

12 Late Item - Chief Executive Officer

12.1 Request for Consent to Mine Over Marvel Loch Town Site and R40746 - M77/525

File Reference	1.6.26.17
Disclosure of Interest	None
Voting Requirements	Simple Majority
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Attachments	1. Programme of Work 2. Tenement Endorsement and Conditions Extract 3. Tenographs and Maps

Purpose of Report

For Council to consider a response to the Department of Mines, Industry Regulation and Safety relating to a request for consent to mine over Marvel Loch town site and Reserve 40746.

Background

The Shire has received correspondence from the Department of Mines, Industry Regulation and Safety, seeking Council's comments regarding a request from Barto Gold Mining Pty Ltd to mine within the Marvel Loch Townsite.

Under Sections 23 to 26 of the Mining Act 1978 (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to townsites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

As such, the Minister for Mines and Petroleum has therefore sought Council's comments and recommendation with regard to the impact of the application on the Reserve 40746. This reserve is designated an Effluent Disposal Reserve, vested to the Shire of Yilgarn.

The Department have advised, should Council be favourable to the proposal, that Councillors consider the following endorsement and condition:

Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Act except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within Marvel Loch Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.

Comment

The Programme of work is attached, and details the proposed works involves a drilling program only.

The Tenement Endorsement and Conditions Extract, tenegraps and Plans provided by the Department are attached.

Access to private land within the townsite is not permitted without consent, except for 30 metres below the surface.

Access to the Shire's Reserve is at the discretion of Council. Management consider any access to the Shire reserve must be pre-arranged with relevant staff, and any activities endorsed by relevant executive manager. Any proposed works must not interfere with the effluent treatment system.

The Department of Water and Environment Regulation manage nuisances from mining operations, and will set the requirements for noise, dust and vibration management.

Statutory Environment

Mining Act 1978

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil

Compliance	Compliance with relative environmental and mining legislation.	Moderate (6)	DMIRS Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Moderate 6	DMIRS Assessment and Approval Processes

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council endorse the following response to the Department of Mines, Industry Regulation and Safety:

In relation to the request from Barto Gold Mining Pty Ltd, to mine within the Marvel Loch townsite on M 77/525, the Shire of Yilgarn have no objections to the proposal, upon the following conditions:

- *Activities are limited to drilling only within the delineated areas;*
- *Access to Shire Reserve 40746 is only permitted via pre-arrangement and any activities must be endorsed by relevant executive manager. Any proposed works must not interfere with the effluent treatment system;*
- *Strict compliance with the tenement conditions provided; and*
- *Dust, noise and vibration are suitably managed by the applicant, and monitored by relevant enforcement agency;*

And

That Council endorse the following endorsement and condition, as provided by the Department of Mines, Industry Regulation and Safety:

Endorsement: ***The grant of this lease does not include any private land referred to in Section 29(2) of the Act except that below 30 metres from the natural surface of the land.***

Condition: ***Access to the surface of land within Marvel Loch Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.***