



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

**OPAL MINING IN THE
NARRAN WARRAMBOOL RESERVE**

**A CODE OF PRACTICE FOR
LANDHOLDERS AND
OPAL MINERS AND
PROSPECTORS**

- Sections Include**
- 1. Code of Conduct**
 - 2. Environment Supplement**

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This Code of Practice has been drawn up specifically in the interests of the miners and the Western Lands Lessees involved in and affected by the opal mining industry at Lightning Ridge and surrounding district.

The Code acknowledges the important contribution of both the opal industry and agriculture to the long term welfare of Western New South Wales.

The Code recognises:

- The rights and obligations of Western Land Lessees (landholders)
- The rights and obligations of opal miners/prospectors

It is the purpose of this Code to foster good and long lasting relations between landholder and miner.

WHAT IS THE NARRAN-WARRAMBOOL RESERVE?

This is the name given to an area of land bounded by the Narran River and the Big Warrambool River within which large exploration titles will not be granted. This ensures that the opal miner, traditionally an individual, will continue to have reasonable access to areas of country for opal prospecting and mining and whose collective resources are more likely to locate opal than limiting titles to a few large mining companies.

The existence of this Reserve, however, in no way affects the status of the land or diminishes the rights of the affected landholders. It is, however, intended to ensure that in the longer term the miner will continue to have an opportunity to search and mine for opal.

WHAT ARE THE RIGHTS OF LANDHOLDERS AND MINERS?

1. The vast majority of land within the Reserve is Crown Land held under Western Lands Lease by various landholders (Lessees) it is the particular status of this land which allows persons to apply for the grant of Mineral Claims and Opal Prospecting Licences.
2. Before entering the land to mark-out a Claim, the potential Claimholder is required to obtain a Permit from the DPI Office at Lightning Ridge to enter the land, unless he has obtained the consent of the landholder/occupier prior to entry. This requirement of course is consistent with the usual laws of trespass and courtesy. Opal miners need to be mindful of these provisions.
3. The *Mining Act 1992* and Regulations provides that a Mineral Claim or Opal Prospecting Licence (OPL) can be granted, subject to conditions as well as the provisions of the Mining Amendment (Miscellaneous Provisions) Act 2004 , *Mines Inspection Act 1901*, *Mines Inspection General Rule 2000* and the *Occupational Health and Safety Act 2000* and *Occupational Health and Safety Regulations 2001*. Once granted it is the intention that the holder of the Mineral Claim or OPL be allowed access to the area to carry out mining and prospecting activities.

REASONS FOR THE CODE

1. The opal miner should at all times be aware of the fact that he/she has certain obligations, just as the Landholder has to appreciate the legal right of the miner to occupy his/her land to search and mine for opal once the miner has obtained a proper title.
2. Society's increasing awareness of environmental matters must be taken into account by the opal miner, working together with the landholder in a responsible manner to reduce the environmental impact of opal mining.
3. As newcomers take an interest in opal mining, both as participants and tourists. It is necessary for all involved to be aware of the hazards associated with opal mining and in particular, the risks it poses to unwary visitors.
4. The impact of opal mining on a landholder's viability may be considerable. While compensation is payable on each grant of a Mineral Claim or OPL, it is necessary to appreciate that the presence of opal mining may create additional problems and inconvenience which require the landholder's attention. Time is money and the landholder, like the opal miner, has the right to make a living.
5. Land affected by mining must be rehabilitated so that it can go on to provide a further use for those coming after.

SECTION 1: SOME COMMONSENSE GUIDELINES FOR OPAL MINERS

Compensation is payable to the landholder for lost production and the inconvenience caused by the presence of opal mining. This compensation is payable into a pool of funds. Respecting the landholder's property will keep to a minimum the amount of compensation payable by all miners.

DO:

- Make sure you read and understand the Conditions of the Opal Prospecting Licence or Mineral Claim before you commence operations. Failure to comply with the conditions may result in either the cancellation of the licence or mineral claim, fines, and/or forfeiture of the security deposit you have lodged. If you do not understand any of the requirements of the licence or mineral claim please contact the DPI Lightning Ridge office.
- Refer to the Access Management Plan (AMP) for the property on which you will be prospecting and/or mining and make sure you are aware of where you can and cannot prospect or mine. A copy of the AMP for each property is available from the DPI Lightning Ridge office. The graphic plan attached to the AMP will illustrate the areas where restrictions apply.
- Be aware of the various improvements on the land. Such things as property roads/tracks, drainage channels, contour banks, tanks and dams, grids and fencing are still required by the landholder to manage his property even if opal mining is taking place in the paddock.
- Be aware of the safety requirements as demonstrated during the Environmental Awareness Course and Mine Safety Awareness Course which you undertook prior to obtaining your licence or mineral claim.

DO NOT:

- Travel out to the fields in wet weather. Wet ground is hazardous for travel and roads can be easily damaged.
- Bring a dog onto the area (very few dog owners will acknowledge that their particular pet is capable of killing sheep). Dogs have maimed and killed stock and are not allowed in the opal prospecting area.
- Carry any firearms onto the prospecting or claim area.
- Burn any cleared vegetation – (Leave it on the claim, so it can be positioned around the claim after mining is completed so as to provide habitat and organic matter for revegetation to commence)
- Cause any unreasonable noise near the landholder's residence.

SOME THINGS TO TAKE NOTE OF:

Safety

- Ensure the work place and methods of work do not endanger the safety of any employees, contractors or other persons or any animal on the mineral claim or licence area. You should install and maintain adequate warning signs, temporary fences to exclude people, stock and native animals from excavations and shafts.
- Display and maintain an appropriate emergency plan and inform all operational personnel, contractors, landholder and visitors of emergency response procedures.

Operational

- Take a number of photos of the claim area to establish the state of vegetation and soils on the mineral claim area before mining commences. These photos should form part of an environmental management plan for the mineral claim.
- If you have access to GPS equipment – it would be useful to take a GPS reading of the 4 corner pegs of your claim and pass this information on to the Department. An inspector can determine that rehabilitation has taken place within the exact boundary of your claim, following the expiry/cancellation of the claim or licence. Always have your mineral claim clearly marked out as required by legislation (This information could prove very helpful if a dispute arises or if there is a query as to the location of the boundaries of your mineral claim).

ON COMPLETION OF MINING OR PROSPECTING

To avoid delays in recouping your security bond you will need to:

- Rehabilitate the mineral claim and/or prospecting area as required by DPI. If unsure of the requirements please contact the DPI Lightning Ridge office.
- Clean up the area where mining or prospecting operations have been conducted. Make sure that all rubbish is removed to a recognised rubbish tip and anything that might cause injury to stock is taken off site.
- Make sure that all holes and shafts have been properly secured in the approved manner. When a hole or shaft needs to be backfilled, use mullock only to fill the holes/shafts.
- If you consider your Claim has become too dangerous to be worked by underground methods, advise a Mine Safety Officer at the DPI Lightning Ridge office. Such action may prevent a future accident or fatality

SECTION 2 - ENVIRONMENT SUPPLEMENT

- Design work practises to avoid or minimise the generation of dust and/noise.
- If aircraft are used for mining related activities, operate them so as to minimise disturbance to livestock (e.g. helicopters)
- All open holes and shafts must be protected in the approved manner.
- Leave all gates as you find them, whether open or shut.
- Maintain ongoing liaison with landowners/managers and other stakeholders as appropriate.
- Do not clear any vegetation on the mineral claim other than that which is needed to carry out efficient mining. Wholesale clearing of vegetation on a claim could lead to prosecution under mining legislation, the Native Vegetation Act and other environmental legislation

Temporary Accommodation

- Do not camp on your claim unless you are actively mining that particular claim. If you do decide to camp then "camping" on the claim will be limited to:
 - No more than One (1) "Caravan or Campervan" with a CANVAS or VINYL annex only (metal/steel or timber annexes are not authorised) or a Bus with annex or tent. No poles or posts or ground attachments are permitted.
 - ONE (1) non-habitable steel container of a maximum size of 6m x 2.4m (20 feet x 8 feet).
 - One shed 3m x 3m

The maximum floor area of all accommodation and temporary storage structures located on the claim area must not exceed 50 square metres. If more area under structures is required then this would be subject to appropriate approvals from Walgett Shire Council or other appropriate authority.

Note: Development consent under the EP&A Act may be required before erecting or locating certain structures on the site. The mineral claim does not remove the need for development consent to be obtained. Claimholders should contact Walgett Shire Council to identify any planning approvals that may be required before erecting structures.

Land Disturbance

- Ensure that the area and duration of disturbance to land, vegetation and watercourses are minimised.
- Take appropriate measures to minimise turbidity of water courses.
- Undertake progressive rehabilitation wherever possible.

- Store topsoil and overburden in separate stockpiles.
- If vegetation clearance is unavoidable, minimise the amount of clearance and use practises which minimise erosion and interference with natural drainage.

NOTE: Mining operations should be planned so as to leave a maximum of pre-existing vegetation undisturbed. In no case should the area of uncleared vegetation be less than 25 percent of the claim area.

Waste Management

Avoid creating excess waste by the following methods:

- Reuse or recycle waste materials where possible.
- Regularly take all your garbage back into town and dispose of it at a recognised public rubbish tip.
- Do not place any contaminant in a position where it could cause serious or material environmental harm or nuisance to a person or stock. Fines could be incurred if this was allowed to happen. Do not clean up such spillage by hosing, sweeping or otherwise releasing contaminants to any watercourse or domestic/stock water supply.
- Waste oils/lubricants/liquids etc must be collected in a sealed container and transported to the nearest collection point (usually at a recognised tip). Cover truck loads of waste during transport.
- Disused batteries and tyres are to be removed from the claim area to a recognised receiving facility.
- Use only mullock or drill cuttings to fill shafts/holes when you have finished mining. Do not under any circumstances place any foreign material into the shafts/holes.

Nature Conservation

- Restrict disturbance of vegetation and soils in order to minimise the amount of rehabilitation necessary at the end of your mining activity.
- Prevent the spread of Hudson's Pear or the seed of any other declared "Noxious" plant within the opal prospecting area. Make sure your vehicles and machinery are adequately cleaned before taking the vehicles and machine off an area where Hudson's Pear or any other declared "Noxious" plant exists. In addition make sure that no spines are attached to the inside or outside of tyres and mud flaps. Removed spines should be disposed in a manner that they will not regenerate.

Service, Maintenance and Storage Areas

- Maintain all refuelling equipment in good working order.

- Use groundsheets or drip trays to capture spillage during maintenance of machinery.
- Locate all fuel storages within an impermeable bund.
- Prevent or minimise the mixing and erosion of topsoil. The topsoil is required to be placed back over the shaft upon completion of mining operations.
- Do not remove flora, rock, earth or dead timber from the area.
- If you discover an Aboriginal or archaeological place or relic, it should not be disturbed and the National Parks and Wildlife Service must be notified.

WHERE TO GO TO FOR HELP

Department of Primary Industries
Lot 60 Morilla Street
(PO Box 314)
LIGHTNING RIDGE NSW 2834

Telephone: (02) 6829 9200
Fax: (02) 6829 0825
Office Hours: 09.30 am – 4.00pm – Mon-Friday (excluding public holidays). Note: Office Closed for lunch 1-2pm