

Mining Act 1978 Policy

Objective

To set out the Shire of East Pilbara's policy position when responding to statutory referrals for the grant of a mining tenement.

To help minimise the operational impacts of mining on neighbouring land uses and infrastructure.

To support mining industry activities that build a more sustainable local community and economy, that contribute positively to the overall liveability of the region, and where activities carried out are at a level compatible with the amenity of the natural and built environment.

Background

The *Mining Act 1978* ("the Act") provides the legislative framework for the application and grant of mining tenements which include prospecting licences, exploration licences, retention licences, mining leases, general purpose leases and miscellaneous licences.

Whilst the provisions of the Act override the *Planning and Development Act 2005* and the Shire of East Pilbara Local Planning Scheme, under Section 120(1) of the Act, decision makers are required to give consideration to planning schemes through referral of an application to a local government authority.

Under Section 120(2) of the Act, a local government may advise the Minister for Planning that an application for a mining lease or general purpose lease, if granted would be contrary to the provisions of the Local Planning Scheme. The Minister for Mining is required to consider any recommendations made by the Minister for Planning against the broader objectives of the Act.

Policy

Whilst the Shire's advice on mining tenements informs rather than binds the State Government, and not every mining tenement application will warrant a referral response from the Shire, there will be circumstances when a response and/or objection may be required from the Shire, including:

- Within a gazetted townsite boundary or located on land set aside for urban growth;
- Within relative proximity to a rural residence or station homestead;
- Proposed to overlay a Shire managed asset, land or reservation;
- Located in relative proximity to a highway or major road;
- Within a coastal foreshore reserve or waterway; or
- To include workforce accommodation, an aerodrome or other substantial infrastructure that will duplicate, or compete with, Shire based assets and services.

Delegated officers, may do the following, without referral to Council:

1. Respond to correspondence with respect to applications for mining tenements and all other issues as required under the *Mining Act 1978*.
2. Authority to lodge objections to the granting of mining tenements or exploration permits that may affect Council property or the orderly and proper planning of the Shire.

3. Authority to negotiate/impose conditions or other requirements to the granting of any mining tenements in order to protect the Council's interest in that property.

Prior to making an application to the State Government for the grant of a mining tenement, applicants are strongly encouraged to review the Shire of East Pilbara Local Planning Scheme and Local Planning Strategy, as well as seek advice from the Shire's Planning team on the prevailing planning framework and the information required for the Shire to make an informed assessment on a referral for an application for a mining tenement.

Authorisation Details

References:	<i>Mining Act 1978</i> Shire of East Pilbara Register of Delegations and Authorisations		
Authorised by:	Council		
Date:	22 August 2025	Minute No.	2025/223
Review/Amendment Date		Minute No.	
Next Review	Every four years		
Responsible Directorate	Regulatory Services		
Responsible Officer	Manager Strategic and Statutory Planning		
File No.			