a) detailed designs of the landfill cap, meaning plans, technical specifications and a construction quality assurance plan which comply with Section 8 and Appendices D, E and F of the Best Practice Environmental Management, Siting, Design, Operation and Rehabilitation of Landfills (EPA Publication 788); b) an assessment report of the detailed designs of the cap prepared by a person who has been appointed as an environmental auditor under the Environment Protection Act 2017 in accordance with Appendix 14 of the Landfill Licensing Guidelines (EPA Publication 1323); and c) a completed and signed auditor declaration in the format shown in Appendix 15 of the Landfill Licensing Guidelines (EPA Publication 1323).*	Detailed designs submitted to (and approved by) EPA Victoria for capping and rehabilitation various landfills, and arrangements for auditing and monitoring of works once complete. Landfill Environment Management Plan (as approved and verified by an independent auditor).
OL_L26	*Upon approval by the Authority to construct each new landfill cap you must engage a person who has been appointed as an environmental auditor under the Environment Protection Act 2017 to conduct and submit an environmental audit report to the Authority. The environmental audit report must: a) verify that the construction of the cap is in accordance with EPA approved designs; b) assess any potential risks associated with the construction; and c) be prepared in accordance with Section 212 of the Environment Protection Act 2017.*	As above.
OL_L27	*You must complete final capping of HAP1, HAP2 Ash Dump, HAP4, HARA and Asbestos Dump No.3 within 2 years of the date that cell became full, in compliance with the approved rehabilitation plan.*	As above.
OL_ G5.5.1	***Specific conditions*** *You must only undertake decommissioning activities in accordance with an EPA approved waste management plan. In the event of any inconsistencies between the waste management plan and the conditions of this licence, the conditions of this licence will apply.*	As above.
OL_ L22.1	*You must implement a rehabilitation plan for the landfill. The plan must: a) be revised after each cell is full, if necessary; b) meet the requirements of Section 8 of Best Practice Environmental Management, Siting, Design, Operation and Rehabilitation of Landfills (EPA Publication 788); c) set timeframes for placement of final capping of all completed cells, calculated from the date that the cell became full.*	As above.

NO.	CONDITION / OBLIGATION	COMPLIANCE MECHANISM(S) / STATUS
GROUNDWATER LICENCE NO. 2007412		
N/A	*Preamble* *The extraction of groundwater for the purpose of achieving safe and stable conditions in the Morwell open cut mine is authorised under this Groundwater Licence issued by the Minister responsible for the Water Act, 1989…* *The extraction of groundwater at mine sites in the Latrobe Valley results in a regional cone of depression of the groundwater and in ground subsidence.* *The monitoring and reporting of regional groundwater and land level trends is to be carried out by the licensee as part of the approved work plan under the Mining Licence.*	Approved 2017 WPV.
2	*The licensee is authorised to take and use groundwater to facilitate mining for coal and generation of electrical energy and purposes incidental thereto.*	Approved 2017 WPV and GCMP.
12	*The licensee shall undertake a regional monitoring program of the nature scope and extent as that previously undertaken by the State Electricity Commission of Victoria as detailed in the approved work plan and the information is to be provided on request to the Minister or his delegate and as required under the work plan.*	Regional groundwater monitoring arrangements described within approved 2017 WPV and GCMP. Groundwater quality review reports prepared by GHD for ENGIE Hazelwood, and six-monthly Declared Mine Reports submitted to ERR. Annual Latrobe Valley Regional Groundwater and Land Level Monitoring reports prepared by GHD for Hazelwood, Yallourn and Loy Yang Mines.
16	*The regional monitoring program and any remedial measures must be incorporated in the approved work plan and the rehabilitation plan to the satisfaction of the Minister or his delegate.*	As above.
17	*The licensee shall comply with the provisions in its mining licence, approved work plan and the rehabilitation plan dealing with the regional monitoring program and remedial action.*	Annual independent audit of MIN5004, 2017 WPV and actions within RMP by accredited auditor, to enable submission of a Statement of Compliance to ERR.

4. Approvals and Permissions required to implement Proposed Rehabilitation Works

4.1 PRIMARY APPROVALS

As required by regulation 64F(1)(d) of the MRSD Regulations, each of the legal approvals and permissions required for the activities or outcomes in the DMRP (being works within the MIN5004 boundary) are listed below:

REQUIRED APPROVALS FOR PROPOSED REHABILITATION WORKS WITHIN MIN5004 AREA	PARTY RESPONSIBLE FOR GRANTING APPROVAL	RELEVANT LEGISLATIVE PROVISIONS
APPROVALS UNDER COMMONWEALTH LEGISLATION		
Approval of the "*controlled action*" for the purposes of the relevant MNES under the EPBC Act	Commonwealth Minister for the Environment and Water	Section 133 of the EPBC Act enables the Minister to approve the action for the purposes of the relevant MNES (i.e. "*controlling provisions*").
APPROVALS UNDER STATE LEGISLATION		
Approval of the DMRP	Department Head, DEECA	The Department Head must decide whether to approve a DMRP in accordance with section 84AZV of the MRSD Act and Part 5, Division 4 of the MRSD Regulations.
Approval of a Cultural Heritage Management Plan (**CHMP**)	GLaWAC (as Registered Aboriginal Party)	A CHMP is required under section 49 of the *Aboriginal Heritage Act 2006* (Vic), where an EES is required for the proposed final rehabilitation works. GLaWAC is responsible for deciding whether to approve the CHMP under Part 4, Division 5 of the *Aboriginal Heritage Act 2006* (Vic).
Renewal of licence to take and use groundwater from the M1 and M2 aquifers, to enable filling via groundwater pumping	Southern Rural Water	The holder of a take and use licence may apply for its renewal before the expiry of the licence under section 58 of the *Water Act 1989* (Vic) (**Water Act**). The Minister for Water (or their delegate) must renew the licence unless, in their opinion, there are good reasons not to do so (Water Act, section 58(3)).
Licence to take and use water from a waterway, to enable the diversion of flood flows from the Morwell River (where a "connected lake" landform is pursued)	Southern Rural Water (as delegate for the Minister for Water)	A licence is required to take and use surface water under section 51 of the Water Act. The Minister for Water (or their delegate) must determine an application for a take and use licence under section 55 of the Water Act.
Licence to deviate a waterway (Morwell River), to enable the diversion of flood flows from the Morwell River into the Hazelwood Mine void (where a "*connected lake*" landform is pursued)	West Gippsland Catchment Management Authority	A licence to construct works on a waterway (including works to deviate a waterway) is required under section 67 of the Water Act. The Minister for Water (or their delegate) must determine an application for a licence to construct works on a waterway under section 69 of the Water Act.
Licence to decommission works on a waterway, to enable the decommissioning and drainage of the HCP	Southern Rural Water	A licence to decommission works on a waterway is required under section 67 of the Water Act. ENGIE Hazelwood currently holds a Licence to Operate Works issued by Southern Rural Water in relation to the HCP, which is a dam along the natural course of a waterway (Eel Hole Creek). Consistent with the conditions of this licence and the requirements of the Water Act, the decommissioning of the HCP requires a further licence under section 67 of the Water Act.

These approvals are being pursued through the EES process.

4.2 OTHER APPROVALS

As is acknowledged in the EES process, ENGIE Hazelwood's proposed rehabilitation works may also require a number of other statutory approvals, including:

- A permit to take protected flora and fauna pursuant to the *Flora and Fauna Guarantee Act 1988* (Vic);
- An authorisation for taking of wildlife pursuant to the *Wildlife Act 1975* (Vic); and
- Possible future permissions under the EP Act (e.g. waste water discharge licence, A18 permit and waste related duties).
-

With the exception of the A18 permit approval (which is being progressed in parallel), these approvals will be pursued as necessary through the EES process.
If required, ENGIE Hazelwood will engage with relevant regulatory agencies regarding processes for obtaining these approvals and their practical application in the context of the proposed rehabilitation works.

4.3 PLANNING APPROVAL ARRANGEMENTS

Background

The Hazelwood Mine is within the Latrobe City Council local government area, which is subject to the Latrobe Planning Scheme.

The majority of the Hazelwood site, including the Hazelwood Mine void, is zoned as *Special Use Zone – Schedule 1 Brown Coal* (**SUZ1**) under the Latrobe Planning Scheme, reflecting the previous use of the Hazelwood site for brown coal mining and electricity generation purposes.

Other zones applicable to land within the MIN5004 boundary include:

- Public Use Zone – Service & Utility (**PUZ1**); and
- Transport Zone – Schedule 2 (**TRZ2**).
-

The MIN5004 area is also partly subject to the following overlays:

- Land Subject to Inundation Overlay (**LSIO**);
- Bushfire Management Overlay (**BMO**);
- Floodway Overlay (**FO**);
- Environmental Significance Overlay (**ESO1**);
- Buffer Area Overlay (**BAO**); and
- Road Closure Overlay (**RXO**).

Clause 14.03-1R of the Latrobe Planning Scheme also sets out policy and strategies in relation to the Gippsland Coal Resource. Strategies relevant to Gippsland Coal Resource areas under this Clause include the maintenance of adequate buffer widths, based upon:

- Buffer areas that extend for 750 metres from any urban settlement boundary to the perimeter of a 250 metre wide coal operational area; and
- A total separation area between an urban settlement boundary and the crest of any future open cut development, which is to be less than 1 kilometre in width.

The purpose of these buffer areas include protecting coal resource areas and associated development from encroachment by adjacent urban areas, and encouraging "*high amenity and low intensity*" uses such as farming and broad scale recreation within buffer areas. Notably, the coal buffer zone does not apply in relation to the northern batters of the MIN5004 area (i.e. in the vicinity of the Princes Freeway/Morwell Township), where these areas of the mine pre-date the privatisation of the Hazelwood Mine and the introduction of coal buffer areas into the Latrobe Planning Scheme.

Other zones and overlays under the Latrobe Planning Scheme apply to areas of the Hazelwood site that lie outside of the MIN5004 boundary. For example, the zoning applicable to the HCP is PUZ1, and the State Resource Overlay (**SRO1**) also applies to the HCP area. Depending upon the nature of the post-mining land uses that are ultimately pursued in various parts of the Hazelwood site, it is likely that amendments to the Latrobe Planning Scheme (e.g. re-zonings) will be necessary to ensure that the relevant zoning and overlay arrangements accommodate and facilitate these uses.

For example:

- ENGIE Hazelwood is seeking an amendment to the Latrobe Planning Scheme (insofar as it relates to the Hazelwood site) to facilitate the drainage and decommissioning of the HCP and Salt Pond through the introduction of a Specific Controls Overlay, noting that each of these ponds are located outside of the MIN5004 boundary (as discussed further below);
- ENGIE Hazelwood's Concept Master Plan (discussed further in section 5.5.4 below) acknowledged that the current zoning and buffer overlays applicable to the Hazelwood site may impact upon possible future land uses;
- The SUZ1 zoning that applies to the majority of the Hazelwood site is intended to facilitate uses and development of the land that relate to mining and associated power generation activities – for example, by enabling construction and works to be carried out without a permit where they involve:
  "[Rearranging, altering, renewing or maintaining] buildings or works (including associated plant) for use for or associated with brown coal mining, processing or treatment or electricity generation, transmission or distribution"

- It may be appropriate for portions of the land currently zoned as SUZ1 to be rezoned in future (following the conclusion of the EES process) to facilitate post-mining land uses, in the event that (for example):
  - Specific proposed land uses being pursued in future are prohibited under Schedule 1 to Clause 37.01 of the Latrobe Planning Scheme, such as '*Accommodation*' (other than a '*Dependent person's unit*', '*Dwelling*' or '*Host Farm*'); or
  - The land is eventually proposed to be transferred into public ownership, such that a public land zone is more appropriate (e.g. Public Park and Recreation Zone, Public Conservation and Resource Zone).

Applicable rezoning arrangements are likely to be informed by the specific end land uses that are proposed to be implemented at the Hazelwood site following the conclusion of the EES process.

Chapter 6 – Rehabiliation concept and end land use and landform of the DMRP discusses opportunities and constraints in relation to future post-mining land uses for the Hazelwood site (including relevant considerations under the Latrobe Planning Scheme) in further detail.

Approval arrangements for works within MIN5004 boundary

Planning permits under the Latrobe Planning Scheme are not considered to be required for any of ENGIE Hazelwood's proposed rehabilitation works (to the extent that they are conducted under an approved work plan), buildings and works (including preliminary works and ancillary works) within the MIN5004 area boundary to which this DMRP applies, due to the application of the exemptions under the MRSD Act and Latrobe Planning Scheme set out below:

EXEMPTIONS FROM PLANNING PERMIT REQUIREMENTS UNDER MRSD ACT	EXEMPTIONS FROM PLANNING PERMIT REQUIREMENTS UNDER LATROBE PLANNING SCHEME
Under the MRSD Act, the holder of a mining licence is not required to obtain a permit under the *Planning and Environment Act 1987* (Vic) (**P&E Act**) for the use or development of land associated with mining if undertaken within the mining licence area in accordance with the exemptions set out under sections 42(6) and 42(7) of the MRSD Act. Further, under section 42(7) of the MRSD Act, a planning permit is not required for works that are carried out within the area subject to ENGIE Hazelwood's Mining Licence MIN5004, where: • An EES has been prepared for the proposed works; and • The EES has been assessed by the Minister for Planning. As noted above, an EES is currently being undertaken in respect of ENGIE Hazelwood's proposed final rehabilitation works.	Schedule 1 to Clause 37.01 (Special Use Zone) of the Latrobe Planning Scheme contains a number of exemptions from planning permit requirements within land zoned as SUZ1 for: • Works required to "*[comply] with a direction or licence under the … [MRSD Act]…*"; • A range of uses including "*mining*", where the conditions of Clause 52.08 (Earth and Energy Resources Industry) are met. Clause 73.03 defines "*mining*" (as a land use term) to refer to "*[land] used for mining as defined in the [MRSD Act]*"; • The construction or carrying out of works, or construction of a building, for a number of purposes, including to "*[rearrange], alter, renew or maintain buildings or works (including associated plant) for use for or associated with brown coal mining, processing or treatment or electricity generation, transmission or distribution*". • Further, Clause 52.08 (Earth and Energy Resources Industry) of the Latrobe Planning Scheme contains a table of exemptions in Clause 52.08-1, which provides that no permit is required to use or develop land for Earth and Energy Resources Industry if: • (In relation to "*mining*") it complies with Section 42(7) or Section 42A of the MRSD Act; • (In relation to "*Extractive Industry*", defined as including the rehabilitation of land) it complies with Section 77T of the MRSD Act, which provides that a planning permit is not required if an EES has been prepared, and a work authority is granted following the Minister's consideration of that EES.

Due to the application of these exemptions to ENGIE Hazelwood's proposed rehabilitation works within the MIN5004 boundary, no planning approval requirements are listed in section 4.1 above.

Approval arrangements for works outside of MIN5004 boundary

Separately, ENGIE Hazelwood proposes an amendment to the Latrobe Planning Scheme (by way of an Incorporated Document and the introduction of a Specific Controls Overlay) to authorise rehabilitation works outside of the MIN5004 boundary for which planning permissions may be required, such as:

- Works to decommission and drain the HCP;
- Works in relation to an area of drainage infrastructure known as the Salt Pond; and
- Works to restore the natural alignment of Eel Hole Creek.

These works may possibly include earthworks, revegetation activities and related activities to restore the land.

However, given that these works are proposed to be undertaken outside of the MIN5004 boundary and would be the subject of separate planning controls under the Latrobe Planning Scheme, they are not addressed in detail in this DMRP.

5. Other processes and forums relevant to Hazelwood Mine rehabilitation

As listed below, a range of other processes and forums are relevant to the rehabilitation of the Hazelwood Mine, even where they do not necessarily impose specific obligations on ENGIE Hazelwood.

5.1 HAZELWOOD MINE FIRE INQUIRY PROCESSES

Between February and March 2014, the Hazelwood Mine experienced a significant fire incident. The fire resulted from embers spotting from nearby external deliberately lit fires in extreme ("Code Red") weather conditions. The fire began as a series of smaller fires that ignited the northern, eastern, and south-eastern batters and floor of the Hazelwood Mine on 9 February 2014.

The Hazelwood Mine Fire lasted for approximately 45 days, constituting both a major complex fire emergency and a serious public health incident. It was extinguished (declared 'safe') on 25 March 2014.

Hazelwood Mine Fire Inquiry

In response to the Hazelwood Mine Fire, the Victorian Government established the Hazelwood Mine Fire Inquiry (**HMFI**) in March 2014 to assess and make recommendations on the efficacy of fire management measures, the relevant regulatory regime, and the response to fire and health emergencies experienced at the Hazelwood site. The Inquiry delivered the HMFI Report in September 2014 (**2014 HMFI Report**). The 2014 HMFI Report included various recommendations and voluntary commitments ("*affirmations*") on the part of the State of Victoria, GDF Suez (now known as ENGIE) and the other Latrobe Valley mine operators, including in relation to enhanced regulation of mine fire risk in the Latrobe Valley (e.g. through amendments to the MRSD Act) and various changes in on-site fire risk management arrangements.

Re-opening of Hazelwood Mine Fire Inquiry

The HMFI was subsequently re-opened in May 2015 with new areas of investigation, including human health impacts and rehabilitation arrangements for the three Latrobe Valley coal mines. Relevantly, the Terms of Reference of the re-opened HMFI included inquiring into and reporting on:

- The short-, medium- and long-term options to rehabilitate land on which work has been, is being or may lawfully be done in accordance with Work Plans approved for the Latrobe Valley coal mine; and
- Whether, and to what extent, each rehabilitation option would decrease the risk of a fire that could impact the mine and if so, the cost of the option relative to the cost of other fire prevention measures.

The Board of Inquiry received evidence from the Latrobe Valley mine operators and various experts regarding final rehabilitation planning and feasible rehabilitated landform options, including in respect of pit lake landforms.

The Board published the 2015/2016 HMFI Report in four volumes, Volume IV of which addressed mine rehabilitation (**Volume IV Report**). The Volume IV Report:

- Included discussion of the coverage of exposed coal with water, in the context of possible pit lake landforms for the Latrobe Valley mines; and
- Contained various further recommendations and voluntary affirmations on the part of the State and the Latrobe Valley mine operators, which informed the broad regulatory context in which ENGIE Hazelwood's rehabilitation obligations and operational fire arrangements sit.

In particular, two of the Board's recommendations in the Volume IV Report were addressed towards the Latrobe Valley mine operators, as summarised in the table below:

NO.	RECOMMENDATION FROM VOLUME IV REPORT	STATUS
18	*By 31 December 2016, develop an integrated research plan that identifies common research areas and priorities for the next 10 years, to be reviewed every three years. The plan should be developed in consultation with the Mining Regulator and relevant agencies, research bodies and experts. The list of research topics identified in Part 6.11 can be used as a starting point for discussion. The Commissioner and Statutory Authority should promote and coordinate this research (see Recommendations 14 and 15).*	ENGIE Hazelwood, AGL Loy Yang and EnergyAustralia Yallourn formed the Integrated Mine Research Group (**IMRG**) in June 2016, in response to this recommendation. The IMRG has held regular meetings and stakeholder consultations and developed a list of research projects to be undertaken as part of a ten-year research plan. ENGIE Hazelwood has progressed a number of IMRG research projects in the period since operational closure of the Hazelwood Mine in March 2017. These projects have addressed topics including: • Pit lake fill rates; • Pit lake water quality; • Stability issues; • Coal coverage; and • Wave action, beaching and shoreline treatment.
19	*Increase the rate of progressive rehabilitation by achieving milestones within the mines' progressive rehabilitation plans, as set by the Mining Regulator under Recommendation 4.*	Progressive rehabilitation milestones are no longer relevant to ENGIE Hazelwood following the operational closure of the Hazelwood Mine in March 2017, and the subsequent development and approval of the 2017 WPV (which, as above, authorised a range of rehabilitation and decommissioning works during the IPSCCP Period).

A further key outworking of the HMFI process was the development of the LVRRS, in response to recommendations and affirmations within the Volume IV Report in relation to knowledge gaps regarding the rehabilitation of the Latrobe Valley mines. The LVRRS is discussed in further detail in section 5.2 below.

The implementation of the recommendations and affirmations within the Volume IV Report (along with those made within the 2014 HMFI Report) has been monitored by the Hazelwood Mine Fire Inquiry Implementation Monitor and/or the Inspector-General for Emergency Management (**IGEM**). The final progress report published by IGEM in July 2023 reflected that all of the recommendations and affirmations from the HMFI reports were either closed or complete.[16]

Relevance of HMFI processes to ENGIE Hazelwood's rehabilitation planning

The issues, recommendations and affirmations raised in the course of the HMFI processes have informed ENGIE Hazelwood's final rehabilitation planning for the Hazelwood Mine, where a full pit lake is considered to be the safest and most sustainable final landform from the perspective of mine fire risk, due to the coverage of exposed coal on the floor and walls of the mine void.
Notably, Volume IV of the 2015/2016 HMFI Report also concluded that the pit lake landform was currently the "*most viable rehabilitation option*", although considerable further investigation was required to address various knowledge gaps regarding technical issues associated with mine rehabilitation (such as water availability, long-term pit lake water quality and the implications of changing water levels on mine stability).
Since the Volume IV Report was published, ENGIE Hazelwood has undertaken a comprehensive suite of technical studies to inform its rehabilitation and closure planning, including to address the areas of uncertainty identified by the Board of Inquiry.

5.2 LATROBE VALLEY REGIONAL REHABILITATION STRATEGY (LVRRS)

Background to the LVRRS

The LVRRS was published in June 2020 by DJPR and DELWP, in accordance with Part 7B of the MRSD Act. The LVRRS was intended to:

"…[support] integrated planning and decision-making for the rehabilitation of the Latrobe Valley coal mines – Hazelwood, Yallourn and Loy Yang – within a regional context through providing guidance to the community, mine licensees, public sector bodies and other stakeholders on matters that need to be considered in planning for, and undertaking, rehabilitation of the three coal mines".

16 IGEM, *'Hazelwood Mine Fire Inquiry: Implementation of recommendations and affirmations - Progress Report 2022'* (July 2023).

The LVRRS contains the following six "*regional mine rehabilitation outcomes*":

REGIONAL MINE REHABILITATION OUTCOMES WITHIN LVRRS
People, land, environment and infrastructure are protected
Land is returned to a safe, stable and sustainable landform
Aboriginal values are protected
Community are engaged, and their aspirations inform the transformation
Long term benefits and future opportunities to the community are optimised
An integrated approach to rehabilitation and regional resource management is adopted

The LVRRS also contains the following eight "*implementation principles*":

IMPLEMENTATION PRINCIPLES WITHIN LVRRS
Fire risk of rehabilitated land should be no greater than that of the surrounding environment
Traditional Owner involvement in rehabilitation planning should be developed in consultation with Gunaikurnai Land and Waters Aboriginal Corporation
Requirements for ongoing management to sustain a safe and stable landform should be minimised as far as practicable
Community should be consulted on rehabilitation proposals, the potential impacts, and have the opportunity to express their views
Mine rehabilitation should plan for a drying climate. Rehabilitation activities and final landforms should be climate resilient
Mine rehabilitation and regional land use planning should be integrated, and the rehabilitated sites should be suitable for their intended uses
Any water used for mine rehabilitation should not negatively impact on Traditional Owners' values, environmental values of the Latrobe River system or the rights of other existing water users
Ground instability and ground movement risks and impacts during rehabilitation and in the long-term should be minimised as far as practicable

The development of the LVRRS was supported by a number of technical studies commissioned by DJPR and DELWP (including in relation to geotechnical, hydrogeological, hydrological and climate change-related matters), to address knowledge gaps regarding the rehabilitation of the Latrobe Valley mines identified by the Volume IV Report of the re-opened HMFI.

Background to the LVRRS Amendment

DEECA subsequently published the LVRRS Amendment in October 2023, which takes precedence in the event of any ambiguity between it and the LVRRS.

The LVRRS Amendment was intended to:

- " *[take] into account new information and knowledge gained through the implementation of the strategy, including technical studies and associated stakeholder engagement, and [consider] the latest regulatory and operational context*"; and
- "*better [facilitate] regional rehabilitation planning by refining policies in the LVRRS and [provide] increased clarity on the process for integrated rehabilitation planning*", to inform the preparation of DMRPs by 1 October 2025.

The LVRRS Amendment largely addresses possible future arrangements for access to surface water from the Latrobe River system for mine rehabilitation purposes at the Yallourn and Loy Yang Mines, in the context of early closure announcements for the Yallourn and Loy Yang A Power Stations. However, it separately acknowledges that ENGIE Hazelwood has a commercial agreement in place with Gippsland Water for the supply of surface water from Moondarra Reservoir, including for mine rehabilitation purposes.

The LVRRS Amendment also provides support for the full pit lake landform proposed within this DMRP for the Hazelwood Mine, stating that (following investigations undertaken by DEECA in relation to keeping the Latrobe Valley mine voids dry):

- Dry voids would require a high level of active management, and are considered to be the most susceptible to variabilities in ground conditions and possible uncontrolled ground movements;
- Partially or fully filling mine voids with water provides the greatest likelihood to maintaining long-term stability, noting that a partial fill solution would still require significant operational management; and

- The risk of an external ignition source starting a fire or coal spontaneously combusting would be eliminated beneath the water level in partial or full fill scenarios.

Relevance of the LVRRS process to ENGIE Hazelwood's rehabilitation planning

Given the operational closure of the Hazelwood Mine and Power Station in March 2017, ENGIE Hazelwood has progressed its rehabilitation planning for the Hazelwood Mine in parallel with the development of the LVRRS and LVRRS Amendment.

In this context, ENGIE Hazelwood has:

- Participated extensively in the LVRRS process, including through participation in regular meetings of the former Latrobe Valley Mine Rehabilitation Advisory Committee and ongoing engagement with agencies and bodies such as ERR and MLRA; and
- Considered the findings of relevant technical studies commissioned by DEECA (and formerly DJPR and DELWP) to inform the development (and ongoing review) of the LVRRS, to inform its approach to the rehabilitation of the Hazelwood Mine. These technical studies have also drawn from work undertaken by ENGIE Hazelwood itself, which it shared in order to inform the LVRRS process (including a detailed numerical groundwater model).

The LVRRS is reviewed at least once every three years.[17] It is currently expected that the LVRRS will next be reviewed (and updated as necessary) by the end of 2026.

5.3 HAZELWOOD REHABILITATION INVESTIGATION REPORT

The MLRA published the Hazelwood Rehabilitation Investigation Report (**Investigation Report**) in June 2022, following a referral by the Minister for Resources of five matters for investigation under the MRSD Act on 30 September 2021. These matters included recommended methods for geotechnical assessments of Latrobe Valley coal mine batter stability, and the criteria employed to demonstrate stability during water filling.

The Investigation Report contained 28 recommendations across matters including geotechnical assessment, reference water levels, rehabilitation risks and rehabilitation planning for the Hazelwood Mine. The Investigation Report recognised that work addressing some of these recommendations may already have been underway at the time of its publication.

Supported by relevant geotechnical consultants, ENGIE Hazelwood has (in the period since the Investigation Report was published):

- Directly engaged with the MLRA to understand the context of the recommendations within the Investigation Report, and their ongoing status and priority in light of changes in on-site conditions and relevant regulatory arrangements; and
- Commissioned a range of further technical assessments, including in the context of the EES, which have addressed some of the matters raised within the recommendations in the Investigation Report.

On this basis, ENGIE Hazelwood considers that it (in consultation with the MLRA) has either closed out each of the recommendations in the Investigation Report, or is in the process of addressing the remaining recommendations (including through the arrangements for the management of long-term risks and uncertainties through this DMRP, and ENGIE Hazelwood's operational risk management documentation).

5.4 HAZELWOOD CONCEPT MASTER PLAN

ENGIE Hazelwood developed the Hazelwood Concept Master Plan for the Hazelwood site in 2019, in consultation with the Victorian Government and key stakeholders. The Concept Master Plan was intended to articulate the potential opportunities for the rehabilitated site and included a vision to transform the Mine and its surrounds into land that is suitable for a mix of tourism, agriculture, industry, passive recreation uses and the conservation of natural ecosystems.

The Concept Master Plan drew on all available relevant technical studies and international mine rehabilitation experiences to build upon the:

- Morwell Mine Rehabilitation Concept Master Plan developed by DPS on behalf of the SECV in 1994 in connection with the privatisation process, which contemplated a mine lake landform;
- Final rehabilitation and closure concept for the Mine lake explained in the previous EES Report produced in 2004 in connection with the West Field Project (2004 EES); and
- The Strength Led Transition work undertaken by the Latrobe City Council to recognise the fundamental changes that have been, and to continue to, take place across the Latrobe Valley region during the course of the energy transition.

17 MRSD Act, s 84AZO.

The Concept Master Plan was premised upon a full lake landform in the Hazelwood Mine, and identified a number of possible future precincts in the surrounding lands, having regard to:

- The nature and topography of the site;
- The position of relevant infrastructure (capable of supporting alternative economic activity), adjacent roads and adjoining land uses (e.g. adjacent Industrial Estate);
- Results from available technical studies (e.g. as to soil types / potential forms and suitable areas for primary production activity); and
- Feedback obtained through ENGIE Hazelwood's community consultations by that date.

Whilst the Concept Master Plan has informed ENGIE Hazelwood's rehabilitation planning in the years since its preparation, it does not contain any express commitments on the part of ENGIE Hazelwood in relation to the rehabilitation of the MIN5004 area or specific future land uses.

Rather, it acknowledges that (among other matters) further investigations regarding the likely feasibility of land uses, consultation with a broad range of stakeholders, and relevant regulatory approvals would be required to "*translate this initial vision for Hazelwood into reality*".

Chapter 6 – Rehabilitation concept and end land use and landform of the DMRP expands on the Concept Master Plan and describes potential future post mining land uses for the various domains and sub-domains within the Hazelwood site. As noted in Chapter 6, these land uses:

- Include a range of possible recreational, agriculture and grazing, conservation, industrial and other uses, expected to be compatible with the rehabilitated landform, and will maximise opportunities to benefit from adjacent infrastructure (e.g. existing HV transmission infrastructure);
- Were informed by both ENGIE Hazelwood's Concept Master Plan and technical studies, including a preliminary review of land capability (undertaken by SGM Environmental) and a post-relinquishment land suitability assessment (undertaken by Landloch) - which further refined ENGIE Hazelwood's understanding of post-mining land use options; and
- Will continue to be developed over time as the rehabilitation works are successfully completed and further consultations with local community and other stakeholders take place in relation to specific proposed future land uses.

Chapter 6 – Rehabilitation concert and end land use and landform also:

- Includes a plan depicting the potential post-mining land uses across the Hazelwood site;
- Discusses a range of considerations (including key opportunities, risks and constraints) that are likely to inform decision-making by relevant stakeholders in relation to post-mining land uses at the site; and
- Identifies areas of the site that are expected to be subject to access restrictions on the basis of their previous use and characteristics (e.g. ash and asbestos landfill areas).