The current review of the Native Vegetation Guidelines and the Small Mining Industry in Victoria
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Much of the material of the Review of the current Native Vegetation Clearing Regulations is not a matter the PMAV is qualified to comment upon nor directly concerned with. Further, the Association does not wish to be categorised as opposing the government’s desire to maintain and extend the native vegetation coverage in this state; to protect Victoria’s Bio-Diversity.

My remarks will be strictly limited to the interface between Native vegetation clearance, exemptions, offsets and a workable interface with the small to medium sized mining industry.

It must be said that this industry has an insignificant impact on the native flora and fauna of this state. Currently, there is likely to be less than 10 hectares of Native Vegetation being cleared in one year. This is in most part due to avoidance and minimisation of impacts; miners are making conscious decisions on not clearing. This, in itself, is major step forward for an industry which was much less concerned about the clearing of vegetation.

However, there are some inequities in the present system which should be addressed as part of this review. This relates to how offsets are determined and the fact that there is a clear case of double counting in determining the amount of offset that has to be acquired.

As part of the review, the PMAV would like the following matters addressed both as a matter of equity as well as outcomes that provide a win-win situation for both the miner and the environment.

- The use of the land by miners is often a temporary use; that is they will mine the land, restore it and replant. The land is not taken from the environment forever by such other developments as buildings, roads or subdivisions. After a few years, it would be virtually impossible to tell that the land had been mined. This temporary use is not recognised by the guidelines.

- There is no account taken for the value of the rehabilitation work on the site which is performed by the miner and to which the miner is held responsible by the Department holding a monetary bond. The miners may remove Native vegetation as a direct consequence of the mining operations. The miner does have to rehabilitate the land including providing a stable and erosion free landform and to replant the land back to its original vegetation mix. A bond is established to guarantee that this work occurs and that the rehabilitation is successful. This replanting, under the current regulations, is not seen as part of the offset. Under the previous regulations, an account was made for the replanting although the figure of up to 10% was very low. To be both fair and to act within the principle of no net loss, a scientifically based
assessment of the value of the rehabilitation should be made and external offsets used as a top up to provide for the no net loss to the site.

- The landscape that the miners are often working on is a totally degraded site and full of artificial landforms that are a product of nineteenth-century activities. It is an artificial substrate, but the Native Vegetation rules are applied as if the land was untouched natural landform and vegetation. In many of the operations, the rehabilitated land is of considerably higher natural value than before it was mined and replanted. The miner is in a position of double jeopardy of having to replant the site as a matter of replacing the vegetation that is removed as part of the operation, as well as buying third party offsets as replacement for the same vegetation.

- The guidelines do not take account of the overall environmental improvement to the site. In many cases, the improvement to the landform, the flood plain, and the natural habitat do not account for any credit in the scoring of the NV offsets. A major improvement to the land will, in itself, lead to far better Native Vegetation outcomes, particularly in the highly degraded landscapes that resulted from the Nineteenth Century “alluvial gold rushes”.

- It is very difficult to predict the final number of trees to be removed due to the vagaries of the gold deposition. Yet DELWP wants to know the exact number of trees to be removed before any activities take place, and so the miner has to pay for all of the trees on the site before any activities. This leads to the loss of additional Native Vegetation as he is forced to say that all of the trees will be removed. This up-front nomination of the vegetation to be removed is an additional burden on the miner and a loss to the environment.

- The Native Vegetation rules concerning any activities close to trees are highly restrictive and means that even if a machine is moved within a few meters of a tree, it is deemed destroyed and has to be off-set. The scientific basis for such accounting for vegetation loss is hard to justify.

- Miners are forced to use third-party offsets in most cases which are very expensive and often, the land that is deemed to be required is not available. Offsets for clearing of one hectare of low conservation value crown land are quoted as being in the range of $50,000 to $100,000.

- The mining industry would like to be able to perform their offsets on Crown land, where they have developed expertise, and be able to restore this highly degraded Crown land to a natural state and increase the overall amount of Native Vegetation in the State. DEPI is vehemently opposed to any rehabilitation work on adjoining Crown land, yet the erosion on this land continues, the weeds become more established, the vermin invade. While this provision for offsets on Crown Land is theoretically possible under the current regulation,
DELWP does not allow this form of offset. A suitable set of procedures needs to be established to allow for this offset on adjoining land.

- For small areas of Native Vegetation removal, there needs to be an "over the counter" type payment scheme directly to DELWP.

- Only in recent times, DELWP has been insisting that perennial grasses and ground covers are being counted as part of the net loss on the site even though these seasonal plants and their seeds are captured stored and respread as part of the rehabilitation process. It is again a case of the miner being required to rehabilitate the site (and a bond held against non-performance) and being required to obtain offsets for the same vegetation.

- The PMAV finds it hard to understand why 1 hectare of native vegetation can be removed without offsets per licence (under very specific conditions) yet there is no equivalent amount of vegetation that does not require an offset for mining activities. This seems highly discriminatory toward the active miners, particularly in the small to medium end of the industry.

There is just one area of the draft report which we would like to comment upon, and that relates to the one-hectare low-risk path. The ability of the miner to take out one hectare of low-risk vegetation, which would include the necessary offsets if required, and trial mine a deposit would be seriously impeded by any proposal to reduce the size of the one-hectare block.

A one-hectare area for testing can and has been used to determine whether larger areas of clearing do or do not go ahead. To be able to assess a deposit in an area of up to one hectare satisfactorily means that the economics can be properly understood and that future development will be based on hard geological and metallurgical information. It may well be that the project does not go ahead on the basis of this information, or that if it does it will be soundly based to a point where it will be carried through and the necessary native vegetation offsets provided for.