

LAND COURT OF QUEENSLAND

CITATION: *Re Starr* [2009] QLC 0104

PARTIES: Phillip Geoffrey Starr, Geoffrey Dennis Starr and Regina Starr
(applicants)

FILE NO: AML00172/2008

PROCEEDING: Application for Mining Lease No 70391

DELIVERED ON: 16 July 2009

DELIVERED AT: Brisbane

HEARD AT: Heard on the Papers

MEMBER: Mr PA Smith

ORDER/S: **1. Hearing dispensed with**
2. Recommendation made that the Mining Lease be granted

CATCHWORDS: Mining – mining lease – all objections withdrawn following negotiations – recommendation - *Mineral Resources Act* 1989, ss.245, 252, 269, 270

APPEARANCES: N/A

- [1] On 22 November 2007 Phillip Geoffrey Starr, Geoffrey Dennis Starr and Regina Starr (“the Applicants”) lodged Mining Lease Application No 70391 with the Mining Registrar, Emerald District. The Application was lodged pursuant to s.245 of the *Mineral Resources Act 1989* (“the Act”) for the purpose of mining for gold, silver and copper. Although objections were duly lodged to the draft Environment Authority, following extensive negotiations all objections were withdrawn.

Request to dispense with a hearing – Section 270

- [2] The Applicants have requested that the Application be dealt with without an oral hearing. Taking in to account s.270 of the Act, I am satisfied that there is sufficient information before me. Accordingly, I order that a hearing of this Application be dispensed with.

Section 269(4) criteria

- [3] In taking account of and considering the criteria specified in s.269(4) of the Act, I have relied on the Applicants' Additional Information and Statutory Declaration. I have also relied upon the other material lodged by the Applicants with the Mining Registrar and the Mining Registrar's Report in relation to this Application. These reasons refer to the salient points, but not all the relevant evidence, that I have taken into account.

Section 269(4)(a) – Have the provisions of the Act been complied with?

- [4] On 29 July 2008, the Mining Registrar issued a Certificate of Application. The Mining Registrar can only issue the Certificate if satisfied that the Applicants are eligible to apply for the mining lease and have complied with the requirements of the Act with respect to the Application.¹ I note that the Application is over a GHPL. In my opinion, there is sufficient evidence of compliance with the provisions of the Act in respect to this Application.

Section 269(4)(b) – Is the land applied for mineralised or are the other purposes for which the lease is sought appropriate?

- [5] I am satisfied from the Applicants' evidence that the land applied for is mineralised. I note the Applicants' evidence that old workings have been undertaken on the lease area. The Application is in a known mineral producing area.

Section 269(4)(c) – If the land applied for is mineralised, will there be an acceptable level of development and utilisation of the mineral resources within the area applied for?

- [6] The material before me reveals the Applicants' proposed mining operations and program, and shows appropriate development and utilisation of the mineral resources within the area applied for.

Section 269(4)(d) – Is the land and the surface area of that land in respect of which the mining lease is sought of an appropriate size and shape?

- [7] The material before me appears to indicate a mining lease application of an appropriate size and shape in light of the proposed mining operation.

Section 269(4)(e) – Is the term sought appropriate?

- [8] The term sought for this mining lease is 15 years, which I consider appropriate.

¹ See s. 252 of the Act.

Section 269(4)(f) – Has the Applicant the necessary financial and technical capabilities to carry on mining operations under the proposed mining lease?

[9] The material indicates that the Applicants have the financial and technical capabilities to carry on the mining operations. The Applicants own their own machinery. I am satisfied that the requirements of this criterion are met.

Section 269(4)(g) – Has the past performance of the Applicant been satisfactory?

[10] The Applicants' evidence is that no enforcement action has been taken against them. The Mining Registrar's Report is consistent with what the Applicants say.

Section 269(4)(h) – Will any disadvantage result to the holders of existing exploration permits or mineral development licences or existing applicants for exploration permits or mineral development licences?

[11] The Applicants held PP73086. The holder of EPC1056 agreed to the application². There is nothing to indicate any disadvantage to any other person.

Section 269(4)(i) – Do the operations to be carried on under the authority of the mining lease conform with sound land use management?

[12] There is no evidence before me to suggest that the proposed operations do not conform with sound land use management.

Section 269(4)(j) – Will there be any adverse environmental impacts, and if so, the extent thereof:

[13] A draft environmental authority was publicly advertised. Although there were objections lodged, they were withdrawn following negotiations. There is no evidence to suggest that the environmental impacts will not be adequately dealt with by compliance with the conditions of the authority.

Section 269(4)(k) – Will the public right and interest be prejudiced?

[14] There is nothing in the material to indicate any prejudice to the public right and interest.

Section 269(4)(l) – Has any good reason been shown for a refusal to grant the mining lease?

[15] There was no evidence before me that indicated any good reason why this Application should be refused.

² See email of 26 September 2008 contained in attachments to the Mining Registrar's Report

Section 269(4)(m) – Is the proposed mining operation an appropriate land use taking into consideration the current and prospective uses of the land?

[16] The materials show that the project is for the extraction of a potentially valuable resource in accordance with the environmental processes. I am satisfied that the proposed mining operation is an appropriate land use.

Recommendation

[17] Taking into account all the evidence before me and, in particular, that evidence referred to above, I recommend to the Honourable the Minister for Natural Resources, Mines and Energy and Minister for Trade that Mining Lease Application No. 70391 be granted for the purpose and term sought by the Applicants.

**P A SMITH
MEMBER OF THE LAND COURT**