

DRAFT LPP14 MINING INDUSTRY POLICY

Policy Objectives

The objectives of the Mining Industry Policy are:

- a) To support mining industry activities to build a more sustainable local community and economy, understanding that mining operations can only be sustainable within a thriving society that benefits from a healthy environment;
- b) To encourage positive contribution to the overall liveability of the region, where activities carried out are at a level compatible with the amenity of the natural and built environment and where contributions provide long-term benefits;
- c) To minimise the operational impacts of mining on neighbouring land uses and infrastructure (roads) by making recommendations for development standards and operational requirements;
- d) To set Council policy that outlines the Shire of Ravensthorpe's position on all licences to carry out exploration, and mining, activities on Shire of Ravensthorpe (the Shire) land, roads and reserves; and
- e) To protect and maintain, wherever reasonable, the existing landscape character, areas of high environmental value, groundwater and surface water resources, natural resources and general amenity of the Shire.

The Shire of Ravensthorpe does not approve nor regulate exploration activities and or mining projects, however, at times the Shire may be requested to provide comment or engage with proponents or the State in this regard.

This Policy is to guide the Shire's response and position in the event proponents or the State request comment or engagement with the Shire or Council, and to clearly outline to proponents the community expectations on environmental management, as well as social and economic benefit expectations to be derived from these extractive activities.

Policy Statement

The Shire of Ravensthorpe supports the exploration for, and extraction of, natural resources within its locality where;

1. Mining industry proponents engage and collaborate with Council to deliver positive economic benefits to the local economy and investment that delivers positive outcomes to the community. This includes Council's strong preference for long-term operational workers to reside in the community; engaging with the Council through respectful partnerships to deliver strategic priority projects; and being responsive to Council and community concerns;
2. Mining industry proponents work with Council and other stakeholders to undertake regular review and input into the Shires Economic and Social Impact Assessment 2019 (ESIA) to identify potential community impacts and put coordinated plans in place to mitigate or offset any negative impacts;
3. Where impacts on Shire infrastructure (including roads, airports and where relevant, power, water and waste) cannot be avoided, mining industry proponents collaborate with the Shire to identify potential impacts at each stage of the projects life to develop strategies to protect, mitigate or offset the immediate and future life of that infrastructure. Any additional infrastructure required is to be identified and adequately provided for by the proponent;

4. Due regard is given to the purpose and objectives of the Shire's Local Planning Scheme and aims to ensure the proposal is compatible with these and surrounding uses;
5. Environmental and cultural matters have been considered by the relevant authorities and related approvals granted for the activities to be conducted. Any exploration and mining activity must consider the unique flora and fauna biodiversity of the Fitzgerald Biosphere region.
6. Environmental protection and biodiversity conservation plans and approvals under the relevant Acts are made available to the Shire and partnerships with land care groups should be considered to provide benefits for both the environment and the local community;
7. Specifically, all exploration and mining activity must adhere to the regulatory framework and protocols required by DBCS and DMIRS with regard to dieback. Activity processes are encouraged to be shared with the Council, with consideration given to the implementation of participatory monitoring. The Shire encourages proponents to recognise the value of the inclusion of local representatives to increase awareness of weed management, topsoil management and any rehabilitation activities to ensure best site-specific outcomes
8. Where exploration drilling is carried out on Shire roads, reserves, or land, applicants acknowledge and agree they will;
 - i) provide the Shire with a Plan showing the site and location and number of proposed drill holes;
 - ii) Follow Shire protocols and standard operating procedures when working on or near Shire road reserves, and collaborate with Shire to ensure risks and impacts are mitigated.
 - iii) meet the cost of any damage to any Shire or private property; and
9. The potential impacts on the public health (including noise and dust) and drinking water areas have been considered by the relevant authorities and related approvals granted for the activities to be conducted.

Definitions

Minerals means naturally occurring substances obtained or obtainable from any land by mining operations carried out on or under the surface of the land, but does not include:

- a) soil; or
- b) a substance the recovery of which is governed by the *Petroleum and Geothermal Energy Resources Act 1967* or the *Petroleum (Submerged Lands) Act 1982*; or
- c) without limiting paragraph (b), geothermal energy resources as defined in the *Petroleum and Geothermal Energy Resources Act 1967* section 5(1); or
- d) a meteorite as defined in the *Museum Act 1969*; or
- e) any of the following substances if it occurs on private land —
 - limestone, rock or gravel; or
 - shale, other than oil shale; or
 - sand, other than mineral sand, silica sand or garnet sand; or
 - clay, other than kaolin, bentonite, attapulgite or montmorillonite.

Legislation

This Policy applies to mineral extraction under the *Mining Act 1978*.

1. Except in the case of land alienated in fee simple before the 1st January 1899 (in which case minerals other than gold, silver and precious metals are the property of the owner), all minerals are the property of the Crown. Where the minerals are the property of the Crown a mining title must be obtained from the Department of Mines, Industry Regulation and Safety (DMIRS) before ground disturbing exploration activities or any mining operations may be undertaken. A permit is subject to such conditions as are imposed in accordance with the regulations and specified in the permit.
2. There are three categories of land open for mining, Crown land (reserves for common and public utility and leases of Crown land), Public reserves (National parks, state forests, Aboriginal reserves) and Private land.
3. The mining tenements available under the Act are:
 - Prospecting Licenses
 - Special Prospecting Licenses for Gold
 - Exploration Licenses
 - Retention Licenses
 - Mining Leases
 - General Purpose Leases
 - Miscellaneous Licenses
4. Under section 120 of the *Mining Act 1978*, while the Minister for Mines and Petroleum will take into account any planning instrument made under the *Planning & Development Act 2005* when considering an application for a mining tenement, a planning instrument shall not operate to prohibit or affect the grant of such tenement.
5. Where local government has, in writing, informed the Minister that the mining tenement would, if granted, authorise the carrying on of mining operations contrary to the provisions of a planning scheme, the Minister shall not dispose of the application until he has first consulted the Minister for the time being administering the *Planning and Development Act 2005* and obtained his recommendation thereon.

Application

The Chief Executive Officer, exercising their power pursuant to making a recommendation to the Department of Mines, Industry Regulation and Safety (DMIRS) for a mining tenement, or any request from a State or Federal Authority, shall comply with the Shire of Ravensthorpe's Mining Industry Procedures (Attachment).

Delegation

Where a mining exploration licence application 'Request for Comment' is received into the Shire, the CEO will have delegated authority to issue a response.

Where a mining licence application 'Request for Comment' is received into the Shire, the request must be reviewed by Council and the response approved by simple majority.

[Refer to Attachment #2 Mining Industry Procedure; and Attachment #3 – Example of a letter template]

| Document Control Box | | | | | | |
|---|---|--------------------------|--------------------|------------------|--|-------------|
| Custodian: | Chief Executive Officer | | | | | |
| Decision Maker: | Council | | | | | |
| Compliance Requirements: Shire of Ravensthorpe Mining Industry Procedure | | | | | | |
| Legislation: | <i>Planning and Development Act 2005. Mining Act 1978 Museum Act 1969 Petroleum and Geothermal Energy Resources Act 1967 section 5(1); Petroleum (Submerged Lands) Act 1982</i> | | | | | |
| Industry: | | | | | | |
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