

ORDINARY COUNCIL MEETING
19 JUNE 2018
ATTACHMENT

8.1.1C

Tamsin Hodder

From: Malcolm Nairn <mal.nairn@gmail.com>
Sent: 6 January, 2018 5:38 PM
To: Tamsin Hodder
Subject: Re: Proposed development application - Borrow pit

Dear Tamsin, Thank you for providing me with the opportunity to comment on the proposed Borrow Pit. I have read the application and have no objection to the proposal. With thanks, Mal Nairn (Sandrina Park)

On Fri, Jan 5, 2018 at 4:11 PM, Tamsin Hodder <ea@boddington.wa.gov.au> wrote:
Dear Mr Nairn

Please find attached letter and attachments seeking written comments concerning the above application.

Kind Regards,

Tamsin Hodder
Executive Officer

T +61 8 9883 4999 F+61 8 9883 8347
E ea@boddington.wa.gov.au
39 Bannister Road PO Box 4 Boddington WA 6390
<http://www.boddington.wa.gov.au>

Please consider the environment before printing this e-mail

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Regards,
Tamsin Hodder
Executive Assistant



T +61 8 9883 4999
E ea@boddington.wa.gov.au
39 Bannister Road Boddington WA 6390
www.boddington.wa.gov.au

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-----Original Message-----

From: kvo3501_admin@boddington.wa.gov.au [mailto:kvo3501_admin@boddington.wa.gov.au]
Sent: 5 January, 2018 3:08 PM
To: Tamsin Hodder <ea@boddington.wa.gov.au>
Subject:

TASKalfa 3501i

Tamsin Hodder

From: ron.helen <ron.helen@bigpond.com>
Sent: 7 January, 2018 7:52 AM
To: Tamsin Hodder
Subject: Re: Proposed development application - Borrow Pit

Hi Tasmin

We do not oppose this proposed project.

However, can you please ask Newmont if they are going to be carrying out any blasting/popping as this may affect us. During blasting of the RDA they had monitors out here on the farm .. and this project is a little closer and more direct.

Many thanks

Helen and Ron Wessels

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Tamsin Hodder <ea@boddington.wa.gov.au>
Date: 1/5/18 15:57 (GMT+08:00)
To: "ron.helen" <ron.helen@bigpond.com>
Subject: Proposed development application - Borrow Pit

Dear Mr and Mrs Wessels

Please find attached letter and attachments seeking written comments concerning the above application.

Kind Regards,

Tamsin Hodder
Executive Officer

T +61 8 9883 4999 F+61 8 9883 8347
E ea@boddington.wa.gov.au
39 Bannister Road PO Box 4 Boddington WA 6390
<http://www.boddington.wa.gov.au>

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Regards,
Tamsin Hodder
Executive Assistant

 T +61 8 9883 4999
E ea@boddington.wa.gov.au
39 Bannister Road Boddington WA 6390
www.boddington.wa.gov.au



SHIRE OF
BODDINGTON
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17 JAN 2018

Distribute to:

DCS DSP MINS
 PEHO FM CEO
 MWS TPC MCS

12th January 2018

Recycling & Recovery

Chris Littlemore
Chief Executive Officer
Shire of Boddington
39 Bannister Road
BODDINGTON WA 6390

File No A 1366
Date _____
Initial _____

Dear Chris,

RE: Development Application – Proposed Borrow Pit – Lot 421 on Plan 50652 (No. 6982) Albany Highway and Lot 500 on Plan 59054, Bannister.

Thank you for your letter dated 5th January 2018 providing the opportunity to comment on the above.

SUEZ Recycling and Recovery (North Bannister Pty Ltd) has no comment or objections regarding this Development.

If you have any queries please do not hesitate to contact me on my mobile 0458 001 121.

Your sincerely

Nial Stock

State General Manager Western Australia
SUEZ Recycling & Recovery Australia



8 February 2018

Mr Chris Littlemore
Chief Executive Officer
Shire of Boddington
39 Bannister Road
Boddington WA 6390
ceo@boddington.wa.gov.au

South32
Worsley Alumina Pty Ltd
Gastaldo Road
Collie WA 6225
PO Box 344
Collie WA 6255, Australia
T +61 8 9734 8311
south32.net

Copy to:
Phil Knight
Department of Jobs, Tourism, Science and Innovation
1 Adelaide Terrace
East Perth WA 6004
phil.knight@jtsi.wa.gov.au

Dear Chris

RE: DEVELOPMENT APPLICATION - PROPOSED BORROW PIT – LOT 421 ON PLAN 50652 (NO. 6982) ALBANY HIGHWAY AND LOT 500 ON PLAN 59054, BANNISTER (REF: A1366)

I refer to your letter dated 5 January 2018 to Melissa Byrne, seeking our comments in relation to the above development application and the proposal contained in it ("**Development Application**") by the Boddington Gold Mine Joint Venturers (namely, Newmont Boddington Pty Ltd and Saddleback Investments Pty Ltd (together, "**BGMJV**")).

South32 Worsley Alumina Pty Ltd ("**SWAPL**"), for and on behalf of the Worsley Joint Venturers (namely, South32 Aluminium (RAA) Pty Ltd, South32 Aluminium (Worsley) Pty Ltd, Japan Alumina Associates (Australia) Pty Ltd and Sojitz Alumina Pty Ltd (together, "**WJV**")), has concerns in relation to the Development Application.

The WJV holds Mineral Lease 258SA ("**ML258SA**") pursuant to the *Alumina Refinery (Worsley) Agreement Act 1973 (WA)* ("**State Agreement**"). Under the State Agreement and ML258SA, WJV has exclusive rights in relation to bauxite mining and associated infrastructure on ML258SA, which includes the area the subject of the Development Application.

The WJV notes that the Development Application proposes the removal of up to 600,000 m³ of material up to a depth of approximately 4 metres, which includes depths at which bauxite is ordinarily found. This may result in the unauthorised removal of bauxite from ML258SA by the BGMJV, and thereby interfere with the WJV's rights to mine bauxite pursuant to the State Agreement and ML258SA. To the extent that there is bauxite below or in the vicinity of the proposed borrow pit, the WJV's rights to mine that bauxite would also be interfered with. The proposed borrow pit might also impact upon the WJV's rights in relation to future infrastructure and access through the area for the purposes of bauxite mining.

Registered Office: Gastaldo Road Collie Western Australia 6225 Australia
ABN 58 008 905 155 Registered in Australia

South32 Worsley Alumina Pty Ltd is the manager of the Worsley Joint Venture – Bauxite/Alumina Operations. Liability and responsibility of the Joint Ventures is several in accordance with the following schedule of participating interests: South32 Aluminium (RAA) Pty Ltd 56%, South32 Aluminium (Worsley) Pty Ltd 30%, Japan Alumina Associates (Australia) Pty Ltd 10%, Sojitz Alumina Pty Ltd 4%.

As this area is part of potential future operations, the WJV has not yet conducted detailed drilling in the area to assess whether or not it contains bauxite. However, it is clearly in a general area of significance to the WJV's plans for both mining and infrastructure. The WJV has requested further information from the BGMJV and is progressing arrangements with them to enable the WJV to assess bauxite in the area and to understand the potential impact which the BGMJV's proposal could have on the WJV's future activities on ML258SA. The parties might be able to come to a commercial and operational resolution, but that has not yet occurred and is uncertain.

The WJV notes clause 12(4) of the State Agreement, which provides that the State of Western Australia will ensure that no land the subject of any mineral lease (including pursuant to the State Agreement) will be made subject to any restriction as to its use that would prevent the WJV from carrying out the operations contemplated by the State Agreement, regardless of whether such restriction is by way of zoning, regulation, by-law or other exercise of statutory power and whether by the State or any local or other authority.

At this time, the WJV does not consent to the Development Application. The WJV has also lodged a similar objection with the Department of Mines, Industry Regulation and Safety.

We will keep you informed if and when the WJV is able to reach a satisfactory resolution with the BGMJV. Until such time as the WJV notifies otherwise in writing, the WJV's maintains its objection to the Development Application.

Please do not hesitate to contact me if you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CR', with a small mark to the right.

Claire Reid
Manager Technical Services Worsley



09 FEB 2018

COPY

Distribute to:

- DCS DSP MINS Your reference: A1366
 PEHO FM CEO Our reference: LUP 286
 MWS TPC MCS Enquiries: Leon van Wyk

Chief Executive Officer
 Shire of Boddington
 39 Bannister Road
 PO Box 4
 BODDINGTON WA 6390
shire@boddington.wa.gov.au

 File No 41366
 Date _____
 Initial _____

COMMENT: Development Application – Proposed Borrow Pit – Lot 421 on Plan 50652 (No. 6982) Albany Highway and Lot 500 on Plan 59054, Bannister

Dear Chris

Thank you for the opportunity to comment on the proposed borrow pit at Lot 421 on Plan 50652 (No. 6982) Albany Highway and Lot 500 on Plan 59054, Bannister.

The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed extraction of gravel and gravelly clay material at the abovementioned lots. No Weed Management Plan was supplied and DPIRD can therefore not comment on this aspect of the application.

I trust these comments inform your decision on this matter. If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@dpiird.wa.gov.au.

Yours sincerely

Neil Guise
 Regional Director
 Southern Region

Date: 5 February 2018



SHIRE OF
BODDINGTON
RECEIVED

12 FEB 2018

Your ref: A1366
Our ref: RF815-10
PA: 18201
Enquiries: Mark Hingston

Shire of Boddington
PO Box 4
Boddington, WA, 6390

Distribute to:

- DCS DSP MINS
- PEHO FM CEO
- MWS TPC MCS

Attn: Chris Littlemore

File No A1366
Date _____
Initial _____

Dear Chris

**Re: Development Application – Proposed Borrow Pit – Lot 421 on Plan 50652
Albany Highway and Lot 500 on Plan 59054, Bannister**

Thank you for the above referral dated 5 January 2018. The Department of Water and Environmental Regulation (DWER) has reviewed the application and identifies the following water management issues associated with this proposal,

- Management of stormwater runoff
- Potential impacts to the ephemeral drainage channel that feeds into Gringer Creek catchment
- Impacts on groundwater

To mitigate against the above risks, DWER provides the following advice,

Borrow Pit site management

The proponent should ensure that site operations are managed in accordance with the Department's, *Water resource considerations for extractive industries*, South West Region, (Department of Water, 2014) (please find attached) and with the *Stormwater Management Manual for Western Australia (DoW 2004–2007)*.

Surface Waters

The proposal may intercept surface water tributaries, therefore a bed and banks permit may be required. In addition, the site is located within the Murray River Surface Water Area and a license to take surface water may also be required. The proponent is to contact the water licencing section at the Kwinana Peel regional office on 9550 4222 for further advice on permits and licenses.

Groundwater Resources

In regards to the proposed groundwater monitoring and hydrological investigation the proponent should provide DWER with a summary of current information on groundwater and general hydrological conditions at the proposed borrow pit site and indicate the potential for the propose excavations to intersect groundwater.

Water Resource Advice Only

The Department of Water has recently merged with the Department of Environment Regulation and Office of the Environmental Protection Authority to create the new agency Department of Water and Environmental Regulation.

The former agencies are in the process of amalgamating their functions. Until this fully occurs, please note that the advice in this correspondence pertains only to water resource matters previously dealt with by the Department of Water.

If you have any queries regarding this, please do not hesitate to contact Mark Hingston at the Mandurah office on 9550 4222.

Yours sincerely



Jane Sturgess
**A/Program Manager – Urban Water Management
Peel Region**

12 February 2018

7

FRIENDS of the RESERVES BODDINGTON (Inc)



SHIRE OF
BODDINGTON
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14 FEB 2018

Preserving the reserves for future generations

Distribute to:

DCS DSP MINS
 PEHO FM CEO
 MWS TPC MCS

13th February 2018

Shire of Boddington
39 Bannister Rd
BODDINGTON WA 6390

File No ADM 1366
Date _____
Initial _____

Dear Chris

Re: Development application - Proposed Borrow Pit - Lot 421 on Plan 50652 (No. 6982) Albany Highway and Lot 500 on Plan 59054 Bannister.

Friends of the Reserves members have no objection to the proposed borrow pit located on private Saddleback Tree Farm land previously used as a pine plantation. We were impressed by the comprehensive list of check points and controls from pre removal through gravel extraction to final rehabilitation of the site.

Signed *G Marston*

Yours Sincerely
Greg Marston

President

Boddington River Action Group

13th February 2018

Shire of Boddington
39 Bannister Rd
BODDINGTON WA 6390

Dear Chris

**Re: Development application - Proposed Borrow Pit - Lot 421 on Plan 50652
Highway and Lot 500 on Plan 59054 Bannister.**

Members have no objection to the proposed borrow pit located on private Saddleback Tree Farm land previously used as a pine plantation. We were impressed by the comprehensive list of check points and controls from pre removal through gravel extraction to final rehabilitation of the site. This, perhaps, is not surprising as I believe one of our members was involved in developing such check lists.

Signed *G Marston*

Yours Sincerely
Greg Marston

Chairman

SHIRE OF
BODDINGTON
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14 FEB 2018

Distribute to:

DCS DSP MWS
 PEHO FM CEO
 MWS TPC MCS

File No HAM 1366
Date (No. 6982) Albany
Initial _____



Government of Western Australia
Department of Mines, Industry Regulation and Safety

Your ref A1366

Our ref A1734/200901

Enquiries Glennis HALL
9222 3104

SHIRE OF BODDINGTON RECEIVED
Glennis.HALL@dmirs.wa.gov.au

Chief Executive Officer
Shire of Boddington
PO Box 4
BODDINGTON WA 6390

14 FEB 2018

Distribute to:

- DCS DSP MINS
- PEHO FM CEO
- MWS TPC MCS

Attention: Steve Thompson

File No A 1366
Date _____
Initial _____

Dear Sir/Madam

DEVELOPMENT APPLICATION — PROPOSED BORROW PIT — LOT 421 ON PLAN 50652 ALBANY HIGHWAY AND LOT 500 ON PLAN 59054 BANNISTER

Thank you for your letter dated 5 January 2018 inviting comment on the above development application for a borrow pit.

The Department of Mines, Industry Regulation and Safety has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials and makes the following comments.

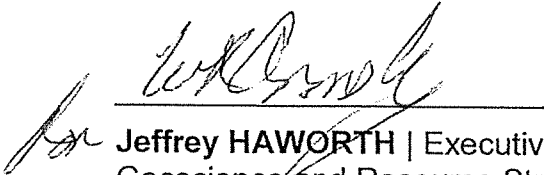
This proposal raises access concerns regarding bauxite resources. The proposal area is located within mineral lease M 258SA pursuant to the *Alumina Refinery (Worsley) Agreement Act 1973 (WA)* ("State Agreement") and was referred to South32 Worsley Alumina Pty Ltd, which advised it plans to lodge an objection for and on behalf of the Worsley Joint Venturers (WJV) with the Shire of Boddington.

WJV has exclusive rights in relation to bauxite mining and associated infrastructure on M 258SA, which includes the proposal area. The proposal to remove up to 600,000 m³ of material up to a depth of approximately 4 metres, includes depths at which bauxite is ordinarily found. This may result in unauthorised removal of bauxite from M 258SA by the proponent if the borrow pit were to proceed.

A borrow pit in this location could interfere not only with mining of this resource but also may impact Worsley's rights regarding future infrastructure and access through the area for the purposes of bauxite mining. As this may have legal implications under the

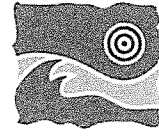
State Agreement, we recommend that the Shire seeks advice from the Department of Jobs, Tourism, Science and Innovation. Furthermore, we suggest that the Shire encourages the proponent and the WJV to liaise over a possible solution to this land use conflict.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeffrey HAWORTH', is written over a horizontal line. To the left of the line, there is a small, stylized mark that looks like 'JH'.

Jeffrey HAWORTH | Executive Director
Geoscience and Resource Strategy Division

12 February 2018



Your Ref: A1366
Our Ref: PN: HER.0129

South West Aboriginal
Land & Sea Council
SHIRE OF
BODDINGTON
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26 February 2018

02 MAR 2018

Mr Chris Littlemore
Chief Executive Officer
Shire of Boddington
PO Box 4
BODDINGTON WA 6390

Distributors to:
 DCS DSP MINS
 PEHO FM CEO
 MWS TPC MCS

By email to: ceo@boddington.wa.gov.au

Dear Mr Littlemore,

File No ADM 1366
Date _____
Initial _____

Gnaala Karla Booja (GKB) – Newmont Boddington and Saddleback Investments (NBG) – Development Application – Proposed Borrow Pit

We refer to your letter dated 5 January 2018 concerning this matter. As you are aware, the South West Aboriginal Land and Sea Council (SWALSC) is the legal representative body for the GKB Native Title Claim Group.

We understand that the proposed works do not involve the clearing of previously undisturbed native vegetation. Further, we have existing contractual arrangements with NBG for the preservation of Aboriginal heritage, whereby NBG has agreed to engage Noongar monitors during the ground disturbing works associated with the proposed borrow pit.

Accordingly, we have no objection to the Development Application being granted. Should you wish to discuss any aspect of the matter, please do not hesitate to contact me at peter.nettleton@noongar.org.au or on 93587400.

Yours sincerely,

Peter Nettleton
Senior Legal Officer
South West Aboriginal Land & Sea Council

Cc: Steve Thompson - steve@edgeplanning.com.au



Hotham Williams Economic Development Alliance
C/- Shire of Williams
PO Box 96
WILLIAMS WA 6391
E: admin@marradongcountry.org.au

Mr Chris Littlemore
Chief Executive Officer
Shire of Boddington
PO Box 4
BODDINGTON WA 6390
E: ceo@boddington.wa.gov.au

1 March 2018

Dear Chris,

**Re: DEVELOPMENT APPLICATION – PROPOSED BORROW PIT LOT 421 ON PLAN 50652 (No. 6982)
ALBANY HIGHWAY AND LOT 500 ON PLAN 59054 BANNISTER**

Thank you for the opportunity to comment on the development application under consideration for the proposed borrow pit development to be undertaken by Newmont Boddington Pty Ltd and Saddleback Investments Pty Ltd. Our apologies for the delay in response.

The Hotham Williams Economic Development Alliance Inc. (HWEDA) at this stage do not have a position regarding this proposed development. The HWEDA Board understand that the excavation of the soil and materials in this proposal requires further clarification.

Should you have any further queries, please contact HWEDA Chairman Greg Cavanagh or Executive Officer Pip Gooding at admin@marradongcountry.org.au.

Yours sincerely

A handwritten signature in black ink, appearing to be "GC", written in a cursive style.

Greg Cavanagh

**Chairperson
Hotham-Williams Economic Development Alliance Inc.**

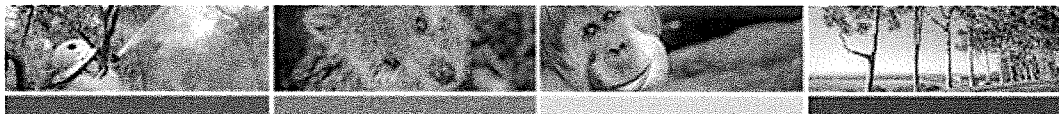
From: Lyndon Mutter [<mailto:lyndon.mutter@dbca.wa.gov.au>]
Sent: Wednesday, 7 March 2018 10:31 AM
To: Julie Stewart <records@boddington.wa.gov.au>
Subject: Development Application- Proposed Borrow Pit - Lot 421 on Plan 50652 Albany Highway and Lot 500 on Plan 59054 Bannister - Attention Steve Thompson

The Department of Biodiversity Conservation and Attractions has no comments on the application. It is the department's expectation that the planning system will address any environmental issues.

Regards,

Lyndon Mutter
 Senior Landuse Planner | Swan Region
 Parks and Wildlife Service
 Department of Biodiversity, Conservation and Attractions
 P: (08) 9442 0342; M: 0408 920 985; E: lyndon.mutter@dbca.wa.gov.au

Swan Region Office: +61 (08) 9442 0300
 Postal Address: Locked Bag 104 Bentley Delivery Centre, WA 6983
 Office Location: Cnr of Australia II Drive and Hackett Drive, Crawley WA 6609



We're the people and places you know, but with new-look email addresses

From early July 2017 we'll be moving to an updated IT system as part of the new Department of Biodiversity, Conservation and Attractions (DBCA). This means email addresses for staff at Kings Park and Botanic Garden, Bold Park, Rottnest Island, Perth Zoo and the former Department of Parks and Wildlife will now carry the domain [@dbca.wa.gov.au](mailto:dbca.wa.gov.au)