

LAND AND RESOURCES TRIBUNAL QUEENSLAND

CITATION: *Re Wolfram Camp Mining Pty Ltd & Anor* [2007] QLRT 111

PARTIES: **Wolfram Camp Mining Pty Ltd & Tropical Metals Pty Ltd (Applicants)**

FILE NO/S: AML144/07

PROCEEDING: Application for grant of Mining Lease No 20534

DELIVERED ON: 20 August 2007

DELIVERED AT: Brisbane

HEARING DATE: Heard on the papers

PRESIDING MEMBER: Koppenol P

ORDER/S: **1. Hearing dispensed with. (at [2])**
2. Application recommended for grant, subject to compliance with *Native Title Act 1993* (Cth). (at [3])

CATCHWORDS: MINING – APPLICATION FOR MINING LEASE – ABBREVIATED PROCEDURE – RECOMMENDATION

Mineral Resources Act 1989, ss 245, 269, 270, 422
Native Title Act 1993 (Cth)

COUNSEL: N/A

SOLICITORS: N/A

[1] This is an application under section 245 of the *Mineral Resources Act 1989* for the grant of a mining lease for infrastructure development and associated activities for a term of 20 years. The area applied for is 35.4636ha located about 90km west-southwest of Cairns. It abuts the applicants' proposed Wolfram Camp mineral ores mine (see [2007] QLRT 110).

- [2] As no tenement or environmental objections have been lodged, the application can be dealt with under the abbreviated section 270 procedure.¹ Having examined the material provided by the mining registrar and the applicants, I am satisfied that the relevant section 270(1) requirements have been established. Accordingly, the hearing is dispensed with.
- [3] I have also taken into account and considered all of the matters set out in section 269(4).² Having done so, I recommend to the Honourable the Minister for Mines and Energy that this application be granted in whole. However, because the application area is “non-exclusive land” under section 422, the application cannot be granted until all relevant provisions of the *Native Title Act 1993* (Cth) have been complied with.

¹ Section 270 provides:

“270 Procedure where no objections lodged

- (1) The tribunal may, in the tribunal’s discretion, dispense with a hearing of an application for the grant of a mining lease if the tribunal is satisfied that—
- (a) the provisions of this part (other than the provisions requiring the hearing) have been complied with in respect of the application; and
 - (b) no objection to the grant of the mining lease has been duly lodged; and
 - (c) where the application relates to land that is the surface of a reserve, the owner thereof consents to the grant of the mining lease; and
 - (d) where the application is in respect of land over which, pursuant to section 238(2), a mining lease shall not be granted without the consent of another person or other persons, that person or those persons consent to the grant.”
- (2) The tribunal shall indicate in any recommendation for the grant of a mining lease where the hearing of the application therefor has been dispensed with, that the tribunal has taken into account and considered all matters in respect thereof set out in section 269(4).”

² Section 269(4) provides:

“269 Tribunal’s recommendation on hearing

...

- (4) The tribunal, when making a recommendation to the Minister that an application for a mining lease be granted in whole or in part, shall take into account and consider whether—
- (a) the provisions of this Act have been complied with; and
 - (b) the area of land applied for is mineralised or the other purposes for which the lease is sought are appropriate; and
 - (c) if the land applied for is mineralised there will be an acceptable level of development and utilisation of the mineral resources within the area applied for; and
 - (d) the land and the surface area of the land in respect of which the mining lease is sought is of an appropriate size and shape in relation to—
 - (i) the matters mentioned in paragraphs (b) and (c); and
 - (ii) the type and location of the activities proposed to be carried out under the lease and their likely impact on the surface of the land; and
 - (e) the term sought is appropriate; and
 - (f) the applicant has the necessary financial and technical capabilities to carry on mining operations under the proposed mining lease; and
 - (g) the past performance of the applicant has been satisfactory; and
 - (h) any disadvantage may result to the rights of—
 - (i) holders of existing exploration permits or mineral development licences; or
 - (ii) existing applicants for exploration permits or mineral development licences; and
 - (i) the operations to be carried on under the authority of the proposed mining lease will conform with sound land use management; and
 - (j) there will be any adverse environmental impact caused by those operations and, if so, the extent thereof; and
 - (k) the public right and interest will be prejudiced; and
 - (l) any good reason has been shown for a refusal to grant the mining lease; and
 - (m) taking into consideration the current and prospective uses of that land, the proposed mining operation is an appropriate land use.

...”