

NATIONAL PARKS AND NATURE CONSERVATION AUTHORITY

BASIC RAW MATERIALS (BRM) POLICY

GOVERNMENT AND LOCAL GOVERNMENT ACCESS TO CONSERVATION ESTATE (NATIONAL PARKS, NATURE RESERVES AND CONSERVATION PARKS)

INTRODUCTION.

The reserve system (mainly National Parks and Nature Reserves) was created for the purpose of ensuring that representative areas of our natural heritage are set aside and managed in a sustainable way and protected from damaging and degrading agents and activities.

The conservation estate includes some large individual areas within the State that integrate with an assortment of road networks. Many of these roads are within gazetted road reserves or easements forming enclaves within the conservation estate and some roads are on the particular reserve/park tenure. Additionally, some road reserves remain undeveloped. There has been a long standing practice by road making authorities to access basic raw materials (BRM) from "crown" lands, irrespective of reserve status. In the 1970's both the National Parks Authority and the WA Wildlife Authority advised all LGA's of their policy. Numerous requests have been made to access BRM's from conservation lands (primarily by shires) for use on roads within separate easements. Illegal access based on customary behaviour has occurred on occasions. In some instances the roads contribute to the management and protection of the conservation estate.

Targeting BRM deposits in conservation lands and other remnant vegetated areas (ie "unimproved" farmland) results in incremental loss of the related vegetation type and can place a wider area of the estate at risk of dieback infection. Although pits occupy relatively small areas often in large reserves they generally effect specific sites. This can have serious implications for long term conservation status of those communities which grow on substrates associated with BRM's especially in the wheatbelt and other poorly conserved regions (for example the Regional Manager Wheatbelt estimates up to 2000 ha of kwongan vegetation has been mined on wheatbelt nature reserves). Much of the current practice in the wheatbelt for example stems from the fact that environmental loss is not costed. Practices contributing to this situation include operators using native vegetation as an indicator of gravel soils in a largely cleared landscape; and attitudes such as the view that native vegetation is worthless and inferior to pasture. Also LGA's wish to avoid possible conflict with private landowners/ratepayers citing that access to private land is too difficult and expensive; and that there is no intrinsic or actual dollar cost to the mining of native vegetation.

In contrast and notwithstanding the environmental cost it can be argued that current standards require high quality rehabilitation on reserved land, costing more than pasture; that pasture production can be returned; and that a nominal royalty rate of 10¢/tonne, (equivalent to one tonne kilometre of cartage) combined with best practise rehabilitation would overcome farmer resistance, as is the case with the Cranbrook Shire and Main Roads.

The majority of proposals to access BRM on conservation estate have not stood up to scrutiny because alternative supplies have been available, usually on cleared private land, and in many cases have involved roads which do not directly serve the conservation estate often being remote from the particular reserve.

By virtue of the CALM Act Sections 33(3), 33(a), and 56 CALM and the NPNCA are constrained as to what activities can be included in management plans and allowed under necessary or compatible operations. The current Basic Raw materials policy has reflected this position limiting the use of BRM's strictly to the land from which it was sourced.

The previous Governments mining policy "resolution of conflict" constrained access via the Mining Act, denying access to National Parks and requiring detailed environmental assessment through the EPA. The current mining policy establishes a rigorous regime involving EPA assessment, Two Houses of Parliament for National Park and "A" class Nature Reserves for example.

Such constraints by the CALM ACT and the MINING ACT on the use of BRM's for purposes that are not on the particular Park or Reserve from where they were sourced apply to gazetted road reserves within the boundaries of reserves/parks. These restrictions can cause difficulties as it may not be desirable to import resource from outside the conservation reserve due to the need for dieback and weed hygiene. Additionally mining of the road easement often causes more serious visual impact than a well sited pit within the reserve. The Mining Act offers a mechanism (mining lease) for access to BRM's however, as stated it can be a drawn out process involving several layers of approval involving Ministers, the EPA and Parliament for "A" class reserves.

There is potential to use the LOCAL GOVERNMENT ACT (Sec 281) and the PUBLIC WORKS ACT (Sec 112) to allow extraction of BRM from the conservation estate for use on other tenures for "road making" and "public works" respectively. Consent by the Minister for Lands and the Minister for Works respectively is required. There is no statutory requirement for the consent of the Minister for the Environment or the vested authority. This requires Legislative changes.

The NPNCA and CALM take the view that materials should be available if the road reserve is an enclave within the reserve/park boundaries, the road is required for the management and protection of the estate and the environmental cost to the conservation estate, on balance, is neutral (imperative being to exclude weeds and dieback) and suitable alternatives are not available. The NPNCA also take the view that wherever possible the matter of Local Government Authority (LGA) quarry reserves is resolved before the Gazettal of the reserve/park.

Access to BRM's on conservation estate under the MINING ACT by commercial operators is strongly opposed. The Authority seeks to have these materials removed from the MINING ACT definition of "minerals" for the conservation estate.

POLICIES

1. Access to basic raw materials from conservation estate will only be granted by the NPNCA where the road or facility is within the boundaries or road reserve enclaves in that reserve/park and where the use of that BRM provides access for the protection and management of the reserve/park and provided that a more environmentally acceptable alternative is not available.
2. Ensure the biophysical values of the estate are maintained by:
 - * Siting pits only in areas that are adequately represented in the local conservation estate and with lowest biophysical values;
 - * Siting pits in areas that are protectable from dieback disease introduction and spread;
 - * Siting pits in low phytophthora dieback hazard vegetation
 - * Siting pits in areas that put minimal area downslope at risk of disease infection.
 - * Applying best practice management in accordance with the Departments dieback disease hygiene manual;
 - * Applying best practice rehabilitation.
3. Seek changes to the Local Government Act and the Public Works ACT to require the consent of the Minister for the Environment (CALM) and the NPNCA to access BRM on conservation estate.
4. When the material is for use on areas easements not managed by CALM ensure all biological survey (in particular priority /threatened flora) and dieback assessment and related costs are born by the authority accessing the BRM.
5. Seek the removal of BRM's (sand, gravel and limestone) from the jurisdiction of the Mining Act on conservation estate.
6. Access by LGA's to BRM's in the conservation estate will require the provision (by the LGA) of rolling 3 year plans for all works that require resource from conservation estate. Plans to include evaluation of alternative resources, resource surveys, biological surveys, works programs. LGA's must demonstrate the establishment of reserve funds for the proper environmental management and rehabilitation of pits. Access to BRM's for emergency works is subject to the Executive Director's and The Minister for the Environments consent.

STRATEGIES

1. See attached table.
2. Pending the removal of BRM's from the Mining Act for conservation estate recommend to the Minister ENVIRONMENT that all applications for commercial purposes be refused.

3. Deal with applications from Government and LGA's for access to the estate according to the following process:
 1. Applicant undertakes assessment of gravel resource options to Regional Manager requirements (as part of 3 year plan if LGA).
 - A. Off conservation estate.
 - Private property.
 - Crown land
 - B. On the estate in consultation with CALM (provided not immediately satisfied by A) For proposed excisions using "Checklist For Proposed Gravel Excision From CALM Managed Land" (attached).
 - C. Applicant meets cost of consultants report for flora, vegetation, phytophthora dieback and landscape. To Regional Manager's requirements. (approved consultant).
4. Ensure maximisation of resources by requiring rock crushing
5. Issue guidelines for best practice rehabilitation.
6. Seek interagency agreements with Local Government to address issues relating to areas of common interest (for example see "Interagency Agreement on Roding Issues Between Shire of Ashburton and Department of CALM", attached).

**STRATEGIES FOR SUPPLY OF BASIC RAW MATERIALS
FROM NATIONAL PARKS, NATURE RESERVES, CONSERVATION PARKS**

NOTE - "Park": denotes any of the above.

"CALM LEASE": means agreement document under relevant statute.

"Agency" responsible for comprehensive rehabilitation.

PROPOSED USE	AGENCY	ACT	CALM LEASE	APPROVALS	EPA ASSESS	COMPEN -SATION	REMARKS
Park roads & facilities on same "Park" tenure	CALM or CALM agents	CALM ACT Secs 33, 56	NO	CALM District	NO	N/A	Evaluate resource from outside Park Balance dieback risk, values and costs. Site in area of lowest biophysical value if in Park.
Road reserve enclaves within "Park" boundaries	LGA	Local Govt Sec 281	YES	Min Lands Min Envmt NPNCA	NPNCA refers if required.	N/A	Source preferences: 1.Old pits requiring clean up and rehabilitation 2.External to Park 3.Road reserve if impacts minimal. Supply from Park may be <u>considered</u> if; #External source presents dieback risk. #Park values are not compromised. #Road reserve mining is more sensitive in respect to Park values. Proponent pays for all required assessments.
	GOVT	or Public Works Sec 112	YES	Min Works Min Envmt NPNCA	NPNCA refers if required.	N/A	
Private railway easements within "Parks"	Private	Mining Act or Land Act (excision)	NO	See Mining Act S24 NPNCA Min ENV	If required	YES	
Excision for BRM reserve vested in LGA or NPNCA	Proposing LGA or Dept	LANDS	NO. but conditions placed on vesting order.	Min ENV NPNCA Parliament if "A" Class	Refer to EPA if required.	YES Land addition where appropriate	No alternative resource conclusively demonstrated. Minimal impact on biodiversity Choice of vesting in LGA as "quarry reserve" or in NPNCA as Section 5g C class reserve for "cons & resource" purpose if control to be retained.

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CHECKLIST
PROPOSED BRM EXCISION FROM LAND MANAGED BY CALM

RESERVE NO.: AREA:

PURPOSE:

VESTING:

1. DETAILS OF THE REQUEST

1.1 Proponent(s) of Excision
.....

1.2 a) Area requested ha

b) Total area of reserve which has already been mined ha

c) Likely life of pit (before resource is exhausted)
..... years/months

1.3 Is it likely that further requests will be made for excision? Yes/No

1.4 Do the proponents normally complete adequate pit rehabilitation following mining?

a) On CALM Estate Yes/No

b) On other reserves/road verges Yes/No

Comments
.....
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1.5 For what purpose will the gravel be used?
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.....
.....

1.6 Any special rehabilitation problems (e.g., proposed pit would be excavated to duricrust)?
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1.7 Has the gravel been assessed to ensure it meets engineering requirements? Yes/No

3.4 Are all local species well represented:

a) elsewhere within the reserve? Yes/No

Except:

.....

.....

.....

b) elsewhere within the Shire? Yes/No

Except:

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.....

.....

3.5 Is there a national park, nature reserve or State forest within:

15+ km

Yes/No

10.1 - 15 km

Yes/No

5.1 - 10 km

Yes/No

0 - 5 km

Yes/No

3.6 In comparison with the nearest national park, nature reserve or State forest (whichever is closest), does the vegetation of the proposed gravel pit:

a) provide habitat not already conserved? Yes/No

b) significantly add (i.e. 50% or more) to habitat already conserved? Yes/No

c) neither of the above? Yes/No

3.7 Does the proposed pit area contain:

a) populations of plant or animals species declared as rare or endangered? Yes/No

b) populations of plants either on the flora "priority list" or under review as potential declared rare flora? Yes/No

c) populations of plants or animals that are unusual phenotypic or genotypic variants, but not listed under (a) or (b)? Yes/No

d) populations of plants or animals at the edge of their natural range, but not listed under (a), (b) or (c)? Yes/No

e) none of the above? Yes/No

4.2 What political factors affect the proposal?

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4.3 What economic factors affect the proposal?

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5. OTHER MANAGEMENT ISSUES

5.1 Is the proposed pit area likely to contribute to degradation of the reserve, for example through facilitating rubbish dumping or disease (e.g. phytophthora) spread?

Yes/No

Comments:

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5.2 Will quarrying pose a significant erosion problem?

Yes/No

Comments:

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INTERAGENCY AGREEMENT ON ROADING ISSUES
BETWEEN SHIRE OF ASHBURTON AND DEPARTMENT
OF CONSERVATION & LAND MANAGEMENT

INTRODUCTION

This agreement sets the terms of reference for unsealed roading operations and planning conducted by the Shire of Ashburton within CALM estate; namely Millstream-Chichester National Park and Karijini National Park. The responsibilities of both agencies are set out in the following sections.

1. Road Network

- 1.1 Planning for new public road alignments within national parks (other than those of a Regional significance) or closure of existing public roads will be jointly determined by the Shire, CALM and MRWA if required. New road alignments of regional significance will take into consideration the recommendations set out in the Pilbara Road Study for Regional Roads prepared by MRWA and any subsequent MRWA policy.
- 1.2 Proposals for new road alignments and road closures will be considered through the CALM management planning process (Part V, S53-61 of CALM Act, 1984) prior to any operations.
- 1.3 Gravel acquisition for new road construction will be undertaken according to Section 3.3.

2. Road Management Responsibility

2.1 The Shire has a management responsibility for the following roads: (see attached plans, schedule 1).

- KNP 1. Hamersley-Mt Bruce Road (No. 45)
- 2. Yampire Gorge-Juna Downs Road (No. 43)
- 3. Joffre Falls Road (No. 51)
- 4. Dales Gorge Road (No. 46)
- 5. Bee Gorge Road (No. 44) partial and Red Gorge Road (No. 14)
- 6. Knox Gorge Road (No. 7)
- 7. Kalamina Gorge Road (No. 52)

- MCNP 1. Dawson Creek Road (No. 79)
- 2. Snappy Gum Drive (No. 277)
- 3. Kanjeni-Millstream Road to Visitor Centre (No. 80 partial)
- 4. Wittenoom-Roebourne Road (No. S135)
- 5. Millstream-Yarraloola Road (No. 5)
- 6. Cliff Lookout Road (No. 78)

CALM has a management responsibility for remaining roads, carpark and camping areas.

The Shire management responsibility extends the full width of the road running surface including table and other existing drains. The Shire will seek CALM approval for proposed works outside this area (e.g. drains, turn around areas, gravel pits etc or as specified by this Agreement).

3.3 Borrow and Base Course Pits

3.3.1 Location for pits will be decided with joint consultation between the Shire and CALM. Due consideration shall be given to lead distance, material quality, aesthetics, Aboriginal values and conservation values. A written agreement must be made.

3.3.2 Construction and operation of pits shall be done with reference to CALM's Guidelines for The Management and Rehabilitation of Gravel Pits (attached) having due regard for topsoil management and disturbance area.

i. CALM and Shire to jointly mark out the boundaries and access road of every new pit.

ii. Maximum pit area shall be 2ha.

iii. 100mm of topsoil shall be stockpiled separately for use in rehabilitation purposes.

iv. Overburden stockpiles shall be separate from topsoil stockpiles.

v. All vegetation shall be stockpiled for use in rehabilitation

3.3.3 The Shire Road Construction Programme shall ensure rehabilitation of existing pits no longer required or unsuitably located within the general area of construction.

3. Road Maintenance

3.1 Annual Agreements

The Shire and CALM will meet in September each year to reach agreement on an annual maintenance programme which will cover public roads, parking and camping areas.

3.2 Standards and Techniques

3.2.1 All Shire controlled machinery must remain on the road surface or designated drainage area as referred to in 2.3 unless otherwise agreed by CALM.

3.2.2 Standard maintenance grading will be conducted so that windrows are minimized. Existing windrowed material shall be brought in and re-spread over road surface where possible. The road width will not be increased by the Shire operator other than as may otherwise be agreed. No new drains will be created without CALM approval. When maintaining existing off-shoot drains, the operator will reverse the machine back out to the road (retracing his tracks) rather than continuing forward past the drain and back to the road. When maintaining cut-off drains the operator shall gain access along existing off-shoot drains where possible and otherwise create a minimum of disturbance.

3.3.4 Rehabilitation of pits shall be carried out according to the following specifications:

- i. Batters no greater than 1 vertical: 6 horizontal (i.e. 14%).
- ii. Following completion of pit operations , oversized and unsuitable road construction material shall be evenly spread over pit floor and batters followed by overburden, followed by topsoil.
- iii. After the return of topsoil the pit and batters shall be ripped along the contour to a depth of 0.5m at 1m spacings or as otherwise agreed.
- iv. Vegetation to be evenly respread upon completion of ripping.
- v. Weeds shall be controlled on the rehabilitation area for three active growing seasons by arrangement with CALM.

3.4 Funding

CALM will continue to apply for MRWA Tourist Road Grants, the maintenance component of which will be made available to the Shire as CALM's contribution to the agreed Annual Maintenance Programme. The Shire shall provide additional funding.

Costs for establishing and rehabilitating borrow pits shall be included in overall costs for road construction works.

3.5 Notification

The Shire shall advise CALM's Regional Office (ph. 091 868 288) prior to the commencement of any road works within national parks. Any urgent and unscheduled works, not covered in the agreed Annual Maintenance Programme, requires CALM to be notified prior to commencement.

3.6 Water Sources

CALM shall make water available to the Shire at existing constructed water points. The Shire shall gain approval from CALM prior to using any other water sources.

3.7 Flood Damage works required after significant rainfall may be assessed by both agencies. CALM will make a written report to the Shire, for the Shire's information, listing those works it deems necessary. The Shire will complete flood damage works as soon as possible with due regard to road safety and available Shire resources. The Shire shall fund these works.

4. Signs

4.1 CALM will fund, supply and erect all directional signs, normally being routed timber signs, built to CALM Sign Manual standards. CALM shall obtain the Shire's approval prior to the erection of these signs where they would replace existing Shire signs.

- 4.2 The Shire shall fund and supply all necessary advisory, non-directional hazard markers and other safety signs. CALM shall erect to the Shire standard, any such signs it has requested. Installation of such signs shall be jointly planned and shall conform to the Shire's standards.
- 4.3 Maintenance of signs specified in 4.1 will be the responsibility of CALM and shall be funded by CALM. Maintenance of signs - specified in 4.2, will be the responsibility of the Shire and will be funded by the Shire; CALM will assist with on-site maintenance by arrangement.

Rehabilitation of Closed Roads

Closed roads as referred to in 1.1 and 1.2 shall be rehabilitated by the Shire. Specifications for rehabilitation of agreed roads shall be developed jointly by the Shire and CALM and using the following guidelines:

- Return roadway as near as possible to the natural profile of the land.
- . All windrow material (vegetated or otherwise) shall be brought in and spread evenly across the road surface. Excessive material shall be carted to spoil if required. Spoil areas shall be defined by agreement between the Shire and CALM.
- .. Where required drains shall be returned to the natural profile.

- iv. The entire road disturbance width shall be ripped to a depth of 0.5m at 0.5m spacings, unless otherwise agreed.
- v. Where slopes are considerable erosion control measures shall be put in place.
- vi. Where roads cross sheet flow areas (e.g. Mulga flats) it is imperative that the original profile and natural drainage is restored. This may require additional material to be deposited or appropriate drains made.
- vii. Weeds shall be controlled upon the rehabilitating area for three active growing seasons as detailed 3.3.4 (vii).

6. Road Construction

- 6.1 New public alignments shall be planned according to 1.1, 1.2 and 1.3. The following standards and procedures will be observed for construction operations:
 - i. Maximum disturbance width shall be 13.5m.
 - ii. Running surface shall be 8.0m.
 - iii. Road profile and drainage system shall be determined jointly but a sheet-flow drainage system is preferred. Generally a Crown cross section will be provided on straight sections. One-way cross fall will be considered in floodway situations. Superelevation shall be applied to curves.

- iv. 100mm of topsoil and existing vegetation shall be cleared and respread to the road shoulder following construction. Excess topsoil shall be used in rehabilitation of closed roads (5) and pits (3.3.4).
- v. Floodways shall be installed on all major creek crossings and floodway protection will be provided where required (ie rock spalls or concrete walls).

6.2 The following standards and techniques will be observed by the Shire when conducting re-sheeting operations:

- i. Maximum disturbance width shall be 13.5m.
- ii. Running surface shall be 8.0m.
- iii. Earthworks wherever possible shall be sufficient to raise the running surface to or above the level of the surrounding countryside.
- iv. A drainage system which encourages sheet flow of water across the road will be put in place, i.e. road profile in line with surrounding country.

- v. Old windrows from previous maintenance workers^s shall be removed even if they extend beyond the 13.5m maximum disturbance width. However, where substantial vegetation must be cleared to achieve this, ~~their~~ consultation must first take place with CALM. Windrows are to be worked inward toward the centre of the road.
- vi. If the pre existing road disturbance width is less than 13.5m then this width should be maintained, unless otherwise agreed to by CALM.

7. Vehicle Hygiene

Vehicles are to be cleaned of all soil and vegetable matter prior to entry into National Parks, in an effort to curb the spread of soil borne diseases and noxious weeds.

It is the Shire's responsibility to clean the machinery down. CALM officers will inspect the machinery by arrangement to ensure its cleanliness prior to the commencement of work within the Park. CALM shall provide a fire unit if required and a suitable wash down area will be nominated.

8 Traffic Counters

CALM and the Shire shall jointly manage and fund the use of traffic counters. Both agencies will have access to the information.

9 Road Closure

When it is necessary due to inclement weather or otherwise, to close public roads within national parks, appropriate signs shall be erected by either agency as is convenient or otherwise determined by the Shire. CALM shall gain prior Shire approval to erect any such signs. The Shire shall provide to CALM adequate signs for the purpose.

CALM shall close off parking areas and camping as it determines and will advise the Shire of same.

During road closure periods CALM's Karratha office shall contact the Shire upon any change in road condition status. The Shire will subsequently advise MRWA South Hedland Office of park roads' status on the same basis. This way all Agencies will provide correct and consistent feedback to the public.

10. Shire Crew Camps

Shire construction camps and storage areas shall be determined by agreement and are indicated on Schedule 2 attached.

The Shire shall adopt the following code of conduct when using these areas.

1. All vehicles and operations shall be contained within existing cleared (disturbed) areas.
2. No pets, open fires or firearms will be permitted.
3. All rubbish and other material shall be disposed of as approved by CALM, upon leaving the area.
4. All oils and fuels shall be contained and any spillage shall be cleaned up.
5. The Shire shall notify CALM's Karratha office at least one (1) day prior to vacating a camping area.

We agree to abide by the terms and conditions outlined in this document.

Frank Batini CALM 23.8.93 DATE
Manager EP Bmnd POSITION

SHIRE OF ASHBURTON _____ DATE

POSITION ASHBURTON

The Common Seal of the Shire of Ashburton

was hereto affixed in the presence of:

J. Baler
SHIRE PRESIDENT
[Signature]
A/ SHIRE CLERK