Mining proposals – Frequently Asked Questions for Trust for Nature Covenantors

Context

Mining activity occurs across Victoria, and is on the increase as a result of the national energy transition. In particular, heavy mineral sands deposits occur in the Murray and Gippsland Basins in northwest and southeast Victoria.

Who owns land and minerals in Victoria?

Generally, landholders own their land to a depth of 15 metres, depending upon the land title. Like elsewhere in Australia, the Crown (State) owns minerals below this depth. The State is able to issue licences to companies to explore for and extract minerals over Crown and freehold land.

What are exploration and mining licences?

Exploration licences, granted for 5-year periods, allow exploration for minerals in the licence area, to determine whether a mining operation would be commercially viable. Mining licences, granted for longer periods, allow full scale commercial mining, and related surface infrastructure development.

Is any land exempted from mining activity?

The vast majority of land in Victoria is not exempt from exploration and mining. The only land exempt from exploration and mining is National Parks, land protected by the *Aboriginal Heritage Act 2006*, and land under any other Act that is exempted from exploration, mining or being subject to a licence.

In addition, the Minister may exempt any land from being subject to a licence under the *Mineral Resources (Sustainable Development) Act 1990*. Such discretionary Ministerial exemption must consider the potential value of mineral resources and economic implications, and it is revocable at any time.

Is covenanted land exempt from mining proposals?

Conservation covenants provide the strongest protection available to private land holders in Victoria. The covenant is a statutory instrument registered on the property title following the approval of the Victorian State Government's Minister for the Environment and generally can only be altered or removed through the agreement of The Trust and the Minister. Despite this, a Trust for Nature covenant is not exempt from mining activity on the covenanted land.

Can the landholder make an objection and what is the timeframe for this?

Yes, the landholder can object to or comment in relation to proposed mining activity on their land. The process for making an objection is set out in Resources Victoria website. The objection must be in writing (preferably submitted online) and include grounds for the objection. Importantly, all objections must be lodged within 21 days after the latest date on which the application was advertised.

Can a landholder consent to mining activity on covenants?

No. In accordance with the terms of the Trust for Nature's standard deed of covenant, the landholder "shall not permit, without the written consent of Trust for Nature, any exploration or mining extraction or production of gas, petroleum, minerals or other substances", unless required by law. The owner must notify Trust for Nature's Covenanting Team of any such activity and refrain from giving any consent.

What support can Trust for Nature provide?

Trust for Nature's Covenanting Team can prepare a letter from the Trust outlining the conservation value of the covenanted property and providing fact-based information about the conservation covenant.

To obtain a letter, please contact Trust for Nature's Covenanting Team.

Where can I find further information?

The Resources Victoria website provides further information about land access and compensation.

How can I contact Trust for Nature?

You can contact Trust for Nature's Covenanting Team by phoning 1800 999 333 and asking to speak with the Covenanting Manager.

You can also contact Trust for Nature via email at trustfornature@tfn.org.au.