

Application by BLACK NOBBY PTY. LIMITED for a permit under Regulation 59B to use power-operated machinery upon Mining Tenements 4380 - 4388 (inclusive) at Nebea Hill, Lightning Ridge.

This application was before me at Lightning Ridge on 25th July, 1973, when written and verbal submissions were made by Mr. S.L.M. Eskell, a director of the applicant company, and a report by Mr. G. Grohmann, Chief Geologist of VAM Limited was tendered. On that day an underground inspection was made of present workings on the tenements and a number of features were indicated to me by Mr. Binns, mining engineer, and by miners, as affecting the safety of underground mining in this area. An inspection was also made underground of a tenement (No. 4441 or 4442) held by one Johnson where there had been a recent fall. For comparison purposes, inspections were then made of areas at Thorley's Six Mile and the Three Mile fields. On 26th July, 1973, a further inspection was made underground of the subject tenements, and others, including Johnson's and P. Crotchfield's (No. 4486), in company of Mr. P.B. Button, Inspector of Mines, Mr. K. McCusker, Mining Occupation Officer and Messrs. N. Lohse and R. Allen of the applicant company.

A written report dated 30th July, 1973, has been received from Mr. Button.

Regulation 59B came into force on 27th October, 1972. It provides in paragraph (1) "It is an obligation of the using or working of a tenement used for the purpose of prospecting or mining for opal or platinum that the holder of the tenement use or work the tenement without the use of power operated equipment or machinery as defined in clause (2) of this Regulation unless permitted to do so by, and subject to any condition imposed by, a Warden." One effect of the regulation is to require the Warden's permission before mining by open-cut methods.

The regulation leaves the grant or refusal of permission entirely to the Warden and provides no guide lines.

In dealing with an application under this regulation at Lightning Ridge I have regard to many factors, including these:

- (a) The extent of the deposits of opal at Lightning Ridge is not known. The field has been mined for many years by traditional underground methods, with hand tools, and there is no doubt that it would have an extended life if those methods, only, were followed. Open cut mining would be a greatly accelerated incursion into reserves of opal. There has been a very substantial expenditure of public funds, from Local and State Government sources, upon works and facilities at Lightning Ridge and more such expenditure is likely. Much of these moneys

are to be amortized over periods of up to 40 years. The whole reason for the existence of Lightning Ridge lies in mining. It is implicit in the Mining Act that mineral resources should be developed and exploited but I believe that where a town has its whole reason for existence in mining, where there has been considerable public expenditure for facilities, it is in the public interest, not contrary to the Mining Act, and in accord with the regulation, that the Warden should guard against the possibility that the mineral supply might be exhausted in a comparatively short period.

- (b) As a matter of policy, permits under this regulation should be granted only where an area cannot be safely mined unless by the use of power operated machinery. One instance is the case where an area has been so extensively mined by underground methods that it is no longer safe to continue operations in that fashion. Another is where the mineral occurs at such a shallow depth that any underground operations are unsafe and open-cutting is the only method which can be used. 1
- (c) The rights and safety of adjoining tenement holders.
- (d) The protection of the environment particularly as to proposals regarding the manner and place of dumping of overburden and residues, stockpiling of top-soil, filling of excavations and restoration of the surface. ~~XX~~

I am satisfied that it is not safe to continue the mining of the subject tenements by underground methods.

I propose to grant a permit subject to conditions which will provide, inter alia,

- (1) Security deposit of \$5000 or a security bond in that amount with an approved surety to be lodged within one (1) month - the permit not to be exercised until the deposit or bond is lodged and to lapse if the deposit or bond not lodged within that period.
- (2) Residues and spoil not to be deposited outside the external boundaries of the subject tenements unless deposited in some other place approved by an Inspector of Mines or Mining Occupation Officer.
- (3) Topsoil to be stockpiled and replaced on top of mullock. Excavations to be refilled progressively as mining continues.
- (4) The area worked to be rehabilitated.
- (5) Operations under the permit are not to extend closer than 20' from an adjoining tenement unless with the written consent of the holder of that tenement.
- (6) Operations under the permit not to be carried out at a depth greater than 50'.

The grant of this permit is not to be taken as indicating that permits will necessarily be granted in respect of other tenements at Nebea Hill. Each application will receive careful scrutiny and will be dealt with on its merits.

W.S. Anderson

WARDEN.

Sydney. 10/8/1973.