

COMMUNITY INFORMATION SESSION QUESTIONS – STAVELY GROUND RELEASE BLOCK 1

WORK ACTIVITIES

What does a 'Work Plan' potentially look like if exploration was to go beyond low impact? What is the size, construct, and potential impact?

A Work Plan is not required for low impact exploration activities (as defined in *section 40 of the Minerals Resources (Sustainable Development) Act 1990 (MRSD Act)*). For any work falling outside this definition an explorer must obtain an approved Work Plan.

A Work Plan will outline the work the licensee proposes, including:

- details of potential environmental impacts
- measures proposed for control or mitigation and for monitoring, auditing and reporting
- a description of the proposed rehabilitation of any areas subject to ground disturbance
- a description of any sites identified for drilling or earthworks
- proposed consultation with landowners, Crown land managers, and local councils
- site-specific conditions such as scale, operational activities, and the size and proximity of local communities.

More information about minerals exploration and Work Plans: (earthresources.vic.gov.au/legislation-and-regulations/guidelines-and-codes-of-practice/work-plan-guidelines-for-exploration-licences)

Is exploration permitted in townships?

Minerals exploration is permissible within townships. However, not all areas within a township are accessible. For example, a licensee must not do any work under the licence (e.g. drilling, trenching) within 100 metres laterally of, or within 100 metres below, a dwelling that existed before an approved work plan was registered in respect of the licence.

Written consent from the property owner, however, may allow such work to proceed.

LAND USES

If the exploration is proposed for long-term use which changes the land use, should council need to incorporate exploration activities in strategic planning exercises?

Minerals exploration is generally a short-term land use activity and rarely changes land use over the longer term. Even for short term use of land, the explorer is expected to compensate the landowner if there is any loss of income or access to property as a direct result of exploration activity.

The maximum term for an exploration licence is five years with up to two renewals possible, for a period of five years or a lesser period as determined by the Minister.

The second renewal may only be granted where there are exceptional circumstances and where the Minister is satisfied there is a likelihood of the licensee identifying minerals in the land covered by the licence during the period of the renewal.

LICENSING

If exploration is successful, will mining be open-cut or underground?

Less than one per cent of exploration projects in Victoria typically progress to an established a mine. To meet all the regulatory requirements and to secure investment funding, it can take up to 15 years for a mine to become operational from the time that an economically viable deposit is identified.

The process for being granted approval to build and operate a mine in Victoria is very rigorous. It involves detailed environmental, heritage, land planning, water and other approval processes and assessments, and detailed studies to assess potential environmental, social and economic impacts.

Many Victorian goldfields offer opportunities for new discoveries through the application of modern geoscience knowledge and minerals exploration techniques and technology. However, because the depth of gold bearing quartz varies across the state, there are few open cut gold mines, and most of these are historic and small scale.

There are only three mines with visible ground disturbance, and these are not currently operational.

How far into the 12-year suggested process is Westrock at this time?

Stavelly Block 1 was licensed to Westrock Minerals Pty Ltd on 27 April 2020. The company is therefore at the beginning of the exploration to mining cycle, the duration of which will depend upon its success in identifying a minerals deposit that is economically viable to extract.

Westrock Minerals Pty Ltd had intended to undertake reconnaissance activities (water and soil sampling) over the winter months. Due to COVID-19 restrictions, the company has been unable to access the tenement, so physical sampling is on hold.

The company has, however, settled land access agreements with the majority of targeted landholders.

LAND ACCESS AND COMPENSATION

Do explorers pay for the farmers' legal advice when negotiating a property access agreement?

An explorer should pay for the reasonable professional costs incurred by a landholder in negotiating land access consent and the reasonable costs of determining any compensation. This is because negotiating access consent is not core to agricultural businesses and landholders are generally not familiar with the scope of the terms and conditions which may be established as part of an agreement.

What happens if a landholder refuses to allow exploration?

As the Crown owns the minerals, landowners and occupiers do not have the absolute power to control access to their land for exploration. The *Minerals Resource Sustainable Development Act 1990 (MRSD Act)* allows access to freehold land for exploration activity with the prior consent of the landholder and/or occupier, including compensation, if applicable.

If consent is not given or a compensation agreement is not reached, then compensation can be determined by VCAT. Once compensation has been determined by VCAT (or the Supreme Court) exploration may be undertaken on the landholders' property.

Parties are encouraged to resolve disputes regarding land access and any compensation with independent mediation advisers.

If I take the explorer to VCAT who pays for that?

The Victorian Civil and Administrative Tribunal (VCAT) is available where conciliation between the parties has failed to achieve a satisfactory settlement negotiation and should be used as a last resort.

At VCAT, parties are expected to bear their own costs, unless VCAT orders otherwise. VCAT may only award costs if it is fair to do so.

What if you are a neighbouring property and your amenity is compromised, will you, as the neighbour, be compensated?

Yes, you would be compensated for activities undertaken on neighbouring properties if you are the owner or occupier of neighbouring land and you suffer any loss or damage as a result of the exploration activity.

Compensation is payable by the licensee to the owner or occupier of private land for any loss or damage that has been or will be sustained as a direct, natural and reasonable consequence of doing of work under the licence including:

- Damage to the surface of the land or to any improvements on the land severance of the land
- loss of amenity, including recreation and conservation values
- loss of opportunity to make any planned improvement on the land
- any decrease in the market value of the owner or occupier's interest in the land.

Landholders should take legal advice as to their rights and should seek professional advice on compensation.

What's in it for me and my farm? Why would a farmer want to cooperate with a mining company that might end up throwing them off their land?

Minerals exploration is generally low impact and targeted, and over the course of a project a licensee might contact only a few landholders seeking consent to access their land. Most projects never go beyond this.

A minerals explorer must ensure its operations minimise interference with other activities on the land. If landholders and occupiers are adversely impacted, they have the right to be compensated by the explorer.

A written consent or a compensation agreement must be put in place between the parties. Compensation can be in the form of financial or "in kind", such as fencing, roadwork, pasture improvements and so on. An explorer may employ local people and spend locally on fuel, equipment, food and staff accommodation.

The six successful tenderers for the Stavely blocks collectively are likely to spend over \$20 million on exploration activities in the region over their five-year licence terms.

Did the Victoria Farmers Federation get paid to develop this land access consent tool? Why not a legal service?

The Victorian Farmers Federation was not paid for these consultations. In developing the land access consent and compensation tool, the Department of Jobs, Precincts and Regions consulted several parties, including a company specialising in facilitating discussions and negotiations between landholders and exploration companies, the Victorian Farmers Federation, and the minerals industry.

Why are you telling farmers to use this tool instead of advising them to get legal advice, which is more appropriate considering the impact mining will have on their business? If it is a legal document, why are you recommending a "tool" and not legal advice?

The land access consent tool (<https://earthresources.vic.gov.au/community-and-land-use/commercial-consent-agreement>) was developed to provide confidence to farmers about their rights and what matters they could negotiate in the terms and agreement when explorers seek to access private land.

Landholders are encouraged to seek professional advice and explorers are expected to pay reasonable costs towards that professional advice.

Lawyers and financial advisors in the Stavely region have been informed about the tool, including that it is voluntary and flexible to be moulded to suit individual circumstances.

ENVIRONMENT

What mapping is done and/or has been considered for culturally sensitive sites and threatened flora and fauna?

As part of the Stavely Minerals Exploration Initiative, detailed studies and consultation were undertaken to understand land uses, land planning, environmental, water and heritage features within the region and to consider whether minerals exploration might affect these features.

Minerals exploration licence applicants receive information about the Aboriginal Cultural Heritage Register and Information System (ACHRIS) online portal of the Victorian Aboriginal Heritage Register, which provides resources and services to assist explorers in fulfilling any cultural heritage requirements. Actual locations of cultural heritage sites are not made public to minimise the likelihood of vandalism, damage, or theft. Licensees are made aware it is possible that not yet identified sites or relics exist within a licence area.

If mining goes ahead where will the water for processing and mine activities come from? Can they use the groundwater? What protection do farmers have to protect that?

The *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act) encourages an economically viable mining industry to operate in a way that supports environmental, social and economic objectives of the State.

Included in the Act is a requirement for industry operators to prepare and seek approval for a work plan. As the main guidance document, the work plan will describe the management of onsite water use and its context through operation, progressive rehabilitation and closure. The work plan also outlines monitoring and auditing requirements for each site that will contribute to the water management strategy.

Once approved, the work plan imposes conditions on the activities undertaken in relation to water. The work plan may also include offsite disposal of wastewater with the relevant EPA approvals and licences in place.

Whenever there is an intention to drill to take groundwater for purposes other than for stock and domestic use, a licence is required under the *Water Act 1989*. This law applies to minerals exploration, just as it does for farmers and other landholders. This includes in a situation where a minerals explorer drills to take water samples rather than geological samples.

Drilling to explore for mineral resources is authorised under the *Minerals Resources (Sustainable Development) Act 1990* and drillers carrying out minerals exploration drilling do not require licences under the *Water Act 1989*.

Does DJPR update state government groundwater databases with the data licensees collect from bores?

As part of the minerals exploration licence obligations, a licence holder must report groundwater data to the Earth Resources Regulation Branch of the Department of Jobs, Precincts and Regions.

The state's groundwater database, however, is updated through the Department of Environment, Land, Water and Planning's routine monitoring of active State Observation Bore Network (SOBN) bores only.

Data collected from SOBN bores as part of government-led projects such as Water Science Studies and the Victorian Gas Program) is also entered in the database. Visualising Victoria's Groundwater (<https://www.vvg.org.au/>) is a map tool that provides groundwater bore data normally available to the public.

For privacy reasons, data exploration licensees collect from private properties is not published on the database. Westrock Minerals Pty Ltd stated during the community information sessions they would share groundwater data they collect with landholders.

When accessing properties, and adhering to best practice biosecurity protocols, external vehicles are not permitted on our farm we only use our own vehicles. How will DJPR protect us and our biosecurity?

Minerals exploration companies must meet biosecurity obligations specified in licence conditions including:

- The licensee must ensure that all soil that is imported into the exploration licence area is free of disease and noxious weeds.
- The licensee must take all reasonable measures to minimise the spread of noxious weeds, pest animals and plant diseases whilst undertaking exploration activities.
- The licensees must adhere to any biosecurity protocols that have been adopted on private or Crown land.

Licensees are encouraged to negotiate with farmers about any unique requirements associated with their property. For example, access points and roads and tracks to be used by the exploration company should be negotiated as part of the land access consent agreement, along with procedures such as documenting vehicle and footwear washdowns

These are established by agricultural enterprises to manage the interface with external suppliers, such as diesel deliveries, veterinary services, stock or grain transportation or utilities. Exploration companies use specialist equipment which cannot be transferred to on-farm vehicles.

Specialist exploration vehicles would be subject to the same washdown and registration systems as other vehicles.

What are your biosecurity protocols when moving from property to property?

The Code of Practice for Mineral Exploration recommends:

- all vehicles, plant, machinery, tools and work boots be thoroughly cleaned before moving to a new site or location and earthmoving equipment washed before entering properties.
- Material imported for construction (for example, hardstands, drill pads, tracks and roads) should be sourced from 'clean' pits and be free from soil pathogens and noxious weeds. Likewise, soil used for rehabilitation should not contain noxious weeds.
- Wash downs should be done in purpose-built facilities. A licensee might need to assess the need for temporary mobile facilities to be brought on site.
- Before moving vehicles and equipment between areas, all soil and organic matter must be thoroughly removed, with the undersides of vehicles given special attention.
- Equipment moved from areas of known noxious weeds or diseases (e.g. *Phytophthora cinnamomi*), may need to be disinfected. Disinfectants should not be applied in the vicinity of waterways.

How are areas of high biodiversity on private land managed, e.g. Trust for Nature covenants?

Many landholders who have areas of their property that possess high biodiversity values have sought greater safeguards through Trust for Nature (TFN) covenants.

The Department of Jobs, Precincts and Regions recommends landholders raise the existence of a Covenant area when negotiating the terms and conditions for consent to access private property. The licensee must take all reasonable measures relating to native vegetation and faunal habitats, so it is highly likely they will be amenable to avoiding the covenant area.

Early in the planning of a project, licensees must seek the advice of an Earth Resources Regulation inspector and the Department of Environment, Land, Water and Planning (DELWP) about *Flora and Fauna Guarantee Act 1988 (FFG Act)* and Biodiversity assessment guideline requirements and the Australian Department of the Environment about how to address potential *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* issues.

Any proposals for the clearing of native vegetation (including dead standing timber) will be assessed by DELWP in accordance with the requirements of the *FFG Act* and the Biodiversity assessment guidelines through the Work Plan process. The destruction or injury of native wildlife on public or private land requires a permit under the *Wildlife Act 1975*.

COMMUNITY ENGAGEMENT

Will all communication to landholders be via some form of email interactions? Not everyone can access local media or are active users of post.

The Department of Jobs, Precincts and Regions uses several channels to inform communities about minerals exploration and how it is regulated to provide safeguards to you and the environment, including via email and phone calls.

Our communication methods include newsletters, information sessions and community events, public exhibitions, and property visits (under Coronavirus (COVID-19) restriction guidelines). We also use boards, information fliers, telephone, written electronic surveys, hotline or phone-in opportunities, media advertising, and websites.

We developed the *Community Engagement Guidelines for Mining and Mineral Exploration in Victoria* to assist the minerals industry about the requirements for community engagement under the *Mineral Resources (Sustainable Development) Act 1990* and the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019*. This includes advice on communications channels.

We publish contact details of exploration licensees, so landholders can contact minerals explorers directly to discuss individual communication preferences. We have encouraged licensees from the Stavely Ground Release to make information about their exploration programs available on their websites, and to keep this information updated. These websites can be found here:

Block 1	Westrock Minerals Pty Ltd	westrock.com.au
Block 3	Stavely Minerals Limited	stavely.com.au
Block 4	Gippsland Prospecting Pty Ltd	gippslandprospecting.com
Block 9	Century Minerals Pty Ltd	centuryminerals.com.au
Block 10	WIM Resources Pty Limited	wimresource.com.au
Block 11	PS & GF Forwood Pty Ltd	psgffexploration.weebly.com

Will the PowerPoint presentations from the information sessions be made available to all participants?

No. All of the presentation is based on information that can be found on the Earth Resources website at earthresources.vic.gov.au