# **Stavely Block 4 Questions and Answers**

## **THEME ONE –** Minerals exploration activities

### Q. What is involved in the exploration stage?

**A.** Once an explorer has a minerals exploration licence, field exploration usually starts with broader scale low impact activities such as aerial surveying, ground-mapping, rock sampling, water and soil testing.

Explorers take measurements through surveying, sometimes using magnetic or electrical instruments. Advanced technologies via aerial surveys can mean explorers do not need to access private property at all.

As the explorer learns more about the geology, the exploration program progressively focuses on much smaller areas, or targets, within the minerals licence boundary.

Explorers may adopt more specific directed exploration techniques, such as drilling to sample rock at different depths below the surface.

Drilling is expensive and is used selectively. Initial drilling involves taking samples through a small hole – usually less than 100 mm in diameter – through soil and loose rock. This tells the geologist what types of rock exist under the surface and if minerals are present. If minerals are identified, explorers may drill deeper holes, often using diamond drills to cut through hard rock. Through this process the geologist can determine how much mineral material is present and give an indication of whether minerals may occur in economic quantities. At this stage, bulk samples may also be taken.

### Q. Does Gippsland Prospecting (Battery Minerals)[[1]](#footnote-2) know what properties it will be drilling on, or would prefer to due to the geology?

**A.** The licence holder Gippsland Prospecting(Battery Minerals) intends to focus the first three years of its exploration program on understanding the underlying geology and generating targets through ground and airborne geophysical surveys, geochemical work including soil and rock chip sampling and some targeted drilling.

It has commenced contacting owners of land to which it is seeking access for initial investigations such as field mapping.

For further information contact Danny Grellet of Gippsland Prospecting (Battery Minerals) on 0439 391 360.

### Q. What does a ‘work plan’ potentially look like if exploration was to go beyond low impact?

### What is the size, construction footprint, and potential impact of activities under a work plan?

1. 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)](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/mrda1990432/). For any work falling outside this definition an explorer must develop a work plan which is required to be approved by Earth Resources Regulation.

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.

For further information about work plans visit [here.](https://earthresources.vic.gov.au/legislation-and-regulations/guidelines-and-codes-of-practice/work-plan-guidelines-for-mining-licences)

### Q. What sort of minerals might be present in Stringybark Lane, Halls Gap?

**A.** New geoscientific research indicates there is potential for discoveries of copper, other base metals and gold to be made in western Victoria. The region has a [long history of continuous exploration for minerals](https://earthresources.vic.gov.au/projects/stavely/minerals-exploration).

Under its exploration licence,Gippsland Prospecting (Battery Minerals) is permitted to explore for copper, lead, zinc, gold, nickel and tin.

### Q. Is the blue line on the map accurate or indicative of Gippsland Prospecting’s (Battery Minerals’) licence boundary?

**A.** The blue line on the map indicates the boundary of Gippsland Prospecting (Battery Minerals’) Exploration Licence EL006871.

The Department of Jobs, Precincts and Regions’ (the department) [Licences Near Me](https://earthresources.vic.gov.au/licensing-approvals/location-of-mining-petroleum-licences/mining-licences-near-me) tool provides a definitive view of the licence boundaries.

### Q. Where exactly is the boundary of Gippsland Prospecting’s (Battery Minerals’) licence in relation to the national park, especially at the top end of Tunnel Road, Pomonal?

**A.** The southern boundary of the licence area is to the southern side of Pietsch Road at Tunnel Road. The department’s [Licences Near Me](https://earthresources.vic.gov.au/licensing-approvals/location-of-mining-petroleum-licences/mining-licences-near-me) tool provides a definitive view of the licence boundaries.

### Q. Is minerals exploration permitted in townships?

### Is there a minimum distance that exploration/drilling can occur from dwellings?

### How close to existing buildings are they allowed to explore?

**A.** 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, mining) 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.

### Q. Will family residences on small acreages close to town be affected and, if so, what are the long- and short-term repercussions?

**A.** In most cases, explorers try to avoid small acreage properties. This is because they are not permitted to do any work within 100 metres of a dwelling. However, the underlying geology is the key determinant of where an explorer seeks to work.

Locals are encouraged to ask the licensee about their intentions regarding activity type, timing and locations.

Licensed explorers are required to keep communities informed about their activities.

### Q. What are the expected timelines to progress from exploration to full mining operations?

### What is the time frame for this project? What are the plans if a commercial mineral deposit is identified?

A. The likelihood of exploration activity leading to a commercial mine is very low. Apart from the size and quality of the mineral deposit identified through exploration – a range of other factors will determine the commercial viability of a project, such as establishment and production costs, commodity prices, transport costs, international supply competition and demand, as well as exchange rates.

The development of a mine and mining activity is subject to government approval. Applications for mining activities involves detailed, stringent planning approvals and regulatory controls. Studies are undertaken to assess potential environmental, social and economic impacts, how these will be managed, and extensive consultation with communities. This process is expensive and can take between 10 years and 20 years from the commencement of exploration to approving a commercially viable minerals development project.

### Q. If minerals are found, what type of mining will occur? e.g. land stripping, digging etc.?

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

### What would be your estimate of the footprint of any mining operation that may eventuate. i.e. big open-cut, small surface operation for a big underground mine, etc.?

### If mining operations commence, will it be 24 hours and what route will the trucks use to the processing plant?

### What are the plans if some minerals are discovered in the area?

1. The type of mining activity that might occur (i.e. open-cut or underground), timing of operations and potential transport routes if an economically viable resource was found would depend on the on the nature of the underlying geology. Exploration activities and analysis over the coming years will provide the company with further information needed to better understand the type and nature of mining activity in the event an economically viable resource is discovered.

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.

### Q. If exploration starts, is this done during 'working hours’?

1. Under *the* [*Code of Practice for Mineral Exploration*](https://earthresources.vic.gov.au/__data/assets/pdf_file/0016/456100/Code-of-practice-for-mineral-exploration.pdf), operating hours should be restricted to times that will not unduly annoy or disturb others in the area and in line with noise limits for rural areas specified in the Environmental Protection Authority’s (EPA) Publication 1411: [*Noise from industry in Regional Victoria*](https://www.epa.vic.gov.au/about-epa/publications/1411) (2011).

Noise emissions from exploration work sites and associated facilities must comply with limits set in the relevant State Environment Protection Policies, including those relating to the [control of noise from commerce, industry and trade activities](https://www.epa.vic.gov.au/about-epa/publications/1411). Exposure to noise in and around sites should be managed in accordance with requirements of the *Occupational Health and Safety Act 2004* and *the Environment Protection Act 2017*.

### Q. How much notice is given to landowners if Gippsland Prospecting (Battery Minerals) wishes to carry out exploration on my land?

### If mineral exploration is to take place on my land will I be given more than eight hours’ notice and how is this information to be communicated?

1. The MRSD Act requires that a licensee gives seven (7) days' notice to the owners and occupiers of the land affected of the licensee's intention to commence work (or any shorter period agreed between the licensee and the owners and occupiers of the land affected). The licensee also requires a landholder’s verbal or written consent to access private land.

The [*Code of Practice for Mineral Exploration*](https://earthresources.vic.gov.au/__data/assets/pdf_file/0016/456100/Code-of-practice-for-mineral-exploration.pdf)stipulates the licensee should inform the chief executive officers of the municipalities within the licence area of the proposed works and estimated duration, in writing, at least seven (7) days prior to commencing work under an approved work plan and provide further information as appropriate during the term of the licence.

Gippsland Prospecting(Battery Minerals) has advised that landholders can expect to receive notice exceeding this minimum requirement and will establish with landholders an agreed method of communication.

Records of community engagement activities should be maintained by the licensee as a source of evidence to demonstrate compliance with the conditions. These records should include the type of engagement used, distribution method (for example, registered post or email), the exploration activity, a list of stakeholders involved and stakeholder feedback.

### Q. When will Gippsland Prospecting (Battery Minerals) be undertaking exploration activities in Moyston and would it be coming on to 20-acre blocks?

### What size land is likely to not be accessed? Are small acreages likely to be of interest?

1. Gippsland Prospecting(Battery Minerals) is expecting to focus its initial attention on large acreages.

Due to regulations surrounding exploration in close proximity to dwellings smaller acreages are less likely to be considered.

Landholders can contact the licensee to discuss the potential for exploration in their areas.

### Q. What are the options of the landowner if minerals are found on their property?

### If exploration does include our land what exactly does that mean for us and the farm? Does Gippsland Prospecting (Battery Minerals) actually purchase the land?

### If a viable discovery is made on my property, will I be expected to relocate?

### What happens if they find gold or other minerals on my property?

1. Minerals exploration readily co-exists with other land uses such as agriculture and has done so across Victoria for many years. With a small footprint, minerals exploration generally does not interfere with agricultural activities. Under the department’s [*Code of Practice for Mineral Exploration,*](https://earthresources.vic.gov.au/__data/assets/pdf_file/0016/456100/Code-of-practice-for-mineral-exploration.pdf) explorers must take all reasonable measures to prevent adverse impacts to livestock and crops.

If a commercially viable deposit is identified that an explorer wishes to develop, it is required to secure the land (either via outright purchase or lease from the existing landholder) that it would require to mine the deposit.

In addition to securing the land required to undertake mining activity, the ability to proceed and mine the deposit is subject to government approval. Applications for mining activities involves detailed, stringent planning approvals and regulatory controls. Studies are undertaken to assess potential environmental, social and economic impacts, how these will be managed, and extensive consultation with communities. This process is expensive and can take between 10 years and 20 years from the commencement of exploration to approving a commercially viable minerals development project.

### Q. Is Gippsland Prospecting now owned by Battery Minerals?

**A.** In March 2020, Gippsland Prospecting Pty Ltd agreed to a transaction with ASX-listed company Battery Minerals (ASX:BAT).

Battery Minerals took full ownership of Gippsland Prospecting in this transaction.

More information can be found on the [Battery Minerals website.](https://www.batteryminerals.com/our-business/australia/el-6871/)

### Q. Does Battery Minerals (Gippsland Prospecting) receive government funding for exploration?

**A.** Gippsland Prospecting (Battery Minerals) has qualified for a $500,000 grant from the [TARGET Minerals Exploration Initiative](https://earthresources.vic.gov.au/projects/target-minerals-exploration-initiative) to help with early-stage exploration.

The Victorian Government [TARGET Minerals Exploration Initiative](https://earthresources.vic.gov.au/projects/target-minerals-exploration-initiative) encourages investment in exploration for copper, other base metals and gold in Victoria. TARGET grant funding is made available through a competitive application process and covers up to half the cost of eligible exploration activities, which include geophysical surveys, drilling and sampling analysis. It has also funded geoscience activities which provides the base information explorers investigate further.

### Q. Will Gippsland Prospecting (Battery Minerals) ensure that damage to local roads due to excessive use will be repaired, or will they contribute to local shire costs?

**A.** Explorers will use lightweight drill rigs and excavation equipment where practicable to minimise impacts on public and private roads. If road damage is incurred the responsible road authority can seek recompense under the provisions of the *Road Management Act 2004*.

The licensee is obligated to discuss passage of tracked equipment along existing roads or over bridges (and any rehabilitation that might be required) with the responsible road authority.

The use of closed roads or undertaking work on existing roads will require the consent of the owner or occupier of the land.

The licensee will be responsible for determining the owner or occupier of the land by searching the VicRoads Register of Public Roads or the relevant local Council’s Register of Public Roads. The licensee is also responsible for documenting the consent of the owner or occupier of the land prior to undertaking any work under the definition of low impact exploration.

### Q. How will minerals exploration impact the proposed East Grampians Pipeline Project?

### The Grampians pipeline will be built through part of this region and planning is well underway associated with this and will be placed on quite a few properties in the Moyston region. What are the implications of this testing on land where the pipeline will be built?

1. Gippsland Prospecting (Battery Minerals) is liaising with Grampians Wimmera Mallee (GWM) regarding its works program.

## **THEME TWO** – Land access and compensation

### Q. If Gippsland Prospecting (Battery Minerals) accesses our property what protocols are in place as our dogs roam the property and we have livestock?

### Is minerals exploration safe for our livestock?

**A.** Licensees must adhere to any biosecurity protocols that have been adopted on private land. They must also comply with biosecurity obligations set out in relevant legislation. For example, licensees must take all reasonable measures to minimise the spread of weeds, pest animals and plant diseases and to prevent adverse impacts to livestock and crops whilst undertaking exploration activities. These factors should be documented in any land access consent agreement.

In terms of individual policies regarding biosecurity on your farm, Gippsland Prospecting (Battery Minerals) has committed to complying with the controls you have in place for your animals or stock above and beyond legislated requirements

### Q. What do we need to do to stop access onto our property?

### Can we refuse access to our property?

### Can I refuse entry to my property?

### What happens if a landholder refuses to allow exploration?

### Can we refuse entry to our property, given that we would oppose mining in the future?

1. As the Crown owns the minerals, landowners and occupiers do not have the absolute power to control access to their land.

In Victoria, like all other states in Australia, the Crown owns the minerals on behalf of all the people. An Act of Parliament, the [*Mineral Resources (Sustainable Development) Act 1990*](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/mrda1990432/) (MRSD Act) gives the Government the right to grant licences to companies to search for minerals. They can generally undertake that search on both Crown land and freehold land.

The 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 agreement cannot be reached, landholders and exploration companies can seek mediation through the Mining Warden. If mediation does not achieve an outcome and the landholder does not provide consent and/or an appropriate amount of compensation cannot be agreed, then either party may refer to the Victorian Civil and Administrative Tribunal (VCAT) or the Supreme Court.

VCAT or the Supreme Court will determine how much compensation you are entitled to, not whether the licensee has the right to search for minerals on your property. Landholders are encouraged to seek their own legal advice on these matters.

Once compensation has been determined by VCAT or the Supreme Court, exploration may be undertaken on the landholders’ property.

### Q. If Gippsland Prospecting (Battery Minerals) needs to access our property will it organise a time that suits us?

**A.** Yes, licensees are obligated to communicate with landholders on access to property and to obtain verbal or written consent. As part of this consent, you should consider discussing times and dates of access with the licensee.

### Q. Do explorers pay for the farmers’ legal advice when negotiating a land access agreement?

**A.** A licensee 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.

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

### If I say no to access and am taken to court, who is responsible for legal fees?

### Is it right that we don’t have the right to refusal because the mining company can take it further if they choose to?

1. The Victorian Civil and Administrative Tribunal (VCAT) is available where discussions between the parties have failed to achieve a satisfactory land access consent agreement 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.

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

### If a neighbour decided to allow exploration/mining is there anything you can do about loss of amenity/privacy, etc., as a result?

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

### Q. Can you clarify what you mean by amenity and loss thereof?

**A.** Under the MRSD Act, landholders and land occupiers must be compensated if there is any loss of income or loss of amenity or any damage directly caused by exploration activities.

The list of items that might be compensated for is described in the MRSD Act, however this is a non-exhaustive list.

The value of compensation to be paid is a commercial negotiation between the landholder and the explorer.

### Q. What will be the financial compensation to landowners?

### What compensation does the landholder receive if Gippsland Prospecting (Battery Minerals) wishes to come onto their land?

### Will there be financial compensation for access to drilling on our property?

### What do landholders gain/get out of it?

1. Exploration licence conditions require a licensee to take all reasonable steps to minimise the impact of exploration on a landholder.

Under the MRSD Act, compensation is payable for any or all the following should they arise from exploration work or a proposal to carry out the activity on or below private land:

* Deprivation of possession of the whole or part of the surface of the land
* Damage to the surface of the land and to any improvements on the land
* Severance of the land from other land of the owner or occupier
* Loss of amenity including recreational and conservation values
* Loss of opportunity to make planned improvements
* Any decrease in market value of the owner’s or occupier’s interest in the land
* Any reasonable incidental expense in obtaining or moving to replace land (when required).

The MRSD Act does not state that these are only factors for which compensation is payable. It also does not stipulate which type of activity requires compensation to be paid.

Written compensation agreements must be lodged with the mining registrar for registration.

Compensation may include a cash payment or in-kind payments (including things of value to the landholder, such as a new access road or fences). The value of the compensation to be paid is a commercial negotiation between the explorer and the landholder.

Exploration licence conditions require a licensee to take all reasonable steps to minimise the impact of exploration on a landholder.

Compensation is not payable for the value of the minerals, nor is it a prerequisite for landholder consent.

### Q. What are the benefits to the landowners from future projects that may be done on their land?

**A.** Where compensation is required, landholders will receive payment on terms they negotiate with the explorer, terms that are mutually beneficial to both parties. Landholders, like local communities, also benefit indirectly from regional economic flow-on effects because the explorer will spend locally on fuel, equipment, food and staff accommodation. Explorers may also employ local people to assist with exploration and rehabilitation work. 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.

Landholders would be compensated for any future development on their property if a commercially viable minerals deposit was discovered and the explorer was granted a mining licence and appropriate planning approvals.

## **THEME THREE** – Environment and Cultural Heritage

### Q. If I am planning grassland restoration, am I exempt from any mining?

### Are there exemptions from mining if projects for landscape restoration of grass and wetlands are planned?

1. Landscape restoration of grass and wetlands are projects generally identified in the early discussions that an explorer would have with local Department of Environment, Land, Water and Planning (DELWP) and Catchment Management Authority officers.

Where there are proposals for the clearing of native vegetation, those proposals will be assessed by DELWP in accordance with the requirements of the [*Flora and Fauna Guarantee Act 1988*](https://www.legislation.vic.gov.au/in-force/acts/flora-and-fauna-guarantee-act-1988/046) (FFG Act) and the Biodiversity assessment guidelines. However, this does not apply when the exploration activities occur in accordance with the definition of low impact exploration (see [*Code of Practice for Minerals Explorers*](https://earthresources.vic.gov.au/__data/assets/pdf_file/0016/456100/Code-of-practice-for-mineral-exploration.pdf)).

It is also important that communities and landholders identify such projects during the stakeholder consultation process.

The licensee, Gippsland Prospecting (Battery Minerals), has indicated the company would support community groups, like Landcare, with vegetation rehabilitation efforts and other similar projects.

### Q. Can landowners refuse access to sensitive property?

**A.** As the Crown owns the minerals, landowners and occupiers do not have the absolute power to control access to their land for exploration. However, many landholders who have areas of their property that possess high biodiversity values have sought greater safeguards, including through Trust for Nature (TFN) covenants.

The department recommends landholders make known to explorers any sensitive sites when negotiating the terms and conditions for consent to access private property.

The licensee must take all reasonable measures relating to crops, livestock, native vegetation and faunal habitats, so it is highly likely they will be amenable to avoiding these areas and addressing landholder concerns.

### Q. Why is the Heritage-listed Wimmera River and reserves included in the area?

**A.** The Wimmera River is safeguarded by several regulations, including those under the MRSD Act and *Water Act 1989*.

A minerals explorer cannot undertake exploration activity within 200 metres of a waterway.

If an explorer chooses to do so they would require a work plan. A work plan automatically triggers a higher level of regulatory oversight. The explorer would have to submit a plan identifying all environmental risks that its proposed activities might pose and the planned mitigation strategies.

Earth Resources Regulation will refer the work plan to DELWP, the local catchment management authority and water authority. Earth Resources Regulation will not approve that work plan until DELWP, the water authority and/or the local Catchment Management Authority determine the mitigation strategies proposed by the explorer are sufficient to ensure they comply with the *Water Act 1989* and other related environmental acts.

Reserves are also often safeguarded by regulations in other acts, depending upon the type and nature of the reserve. The same process applies as for water. If the reserve is restricted Crown land, then the explorer must complete a work plan and DELWP would need to approve this before the explorer could start work.

Special permission must be obtained for minerals exploration on restricted Crown land including flora or flora and fauna reserves, wildlife reserves or wildlife areas, natural features and scenic reserves, scenic reserves, cave reserves, geological reserves; bushland reserves, historic areas or historic reserves; public land water frontage reserves and streamside reserves.

### Q. What happens to wildlife protection along the Wimmera River and Aboriginal cultural heritage - is any of it protected?

### What about the wildlife corridor along the Wimmera River? Where will the wildlife habitat be and where will the animals be protected as on adjacent rural land they will likely be shot.

### What about indigenous cultural protection of significant sites along the Wimmera River?

1. There are more than 20 different Acts, key legislation, regulations and policies governing minerals exploration in Victoria:
* [*Mineral Resource (Sustainable Development) Act 1990 and associated Regulations*](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/mrda1990432/)
* [*Forests Act 1958*](http://classic.austlii.edu.au/au/legis/vic/consol_act/fa1958116/)
* [*Land Act 1958*](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/la195848/)
* [*Environment Protection Act 1970*](https://www.legislation.vic.gov.au/in-force/acts/environment-protection-act-1970/214)
* [*National Parks Act 1975*](http://classic.austlii.edu.au/au/legis/vic/consol_act/npa1975159/)
* [*Wildlife Act 1975*](http://classic.austlii.edu.au/au/legis/vic/consol_act/wa197593/)
* [*Crown Land (Reserves Act) 1978*](http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/cla1978219/)
* [*Environmental Effects Act 1978*](http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/eea1978216/)
* [*Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Part IIA)*](https://www.legislation.gov.au/Details/C2016C00937)
* [*Planning and Environment Act 1987*](http://www5.austlii.edu.au/au/legis/vic/consol_act/paea1987254/)
* [*Flora and Fauna Guarantee Act 1988*](https://www.legislation.vic.gov.au/in-force/acts/flora-and-fauna-guarantee-act-1988/046)
* [*Water Act 1989*](http://classic.austlii.edu.au/au/legis/vic/consol_act/wa198983/)
* [*Native Title Act 1993*](http://www5.austlii.edu.au/au/legis/cth/consol_act/nta1993147/)
* [*Catchment and Land Protection Act 1994*](http://classic.austlii.edu.au/au/legis/vic/consol_act/calpa1994267/)
* [*Heritage Act 2017*](http://www5.austlii.edu.au/au/legis/vic/consol_act/ha201786/)
* [*Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/epabca1999588/)
* [*Aboriginal Heritage Act 2006*](http://www5.austlii.edu.au/au/legis/vic/consol_act/aha2006164/)
* [*Traditional Owner Settlement Act 2010*](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/tosa2010326/)

Several State and Commonwealth acts provide safeguards to threatened species of flora and fauna and their habitats, including the *Flora and Fauna Guarantee Act 1988*, *Environment Protection and Biodiversity Conservation Act 1999* and the *Wildlife Act 1975* with additional safeguards provided under the MRSD Act.

Exploration activity does not qualify as ‘low impact’ if it may harm, or damage, flora or fauna listed under section 10 or Schedule 2 of the MRSD Act. For exploration that does not qualify as low impact, licensees must obtain an approved work plan which requires approvals from relevant government agencies in relation to matters such as environment, cultural heritage, etc. This would include the relevant catchment management authority and DELWP.

The *Aboriginal Heritage Act 2006* and MRSD Act provide safeguards for Aboriginal cultural heritage. The online portal of the Victorian Aboriginal Heritage Register 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. Licensees must adhere to the *Aboriginal Heritage Act 2006* and, in some instances, must obtain an approved Cultural Heritage Management Plan (or a Cultural Heritage Permit) and consult with relevant Traditional Owners.

### Q. Will water be accessed from the Wimmera River that will be detrimental for environmental flows etc?

**A.** The MRSD Act encourages an economically viable mining industry to operate in a way that supports environmental, social and economic objectives of the State. These objectives include encouraging and facilitating exploration for minerals while establishing a legal framework that ensures mineral resources are developed using methods and management practices that minimise impacts on the environment.

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 companies, just as it does for farmers and other landholders.

This includes where a minerals explorer drills to take water samples rather than geological samples.

Under a minerals exploration licence, the licensee must ensure all reasonable measures are taken to minimise the impacts of their operations. The licensee must prevent contamination of aquifers and not drill within 200 metres of a named waterway or within 100 metres of an irrigation channel.

### Q. What obligation does Gippsland Prospecting (Battery Minerals) have regarding restoring and repairing the land after excavation?

### What is the obligation to return property to the way it was before exploration (rehabilitation) and is there a required time frame?

1. All disturbed areas should be revegetated and reinstated back to the natural surface, or to a stable landform similar to that of the surrounding undisturbed areas, unless otherwise specified in the work plan.

The licensee must ensure that disturbed areas are rehabilitated as soon as possible after the completion of exploration works. The licensee must ensure that indigenous species used in rehabilitation are sourced from the local area, of local provenance and appropriate to the site’s Ecological Vegetation Class (EVC).

There are specific guidelines provided to explorers in the [Code of Practice](https://earthresources.vic.gov.au/legislation-and-regulations/guidelines-and-codes-of-practice/code-of-practice-for-mineral-exploration) available on our website.

### Q How much has the mining company allocated, budgeted for and protected for restorative work?

**A.** A rehabilitation bond is a financial security paid by a minerals exploration licence holder before commencing work to ensure rehabilitation can be undertaken by the department should the licensee be unable to meet their rehabilitation obligations.

The condition of a rehabilitation bond is that the licensee rehabilitates the land as required by section 78 or 78A of the MRSD Act.

While standards of rehabilitation on private land are principally a matter for landowners, the department has an interest in ensuring that all land is rehabilitated to an appropriate standard (i.e. in relation to public safety, amenity and potential impacts on the wider environment).

Rehabilitation bonds are periodically reviewed during the life of an operation to ensure that the financial security remains at an appropriate level. The bond is also reviewed when a work plan variation is submitted, a tenement is transferred, towards the end of the bond period, or when requested by the licensee.

Regular assessment of the rehabilitation bond against rehabilitation liability provides incentive for a licensee to minimise environmental impacts and undertake progressive rehabilitation.

Currently, the department only accepts rehabilitation bonds in the form of an unconditional bank guarantee. The amount of bond is calculated to address in full the rehabilitation liability based on the works specified in the approved work plan or for simple operations or operations working under a code of practice, on a per hectare basis. For an initial bond, this is based on the point of maximum disturbance for the first stage of the development as specified in the approved work plan.

## **THEME FOUR** – Community engagement and regulatory matters

### Q. Why is government charging rent for private title for the whole area for a peppercorn amount when the government does not own the titles? You cannot charge rent for what you do not have title ownership.

### Why is the government collecting rent for private titles?

### Why has no Procurement of Interest notices been issued to all private title holders informing title holders government is collecting rent for private title?

1. Like elsewhere in Australia, the Crown (State) owns minerals on behalf of all Victorians. Generally, landholders own their land to a depth of 15 metres, depending upon the land title.

Exploration licence holders pay a rent to the Crown for the receipt of a right to explore for minerals; that it is payment for being granted an exploration licence and the ability, subject to all regulations, to conduct exploration activities.

It is appropriate that this comes to the Crown. Just as royalties are paid if a mining company is extracting a mineral, so too is a payment made for exploring for minerals.

A freehold title does not provide a landholder with any rights over any minerals found on their land nor does it give the landholder any rights to explore for minerals. An exploration licence is required to conduct exploration on private property and a landholder who holds a licence would similarly pay rent to the Crown.

For a minerals exploration licence the annual rent is 6.9 fee units per 10 graticules, or part thereof, of the land covered by the licence as of 30 June of each year. A graticule is roughly equivalent to one square kilometre (Gippsland Prospecting’s (Battery Minerals’) exploration licence is 862 graticules). The value of a fee unit for the 2019-20 financial year is $14.81.

For Gippsland Prospecting’s (Battery Minerals’) licence, the annual rent would be $9,778.80 (87 x 114.40 (fee unit of 6.9 X 14.81 + GST)).

### Q. Will this exploration licence override existing covenants on titles?

**A.** Conservation covenants generally impose limitations on the use of that land for both the current and future landholders of the property.

Legal rights to the topsoil are held by the property owner, while legal rights to the minerals below the soil are held by the Crown. As a result, the security of existing covenants is not a given.

### Q. How will Gippsland Prospecting (Battery Minerals) communicate with me?

### Will the explorer phone or write to landholders?

### What do we do if we don’t hear back in a timely fashion?

1. Minerals exploration licensees have a duty to inform and consult the community during all stages of a project, from exploration through to rehabilitation. This means a licensee must share information with the community about any activities authorised by the licence that may affect that community. The department has encouraged licensees from the Stavely Ground Release to make information about their exploration programs available on their websites, and to keep this information updated. Battery Minerals’ website address is [batteryminerals.com](https://www.batteryminerals.com/)

Besides their website, other methods may include telephone calls, face-to face meetings, notice board posters, roadside signage, information fliers, hotline or phone-in opportunities and media advertising.

The department also uses several channels to keep communities informed about minerals exploration and how it is regulated to provide safeguards to you and the environment. This is done via [newsletters](https://earthresources.vic.gov.au/community-and-land-use/landholder-information/minerals-exploration#newsletter), information sessions and community [events](https://earthresources.vic.gov.au/projects/stavely/communities/information-sessions) and property visits (under Coronavirus (COVID-19) restriction guidelines. We also communicate via email mdv@ecodev.vic.gov.au and phone calls.

### Q. Who is the point of contact for follow up consultation and questions as the project progresses?

1. Gippsland Prospecting (Battery Minerals) has employed a dedicated locally based community facilitator Danny Grellet. Danny can be contacted on 0439 391 360.

For any questions regarding minerals exploration in general, including the land access consent tool, please contact Donna Mongan, Senior Community Engagement Officer, Minerals Development Victoria on 0436 662 399 or via email at donna.mongan@ecodev.vic.gov.au

### Q. Why are landholders only being told about this now two years after the government released the blocks for exploration in 2018?

1. Community information sessions were held online in November 2020 following the licensing of Stavely Block 4 in October 2020.

The two-year lag between the announcement of the Stavely Ground Release in 2018 and the most recent community conversation with Block 4 landholders reflects the complex nature of the three primary phases of the project: a tender period, an evaluation period, a licencing period. Although the licensing phase for Block 4 commenced from around October 2018, licensing could not be completed until the Future Acts assessment under the Commonwealth *Native Title Act 1993* was concluded or a decision was made to excise Crown Land. Gippsland Prospecting (Battery Minerals) did not excise Crown Land. The Native Title assessment, however, determined there were no Native Title claims within the block area.

Nevertheless, the department commenced conversations with stakeholders in the Stavely Arc region in 2017, and held many community information sessions during 2018, following the announcement of the Stavely Ground Release.

We have spoken with the region’s community leaders, key agencies and local government in order to identify and consider important land use, environmental, water and heritage aspects and whether minerals exploration might affect these features.

Throughout July and August 2018, we held community sessions to help locals find out more about the Stavely Ground Release Initiative. Sessions were held in Mortlake, Dunkeld, Willaura, Cavendish, Laharum, Balmoral, Ararat, Nhill and Horsham. We have also attended several Sheepvention events in Hamilton and three Wimmera Filed Days in Horsham.

Meetings with small and local community groups and landholders have continued throughout the licence application process.

Following the licensing of Block 11 to P&G Forwood Pty Ltd, and Block 10 to WIM Resources Limited, community information sessions were held in June 2018 at Balmoral and Cavendish and at Wonwondah, Laharum and Brimpaen in November 2019.

Westrock Minerals Pty Ltd was issued the third Minerals Exploration Licence for Block 1 in April 2020. Online information sessions were held on 10 and 11 June 2020, focusing on the communities of Glenthompson, Caramut, Chatsworth, Minjah and west of Mortlake.

Gippsland Prospecting was issued the fourth Minerals Exploration Licence for Block 4 in October 2020. Online information sessions were held on 24 and 25 November 2020 focusing on the area west of Stawell and Ararat, including the communities of Mokepilly, Illawarra, Pomonal, Moyston and Willaura North.

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

1. The department uses several channels to keep communities informed 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 guidelines). We also use community noticeboards, information fliers, telephone, written electronic surveys, hotline or phone-in opportunities, media advertising, and websites.

The [*Community Engagement Guidelines for Mining and Mineral Exploration in Victoria*](https://earthresources.vic.gov.au/legislation-and-regulations/guidelines-and-codes-of-practice/community-engagement-guidelines-for-mining-and-mineral-exploration) provide assistance to the minerals industry about the requirements for community engagement under the MRSD Act and the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019*. This includes advice on communications channels.

The department publishes contact details of exploration licensees, so landholders can contact minerals explorers directly to discuss individual communication preferences. We have encouraged successful tenderers 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:

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| --- | --- | --- |
| **Block 1** | [Westrock Minerals Pty Ltd](https://www.westrockminerals.com.au/) -  | [https://www.westrockminerals.com.au](https://www.westrockminerals.com.au/) |
| **Block 3** | [Stavely Minerals Limited](https://www.stavely.com.au/) | [https://www.stavely.com.au](https://www.stavely.com.au/) |
| **Block 4** | [Gippsland Prospecting Pty Ltd](http://www.gippslandprospecting.com/) (Battery Minerals) | [https://www.batteryminerals.com](https://www.batteryminerals.com/) |
| **Block 9** | [Century Minerals Pty Ltd](https://www.centuryminerals.com.au/) | [https://www.centuryminerals.com.au](https://www.centuryminerals.com.au/) |
| **Block 10** | [WIM Resource Pty Limited](http://www.wimresource.com.au/) | <http://www.wimresource.com.au/IRM/content/default.aspx> |
| **Block 11** | [PS & GF Forwood Pty Ltd](http://psgffexploration.weebly.com/) | [http://psgffexploration.weebly.com](http://psgffexploration.weebly.com/) |

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

**A.** Recordings from the presentations (which include the PowerPoint presentations) can be found on the [Earth Resources website](https://earthresources.vic.gov.au/projects/stavely/communities/information-sessions).

1. In March 2020, Gippsland Prospecting Pty Ltd agreed to a transaction with ASX-listed company Battery Minerals (ASX:BAT). Battery Minerals took full ownership of Gippsland Prospecting in this transaction. [↑](#footnote-ref-2)