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Attention: Mr F Batini

**ONSHORE MINERAL EXPLORATION AND DEVELOPMENT -  
MEMORANDUM OF UNDERSTANDING BETWEEN THE  
ENVIRONMENTAL PROTECTION AUTHORITY AND  
THE DEPARTMENT OF MINERALS AND ENERGY**

On 28 April 1995, Dr R Steedman, Chairman of the Environmental Protection Authority and I signed a Memorandum of Understanding (MOU) regarding onshore mineral exploration and development proposals situated on conservation reserves and other environmentally sensitive land of Western Australia.

I am enclosing a copy of the MOU for your information.

It is based on consultative arrangements previously agreed to between DEP, CALM, DME and approved by State Cabinet.

  
Ken R Perry  
DIRECTOR GENERAL

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4 May 1995  
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# ONSHORE MINERAL EXPLORATION & DEVELOPMENT

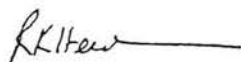
## MEMORANDUM OF UNDERSTANDING BETWEEN THE ENVIRONMENTAL PROTECTION AUTHORITY AND THE DEPARTMENT OF MINERALS AND ENERGY

### Endorsement

This Memorandum of Understanding clarifies arrangements between the Environmental Protection Authority and the Department of Minerals and Energy, for the protection of the terrestrial environment and efficient consultation between the two agencies regarding mineral exploration and development proposals situated on conservation reserves and other environmentally sensitive land of Western Australia. It is consistent with State Government policy.

The Environmental Protection Authority does not abrogate its responsibilities in regard to environmental assessment and any proposal may be referred to the Environmental Protection Authority at any time. The Environmental Protection Authority can, under the Environmental Protection Act, call in any proposal for assessment, including those that are not specified within this document.

The MOU is endorsed below by the Chairman of the Environmental Protection Authority and the Director General of the Department of Minerals and Energy.



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Dr R K Steedman

Chairman

Environmental Protection Authority

Date: 28 April 1995



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Mr K R Perry

Director General

Department of Minerals and Energy

Date: 28/4/95

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## SUPPORTING DOCUMENTATION / ATTACHMENTS

- A. Glossary of Terms and Acronyms
- B. Criteria for Consultation Regarding Mineral Development and Construction Proposals
- C. Agreed Definition of Environmental Disturbance for Onshore Mineral Exploration
- D. Map Showing Locations of Existing and Proposed Conservation Reserves and Other Environmentally Sensitive Land within Western Australia

## 1. PREFACE

This Memorandum of Understanding (MOU) clarifies arrangements between the Environmental Protection Authority (EPA) and the Department of Minerals and Energy (DME), for the protection of the terrestrial environment and efficient consultation between the two agencies regarding mineral exploration and development proposals situated on environmentally sensitive land.

Within the context of this MOU, the term 'mineral exploration and development' refers to all activities undertaken on:

- prospecting licences, exploration licences, retention licences, mining leases, miscellaneous licences, and general purpose leases;
- developmental mining proposals;
- productive mining proposals; and
- construction activities relating to mining operations:

The application for, and/or grant of, a Mining Act tenement may confer rights of access but does not itself have an impact on the natural environment. The procedures in this MOU are designed to ensure that appropriate conditions for the prevention of environmentally significant impacts are formulated and applied to such tenements.

Through this MOU, the EPA and the DME have established procedures for the efficient implementation of their duties, while retaining the responsibilities of both parties. The MOU is not a formal delegation of powers under the Environmental Protection Act but provides an administrative understanding concerning which proposals will be forwarded to the EPA and at what stage the referral is made. The EPA believes that the judgement and advice of other agencies is appropriate for managing several stages in the early development of mineral proposals, particularly when there is restricted potential for significant environmental impacts.

The EPA does not abrogate its responsibilities in regard to environmental assessment and any proposal may be referred to the EPA at any time.

This MOU is predicated upon the following principles:

- that the Environmental Protection Authority has lead responsibility for environmental protection in the State;
- that the Department of Minerals and Energy has lead responsibility for the management of mineral and petroleum development projects in the State; and
- that the conservation significance of sensitive environments must be recognised when determining the suitability of onshore mineral exploration and development in these environments.

The parties to this MOU recognise that it facilitates the administration of the following legislation:

- Environmental Protection Act 1986 and Regulations.
- Mining Act 1978 and Regulations

For administrative purposes, the Department of Environmental Protection (DEP) will perform many of the procedural arrangements on behalf of the EPA. As the department serving the Minister for the Environment, the DEP may also provide advice to DME on behalf of the Minister for the Environment.

The development of the MOU has involved extensive consultation between the EPA, DEP and DME, and other agencies with relevant management responsibilities including the Department of Conservation and Land Management (CALM), the National Parks and Nature Conservation Authority (NPNCA), and the Lands and Forests Commission (LFC).

This MOU is without prejudice to the statutory responsibilities of the above agencies and/or their respective Ministers.

This MOU only addresses the exploration for, and mining of, minerals in terrestrial environments. Similar agreements addressing marine mineral exploration and terrestrial and marine petroleum exploration and production are being developed separately by EPA, DEP and DME.

## 2. OBJECTIVES

The objectives of this Memorandum of Understanding are:

- (a) to ensure that sensitive environments are protected where onshore mineral exploration and development occurs;
- (b) to facilitate efficient and effective management processes for the referral of proposals between State government agencies while achieving the responsibilities of all parties;
- (c) to emphasise for industry and community groups the rôle of different agencies in the consultative process relating to mineral exploration and development proposals, particularly in sensitive environments;
- (d) to clarify and improve the coordination, with all relevant agencies, of the environmental impact assessment of proposals in which EPA and DME have an interest;
- (e) to maximise consistency and minimise uncertainty for proponents and the public where EPA and DME are involved with a proposal; and
- (f) to ensure that consultation between EPA, DME and any other relevant agencies is initiated as early as possible.

### 3. PROCEDURAL ARRANGEMENTS

#### 3.1 Consultative Procedures for Mineral Exploration on Conservation Reserves and other Environmentally Sensitive Land

DME will be responsible for the referral and notification of Mining Act tenements and proposals which occur on conservation reserves and other environmentally sensitive land, following the procedures set out in Table 1. The general location of these areas within the State is shown on the maps in Attachment D.

Within the meaning of the Environmental Protection Act, "referral" implies that a proposal will be formally sent to the EPA for assessment. There are instances where it is useful for the EPA and/or the DEP to be informed or advised about a proposal even if formal referral is not required. This advice is termed "notification". The EPA may call for the referral of a proposal at any time. Proposals may also be referred to the EPA by proponents or a third party.

A public record is kept at DME of all Mining Act tenements and applications. Information can be obtained by ringing (09) 222 3333. Furthermore, DME requires as part of its administrative procedures under the Mining Act that applicants publish relevant details about their tenements in newspapers which have a wide distribution throughout the State.

CALM, the LFC, and the NPNCA have the expertise and responsibility for vested and proposed conservation estate areas, and they can best recommend appropriate conditions for the environmental management of activities affecting these areas. In these situations it is more effective to have direct interaction for environmental management between CALM, the NPNCA and DME in the first instance. The consultative procedures involving CALM/NPNCA/LFC identified in Table 1 are in accordance with Section 24 of the Mining Act.

In the case of National Parks and A Class Nature Reserves, the DEP will be notified by DME about applications referred to CALM, the LFC and the NPNCA. This notification will not be treated as a formal referral until the NPNCA has decided on its approach to the application. If an application is referred to the EPA by a third party the EPA will seek further information to determine the environmental significance of the proposal, including the advice of the NPNCA/CALM/LFC and DME, prior to considering a level of assessment.

Where a proposal has been communicated by DME to CALM and DEP, and is subsequently withdrawn, DME will promptly advise CALM and DEP about the withdrawal so that work by these agencies on the proposal can be discontinued.

### **3.2 Consultative Procedures for Mineral Development and Construction Proposals**

In conjunction with the consultative procedures contained in Table 1, the EPA and the DME have jointly agreed on a number of criteria used to determine if a proposal for mineral development or construction requires referral to the EPA. These criteria are contained in Attachment B, and will be applied as outlined in Table 1.

TABLE 1

Consultative Procedures for Mining Act Tenements on Environmentally Sensitive Land



**CONSULTATIVE PROCEDURES FOR MINING ACT TENEMENTS ON ENVIRONMENTALLY SENSITIVE LAND**

TENEMENT	LAND TENURE						
	NATIONAL PARK	"A" NATURE RESERVE, CONSERVATION PARK	"B" & "C" NATURE RESERVES, CONSERVATION PARK	STATE FORESTS TIMBER RESERVES IN SOUTH WEST (Note h)	STATE FORESTS TIMBER RESERVES OUTSIDE SOUTH WEST	RED BOOK AREAS AND PROPOSED RESERVES (on VCL, Pastoral Leases) Note (f) Note (h)	OTHER ENVIRONMENTALLY SENSITIVE AREAS (on VCL, Pastoral Leases) Note (b)
Geoscientific Survey Authority (no environmental disturbance) Note (d)	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; NPNCAs)</li> <li>Min. for Env. concurrence</li> <li>GSA Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; NPNCAs)</li> <li>Min. for Env. concurrence</li> <li>GSA Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; NPNCAs)</li> <li>Min. for Env. concurrence</li> <li>GSA Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; LFC via CALM)</li> <li>Min. for Env. concurrence</li> <li>GSA Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; LFC via CALM)</li> <li>Min. for Env. concurrence</li> <li>GSA Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Miners Right applies</li> </ul>	<ul style="list-style-type: none"> <li>Miners Right applies</li> </ul>
Grant of Prospecting & Exploration Licences (no environmental disturbance) Note (g)	<ul style="list-style-type: none"> <li>Assess by DME</li> <li>Refer to CALM/NPNCAs</li> <li>DEP notified (not referred to EPA) Note (e)</li> <li>Min. for Env. concurrence</li> <li>A1 Conditions Note (c)</li> </ul>	<ul style="list-style-type: none"> <li>Assess by DME</li> <li>Refer to CALM/NPNCAs</li> <li>DEP notified (not referred to EPA) Note (e)</li> <li>Min. for Env. concurrence</li> <li>A1 Conditions Note (c)</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM &amp; NPNCAs</li> <li>Min. for Env. recommendation</li> <li>A1 Conditions Note (c)</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; LFC via CALM)</li> <li>Min. for Env. concurrence</li> <li>B Conditions Note (c)</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; LFC via CALM)</li> <li>Min. for Env. concurrence</li> <li>D Conditions Note (c)</li> </ul>	<ul style="list-style-type: none"> <li>A2 Conditions</li> <li>CALM notified on grant</li> <li>DEP notified if area not to be managed by CALM</li> </ul>	<ul style="list-style-type: none"> <li>A2 conditions and DRP endorsement as appropriate after conferring with CALM, DEP as necessary</li> </ul>
Prospecting & Exploration activity (environmental disturbance) Notes (a), (g)	<ul style="list-style-type: none"> <li>Refer to CALM/NPNCAs. DEP notified. Refer to EPA if required by CALM.</li> <li>Forward to DEP for information for subsequent stages</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM/NPNCAs. DEP notified. Refer to EPA if required by CALM.</li> <li>Forward to DEP for information for subsequent stages</li> </ul>	<ul style="list-style-type: none"> <li>Refer to EPA if required by CALM</li> <li>A1 conditions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM</li> <li>Refer to EPA if required by CALM</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM</li> <li>Refer to EPA if required by CALM</li> </ul>	<ul style="list-style-type: none"> <li>Informal liaison with CALM (or DEP) prior to DME approval</li> <li>Refer to EPA if required by CALM</li> <li>A2 Conditions</li> </ul>	<ul style="list-style-type: none"> <li>According to tenement conditions. Refer to EPA, CALM as required</li> </ul>
Grant of Mining Lease (no environmental disturbance)	<ul style="list-style-type: none"> <li>Assess by DME</li> <li>Refer to CALM/NPNCAs</li> <li>NOI required by DME/CALM</li> <li>EPA assessment</li> <li>Parliamentary concurrence</li> </ul>	<ul style="list-style-type: none"> <li>Assess by DME</li> <li>Refer to CALM/NPNCAs</li> <li>NOI required by DME/CALM</li> <li>EPA assessment</li> <li>Parliamentary concurrence</li> </ul>	<ul style="list-style-type: none"> <li>Assess by DME</li> <li>Refer to CALM/NPNCAs</li> <li>NOI required by DME/CALM</li> <li>Refer to EPA if significant impact</li> <li>Min. for Env. recommendation</li> <li>Title granted and conditions set - based on F Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM</li> <li>Min. for Env. concurrence</li> <li>C Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM</li> <li>Min. for Env. concurrence</li> <li>E Conditions</li> </ul>	<ul style="list-style-type: none"> <li>G Conditions</li> <li>CALM notified on grant</li> <li>DEP notified if area not to be managed by CALM</li> </ul>	<ul style="list-style-type: none"> <li>Conditions as appropriate after conferring with CALM, DEP as necessary</li> </ul>
Mining activity (environmental disturbance). Note (a)	<ul style="list-style-type: none"> <li>Title granted and conditions set</li> </ul>	<ul style="list-style-type: none"> <li>Title granted and conditions set</li> </ul>	<ul style="list-style-type: none"> <li>Title granted and conditions set - based on F Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; LFC via CALM)</li> <li>NOI required by DME/CALM</li> <li>Refer to EPA if significant impact</li> </ul>	<ul style="list-style-type: none"> <li>Refer to CALM (&amp; LFC via CALM)</li> <li>NOI required by DME/CALM</li> <li>Refer to EPA if significant impact</li> </ul>	<ul style="list-style-type: none"> <li>NOI required by DME</li> <li>CALM consulted prior to approval</li> <li>Refer to EPA if significant impact</li> </ul>	<ul style="list-style-type: none"> <li>NOI required by DME.</li> <li>Refer to EPA if significant impact. Note (i)</li> </ul>
Miscellaneous Licences, General Purpose Leases	Case by case basis - DME refers to EPA if potential significant environmental impact						

**EXPLANATORY NOTES**

In accordance with the Environmental Protection Act (1986) any proposal can be referred at any time to the EPA.  
 All productive mining proposals in sensitive environments will be referred to the EPA.  
 Note (a) Environmental disturbance based on agreed list developed between CALM, EPA and DME. See Attachment C.  
 Note (b) Other Environmentally Sensitive areas as agreed between DME, EPA and CALM, marked on public plans and defined in Attachment A.  
 Note (c) Apply "No Mining" (ie. no exploration or prospecting) conditions for minor overlaps if not important to applicant. Notify CALM after grant.

Note (d) Geoscientific Survey Authority issued pursuant to S24 of the Mining Act.  
 Note (e) If referred by member of the public EPA will obtain further advice from NPNCAs/LFC and DME before deciding on assessment.  
 Note (f) Proposed reserves are those that have received Ministerial or Government endorsement (eg within final CALM management plans).  
 Note (g) Retention Licences also covered in the same way.  
 Note (h) If proposed reserve occurs over State Forest then State Forest tenure applies and Schedule B conditions will be implemented.  
 Note (i) The criteria used to determine if referral is required are contained in Attachment B.  
 Re Section 5(g) (CALM Act) reserves and Executive Director (CALM) reserves: treatment depends on their classification, purpose and location.

Schedules of conditions referred to in table are contained in: "Guidelines for the application of environmental conditions for exploration and mining on conservation reserves and other environmentally sensitive land", DME, 1994; 1995.

## 4. MANAGEMENT OF THE MOU

### 4.1 Terms

The requirements for the consultative procedures contained in Section 3 of this MOU reflect current State Government policy regarding onshore mineral exploration and development throughout the State: they include management of these activities in conservation reserves and on other environmentally sensitive land. The Government has endorsed the administrative procedures (summarised in Table 1), for the management of onshore mineral exploration and development. They are published in DME's "Guidelines for the Application of Environmental Conditions for Exploration and Mining on Conservation Reserves and Other Environmentally Sensitive Land" (DME, 1994; 1995).

Notwithstanding the above, the EPA can, under the Environmental Protection Act, call in any proposal for assessment, including those that are not specified within this document.

### 4.2 Duration

The duration of the content of this MOU is the same as the term of the State Government policy; in other words, the MOU shall stand until a substantive change is made in endorsed State Government policy, subject to Section 4.3 below.

### 4.3 Review

The procedures contained within the MOU shall be subject to periodic review. This review shall occur at least every five years unless there is either a change of State Government policy or one of the parties to the MOU determines that a review is required. The latest date for commencement of a review for this MOU is five years from the date of signing.

### 4.4 Performance Monitoring and Reporting

At the end of each financial year the DEP/EPA and DME will audit the implementation of this MOU to determine its effectiveness in achieving the objectives established in Section 2. The performance objective will be the notification or referral of all proposals as required by Table 1. The performance assessment will be based upon Table 1 and will follow the following four steps:

1. DME will continue to maintain a numerical record of:
  - all applications and granted tenements occurring on the conservation estate managed by CALM or on other environmentally sensitive land, and brought to the attention of DEP by DME; and
  - all Notices of Intent (NOI) received by DME for developmental and productive mining and construction proposals, and those NOIs referred to the EPA.
2. DEP/EPA will continue to maintain an independent numerical record of all proposal referrals and notifications received.
3. The numerical records of DME and DEP/EPA will be reconciled at least annually to verify the effectiveness of the consultative procedures.
4. The outcome of the reconciliation will be reported at least annually to the signatories of this MOU.

## Attachments

## A. GLOSSARY OF TERMS & ACRONYMS

The following glossary defines the meaning of terms and acronyms used in this document.

**Assessment by DME**

DME investigates the mineral resource potential of the conservation reserve being considered and the competence of the explorer's proposed exploration programme. The outcome of this independent assessment is reported to CALM. In the case of National Parks and A Class Nature Reserves and Conservation Parks, a copy of this assessment is forwarded to DEP.

**Consultation**

Where reference is made to consultative procedures within this document, these include referral, notification and forwarding.

**Conservation reserves**

Includes national parks, nature reserves, conservation parks, State forests and timber reserves.

**Developmental mining, productive mining  
or construction proposal**

Where a proposal or project has gone beyond the exploration stage and ground disturbance, earth moving and construction activities associated with mining are to take place.

**Mining Act Tenement**

Refers to a prospecting licence, exploration licence, retention licence, mining lease, miscellaneous licence, or a general purpose lease, granted or acquired under the Mining Act 1904; 1978.

**- Application**

Application refers to the documentation that initiates the process of determining a tenement under the Mining Act 1978.

**- Grant**

Means the approval of an application for a Mining Act tenement (documentation usually includes a list of environmental conditions and/or endorsements).

**Notice of Intent**

Document that outlines the proposed mining operations and includes measures to protect the environment and to rehabilitate disturbed ground.

**Notification**

There are instances where it is useful for the EPA and/or the DEP to be informed or advised about a proposal even if formal referral is not required. This advice is termed "notification".

**Other Environmentally Sensitive Areas**

see Note (b) in Table 1

This classification applies to land not reserved or currently proposed for reservation but which DME agrees warrants protection (eg. remnant Kimberley rain forest, monitoring sites, areas of declared rare flora, mangrove communities, turtle breeding sites and EPA's Environmental Protection Policy (EPP) Swan Coastal Plain Lakes) and, if relevant, application of the dieback prevention condition. The EPA and CALM will be consulted to define other environmentally sensitive areas. This also includes other areas as listed in Attachment B. Refer to Table 1.

**Referral**

Within the meaning of the Environmental Protection Act, "referral" implies that a proposal will be formally sent to the EPA for assessment.

## LIST OF ACRONYMS USED

CALM	Department of Conservation and Land Management
DEP	Department of Environmental Protection
DME	Department of Minerals and Energy
DRF	Declared Rare Flora
EPA	Environmental Protection Authority
GSA	Geoscientific Survey Authority
LFC	Lands and Forests Commission
MOU	Memorandum of Understanding
NOI	Notice of Intent
NPNCA	National Parks and Nature Conservation Authority



B. CRITERIA FOR CONSULTATION REGARDING MINERAL  
DEVELOPMENT AND CONSTRUCTION PROPOSALS.

The following is a list of criteria to be used to determine which developmental and productive mining and construction proposals should routinely be referred to the Environmental Protection Authority by the Department of Minerals and Energy, for environmental impact assessment.

#### 1. REFERRALS UNDER PART IV (ENVIRONMENTAL IMPACT ASSESSMENT) OF THE ENVIRONMENTAL PROTECTION ACT

Any developmental and productive mining and construction proposals which impinge upon the following areas or criteria should be referred to the EPA:

- 1.1 Wholly or partly within a declared occupied townsite or within 2 kilometres of the boundary of an occupied townsite;
- 1.2 Wholly or partly within, or less than 2 kilometres from the boundary of a national park, marine park, conservation reserve, State forest or EPA Red Book areas and proposed conservation reserves which have been endorsed by State Government;
- 1.3 Wholly or partly within, or less than 1 kilometre from any other reserve (with the exception of mining reserves) eg timber reserves, recreation reserves;
- 1.4 Wholly or partly located within a declared water supply catchment area or ground water protection area;
- 1.5 Wholly or partly within 2 kilometres of the coast, or an estuary;
- 1.6 Likely to have a direct effect upon an important wetland, including EPP lakes;
- 1.7 Within 250 metres of any historical, archaeological, or ethnographic site;
- 1.8 Extracting from an open pit or underground operation in excess of 2 000 000 tonnes of ore per annum; and
- 1.9 On pre-1899 Crown Grant lands and consequently not subject to the Mining Act 1978.

## 2. REFERRALS UNDER PART V (CONTROL OF POLLUTION) OF THE ENVIRONMENTAL PROTECTION ACT

Certain gold treatment operations are exempt from Works Approvals and Licensing provisions through Section 6 of the Environmental Protection Act. These exemptions are based on the understanding that the Department of Minerals and Energy has the power to place conditions relating to pollution control on mining leases at any time.

- Proposals for gold extraction operations which comply with the criteria established in the Environmental Protection (Gold Extraction Operations) Exemption Order 1993, do not need to be referred to the Department of Environmental Protection. A copy of the exemption order is attached.

All other operations defined as 'prescribed premises' within the Environmental Protection Act 1986, should be referred to the Department of Environmental Protection for the issuing of a Works Approval and/or Licence. This is required within the Part V provisions of the Environmental Protection Act for which the Department of Environmental Protection has responsibility.

## ENVIRONMENTAL PROTECTION ACT 1986

ENVIRONMENTAL PROTECTION (GOLD EXTRACTION  
OPERATIONS) EXEMPTION ORDER 1993

Made by the Minister with the approval of His Excellency the Governor in Executive Council under section 6.

## Citation

1. This order may be cited as the *Environmental Protection (Gold Extraction Operations) Exemption Order 1993*.

## Interpretation

2. In this order, unless the contrary intention appears —

“gold extraction operation” means any operation to extract gold or gold concentrate from ore by means of —

- (a) a carbon in leach process;
- (b) a carbon in pulp process;
- (c) a combination of the process referred to in paragraph (a) and the process referred to in paragraph (b); or
- (d) a process involving the use of any cyanide solution,

but does not include any operation which involves the use of micro-organisms;

“heap leach” means a heap of ore stockpiled on a synthetic liner through which a solution is passed and collected to extract metal from the ore;

“mine de-watering discharge” means water, whether from the surface or underground, that is discharged from a mine;

“tailings dam” means a dam or other containment structure used for the long term storage of processing waste slurry following the extraction of metal from ore;

“the regulations” means the *Environmental Protection Regulations 1987*;

“vat leach” means a synthetically lined containment structure in which ore is stockpiled and through which a solution is passed and collected to extract metal from the ore.

## Exemption

3. (1) Sections 52 to 64 inclusive of the Act are declared not to apply to premises on which gold extraction operations are carried out, subject to —
  - (a) in the case of premises which contain a tailings dam, heap leach or vat leach, the premises satisfying the conditions specified in Schedule 1;
  - (b) in the case of premises which have any mine de-watering discharge, the discharge complying with the conditions specified in Schedule 2; and
  - (c) in the case of premises that contain grinding and milling works or screening works within the meaning of those terms in the regulations, the premises satisfying the condition specified in Schedule 3.

(2) The exemption in subclause (1) does not apply to premises that are prescribed premises by reason of an activity other than gold extraction operations also being carried out on those premises.

#### Revocation

4. The *Environmental Protection (Gold Extraction Operations) Exemption Order 1992* is revoked.

[\* *Published in the Gazette of 4 September 1992 at pp. 4464-67.*]

SCHEDULE 1

[Clause 3 (1)(a)]

CONDITIONS FOR PREMISES CONTAINING A TAILINGS DAM,  
HEAP LEACH, OR VAT LEACH

The premises or any part of the premises containing the tailings dam, heap leach, or vat leach must not be located —

- (a) in, or within 2 kilometres of the boundary of, an occupied townsite;
- (b) in, or within 2 kilometres of the boundary of, a national park, marine park, State forest, conservation park, nature reserve or marine nature reserve (as those terms are defined in the *Conservation and Land Management Act 1984*);
- (c) in, or within 1 kilometre of the boundary of, a timber reserve (as that term is defined in the *Conservation and Land Management Act 1984*);
- (d) in, or within 1 kilometre of the boundary of, any land (other than land referred to in paragraphs (b) and (c)) that is reserved under the *Land Act 1933* and vested by order under that Act in the Lands and Forest Commission or the National Parks and Nature Conservation Authority;
- (e) in, or within 2 kilometres of the boundary of, an area that has been recommended for reservation in any of the following publications —
  - (i) "Conservation Reserves for Western Australia as recommended by the Environmental Protection Authority 1975 (systems 4,8,9,10,11,12)";
  - (ii) "Conservation Reserves for Western Australia as recommended by the Environmental Protection Authority 1976 (systems 1,2,3,5)";
  - (iii) "Conservation Reserves for Western Australia as recommended by the Environmental Protection Authority 1980 (system 7)"; or
  - (iv) "Conservation Reserves for Western Australia as recommended by the Environmental Protection Authority 1983 (system 6)";
- (f) in —
  - (i) a catchment area or water reserve constituted under the *Country Areas Water Supply Act 1947*, the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* or any other Act; or
  - (ii) an underground water pollution control area constituted under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*;
- (g) within 2 kilometres of any surface waters that are used, whether at that point or at any other point downstream, for human or stock consumption or irrigation of vegetation;
- (h) within 2 kilometres of the ocean or an estuary;
- (i) in an area where the groundwater has a natural salinity level (expressed as total dissolved solids) of less than 15,000 milligrams per litre; or
- (j) in an area of land referred to in the Third Schedule to the *Mining Act 1978*.

SCHEDULE 2

[Clause 3 (1)(b)]

CONDITIONS FOR PREMISES HAVING ANY MINE DE-WATERING DISCHARGE

Mine de-watering discharge from the premises must not—

- (a) enter any permanent or perennial stream, lake, wetland, estuary, or other significant natural surface water body;
- (b) enter, or adversely affect, any waters used for recreational activities;
- (c) enter, or adversely affect, any potable waters used, or capable of being used, for human drinking water supplies;
- (d) where it affects, or is likely to affect, water that is used for watering stock or irrigation purposes, exceed the relevant limits or ranges set out in the Table to this Schedule;
- (e) threaten any significant natural fauna or flora in the environment;
- (f) interfere with any lawful activity conducted by a government agency.

TABLE

Parameter	Limit or range Livestock* Drinking Supply (mg/Litre)	Limit or range Irrigation Waters (mg/Litre)
pH	6 — 9	4.5 — 9
Total Dissolved Solids (Salinity)	5 000	1 500
Arsenic	0.5	0.1
Cadmium	0.01	0.01
Chromium	1.0	1.0
Copper	2.0	0.2
Cyanide - Weak Acid Dissociable	0.1	—
Lead	0.5	5.0
Mercury	0.002	0.002
Nickel	5.0	0.2
Selenium	0.02	0.02
Zinc	20.0	2.0

\* Does not include Poultry and Pigs.

SCHEDULE 3

[Clause 3 (1)(c)]

CONDITION FOR PREMISES CONTAINING GRINDING AND  
MILLING WORKS OR SCREENING WORKS

The premises or any part of the premises containing the grinding and milling works or screening works must not be located within 3 kilometres of any other premises that are used as a residence, guesthouse, hotel, motel, school, church, hospital, or for any other similar purpose.

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Minister for the Environment

Approved by his Excellency the Governor in Executive Council,

*J. J. Bligh*  
Clerk of the Council.  
19 JAN 1993



C. AGREED DEFINITION OF ENVIRONMENTAL DISTURBANCE FOR  
ONSHORE MINERAL EXPLORATION.

It is important that a common understanding of what constitutes environmental disturbance is shared between DME, CALM, NPNCA, EPA and other interested parties.

It is agreed that the DEP/EPA should be consulted by CALM or DME (in accordance with the procedures set out in Table 1) before any of the following activities are scheduled to take place:

- Drilling access involving damage to vegetation or soils;
- Drilling on gridlines cleared by dozing or grading;
- Costeans;
- Exploration shafts; and
- Declines.

It is believed that the following activities do not usually result in environmental disturbance, if carried out in accordance with standard conditions.

- All airborne surveys;
- Reconnaissance in light vehicles, including limited off-road access where approved by the management agency;
- Geophysical work, eg magnetometer surveys, especially if on foot, by helicopter or with limited off-road access where approved;
- Geochemical work including collection of small samples (< 20 kg) especially if on foot or with limited off-road access where approved;
- Scout drilling on existing roads, tracks and approved management access routes.

Depending on the location, vegetation type, time of year and degree of current road access and vehicle/tyre configuration, the following additional activities may be approved by the management agency as not being environmental disturbance:








- Scout drilling off-road using drills mounted on low impact vehicles such as a bobcat, light four wheel drive off-road tractor or other similar low ground pressure off-road unit.

Off-road non-environmental disturbance activity should be such that, with the passage of a short period of time or following a wildfire event, the access routes would be very difficult to distinguish.

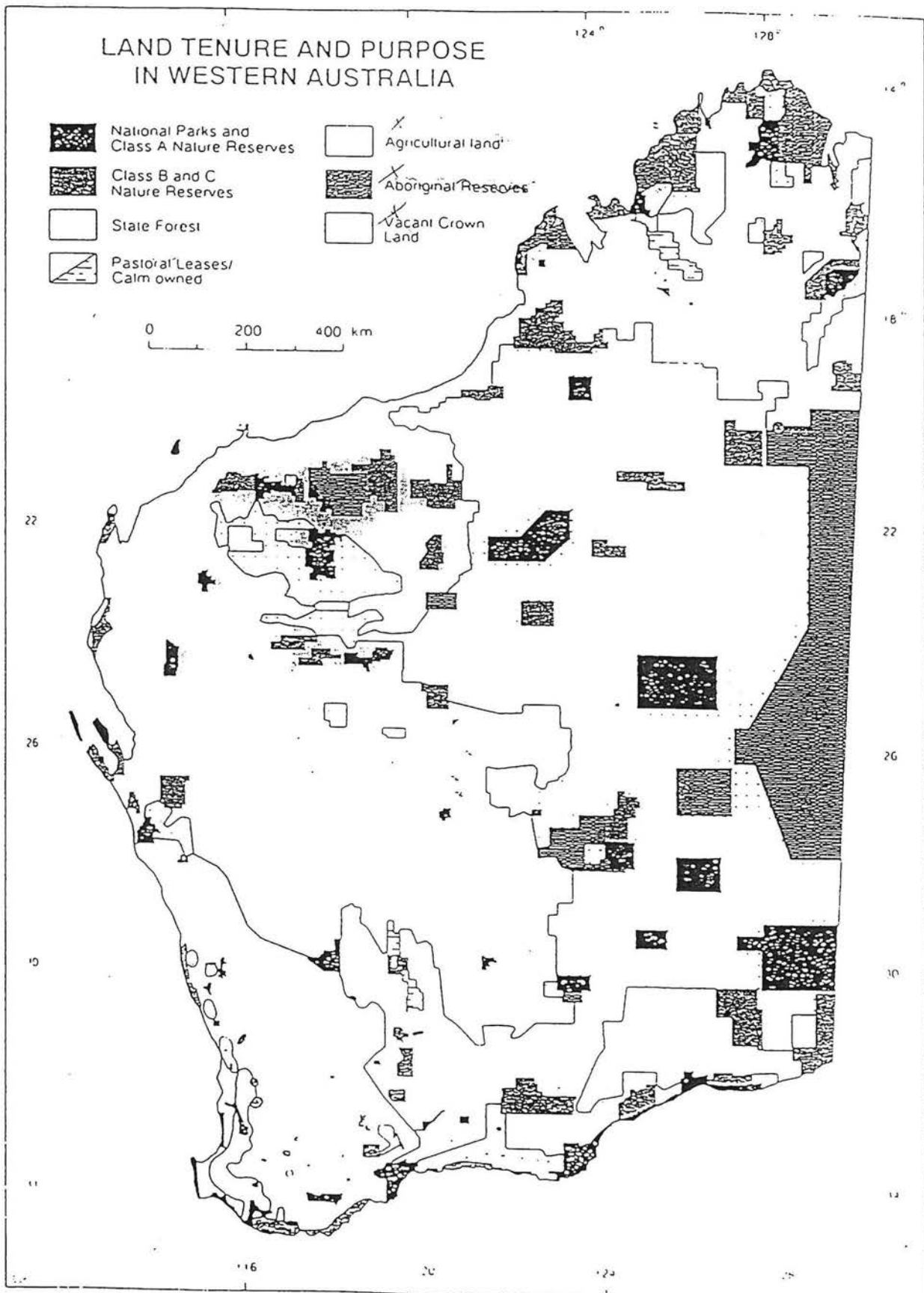
Because of the large areas covered by some reserves, camping will be permitted on a limited basis in areas approved by the management agency, or DME when land is unvested.

D. MAP SHOWING LOCATIONS OF EXISTING AND PROPOSED  
CONSERVATION RESERVES AND OTHER ENVIRONMENTALLY  
SENSITIVE LAND WITHIN WESTERN AUSTRALIA.

# LAND TENURE AND PURPOSE IN WESTERN AUSTRALIA

- |   |   |   |                      |
|---|---|---|----------------------|
|  | National Parks and<br>Class A Nature Reserves |  | Agricultural land    |
|  | Class B and C<br>Nature Reserves              |  | Aboriginal Reserves  |
|  | State Forest                                  |  | Vacant Crown<br>Land |
|  | Pastoral Leases/<br>Calm owned                |   |                      |

0 200 400 km



For more detailed information refer to DOMWA plans MS001 MS003 (incl)