



Norseman Woodlands to Eucla Coast

Notice of Meeting and Agenda Special Council Meeting 15th July 2021

NOTICE OF MEETING

A Special Meeting of the Council will be held on 15th July 2021 in the Council Chambers at Prinsep Street Norseman, commencing at 4:30pm to consider and resolve on the matters set out in the attached agenda.

A handwritten signature in black ink, appearing to read "Peter Fitchat", is written over a horizontal line.

Peter Fitchat
Chief Executive Officer
15th July 2021

Notes to Agenda.

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AGENDA for the SPECIAL Meeting of the Council to
be held in the Council Chambers at the Shire
Administration Office – Prinsep Street Norseman on
the 15th July 2021 commencing at 4:30pm

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1 Declaration of Opening and Announcement of Visitors.

The Shire President welcomed all in attendance and declared the meeting open at

This Council meeting is being held on the traditional lands of the Ngadju people and I wish to acknowledge them as traditional owners and pay my respects to their elders, past and present.

2 Declarations of Financial, Proximity, Impartiality Interests & Gifts Received.

Financial Interests:

Proximity Interests:

Impartiality Interests:

Gifts Received by Councillors:

As per the Shire of Dundas Code of Conduct section 3.4 Gifts, adopted by the Council on 21 October 2014 and reference to Regulation 34B of the Local Government (Administration) 1996.

3 Record of Attendance of Councillors / Officers and Apologies.

Cr L Bonza	Shire President
Cr JEP Hogan	
Cr S Warner	
Cr V Wyatt	
Cr V Schultz	

Peter Fitchat	Chief Executive Officer
Joe Hodges	Manager of Works and Services
Hannah Turner	Tourism and Communications Officer

Apologies

Cr R Patupis	Deputy Shire President
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4 Public Question Time.**5 Petitions, Deputations or Presentations.****6 Announcements by Presiding Member without Discussion.**

7 Reports of Officers

Agenda Reference and Subject	
Item 7.1 Items for the WALGA Annual General Meeting , 20th September 2021	
Review of the Environmental Regulations for Mining	
Location / Address	Shire of Dundas
File Reference	GR.LO.3
Author	Chief Executive Officer, Peter Fitchat
Date of Report	12th July 2021
Disclosure of Interest	Nil

Summary

During the WALGA AGM, Councils' Elected Members have the opportunity to put motions forward to highlight impacts on our Local Government and concerns in our community through the mechanism of the meeting and engender the support of other Councils, for WALGA to advocate to the State Government on our behalf.

Background

The WALGA AGM is held every year during Local Government week and each local government has the opportunity for 2 delegates to vote on WALGA resolutions, and to present motions about our concerns for consideration and endorsement of the attending Local Government delegates.

Statutory Environment

Mining Act 1978 (Mining Act).

Petroleum and Geothermal Energy Resources Act 1967.

Petroleum (Submerged Lands) Act 1982, and the Petroleum Pipelines Act 1969 and subsidiary legislation.

Environmental Protection Act 1986 (EP Act)

Policy Implications

EM.1 Conferences – Elected Members Attendance and Representation.

Financial Implications

WALGA Conference allocation as set in the adopted budget.

Strategic Implications

To enable the Shire of Dundas to be involved in the direction of WALGA to assist with issues impacting us directly, and other regional resource communities impacted by the related Acts and Regulations.

Consultation

Councillors, Senior Staff

Current Situation

The mining industry currently enjoys concessions in relation to both environmental and planning legislation that are not available to other industries, nor to Local Governments. For example, a mining company can lodge a mine plan which includes a facility to 'bury' tyres. No other industry or Local Government is permitted to put tyres in landfill or otherwise bury or cover up tyres. There is a cost involved with the disposal of old tyres, which under current legislation, the mining industry is exempt from as they are permitted to bury their old tyres. This flies in the face of all the environmental legislation in relation to the disposal of tyres.

In the planning space, a mining company can object to any development on land over which they hold a current mining tenement, whether that ground is currently being actively mined or the ground has been 'tied up' in a project group of tenements and no work has ever been commenced or completed on the subject ground. This can have very detrimental effects on Local Government planning for the future as the mining company can call to a halt any attempt to develop land for any project. For example, in the Shire of Dundas, we have a very real need to have land released for industrial zoning, however, the one area readily available has an existing mining tenement over it and the mining company has lodged an objection to the Shire being able to purchase that land as a freehold title. The mining tenement has been in existence since 1983 and has never been worked. Similarly, the existence of a mining tenement can hamper any proposed land release for development by a Local Government because it 'may' be explored at some future time. The mining sector appears to enjoy these concessions on the fact that it employs a large number of people and, more importantly generates royalty revenue for the State Government. Figures from 2019 indicate that the Mining industry in Australia employs approx. 245,000 people while agricultural industries (including forestry and fishing) employ approx. 333,000.

There is a massive, world-wide push to encourage more sustainable and environmentally friendly practices in all industry. Climate change is the hottest topic around the world and reducing greenhouse gases and implementing the best environmental practices is high on everyone's agenda.

There appears to be a large 'disconnect' between the acceptable practices of the mining industry and the rest of industry and Local Government. Mining, by its' very nature, is a finite industry but, current mining techniques cause wholesale destruction on an often-massive scale, most of which can never be recovered to its' former state. The agricultural sector, on the other hand, is a sustainable industry whose entire focus is the production of food to keep us alive. Despite this, whilst it is considered appropriate for hundreds of hectares of land to be cleared to accommodate a mine site and all its' attendant infrastructure, with scant regard for habitat and/or fauna and flora, a farmer can be fined thousands of dollars and/or face a term of imprisonment for clearing even a tiny portion of native vegetation on his freehold land.

In the planning arena, Section 120 of the *Mining Act 1978* makes provision that whilst any planning scheme made under the *Planning & Development Act 2005*, will be 'taken into account', it will not prohibit or affect the grant of a mining tenement.

It appears to be illogical that every other sector is to be bound by legislation that does not apply to the mining industry. The Mining Act is 43 years old and, given the current review of the 26 year old Local Government Act, is well and truly due for some review itself.

We are not opposed to the mining industry, in fact, our whole Shire was born out of the mining industry. However, the current provisions of the *Mining Act 1978* doom us to be forever beholden to the 'boom and bust' nature of mining as it is nearly impossible to create a diverse and sustainable community when the Mining Act overrides other legislation. For example, any areas that we may earmark as having huge tourism potential can be wiped out in an instant by the application for a mining tenement over that ground. The loss of tourism potential is not something that can be recovered under a rehabilitation scheme. Rehabilitation should be a route of last resort not the accepted norm. Mining companies need to acknowledge that things such as proper disposal of tyres is a normal cost of conducting their business and act accordingly.

There must be some mechanism for preserving unique landscapes that cannot be returned to their former state no matter how good the rehab plan is. The Mining industry employs some clever and innovative people and rather than tie up money in rehab schemes, (WA currently has approx. \$182 million in the mining rehab fund, generating around \$1 million in interest and of which approx. \$312,000 was used in rehab projects), money should be directed into research and development into alternate and less destructive mining methods that leave our stunning natural environment and fauna more intact and available when mining ceases.

There are many papers available relating to mining impacts and legislation that mining is seemingly exempt from abiding by, some of which are attached below.

(EPA report 1699, 1 February 2021 [EPA Report 1699 - Lake Way Sulphate of Potash Project.pdf](#)).

Regulations affecting landfill management for local governments.

Major relevant legislation is contained within:

- [The Waste Avoidance and Resource Recovery Act 2007](#)
- [The Waste Avoidance and Resource Recovery Levy Act 2007](#)
- [The Waste Avoidance and Resource Recovery Regulations 2008](#)
- [The Waste Avoidance and Resource Recovery Levy Regulations 2008](#)

[Guide to drafting waste local laws](#)

- The Guide to drafting waste local laws is intended to provide general guidance to local government. It is for use by local governments and the Western Australian Local Government Association.

[Factsheet: Assessing whether material is waste](#)

-This Factsheet provides information to industry on matters relevant to determining whether material is waste under the *Environmental Protection Act 1986* and the *Waste Avoidance Resource Recovery Act 2007* and their associated regulations.

[Factsheet: - amendments to the Environmental Protection Regulations 1987 - clean fill and uncontaminated fill](#)

- This Factsheet provides information on clean fill and uncontaminated fill in accordance with the amended *Environmental Protection Regulations 1987* and the revised *Landfill Waste Classification and Waste Definitions 1996 (amended 2019)*.

[NBN News | WHITEHAVEN COAL APPROVED TO BURY HUNDREDS OF TYRES](#)

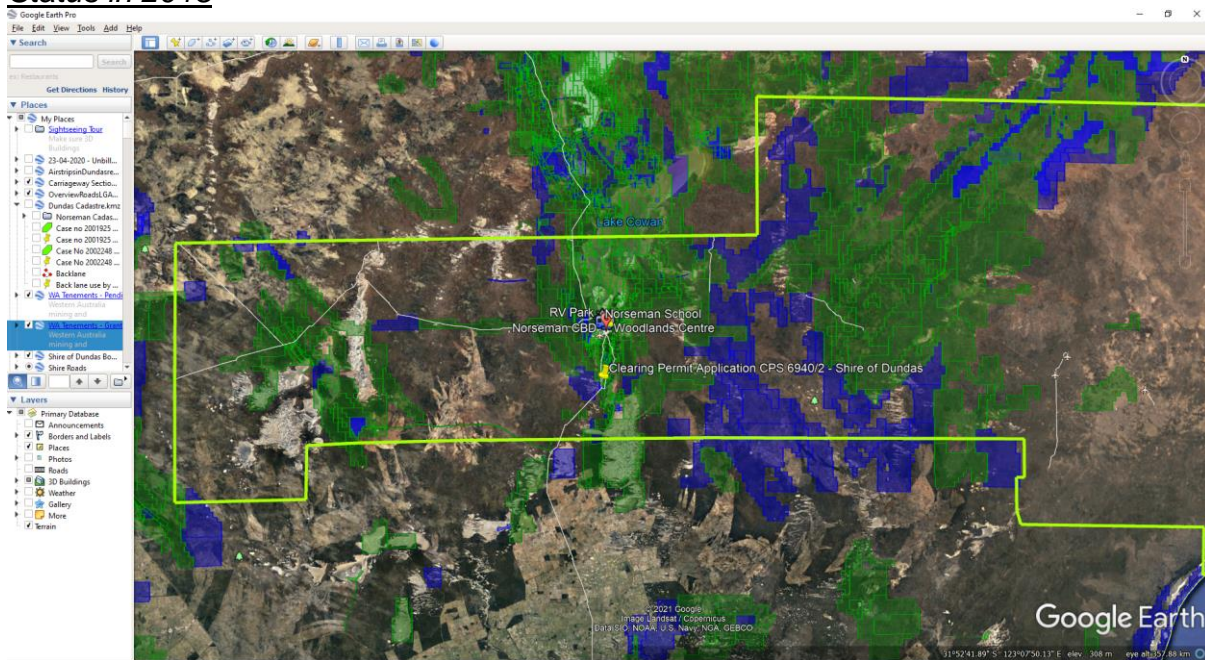
[Tyre Product Stewardship Scheme | Department of Agriculture, Water and the Environment](#)

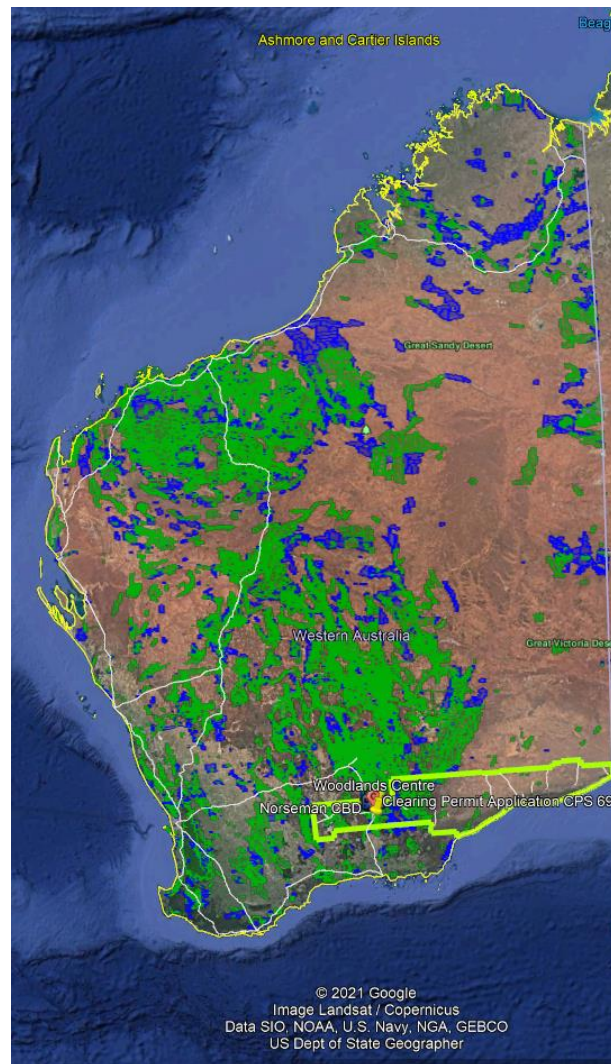
[Mining report finds 60,000 abandoned sites, lack of rehabilitation and unreliable data - ABC News](#)

Mines closed, rehabilitated, and relinquished

Queensland	0
Western Australia	Unknown
New South Wales	1
South Australia	18
Northern Territory	0
Victoria	1
Tasmania	1

Status in 2018





Green area is approved mining leases blue is pending leases.

Comment

The Mining Rehabilitation Fund has a substantial amount of funds available and these funds could be put to much better use by funding research into more sustainable practices in the mining industry. Every other industry is required to count legislative compliance as a normal cost of conducting their business. The mining industry must be compelled to do the same.

Mine rehabilitation is all very well and good but, tackles the issue after the 'horse has bolted'. We could achieve far better outcomes if mining companies worked to adopt sustainable, environmentally friendly, mining techniques that do not need these rehabilitation projects. The burying of tyres is only one part of the problem, and it contributes to the wholesale destruction that goes with mining to the detriment of everything else. There is no tourism value in a rehabilitated mine site. You cannot replace unique granite outcrops and the stunning woodlands once they have been decimated by mining practices. Climate change is happening, and we are currently content to let it be accelerated by actively encouraging poor practice by mining companies.

Voting Requirements

Simple Majority

Officer Recommendation

That the Shire of Dundas endorse the Shire President Laurene Bonza to present the following motion at the AGM on the 20th September 2021.

Regarding a review of the *Mining Act 1978*.

1. To call on the Hon. Bill Johnston MLA, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43 year old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.
2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with remote resource communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

Moved Cr
Seconded Cr

Resolution

Carried by: Simple Majority

For:

Against:

8 Next Meeting

The next Special Meeting of the Council will be called as required.

9 Closure of Meeting

There being no further business the Shire President thanked all those in attendance and declared the meeting closed at: