

**Background to Consideration of Mining Leases 47/526 and 47/527**

Mining leases 47/526 and 47/527 were applied for on 16 November 2001. In response to a request from the Point Samson Community Association, the Shire objected to the grant of these mining leases on 3 January 2002.

At its 21 January 2002 Ordinary Council Meeting, Council resolved to advise the Ministers for Planning and Infrastructure and State Development [Mines] that it does not support mining in areas reserved Public Purposes under Shire of Roebourne Town Planning Scheme No.8 and particularly in the area west of Point Samson in a Conservation, Recreation and Natural Landscapes reserve (Attachment 3). Council also requested the Ministers' support to not grant mining leases M47/526 and M47/527.

On 1 May 2002, the Shire received a letter from the Department of Minerals and Petroleum Resources (DMPR) advising it was intended to await the Warden's recommendation before referring the applications to the Minister for Planning and Infrastructure for recommendation in accordance with Section 120 of the *Mining Act 1978*. The letter advised the Shire would be consulted as part of investigations into the availability of the resources to be mined in other areas, the visual impact on the townsite area and the environmental acceptability of the proposal.

On 26 November 2002, the Shire wrote to the Ministers for Planning and Infrastructure and State Development advising conclusions of an independent report on overall planning for future land uses in the vicinity of Point Samson, including sand mining in general and these applications in particular. The report was prepared by former Chairman of the Western Australian Planning Commission, Simon Holthouse. Conclusions of that report are:

1. The grant of any mining tenement, which would lead to the mining of land within a "Conservation, Recreation and Natural Landscapes" reserve would be clearly contrary to proper future planning for the land.
2. The grant of any mining tenement should not be considered until sufficient planning has been carried out to establish future long term uses for the land.
3. Given the current status of mining tenement applications M47/526 & 527 and the background to the longer term planning for the area between Point Samson and Sam's Creek it is recommended that the Ministers for State Development and Planning and Infrastructure:
  - a. Establish the extent and value of the sand resource in the area (Resource Study);
  - b. Prepare a local area structure plan and development plan for the area, including the land between Sam's Creek and the Eastern boundary of the Robe River operation; and
  - c. Determine the extent of quarrying, a timescale for completion and the ultimate finished landform for the area through preparation of the resource study which, together with the local structure plan should inform a "Closure and Final Landform Rehabilitation Plan" for existing Leases [M47/113, 200 & 389], the current mining tenement applications [M47/526 & 527] and any future mining applications.

On 30 December 2002, the Shire received a letter from DMPR offering support to the Shire in preparing a resources study and local structure plan and deferring consideration of the Shire's

request for the Minister to determine the applications in accordance with Section 111A of the *Mining Act 1978* until those studies are completed. On 20 January 2003, the Shire received a letter from the Office of the Minister for Planning and Infrastructure supporting recommendations of the Holthouse report but indicating that these studies should be undertaken by the Shire with assistance from the Department for Planning and Infrastructure (DPI) and DMPR.

On 7 February 2003, the Shire received a letter from solicitors for Norwest Sand and Gravel Pty Ltd. The letter states a view that planning issues are not grounds for a valid objection to applications heard before the Mining Warden and advises that dismissal of the objection and an order for costs will be sought if the objection is not withdrawn in 14 days. The Shire also received copy of letter from the solicitors to DMPR seeking confirmation that the Department and Minister would not take any further action in relation to the Shire's submission until the Warden has reported to the Minister in relation to the applications. The letter also requested copy of the Shire's submission so a response could be prepared. The Shire withdrew its objection on 12 March 2003.

On 7 January 2011, the Shire received a letter from the Department of Mines and Petroleum (DMP) seeking confirmation that the Shire still wishes to pursue intervention under Section 120 and 111A of the *Mining Act 1978* and if so, requesting a detailed submission outlining reasons why the Minister should refuse the applications in the public interest. On 10 February 2011, the Shire reiterated its opposition to the granting of mining leases 47/526 and 47/527 to the DMP.