

Council Policy

Council Policy Name:	Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing		
Responsible Directorate:	Planning and Development Services	Version:	Adopted

1. PURPOSE

- 1.1. The purpose of this Policy is to guide the City's response to notification of applications for exploration or mining licences for coal, or for extraction of gas using hydraulic fracturing.

2. SCOPE

- 2.1. This Policy is applicable to all land within the district of the City of Busselton and relates to applications under the Mining Act, whether wholly or partly over land within the district, for the purposes of coal and related materials extraction, or for extraction of gas using hydraulic fracturing under the Petroleum Legislation.
- 2.2. The Policy is not applicable to notification of applications that relate to mineral sands and related materials.

3. DEFINITIONS

Term	Meaning
Mining Act	<i>Mining Act 1978 (WA)</i>
Petroleum Legislation	means various State legislation relating to the extraction of petroleum and which applies to onshore gas extraction (offshore gas extraction is generally regulated at a Federal level)
Policy	this City of Busselton Council policy titled "Applications for Exploration or Mining / Extraction Licences for Coal or Gas Extraction with Hydraulic Fracturing"
Warden	as defined in section 8 of the Mining Act

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Strategic Theme 1. – ENVIRONMENT – An environment that is valued, conserved and able to be enjoyed by current and future generations, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priority:
- a. 1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.
- 4.2. This Policy links to Strategic Theme 3. OPPORTUNITY - A vibrant City with diverse opportunities and a prosperous economy, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priority:
- a. 3.2: Facilitate and innovative and diversified economy that supports local enterprise, business investment and employment growth.
- 4.3. This Policy links to Strategic Theme 4. LEADERSHIP - A Council that connects with the community and is accountable in its decision making, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priority:
- a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

5. POLICY STATEMENT

- 5.1. The City of Busselton is committed to ensuring that the extraction of natural resources within the district is consistent with the economic, environmental and social sustainability of the area.
- 5.2. The mining of coal within the district is considered to be inconsistent with the objective in clause 5.1 due to the following:
- the potential for coal mining to jeopardise the quality and quantity of groundwater and surface water available in the district as is required for environmental and other uses;
 - the potential for coal mining to conflict with existing land uses in the district such as tourism, recreation, agriculture and viticulture; and
 - the significant community concern about proposed coal mining in the district and the potential for a coal mine to impact on the character, attraction and quality of life in the district.
- 5.3. With respect to a proposal that may be associated with exploration for or mining of coal, and which is referred to the City for comment, the City will, as appropriate to the circumstances, do the following things:
- lodge a letter of objection to any application for an exploration licence where it can be reasonably ascertained that coal is one of or the principal target mineral, and for which the City has received notification, with the reasons for that objection based on the City's concerns with coal mining identified in clause 5.2 above;
 - lodge a formal objection (Form 16) with the Warden to any application for a mining lease for coal for which the City has received notification, with the reasons for that objection based on the City's concerns with coal mining identified in clause 5.2 above;
 - in the case of either (a) or (b) above consider advocacy, both with the entity(s) involved in the proposal and at a political level, reflecting the concerns identified in clause 5.2 above, on behalf of the community.

Gas proposals that may involve hydraulic fracturing

- 5.4. The Council has significant concerns regarding the potential implications, particularly on groundwater resources, of any gas extraction activity in the district that may require hydraulic fracturing and therefore requires that any referral or advertising of an application or notification pertaining to this activity is to be reported to the Council for consideration of lodgement of a formal objection.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Mining Act 1978* (WA)

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	13 May 2020	Resolution #	C2005/129
Previous Adoption	DATE	9 March 2016	Resolution #	C1603/048