

RESOLUTION OF CONFLICT - NATIONAL PARKS POLICY

- . Possible amendments required to the Mining Act to implement the policy.

*Cabinet decision
12 Nov '90.*

POLICY

COMMENTS

1.(a) No mining in National Parks or Marine Parks

Section 24 requires amendment to delete existing provisions that allow mining in national parks and to insert the no mining provision.

(b) The exceptions:

To recognise that some areas are to be excised for mining leases.

(i) Nerrabup and Watheroo National Parks

The rationalisation of the boundaries of these Parks may not be completed before the no mining amendment is inserted in the Mining Act.

(ii) Hamersley Range National Park

To recognise that existing tenements and temporary reserves are to be included in Special Mining Leases under existing Agreement Acts and for these areas, together with infrastructure corridors, to be excised from the Park.

(iii) Rudall River National Park

To recognise that:

(a) the Kintyre resource is to be excised;

(b) granted exploration licences to continue within the time limits imposed by the Mining Act;

(c) future mining to be subject to approval of Parliament, and any mining leases granted to be excised from the Park;

(d) to also provide for a simple mechanism to apply for mining leases, currently consents are required to mark out a lease. This should not be necessary since the grant of the lease is subject to the approval of Parliament.

(iv) D'Entrecasteaux National Park

To recognise that:

(a) exploration is allowed for 3 years from the date of the policy (13 November 1990). The approval of the exploration, after EPA assessment of the exploration programme, to be in accordance with Section 24(3) of the Mining Act;

(b) one percent of the total area of the Park and extensions allowed to be excised for mining subject

to the approval of Parliament.

- (c) to also provide for a simple mechanism to apply for mining leases, currently consents are required to mark out a lease. This should not be necessary since the excision of the one percent is subject to the approval of Parliament.

NOTE: The necessary amendments to provide for the exceptions could be included as transition or validation type provisions, separate from the Mining Act 1978, as eventually all existing mining tenements will expire with any sites identified as mining areas, being excised from the parks following approval of Parliament.

The specific mining tenements and applications and temporary reserves affected by the exceptions are to be identified in a attached schedule.

2. 'A' class nature reserves

To provide that mineral exploration requires formal assessment by the EPA.

No other amendment is necessary as section 24(3) of the Mining Act already provides for the concurrence of the Minister for Conservation and Land Management prior to mining (which includes exploration) being permitted.

3. 'B' and 'C' class nature reserves

No amendment is necessary as section 24 (5) of the Mining Act already provides that the recommendation of the Minister for Conservation and Land Management is required prior to any mining being permitted.

4. Geoscientific survey permits

To provide for geoscientific survey permits to be granted to allow non-disturbing scientific surveys to be carried out in any park or reserve.

The permits to be approved by the Minister for Mines following consultation with the Minister responsible for the park or reserve.

5. Amendments required to other Acts

Complimentary amendments to other Acts should commence to operate at the same time as the Mining Act amendments. Some timing clause needs to apply or alternatively an Acts Amendment Bill could be used.

6. Prior Resource Assessment

An amendment to an appropriate Act is necessary to ensure that all new park proposals are referred to the Minister for Mines for resource assessment. (This could be included as an amendment to the Mining Act).

(2)

HAMERSLEY RANGE NATIONAL PARK 30082

List of approved Temporary Reserves and current Mining Tenements encroaching onto the Park

IRON ORE (WITTENOON) AGREEMENT ACT 1972

TEMPORARY RESERVES	5615H
	5616H
	5617H
	5618H
	5619H
	5620H
	5621H
	5622H
	5623H
	5624H
	5625H

IRON ORE (MOUNT GOLDSWORTHY) AGREEMENT ACT 1965

TEMPORARY RESERVE	3156H
EXPLORATION LICENCE	47/15
EXPLORATION LICENCE	47/17

(78)
RUDALL RIVER NATIONAL PARK A 34607

LIST OF CURRENT TENEMENTS TOTALLY WITHIN PARK

TENEMENT NO.	COMPANY NAME	COMMENTS
E 45/435	CRA Exploration Pty Ltd	
E 45/436	CRA Exploration Pty Ltd	
E 45/440	City Resources (WA) Pty Ltd	
E 45/483	CRA Exploration Pty Ltd	
E 45/445	CRA Exploration Pty Ltd	
E 45/446	CRA Exploration Pty Ltd	
E 45/447	CRA Exploration Pty Ltd	
E 45/448	CRA Exploration Pty Ltd	
E 45/449	CRA Exploration Pty Ltd	
E 45/450	CRA Exploration Pty Ltd	
E 45/451	CRA Exploration Pty Ltd	
E 45/452	CRA Exploration Pty Ltd	
E 45/454	CRA Exploration Pty Ltd	
E 45/480	CRA Exploration Pty Ltd	
E 45/481	CRA Exploration Pty Ltd	
E 45/482	CRA Exploration Pty Ltd	
E 45/484	CRA Exploration Pty Ltd	
E 45/485	CRA Exploration Pty Ltd	
E 45/97	Queensland Mines Ltd	
P 45/487	AGIP Australia Pty Ltd	Cond. Surr. M45/487
P 45/488	AGIP Australia Pty Ltd	Cond. Surr. M45/487
P 45/480	AGIP Australia Pty Ltd	Cond. Surr. M45/486
P 45/479	AGIP Australia Pty Ltd	Cond. Surr. M45/486
P 45/482	AGIP Australia Pty Ltd	Cond.. Surr. M45/486
P 45/481	AGIP Australia Pty Ltd	Cond. Surr. M45/486
P 45/489	AGIP Australia Pty Ltd	Cond. Surr. M45/486

RUDALL RIVER NATIONAL PARK A 34607

LIST OF CURRENT TENEMENTS PARTIALLY WITHIN PARK

TENEMENT NO.	COMPANY NAME	COMMENTS
E 45/59	CRA Exploration Pty Ltd	
E 45/60	CRA Exploration Pty Ltd	
E 45/73	CRA Exploration Pty Ltd	
E 45/49	AGIP Australia Pty Ltd	
E 45/190	City Resources (WA) Pty Ltd	
E 45/453	CRA Exploration Pty Ltd	
E 45/455	CRA Exploration Pty Ltd	
E 45/456	CRA Exploration Pty Ltd	
E 45/459	CRA Exploration Pty Ltd	
E 45/497	CRA Exploration Pty Ltd	
E 45/498	CRA Exploration Pty Ltd	
E 45/565	Uranerz Australia Pty Ltd	
E 45/659	Uranerz Australia Pty Ltd	
E 45/566	Uranerz Australia Pty Ltd	
E 45/674	Uranerz Australia Pty Ltd	
M 45/266	CRA Exploration Pty Ltd	
M 45/267	CRA Exploration Pty Ltd	
M 45/420	Uranerz Australia Pty Ltd	

(2)

D'ENTRECASTEAUX NATIONAL PARK

List of applications by Cable Sands (WA) Pty Ltd encroaching on the park and proposed extensions.

Exploration Licence 70/376

380
381
382
398
413
414
415
416
580
581
582
583
584
585
586
587
588
589
943
944

PO1

CABINET DECISION SHEET

FILE OF CABINET MINUTE

1.2 EXPLORATION AND MINING IN CONSERVATION AREAS

MINISTER(S) PREMIER (Lawrence)

DATE OF MINUTE undated

DECISION

CABINET endorses the policy statement on Exploration and Mining in Conservation Areas.

DEPARTMENT
MINE

SENT DIRECT

note - to be reviewed
H.R.N.P.
at the moment

 PREMIER

DATE OF DECISION 12/11/90

COPIES TO

HON MINISTER FOR RESOURCES; MINES; ENVIRONMENT

CALM EPA.

(1) ED ✓

(2) C. Haynes ✓

(3) F. Baroni

(4) File

156
21

CABINET SUMMARY SHEET

OFFICE USE ONLY

OF CABINET MINUTE

SUBMISSION NUMBER	COPY No.

EXPLORATION AND MINING IN CONSERVATION AREAS

MINISTER'S NAME, TITLE AND RELEVANT PORTFOLIO

DATE RECEIVED

Hon. Carmen Lawrence, Premier

PURPOSE (Objective of proposal)

POLICY PROPOSAL FOR EXPLORATION AND MINING IN CONSERVATION AREAS.

ESTIMATED NET COST (OR REVENUE)—resulting from the proposal for the remainder of the current financial year, the next and following years. Savings and revenue to be designated by brackets.	CURRENT FINANCIAL YEAR	NEXT FINANCIAL YEAR	FOLLOWING FINANCIAL YEAR
CRF	-	-	-
OTHER	-	-	-

BUDGET PROVISION	SOURCE OF FUNDING	DATE OF PREVIOUS CABINET DECISION
\$ -		

RELATION TO GOVERNMENT POLICY (GIVE REFERENCE)

URGENCY AND SUPPORTING REASONS

Review of policy undertaken as result of failure of Mining Act Amendments to pass through Parliament.

WHO HAS BEEN CONSULTED / EXTENT OF AGREEMENT REACHED

DRD, Mines, CALM, EPA

RECOMMENDATION

1. That Cabinet endorse the policy.

IMPLEMENTATION REQUIREMENTS

EXECUTIVE COUNCIL APPROVAL	LEGISLATION REQUIRED	<input type="checkbox"/> NEW LEGISLATION
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> AMENDMENTS

ACTION REQUIRED BEFORE ANNOUNCEMENT

See above.

TIMING OF ANNOUNCEMENT	SIGNATURE	DATE
	<i>Carmen Lawrence</i>	

EXPLORATION AND MINING IN CONSERVATION AREAS

POLICY PROPOSAL

 NATIONAL PARKS

There will be a ban on exploration and mining in 57 National Parks. New, approved, but as yet unimplemented, parks are to be included in the ban (these include Dirk Hartog Island, Edel, Francois Peron, Zuytdorp Extensions, and Walcott Inlet.)

Preservation area
 Neerabup and Watheroo National Parks will immediately be rationalised for inclusion in the ban.

There are three National Parks where conflicting land use calls for a rationalisation of boundaries. These are Hamersley Range, Rudall River and D'entrecasteaux (and extensions). The conflicting land use questions will be clearly delineated in advance of a policy statement. Recommendations are attached. See attachment 2.

It is proposed that legislation will be put forward to reflect the ban; however, even if the legislation fails to pass through Parliament, it is intended that the Government will adhere to this policy. Excisions from parks will be compensated for by inclusion of land of comparable area and value.

conservation?
 No exploration or production for Petroleum in National Parks or Nature Reserves will be allowed without declaration under the Petroleum Act. Access for such activity will be subject to Ministerial approval after EPA assessment.

There will be a ban on drilling and petroleum production in Marine Parks. *why not NP's Marine N Reserves?*

All proposals for new or extended National Parks (and Nature Reserves) will be subject to detailed biological and mineral/petroleum resource assessment prior to being presented to Government for approval.

Legislation will be introduced so that the creation of new National Parks and extensions to National Parks will require approval of Parliament.

CLASS A NATURE RESERVES

Mineral exploration in Class A Nature Reserves can occur subject to the Agreement of the Minister for CALM and a formal assessment by the EPA.

Mining can occur with the consent of both Houses of Parliament.

Geoscientific Permits will continue to be issued for non-destructive

4
3 mine policy?

Two of the National Parks, Rudall River and D'entrecasteaux, contain valuable mineral deposits (mainly uranium and mineral sands respectively), and the Government's action will cause some discontent. However, a policy which does not alienate known deposits of highly prospective minerals can be justified within a sustainable development framework. Access to mineral deposits is essential to both the maintenance of the State's mining industry and the attraction of future investment to the State. The closing of prospective areas (to which the industry has some access under the current policy) would be seriously detrimental to the State's economy.

It is proposed that land-use conflicts are resolved before any future National Parks are approved. Biological studies and resource assessments in proposed National Parks and Nature Reserves will be carried out prior to approval by Government. Legislation will be introduced so that the creation of new National Parks will require approval of Parliament, thus safeguarding the interests of both the conservationists and the mining industry.

CLASS A NATURE RESERVES

Exploration and mining in Class A Nature Reserves is a highly controversial issue. Under existing policy, these activities can be undertaken subject to consent of both Houses of Parliament. The policy is unworkable because the mechanism by which exploration can occur has been rejected by Parliament.

The Conservation Movement is opposed to any exploration and mining in Nature Reserves. However, the closure of all Class A Nature Reserves to exploration and mining would be seen by the industry as a significant negative signal. It would result in a serious loss of confidence by the industry, a reduction in exploration expenditure in Western Australia and the deferral or abandonment of exploration and development proposals.

It is proposed that exploration in these areas be allowed subject to the agreement of the Minister for CALM and a formal assessment by the EPA.

Mining is subject to the approval of both Houses of Parliament.

There is public concern that the granting of an exploration licence automatically leads to mining activity. This policy proposal offers access to exploration through stringent bureaucratic channels; however, access to mining only through the Parliamentary process. The split in the decision-making authority may alleviate some of the public concern.

RESOLUTION MECHANISM

Under the present policy, an impasse has occurred in the classification of about 200 B and C Class Reserves and Red Book recommendations. These areas have inherent conflicting land use and conservation values.

It is proposed that in existing B and C Class Reserves, exploration and mining be allowed subject to Ministerial approval. Red Book recommended areas will immediately be classified "C" Class Nature Reserves.

Any subsequent up-grading of the B and C Class Reserves will be processed through the Ministerial Council.

The Ministerial Council will be serviced by an inter-departmental Resolution Committee.

MINING AND CONSERVATION LIAISON

Much of the conflict that exists between the Mining Industry and conservation interests is due to a lack of communication and understanding. The issues of rehabilitation and environmental management in general are constantly raised by the conservation movement in negative terms.

The proposal that a Committee be established to bring together a range of conservation, industry, Union and Government representatives to monitor environmental policies and practices in the mining industry and to provide advice on any improvements that may be desirable would alleviate much of the conflict that exists between the various interest groups. Participation on such a committee would be welcomed by the Conservation movement. Its establishment at the time of any policy announcement would be advantageous.

RECOMMENDATION

That Cabinet endorse the policy statement.



Dr Carmen Lawrence MLA
PREMIER

EXPLORATION AND MINING IN CONSERVATION AREAS

POLICY PROPOSAL

NATIONAL PARKS

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FNSZorp are OK!
Neerabup and Watheroo National Parks will immediately be rationalised for inclusion in the ban.

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All proposals for new or extended National Parks (and Nature Reserves) will be subject to detailed biological and mineral/petroleum resource assessment prior to being presented to Government for approval.

Leg.
Legislation will be introduced so that the creation of new National Parks and extensions to National Parks will require approval of Parliament.

CLASS A NATURE RESERVES

Mineral exploration in Class A Nature Reserves can occur subject to the Agreement of the Minister for CALM and a formal assessment by the EPA.

Mining can occur with the consent of both Houses of Parliament.

Geoscientific Permits will continue to be issued for non-destructive

geoscientific investigations following referral to the NPNCA and approval by the Minister for CALM.

700 B and C Class Nature Reserves which have recently been approved for up-grading to Class A Nature Reserves will be incorporated into the Government's policy for Class A Nature Reserves.

LAND USE CATEGORIES

There will be no immediate up-grading of B and C Class Reserves. Red Book Recommendations will be immediately classified as "C" Class Nature Reserves.

Access for exploration and mining in B and C Class Nature Reserves will be subject to special conditions approved by the Minister for CALM and the Minister for Mines.

RESOLUTION MECHANISM: *Referred?*

The up-grading of any B and C Class Reserve to "A" Class will be referred through an inter-departmental Resolution Committee to the Ministerial Council.

Any up-grading of Reserves to National Park Status will require special legislation.

MINING AND CONSERVATION LIAISON COMMITTEE

An advisory committee, chaired by the Mines Department, with representatives of industry, unions, the conservation movement and government departments will be established to enable a better understanding of issues, especially those surrounding rehabilitation of mining areas.

NATIONAL PARKS CONFLICT RESOLUTION

- - ATTACHMENT 2

PROPOSED ACTION

5 National Parks with conflicting land uses should be resolved before any policy statement is issued.

Areas of high mineral prospectivity should be set aside before a ban on exploration and mining is in place.
Areas excised from National Parks would become 5 (g) Reserves under the Calm Act.

RESULTS & BENEFITS

Beneficial to Government credibility. Shows future policy direction.

1. Neerabup National Park

- (a) Excision of quarry area in exchange for an additional area of native vegetation as already agreed at Officer level with CALM.
- (b) Officers to check identified areas with NPNCA, the status of the road reserve and to identify further land additions to the south east of the Park for inclusion.
- (c) Tenement areas superfluous to mining project would be extinguished and remain in park. Mining area to be rehabilitated for inclusion in the National Park at a date if so desired. ✓

Excision of quarry from park; additional land to be added to the park. Net gain in land to park.

- less veg cleared
only adobe range



EXISTING-PARK



GRANTED MINING ACT TENEMENT

1km

WANNEROO

ROAD

ROAD

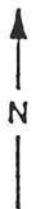
QUINNS

QUINNS ROCKS

EXCISE FROM TENEMENT

EXCISE FROM N.P.

ADD TO TENEMENT



INDIAN OCEAN

NEERABUP NP

BURNS BEACH ROAD



11



2. Watheroo National Park

Proposed action:

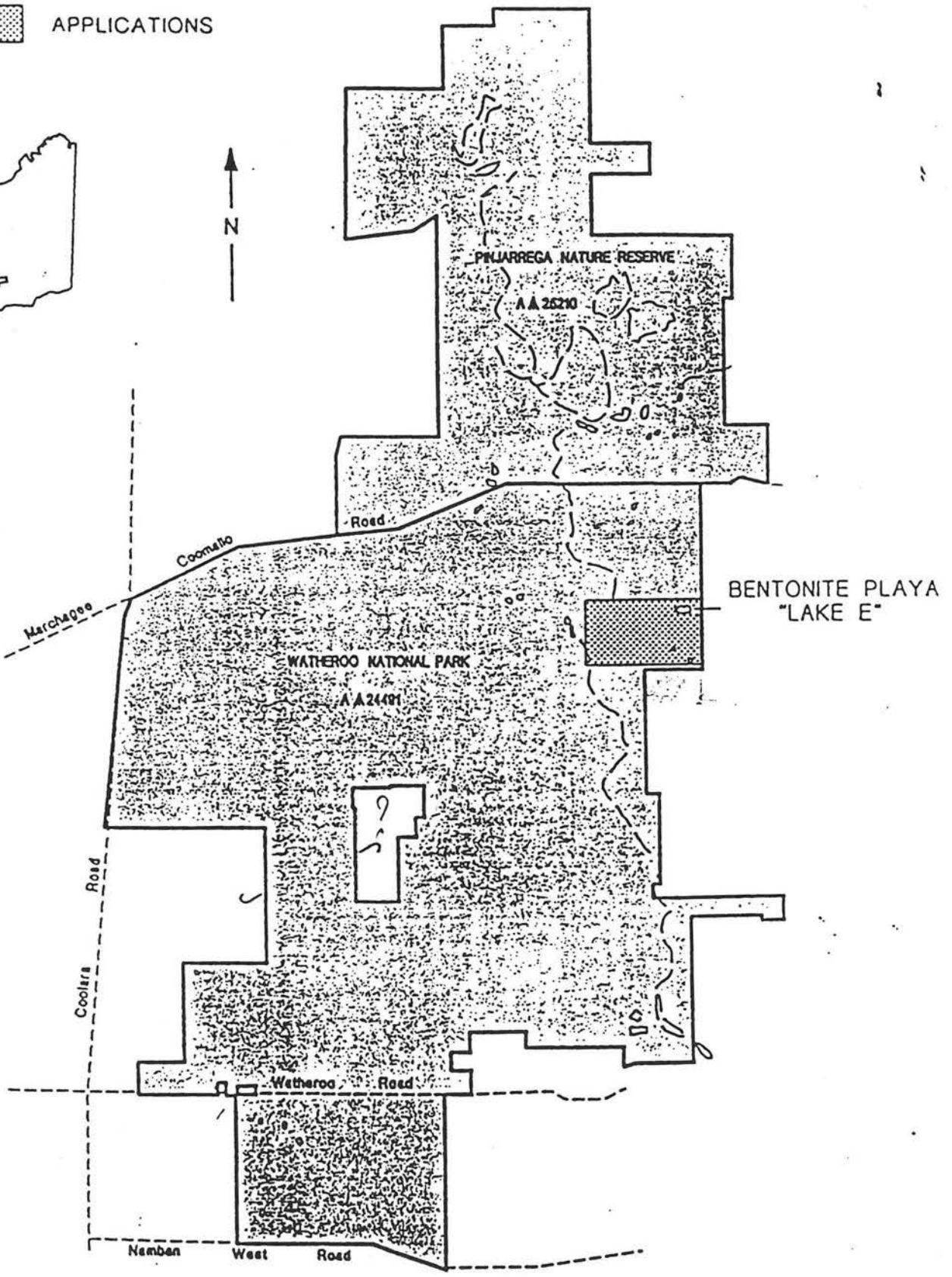
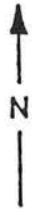
- (a) Excise the lake bed and necessary access area from the park and declare it as a Multiple-Use (or 5g) area. Balance of the proposed tenement would become National Park land and no further exploration or mining would occur.
- (b) Mining approval would be subject to EPA assessment.
- (c) Upon completion of exploration and mining, area would be assessed for reincorporation into National Park.

Excision of lake bed and access only; balance of tenement to remain National Park; probable return of areas to National Park after mining.

no mention of land swap.
tenement size could be reduced.

-  EXISTING PARK
-  APPLICATIONS

10 km



**WATHEROO NATIONAL PARK &
PINJARREGA NATURE RESERVE**



3. Hamersley Range National Park

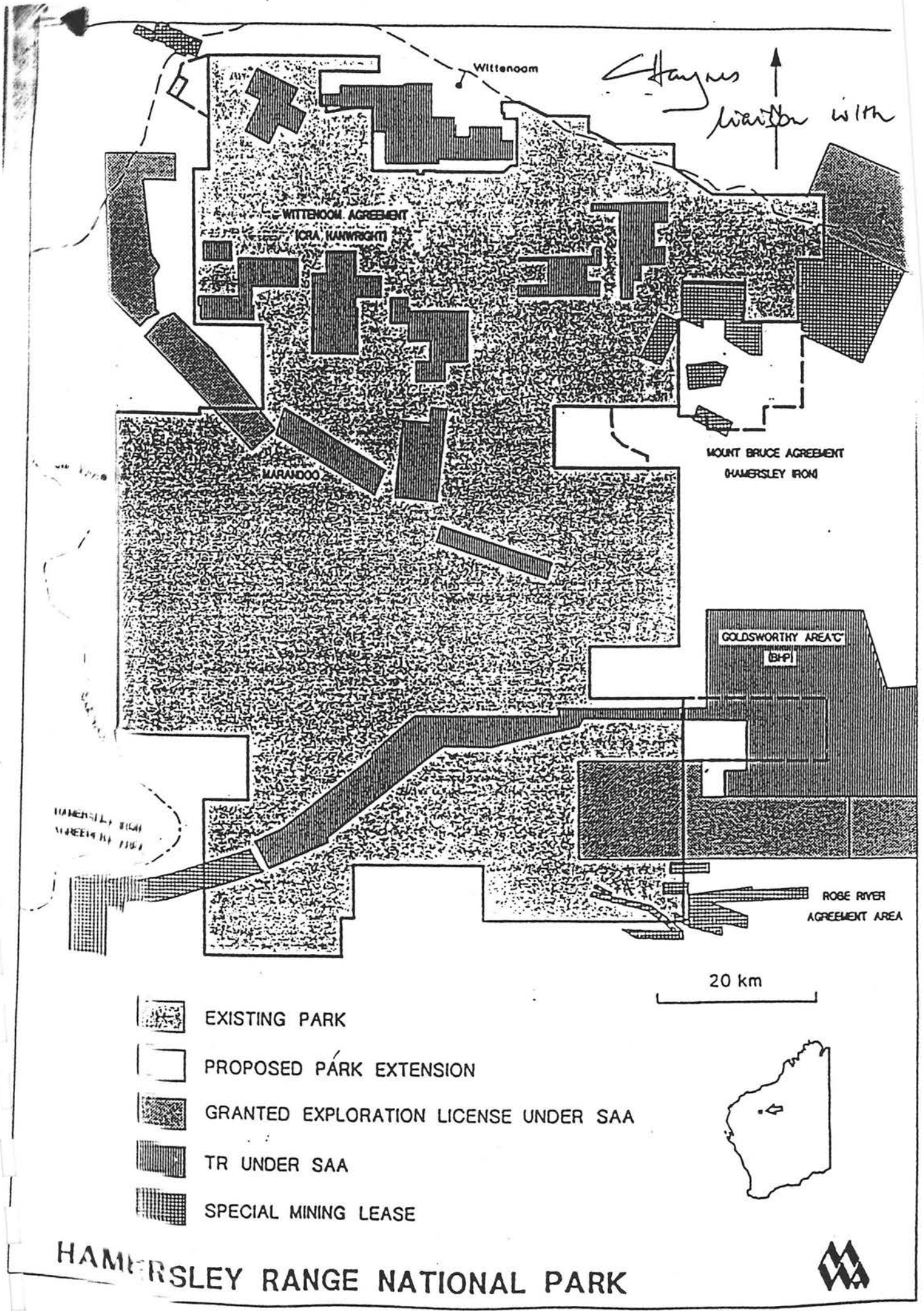
- (a) Review iron ore tenements within the Park with a view to rationalisation and agreement on infrastructure corridors.
- (b) Excision of rationalised tenements and infrastructure corridors from the Park.
- (c) Infrastructure corridors to be declared "Multiple-Use Reserves" for proper CALM Management.
- (d) No new exploration, mining or tenements within the Park except for transfers to Special Mining Leases under existing Agreements Acts.
- (e) Inclusion of additional areas into National Park.
- (f) A Cabinet Minute has been prepared to reflect both the rationalisation of tenements and proposed additions to the Park.

Rationalisation leading to enlarged park in which there will be no further exploration or mining. Consolidation of mining and nature areas leading to security for leaseholders and conservationists.

CALM has requested that consideration be given to the inclusion of a further 300,000 - 500,000 ha piece of land to the Park.

This work will take some time and, therefore, the boundaries and excised areas cannot yet be declared. This work is already underway as part of the HRNP Management Plan process.

Access to excised tenements?



4. Rudall River National Park

Proposed action




- (a) Excise Kintyre deposit from the Park.
- (b) Refuse all pending exploration applications. No new applications will be granted.
- (c) Allow exploration to continue on granted titles under existing conditions within the time limitations imposed by the Mining Act.
- (d) Declare all Park, except granted exploration titles to be closed to exploration and mining.
- (e) Mining will be subject to Parliamentary approval. Mining Leases approved will be excised from the Park.

Security for existing exploration activity and future mining. Saves Government possible compensation and saves international "face". However, it is a difficult political stance as Kintyre is a uranium deposit. (Will have to be expressed in terms of sustainable development - safeguarding the resources for future generations). *Bulldust*

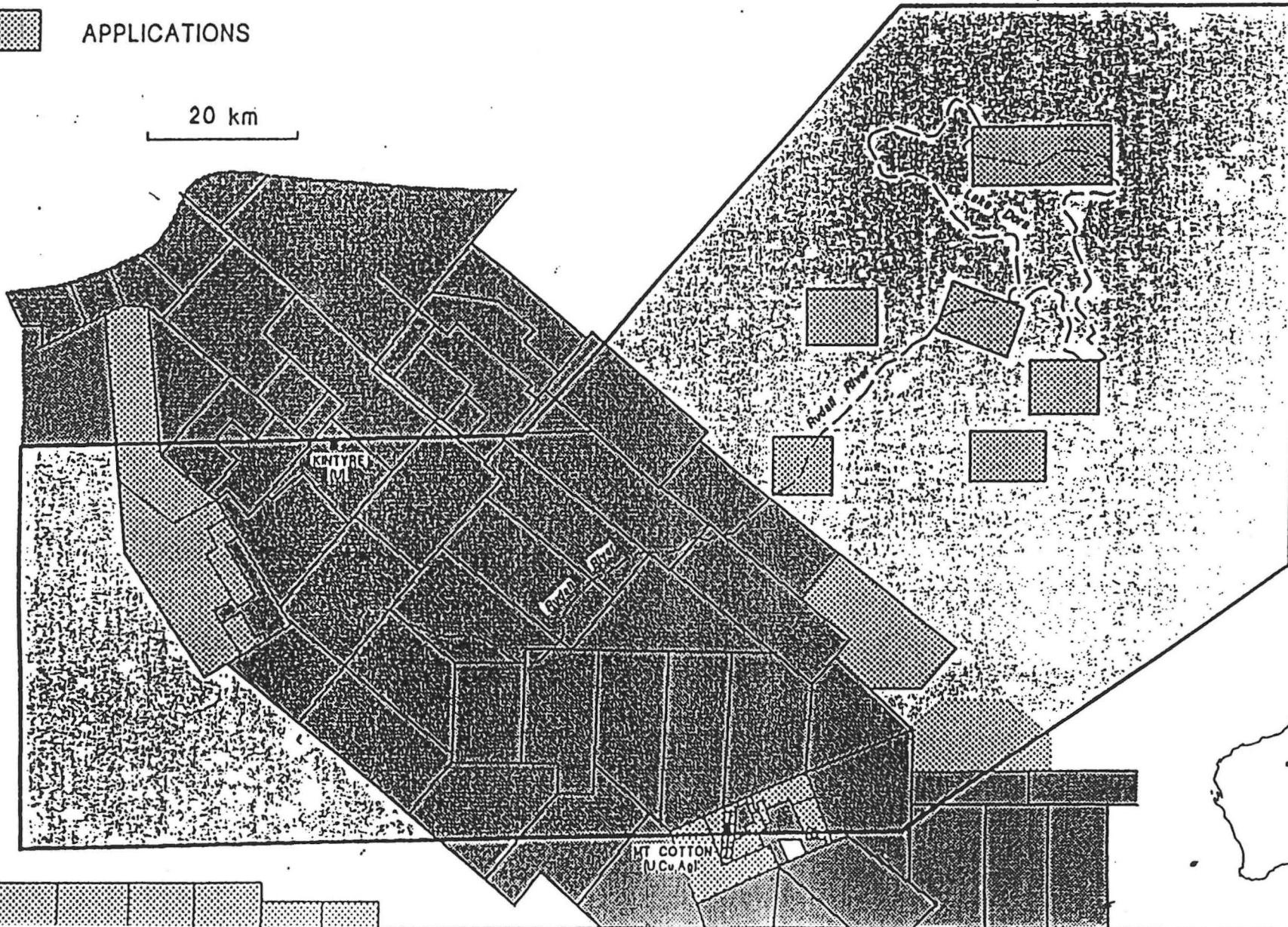
Exclusion Zone ?
Aboriginal issue ?

RUDALL RIVER N.P.



-  EXISTING PARK
-  GRANTED MINING ACT TENEMENTS
-  APPLICATIONS

20 km

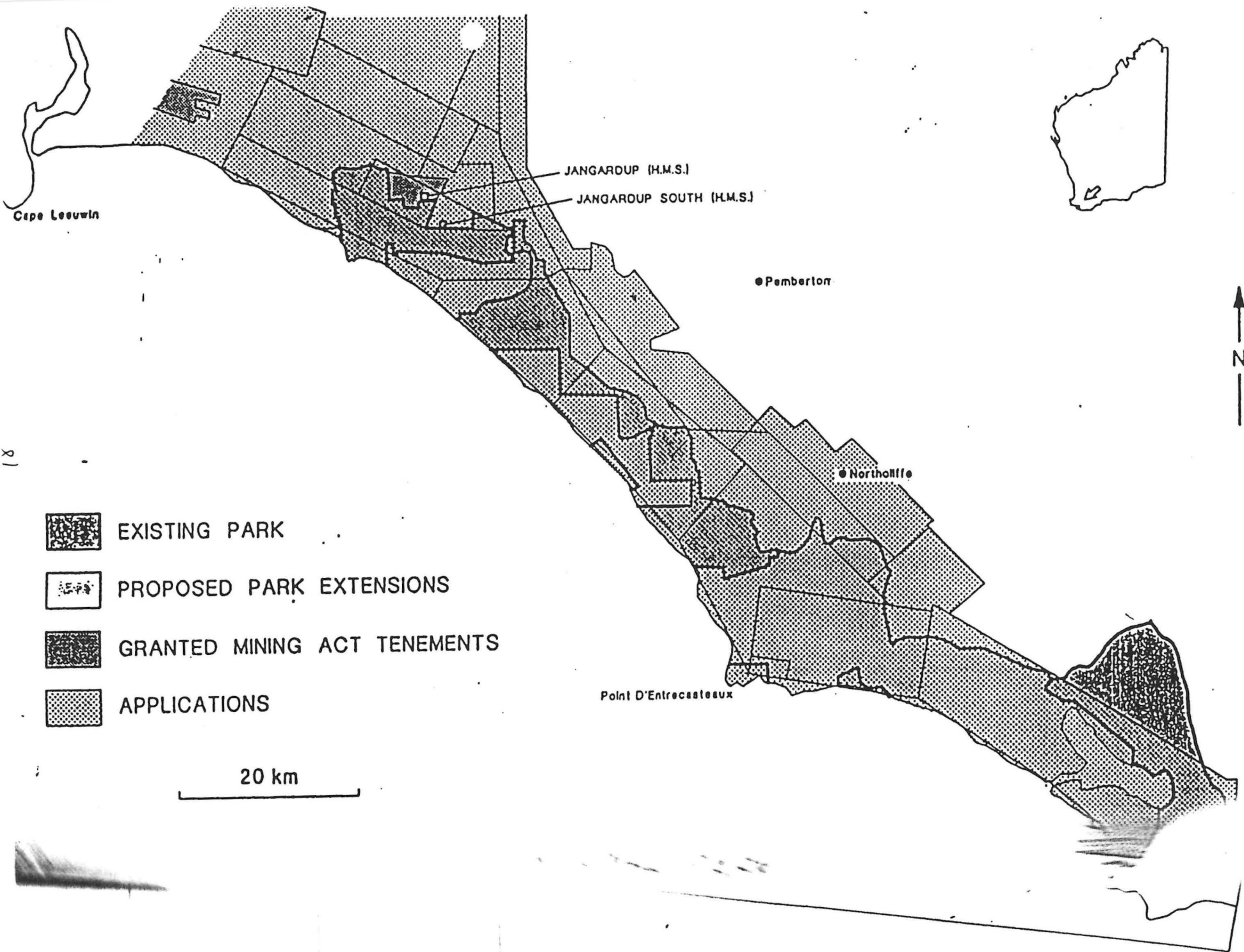


5. D'entrecasteaux National Park and Extensions

Announce that exploration, under strict conditions, would be allowed to continue for 24 months at the end of which no more than 1% of total land would be excised from the Park. No mining approvals would be given within 5 years (this is in line with the Government's Mineral Sands Strategy Document released earlier this year).

All extensions would be declared as park; exploration process would take place for 24 months; 99% of Park will be safeguarded; economically important resources would be available without jeopardising the park's conservation values.

11



Cape Leeuwin

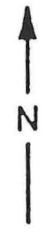
JANGAROUP (H.M.S.)

JANGAROUP SOUTH (H.M.S.)

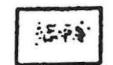
● Pemberton

● Northcliffe

Point D'Entrecasteaux



EXISTING PARK



PROPOSED PARK EXTENSIONS



GRANTED MINING ACT TENEMENTS



APPLICATIONS

20 km



18