

Terms of Reference

Hazelwood Rehabilitation Project
Inquiry and Advisory Committee



Department
of Transport
and Planning

Version: 23 September 2026

Hazelwood Mine Rehabilitation Inquiry and Advisory Committee (IAC) is established to inquire into, and report on, the environmental effects of the proposed Hazelwood Rehabilitation project (the project) as assessed in the environment effects statement (EES), in accordance with these terms of reference.

For context, the project outline is provided in **Appendix 1** and the procedures and requirements the Minister issues for the EES are provided in **Appendix 2**.

The IAC is appointed pursuant to section 9(1) of the *Environment Effects Act 1978* (EE Act) as an inquiry, and Part 7, section 151(1) of the *Planning and Environment Act 1987* (PE Act) as an Advisory Committee, to consider the draft planning scheme amendment (PSA).

Name

1. The IAC is to be known as the 'Hazelwood Rehabilitation Project IAC'.

Composition and expertise

2. The IAC will consist of a Chair, at least one Deputy Chair and appropriately qualified members with expertise in:
 - a. surface water and groundwater;
 - b. mine rehabilitation, including landform safety and stability;
 - c. Aboriginal cultural heritage; and
 - d. biodiversity and ecology.

Purpose of the IAC

3. The IAC is appointed by the Minister for Planning (the Minister) under section 9(1) of the EE Act to inquire into and report on the environmental effects of the project, focusing on the matters listed in Clause 9.
4. The IAC must inquire into and report to the Minister on the environmental effects of the project, having regard to:
 - a. the significance of residual environmental effects; and
 - b. the issues raised in submissions and the proponent's responses to submissions.
5. The IAC is also appointed as an Advisory Committee under Part 7, section 151(1) of the P&E Act to:
 - a. review the draft Amendment C159latr to the Latrobe Planning Scheme (draft PSA);
 - b. consider any relevant issues raised in public submissions received in relation to the draft PSA; and
 - c. consider whether the draft PSA contains provisions and controls that are appropriate for the project and recommend any changes to the draft PSA that it considers necessary.
6. The IAC must produce a report of its findings and recommendations to the Minister. This report will inform the Minister's assessment under the EE Act of the environmental effects of the project. The report also needs to provide consideration of the draft PSA.
7. It is not the role of the IAC to examine and report on the EES process itself undertaken to date, or consultation undertaken by the proponent for the EES.

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8. It is not the role of the IAC to examine and report on the draft Declared Mine Rehabilitation Plan (DMRP) attached to the EES which will be assessed and considered for approval under the *Mineral Resources (Sustainable Development) Act 1990*.

Scope and focus of the IAC

9. The IAC should focus its proceedings on examining the “key environmental matters” and “other environmental matters” as listed below.
- a. Key environmental matters:
 - i. surface water and groundwater values and quality;
 - ii. landform safety and stability;
 - iii. Aboriginal cultural heritage;
 - iv. biodiversity and ecological values; and
 - v. the Environmental Management Framework to the extent relevant to the management of matters listed from (i) to (iv).
 - b. Other environmental matters:
 - i. mine fire risk;
 - ii. waste and contamination;
 - iii. community amenity and transport;
 - iv. land use and socioeconomic; and
 - v. the Environmental Management Framework to the extent relevant to the management of matters listed from (i) to (iv).
10. The IAC does not need to provide advice on effects or matters which are not listed above in Clause 9. In making its inquiry and providing its advice the IAC must consider the following:
- a. the exhibited EES and draft PSA;
 - b. submissions and information provided to the IAC by the proponent, state agencies, local councils and submitters;
 - c. the views (if known) of Traditional Owners and the Registered Aboriginal Party Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC);
 - d. The acceptability of the environmental effects of the alternatives (connected and unconnected pit lake scenarios) examined through the EES.

Process

Stage 1 – Submissions

- 11. Submissions on the EES, including the draft PSA, should be provided in writing on or before the close of submission date.
- 12. Submissions on the EES, including the draft PSA, should be collected by the office of Planning Panels Victoria (PPV) through the Engage Victoria platform. All submissions must state the name and address of the person making the submission. Submissions will be collected and managed in accordance with the privacy guidance on the PPV website.
- 13. Petition responses will be treated as a single submission and only the first names from a petition submission should be registered and contacted.

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14. Pro-forma submitters will be registered and contacted individually if they provide their contact details. However, the IAC should encourage pro-forma submitters who want to be heard at the hearing to present as a group, given their submissions raise the same issues.
 15. The IAC should not consider submissions (in relation to the EES and draft PSA) that are outside its scope.
 16. The IAC should make submissions and material presented to it available for public inspection by publishing the submissions and material on the Engage Victoria website, unless the IAC directs otherwise in accordance with Clause 17.
 17. Requests for submissions or other material to be kept confidential must be clearly stated in writing with reasons to the IAC through PPV, consistent with the process outlined in the IAC's Privacy Collection Statement. The IAC will review these and base its decision to maintain confidentiality on whether it would be fair to the proponent and other parties to the hearing. The IAC may direct that submissions or other material presented to it be kept confidential in appropriate circumstances.
 18. The IAC must provide (unredacted) copies of all submissions on the EES and draft PSA (including any confidential submissions) to the following:
 - a. the proponent;
 - b. Department of Transport and Planning (DTP) (Impact Assessment and Energy and Infrastructure Assessment);
 - c. Latrobe City Council;
 - d. GLaWAC; and
 - e. First Peoples–State Relations, Department of Premier and Cabinet.
 19. The IAC should retain any written submissions and other material presented to it for five years after the time of the IAC's appointment.

Stage 2 – Directions hearing

20. The IAC should hold a directions hearing to make directions it considers necessary or appropriate as to the conduct, scope or scheduling of its proceedings, including the public hearing.

Stage 3 - Public hearing

21. The IAC should hold a public hearing that is focused on the key environmental matters referred to in Clause 9a.
22. The IAC may direct that submissions, evidence and other material presented to the IAC focus on key environmental matters referred to in Clause 9a.
23. The public hearing should have a quorum of at least two of its members present or participating through electronic means, one of whom should be the IAC Chair or Deputy Chair.
24. When it conducts a public hearing, the IAC has all the powers, duties and functions of an Advisory Committee that are specified in section 152(2) of the P&E Act.
25. The IAC should ensure the hearing is:
 - a. conducted in an open, orderly, equitable and respectful manner. Adversarial behaviour should not be permitted at the public hearing and questioning of experts and submitters needs to be regulated by the IAC in the context of understanding and resolving matters.
 - b. conducted with a minimum of formality and without legal representation being necessary for parties to be effective participants.
 - c. exploratory and constructive, focusing on understanding and resolving matters.
26. The IAC may:



- a. limit the time of parties appearing before it.
 - b. prioritise hearing from submitters who are directly affected by the project.
 - c. conduct concurrent hearing sessions to hear from submitters.
 - d. limit the time available for proponents and parties to question experts.
 - e. regulate the questioning of experts to ensure questions and answers are focused on assisting the IAC to understand the project's potentially significant residual effects.
 - f. direct the proponent to produce an audio recording of the hearing in a format that can be published on the Engage Victoria website. Any other recording by any other person or organisation may only occur with the prior consent of, and strictly in accordance with, the directions of the IAC.
27. The IAC may direct that a submission or evidence is confidential in nature and the hearing is closed to the public and not to be recorded for the purposes of receiving that submission or evidence.

Stage 3 – Report

28. The IAC must produce a written report for the Minister for Planning containing its:
- a. analysis on the environmental effects of the project having particular regard to both the key environmental matters and other environmental matters identified in Clauses 9a and 9b;
 - b. findings and conclusions on the significance of impacts and whether acceptable environmental outcomes can be achieved, having regard to legislation, policy and best practice;
 - c. recommendations on the appropriateness and effectiveness of the proposed environmental management measures for the project and/or additional specific measures that it considers necessary and appropriate to prevent, mitigate or offset adverse significant environmental effects;
 - d. recommendations relating to any feasible modifications to the design or management of the project necessary and appropriate to reduce or mitigate significant environmental effects;
 - e. recommendations for any appropriate conditions/ requirements that may be lawfully imposed on an approval for the project; including the draft PSA (excluding the DMRP), necessary and appropriate to reduce or mitigate significant environmental effects;
 - f. recommendations as to the structure and content of the proposed Environmental Management Framework, including monitoring of environmental effects, reporting on the effectiveness of mitigation measures and contingency plans; and
 - g. specific findings and recommendations about the likely impacts on relevant matters of national environmental significance under the EPBC Act, including appropriate controls and environmental management.
29. The IAC in its capacity as an Advisory Committee must include in its written report for the Minister advice on whether the draft PSA is an appropriate means by which to facilitate the project, and any recommended modifications to the draft PSA.
30. The IAC's report needs to:
- a. focus on the key environmental matters identified in Clause 9a;
 - b. address other environmental matters identified in Clause 9b at a high level, having regard to the relative significance of the likely effects;
 - c. include information and depth of analysis proportionate to the significance of the environmental effects.
31. The report must include:
- a. a list of all recommendations, including cross-references to relevant discussions in the report;
 - b. a description of the inquiry process conducted by the IAC, and a list of parties heard or consulted;
 - c. a list of all submitters collected by PPV on the exhibited EES, including the draft PSA.
32. Any matters that the IAC determines have minor or negligible impact and can be readily addressed through standard and proven environmental management techniques do not need to be reported by the IAC. Simple recording of these matters in the report will be sufficient.

Timing

- 33. The IAC should hold a directions hearing no later than 15 business days from the final date of the exhibition period.
- 34. The IAC should commence the hearing no later than February 2027.
- 35. The IAC should submit its report in writing to the Minister for Planning within 40 business days from the last sitting day of the public hearing.

Administration

Fee

- 36. IAC member fees are to be set under the P&E Act.
- 37. All IAC costs must be met by the proponent.

Miscellaneous

- 38. The IAC may apply to the Minister (or their delegate) to request variation to these terms of reference in writing. Reasons for the request must be included in the request.
- 39. The IAC may retain specialist expert advice, additional technical support, or legal counsel to assist if considered necessary.
- 40. PPV will provide any necessary administrative support to the IAC. The proponent is to provide any necessary administrative or technical support to the IAC in relation to the conduct of the inquiry.
- 41. PPV will notify submitters of the release of the Minister's assessment and the IAC report.



Adam Henson

Executive Director, State Planning Major Projects

Date: 23/09/2026



The following information does not form part the Terms of Reference.

Project Management

For matters regarding the IAC process, please contact Planning Panels Victoria, by email office@planningpanels.vic.gov.au.

For matters regarding the EES process, please contact the Impact Assessment Unit in DTP by phone (03) 8572 7980 or email environment.assessment@transport.vic.gov.au.



Appendix 1 - Background

Project outline

42. The project proponent is ENGIE Hazelwood (the proponent), which is responsible for preparing technical studies, consulting with the public and stakeholders and completing preparation of its EES.
43. The proposed Hazelwood Rehabilitation project involves the rehabilitation of the former Hazelwood Mine to a safe, stable and sustainable landform capable of supporting productive land uses
44. The site of the former Hazelwood Power Station and Mine is on Gunaikurnai country in the Latrobe Valley in Victoria, immediately south of the township of Morwell, approximately 150 kilometres east of Melbourne.
45. The proposed project consists of the following key components and activities:
 - a. filling the mine void with water to a relative level (RL) of +45 metres Australian Height Datum (m AHD) with a depth of up to approximately 120 metres and covering an area of 1,145 hectares, using predominately groundwater, surface water and any other approved water sources;
 - b. Earthworks to rehabilitate, stabilise and reshape landforms, primarily upper mine batters where they are above the surface level of the future pit lake, to geotechnically stable landforms with adequate stabilising vegetation and drainage;
 - c. Decommissioning, draining and rehabilitation of the HCP to be suitable for alternative uses and restoration of the natural alignment of Eel Hole Creek;
 - d. Decommissioning of remaining redundant infrastructure, such as redundant roads, car parks, buildings, fire protection pipelines and infrastructure above RL +45m AHD, and pumphouses on the HCP; and
 - e. Construction and operation of infrastructure necessary to maintain lake depth and water quality, including a potential Morwell River interconnection, in a 'connected lake' scenario.

EES assessment process

46. In response to a referral under the EE Act from the proponent, the Minister for Planning determined in February 2022 that an EES was required for the project. A decision with procedures and requirements for the proponent's preparation of the EES was issued as specified in Attachment 1.
47. The EES was prepared by the proponent in response to EES scoping requirements issued by the Minister for Planning in October 2023.
48. The EES, will be placed on public exhibition for 30 business days. The public comment process is in accordance with the procedures and requirements issued for this EES by the Minister.

Commonwealth assessment process

49. Because of its likely significant impacts on matters of national environmental significance, the project was determined to be a controlled action requiring assessment and approval under the EPBC Act on 20 February 2023. The relevant controlling provisions under the EPBC Act are:
 - a. Ramsar wetlands (sections 16 and 17B);
 - b. listed threatened species and communities (sections 18 & 18A);
 - c. listed migratory species (sections 20 & 20A); and
 - d. a water resource, in relation to a large coal mining development or coal seam gas development (sections 24D and 24E).
50. The EES process is being undertaken as an accredited state assessment process under the EPBC Act Bilateral (Assessment) Agreement with Victoria, to assess impacts on MNES, removing duplication and enabling a single process to examine the project's likely impacts.

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51. The Commonwealth Minister or delegate will decide whether the project is approved, approved with conditions or refused under the EPBC Act, after having considered the Minister for Planning's assessment under the Environment Effects Act and advice from the Independent Expert Scientific Committee on Unconventional Gas Development and Large Coal Mining Development (IESC.) IESC advice was sought in December 2025 due to the project being a controlled action under the EPBC Act and one of the controlling provisions being a water resource, in relation to a large coal mining development or coal seam gas development which necessitates IESC review.

Planning approval process

52. Proposed works outside of the mining licence boundary require approval under the P&E Act. The proponent has prepared a draft Amendment C159latr to Latrobe Planning Scheme (draft PSA) to provide for this, which will be exhibited as part of the EES package.

Other approvals

53. The project also requires the following key statutory approvals and/or consents, as outlined in the EES:
- a. A Declared Mine Rehabilitation Plan (DMRP) and Work Plan or equivalent (as required) under the *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act);
 - b. A Cultural Heritage Management Plan (CHMP) pursuant to the *Aboriginal Heritage Act 2006*;
 - c. A licence to construct works to deviate a waterway pursuant to the *Water Act 1989*;
 - d. A licence to take and use water from a waterway pursuant to the *Water Act 1989*;
 - e. Renewal of the groundwater licence under the *Water Act 1989*.



Appendix 2

Procedures and requirements under section 8B(5) of the Environment Effects Act 1978 for the Hazelwood Mine Rehabilitation EES.

The procedures and requirements applying to the EES process, in accordance with both section 8B(5) of the Act and the Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978 (Ministerial Guidelines), are as follows:

- i. The EES is to document investigations of potential environmental effects of the proposed project, including for any relevant alternatives, as well as feasible avoidance, environmental mitigation and management measures, in particular for:
 - a. potential effects on surface water and groundwater resources, including hydrology, water quality, availability and associated environmental values;
 - b. existing land uses and landscape values;
 - c. the Gippsland Lakes Ramsar site;
 - d. native vegetation, ecological communities and species of flora and fauna listed under the Flora and Fauna Guarantee Act 1988 and the Environment Protection and Biodiversity Conservation Act 1999; and
 - e. Aboriginal and non-Aboriginal heritage values.
- ii. The matters to be investigated and documented in the EES will be set out more fully in scoping requirements prepared by the Department of Environment, Land, Water and Planning (DELWP). Draft scoping requirements will be exhibited for 15 business days for public comment, before final scoping requirements are issued by the Minister for Planning.
- iii. The proponent is to prepare and submit to DELWP an adequate draft EES study program to inform the preparation of scoping requirements.
- iv. The level of detail of investigation for the EES studies should be consistent with the approach set out in the scoping requirements and be adequate to inform a robust assessment of the significance and acceptability of its potential environmental effects, including for any feasible relevant alternatives, in the context of the Ministerial Guidelines.
- v. DELWP will convene an inter-agency Technical Reference Group (TRG) to advise the Department and the proponent, as appropriate, during the preparation of the EES on the scoping requirements, the design and adequacy of the EES studies, and coordination with statutory approval processes.
- vi. The proponent is to prepare and submit to DELWP its proposed EES consultation plan for consulting the public and engaging with stakeholders during the preparation of the EES. Once completed to the satisfaction of DELWP, the EES consultation plan is to be implemented by the proponent, having regard to advice from DELWP and the TRG.
- vii. The proponent is also to prepare and submit to DELWP its proposed schedule for the completion of studies, preparation and exhibition of the EES, following confirmation of the draft scoping requirements. This is to enable effective management of the EES process and EES' development based on agreed alignment of the proponent's and DELWP's timeframes, including for TRG review of technical studies for the EES and the main EES documentation.
- viii. The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies to a satisfactory standard.
- ix. The EES is to be exhibited for a period of 30 business days for public comment, unless the exhibition period spans the Christmas–New Year period, in which case 40 business days will apply.
- x. An inquiry will be appointed under the Environment Effects Act 1978 to consider environmental effects of the proposal.



Notification

The following parties (proponent and relevant decision-makers) are to be notified of this decision in accordance with sections 8A and 8B(4)(a) of the Environment Effects Act 1978, as appropriate:

- ENGIE Hazelwood
- Minister for Resources
- Minister for Energy, Environment and Climate Change
- Minister for Water
- Southern Rural Water
- Environment Protection Authority
- Secretary of the Department of Environment, Land, Water and Planning
- Secretary for the Department of Jobs, Precincts and Regions
- West Gippsland Catchment Management Authority
- Heritage Victoria
- Latrobe City Council
- First People – State Relations
- Gunaikurnai Land and Waters Aboriginal Corporation.