

POL 0074: Mineral Exploration Within Land & Road Reserves Managed by the Shire of Esperance

Purpose

To allow consideration of applications from mining companies to undertake exploratory drilling in reserves, freehold land and road reserves under the management of the Shire.

Scope

This policy applies to all mineral exploration within land and road reserves managed by the Shire of Esperance.

Definitions

N/A

Practice

The Shire will consider application from mining companies to undertake exploratory drilling in reserves, freehold land and road reserves under the management of the Shire. Approval will generally be granted subject to applicant agreeing to and undertaking the conditions and requirements as outlined in the below section, excluding the following areas (and adjacent areas) -

1. Within any town site boundaries.
2. Rural residential, rural small holdings and industrial zoned land as defined by the latest Local Planning Scheme.
3. Coastal reserves, conservation reserves, waterways or sensitive area deemed to have social, cultural, commercial, local economic or environmental value.

A breach of any of the conditions and requirements by the applicant (or their contractor or sub-contractor or agent etc.) will result in their approval being revoked, with exploration to immediately cease within any land managed by the Shire. The applicant will need to reapply for approval demonstrating how they will not breach the conditions and requirements again.

Conditions and Requirements

The following are the conditions and requirements relating to applications for Mineral Exploration within reserves, freehold land and road reserves under the management of the Shire -

1. The Shire is to be provided with a plan showing the sites of all proposed drilling operations prior to commencement.
2. No drilling is permitted within the running surface or shoulder of any road unless explicitly approved by the Shire of Esperance. This will only be considered on minor tracks outside the farming land.

3. Exploration to proceed with minimal interference with flora and fauna contained within the area under exploration. Any removal of native vegetation to be in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
4. The applicant must, where necessary, rehabilitate exploration sites where native vegetation is disturbed.
5. Exploration to be in accordance with the requirements under the current Aboriginal Cultural Heritage Act, Regulations and associated Guidelines.
6. Drilling operation to cease during periods when there is a total fire ban declared or a harvesting and vehicle movement issued in the area of exploration.
7. The Shire is to be provided with detail of any gravel reserves or potable water supplies which may be discovered during the drilling operation.
8. The holder of the Exploration License must undertake drilling operations in such a manner so as to -
 - a. prevent the interaction of aquifers (this may require casing of drill holes); and
 - b. avoid interference with aquifers tapped by private water supplies.
9. Where the exploration is within a road reserve or near a public road, a Traffic Management Plan (TMP) is required to be submitted as part of the application. The TMP is to be undertaken by a qualified person be in accordance with -
 - a. AS 1742.3:2019 Manual of uniform traffic control devices Part 3 Traffic control for works on roads;
 - b. MRWA Code of Practice for "Traffic Management for Works on Roads"; and
 - c. Austroads Guide to Temporary Traffic Management (AGTTM).
10. The applicant must indemnify the Shire against any claims for injury and property damage that may be sustained by members of the public as a result of drilling operations.
11. All drill holes in the road reserve are to be maintained to ensure public and animal safety. All drill holes are to be reinstated upon completion of the exploration.
12. Any surfaces disturbed during the operations to be reinstated to the satisfaction of the Director of Asset Management. In the event of the work being considered unsatisfactory by the Director of Asset Management the Shire will reinstate at the applicant's cost to Council standards. Such cost will include the Shire of Esperance Private Works On-Cost.
13. A breach of any of the conditions and requirements by the applicant (or their contractor or sub-contractor or agent etc.) will result in their approval being revoked, with exploration to immediately cease within any land managed by the Shire.

The applicants must provide the Shire with correspondence agreeing to or addressing the 13 dot points above.

This Policy does not remove the need for any approvals required under relevant legislation, including the *Mining Act 1978* and the *Environmental Protection Act 1986*.

.....End.....

Document Information

Responsible Position	Manager Asset Development
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Mining Act 1978*
- *Environmental Protection Act 1986*
- MRWA Code of Practice for "Traffic Management for Works on Roads"
- AS 1742.3:2019 Manual of uniform traffic control devices Part 3 Traffic control for works on roads
- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- Aboriginal Cultural Heritage Act, Regulations and associated Guidelines
- Austroads Guide to Temporary Traffic Management (AGTTM)

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2004	1		New policy	O1004-0967	Oct 2006
Sept 2007	2	D12/50			Sept 2009
Feb 2016	3	D16/28969	Addition of current standards and Code of Practice for Traffic Management purposes and guidelines regarding drill holes in road reserve. Update to current names and titles. Remove prescriptive descriptions regarding Private Works on costs.	O0216-042	Feb 2018
Aug 2018	4	D16/28969[v2]	No change	O0818-091	Aug 2020
Dec 2019	5	D16/28969[v3]	No change to wording.	O1219-268	Dec 2021
Mar 2022	6	D16/28969[v4]	No change	O0322-062	Mar 2024
Aug 2023	7	D16/28969[v5]	Include land managed by the Shire instead of just road reserves, exclusion of specific areas, revocation of approval if breaches occur, and provision that drilling within road running surface or shoulder is only allowed upon explicit approval by the Shire. Changes to reflect current terminology and references.	O0823-150	Aug 2025
Mar 2024	8	D16/28969[v6]	Biennial review, no change.	O0324-023	Mar 2026