

EDIC Inquiry into Greenfields Mineral Exploration and Project Development

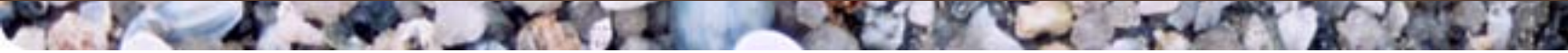


Department of Sustainability
and Environment

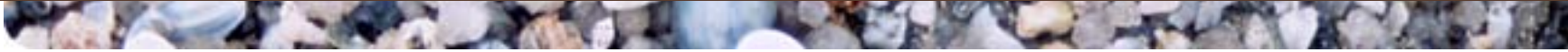
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Purpose of today's presentation

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- DSE's key areas of interaction with greenfields mineral exploration and project development are:
 - Access to Crown land
 - The Victorian native vegetation framework
 - This presentation will focus on access to Crown land and the native vegetation framework with emphasis on DSE's relationship with the mining industry

Context - What does DSE do?

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- DSE leads the Victorian Government's efforts to sustainably manage parks, forests and other public land, water resources and catchments, bushfires, biodiversity and ecosystem conservation.
 - DSE is responsible for the conservation of Victoria's natural and cultural heritage on public land. Victoria has more than 7.2 million hectares, or more than 35 per cent of the State, which are parks and other conservation reserves and State forests.
 - DSE is responsible for natural resource management policies, legislation, planning, regulation and investment, to sustainably manage Victoria's land, water and biodiversity.

The Victorian regulatory framework

<p>Mineral Resources (Sustainable Development) Act 1990 To encourage economically viable mining and extractive industries which make the best use of resources in a way that is compatible with the economic, social and environmental objectives of the State.</p> <p>Environmental Effects Act 1978 To set out the approval process for public works (including mining) that require assessment of the environmental effects.</p> <p>Planning and Environment Act 1987 To establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.</p> <p>Environment Protection Act 1970 To create a legislative framework for the protection of the environment in Victoria having regard to the principles of environmental protection.</p> <p>Occupational Health and Safety Act 2004 To secure the health, safety and welfare of employees and other persons at work; to eliminate, at the source, risks to the health, safety or welfare of employees and other persons at work; to ensure that the health and safety of members of the public is not placed at risk by the conduct of undertakings by employers and self-employed persons; and to provide for the involvement of employees, employers, and organisations representing those persons, in the formulation and implementation of health, safety and welfare standards.</p> <p>Aboriginal Heritage Act 2006 To provide for the protection of Aboriginal cultural heritage in Victoria.</p>	<p><i>DPI</i></p> <p><i>DPCD</i></p> <p><i>DPCD</i></p> <p><i>DSE, EPA</i></p> <p><i>DTF, VWA</i></p> <p><i>DPCD, AAV</i></p>	<p>Traditional Owners Settlement Act 2010 To advance reconciliation and promote good relations between the State and traditional owners and to recognise traditional owner groups based in their traditional and cultural associations to certain land in Victoria.</p> <p>National Parks Act 1975 To make provision, in respect of national parks, State parks, marine national parks and marine sanctuaries for preservation, protection, study and effective management, and to make further provision in respect of designated water supply catchment areas and wilderness parks.</p> <p>Crown Land (Reserves) Act 1978 To provide for the Reservation of Crown Lands for certain purposes and for the management of such Reserved Lands and for other purposes.</p> <p>Conservation Forest & Land Act 1987 To make provisions with respect to creation of a body corporate called the Director-General of Conservation, Forests and Lands; to define its powers; to provide a framework for a land management system and to make necessary administrative, financial and enforcement provisions; and to establish a system of land management co-operative agreements.</p> <p>Climate Change Act 2010 To establish a framework for the treatment of climate change issues and actions in Victoria.</p> <p>Flora and Fauna Guarantee Act 1988 To establish a legal and administrative structure to enable and promote the conservation of Victoria's native flora and fauna and to provide for a choice of procedures which can be used for the conservation, management or control of flora and fauna and the management of potentially threatening processes.</p> <p>Water Act 1989 To establish the regulatory arrangements relating to water in Victoria.</p>	<p><i>DOJ</i></p> <p><i>DSE, PV</i></p> <p><i>DSE</i></p> <p><i>DSE</i></p> <p><i>DSE</i></p> <p><i>DSE</i></p> <p><i>DSE, DPI</i></p>
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Plus, Commonwealth legislation, e.g. Native Title Act, Environmental Protection & Biodiversity Conservation Act
Plus, regulatory instruments such as the Victorian Planning Provisions (VPP) and the State Planning Policy Framework (native vegetation, administered by DSE)

DSE's role – Crown land

- DPI is the lead agency and a referral authority for some approvals required under the *Mineral Resources (Sustainable Development) Act 1990*
- DPI coordinates any input from relevant agencies in assessing and issuing the approval
- If access to Crown land is required, or a decision is required from the relevant Crown land Minister, this process involves DSE

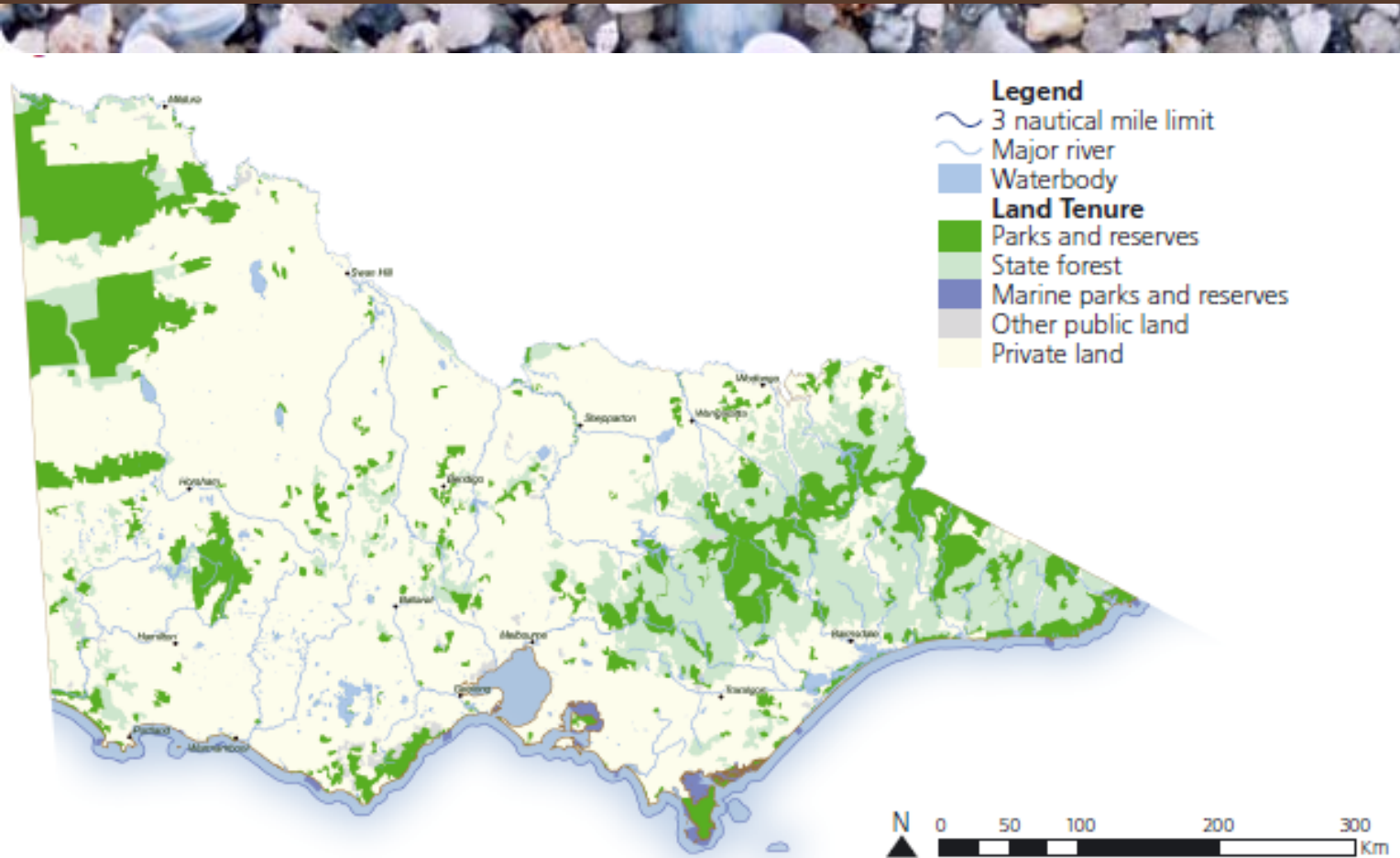
Crown lands

Crown lands are divided into categories which accord with their management objectives or purposes.

For example:

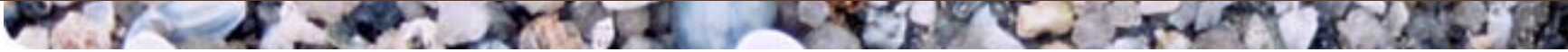
- national parks
- conservation reserves
- State forests
- public parks and gardens
- coastal reserves
- alpine resorts

Land tenure in Victoria - Context



Source: DSE/DPI Corporate Spatial Data Library, 2009

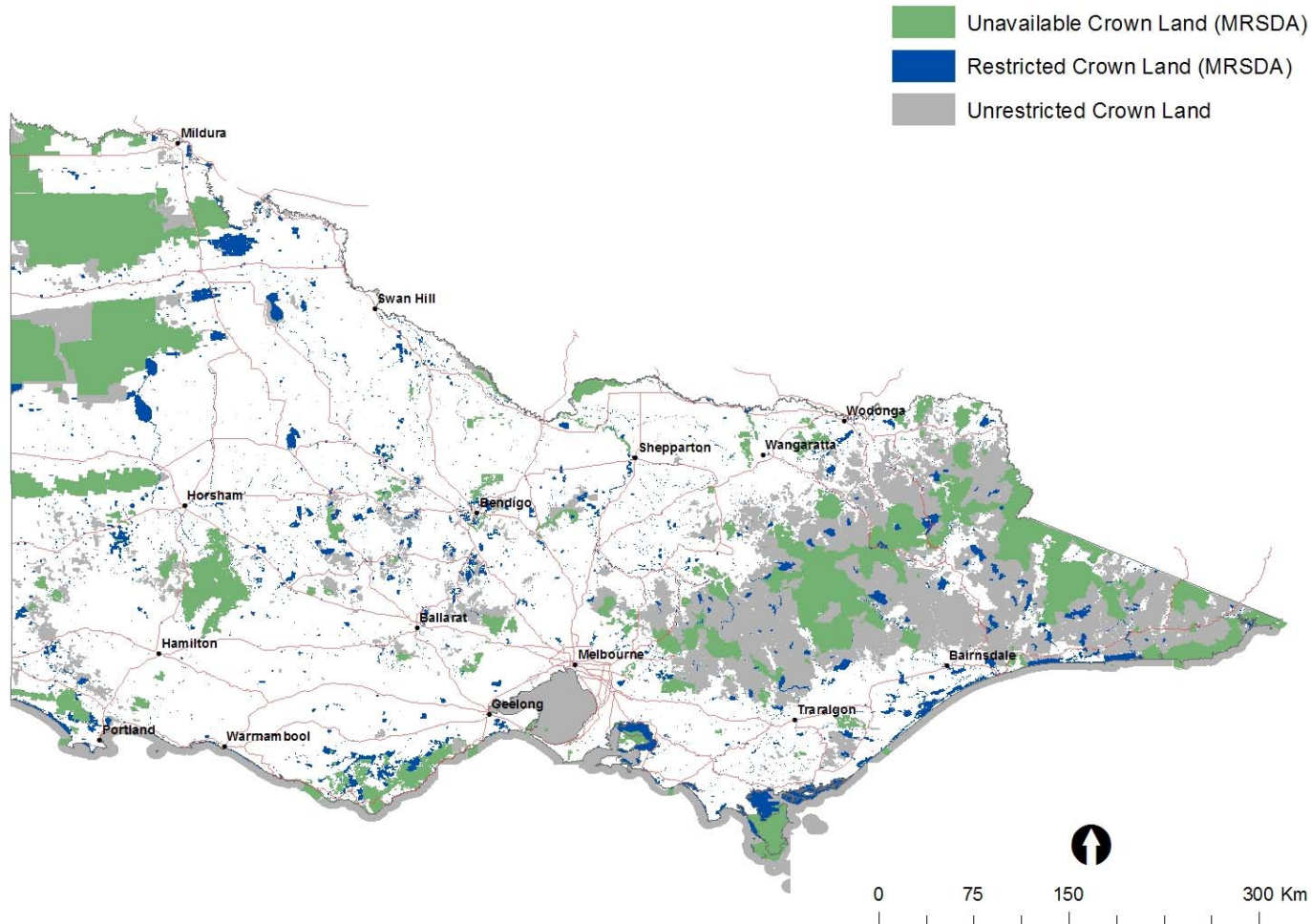
Crown land categories relevant to mineral development



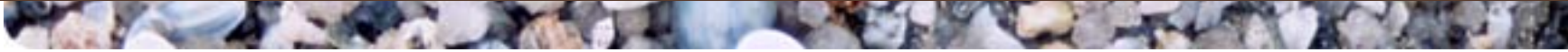
For mining and mineral development there are three categories of Crown land which are relevant for mining and mineral development:

- Land Not Available (Section 6 of the MRSD Act)
- Restricted Crown land (Schedule 3 of the MRSD Act)
- Unrestricted Crown land

Crown land categories relevant to mineral development



Crown land - Land not available

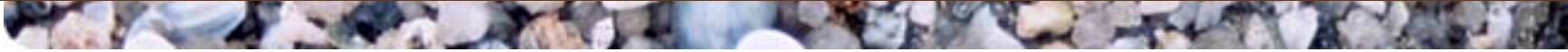


- The MRSD Act defines Land not Available - the most restrictive land use category
- These lands include:
 - Reference areas under the *Reference Areas Act 1978*
 - National, State and Wilderness parks under the *National Parks Act 1975* (except under limited circumstances and subject to consent under section 40 of that Act)
 - Marine national parks and marine sanctuaries under the *National Parks Act 1975*
 - Land in respect of which an ongoing protection declaration is in force under the *Aboriginal Heritage Act 2006*

Crown land - Restricted Crown land

- The MRSD Act defines Restricted Crown land which includes:
 - regional parks
 - coastal parks (including Gippsland Lakes Reserve)
 - marine parks
 - flora or flora and fauna reserves
 - wildlife reserves (including Wildlife Management Co-Operative Areas)
 - natural features and scenic reserves (including caves and geological reserves)
 - bushland reserves
 - historic areas or historic reserves
 - public land water frontage reserves
 - streamside reserves
 - coastal reserves
 - national heritage parks
 - nature conservation reserves
 - historic and cultural features reserves
 - alpine resorts
 - heritage rivers
 - natural catchment areas
 - forest parks
- Requires the consent of the relevant Crown land Minister for any work under a mining or exploration licence

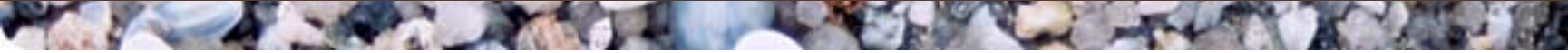
Crown land - Unrestricted Crown land



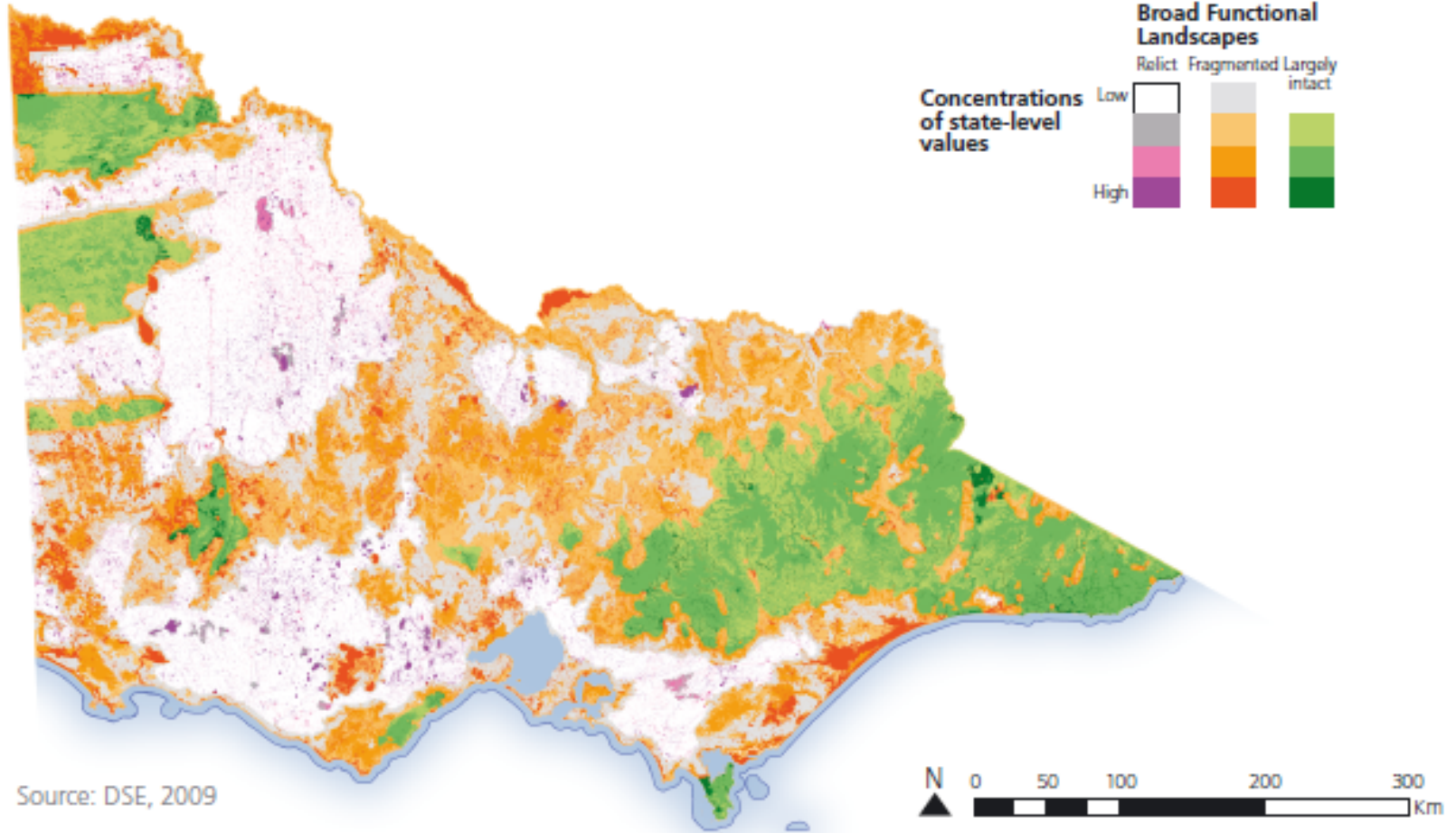
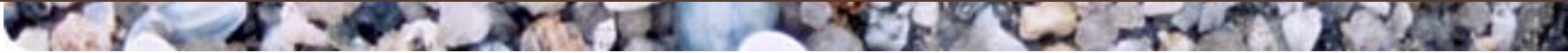
- All other Crown land is unrestricted which includes:
 - most State forests*
 - unreserved Crown land
- For unrestricted Crown land, the Minister for Energy and Resources must consult with the relevant Crown land Minister in relation to the carrying out of work on that land
- The Crown land Minister may recommend conditions to be attached to a licence

*reference areas in State forests are exempt Crown land

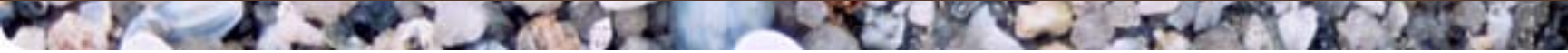
DSE's role – Native Vegetation

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- DSE is responsible for ensuring that *Victoria's Native Vegetation Management: A Framework for Action* applies
 - DPI is, however, the lead agency for approvals required under the MRSD Act and receives all draft work plans
 - Draft work plans must be prepared by the proponent in consultation with DPI who coordinates input from relevant agencies
 - If removal of native vegetation is involved, this process includes DSE

Distribution and Quality of Native Vegetation



Native Vegetation Framework

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- The framework's **goal** is to achieve a reversal, across the entire landscape of the long-term decline in the extent and quality of native vegetation.
 - It does this by ensuring that there is no net loss of native vegetation

Three Step Approach - Avoid, Minimise and Offset

The three step process when considering vegetation clearing:

1. Avoid adverse impacts, particularly through vegetation clearance
2. If impacts cannot be avoided, minimise impacts by careful planning, design and management
3. If clearing must occur, the clearing is to be offset

Offsets under the Framework

- Offsets are aimed at achieving 'no net loss' in the quality and extent of native vegetation
- Offset mechanisms for the project developer include
 - planting additional vegetation or improving existing vegetation on their own property or
 - acquiring a native vegetation held by a third party

Thank you

