

**Application for exploration licence 70/965, Basil
Road area, Albany Shire**

Messrs Parker, Newman and Farrell

**Report and recommendations of the
Environmental Protection Authority**

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1. Background

The Environmental Protection Authority has formally assessed a proposal to grant an exploration licence (EL70/965) which covers an area around Basil Road, Shire of Albany, extending westerly from Eyre River to Tinkelelup Nature Reserve (Figure 1). The licence application area mainly covers cleared or partly-cleared farm land but also covers several vested and unvested reserves (Classes A and C), vacant Crown land (Environmental Protection Authority Red Book recommendation 3.10, for reservation for the protection of the coastline) and offshore islands.

2. The proposal

The proposal is for the grant of an exploration licence (EL 70/965) to Messrs Parker, Newman and Farrell, the proponent. An exploration licence (described in Part IV, Sections 57 to 70 of the Mining Act 1978) allows the licensee to explore for all minerals in or under the land. The granting of the licence by the Minister for Mines provides the holder of the licence with security of tenure for five years and the right to enter the licence area to conduct exploration in accordance with conditions placed on the licence. On grant of the licence the Department of Mines has regulatory power under the Mining Act, 1978, and requires a security or a bond to ensure that rehabilitation of any disturbed areas is completed to an acceptable standard.

Discussions with the proponent, Messrs Farrell, Newman and Parker, in conjunction with a field inspection, indicated that the exploration target was for mineral sands in the farm land back from the coast. A phased exploration programme is planned commencing with an initial phase of low impact drilling along existing roads, tracks and fencelines. No exploration activity was planned for the reserves, the coastal zone or offshore; these areas were applied for to allow the development of the geological model by undertaking non-ground-disturbing investigations and to provide areas which could be relinquished at a later date under the provisions of the exploration licence.

Later phases of exploration would involve geophysical work, geological mapping and progressively more intensive drilling over smaller areas, culminating in drilling along cleared grid lines.

3. Existing environment

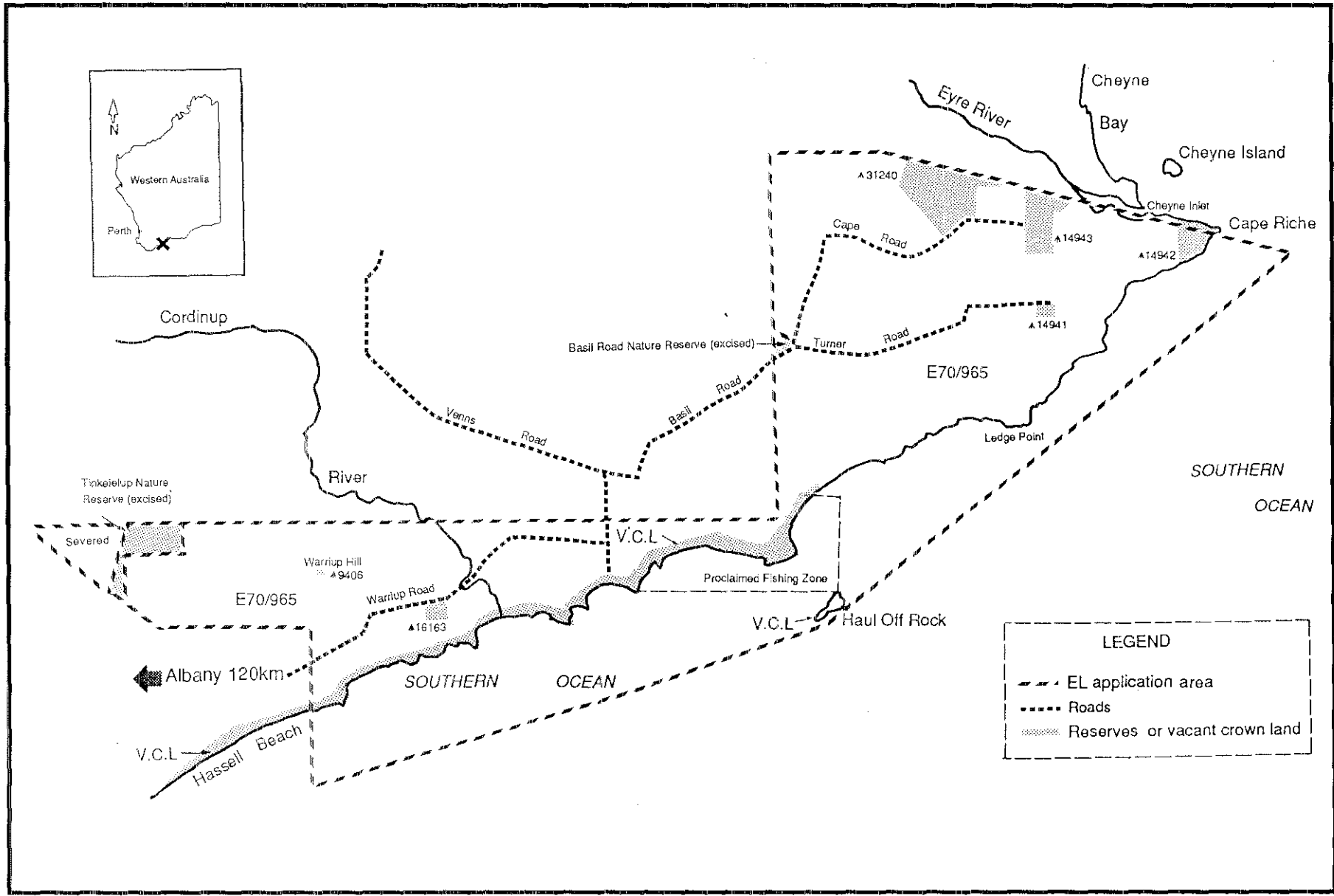
The licence application area consists of cleared or partly-cleared farm land interspersed with undulating coastal heathland typical of the south coast of Western Australia. Closer to the coast the heathland is relatively undisturbed and continuous.

4. Assessment and recommendations

The assessment has focussed on whether there are any environmental issues which would prohibit the grant of title and, if not, whether there are any environmentally-sensitive areas within the licence application area which require protection from the impacts of ground-disturbing exploration. No issues which would prevent the grant of licence were raised, but numerous environmentally-sensitive areas were identified along with environmental issues which the Environmental Protection Authority considers require specific attention by the way of recommendations or licence conditions.

The Environmental Protection Authority has identified the main environmental issues as being related to dieback disease control and land degradation potential. The environmentally-sensitive areas which were identified relate to the protection of the vacant Crown land along the coastline and the protection of the existing reserves. The protection of the reserves would be achieved by excising the two nature reserves (Tinkelelup and Basil Road nature reserves), which are vested with the National Parks and Nature Conservation Authority, and by having the Department of Mines imposing a no mining condition (which includes no ground-disturbing exploration activity) on the licence at the grant of title over the unvested reserve areas. The protection of the vacant Crown land, which is the subject of an

Figure 1: Location of mineral sands EL70/965



Environmental Protection Authority Red Book recommendation, could be achieved by requiring that no ground-disturbing exploration activity occur until an exploration programme has been referred to the Environmental Protection Authority under Section 38 of the Environmental Protection Act, 1986.

The Environmental Protection Authority considers that all the issues can be satisfactorily resolved by, the excisions, the imposition of the attached licence conditions by the Department of Mines (Appendix 1) and by the Environmental Protection Authority's recommendations in this report.

Recommendation 1

The Environmental Protection Authority concludes that the proposal to grant the exploration licence (70/965) is environmentally acceptable subject to no ground-disturbing activity occurring on the vacant Crown land until such activity is referred to the Environmental Protection Authority by the proponent and approved by the Minister for the Environment. In reaching this conclusion, the Environmental Protection Authority identified the main environmental factors requiring detailed consideration as: dieback disease control, land degradation potential, protection of the vacant Crown land on the coast, protection of offshore areas and protection of the existing reserves.

The Environmental Protection Authority considers these and other issues have been addressed by either the excisions, the exploration licence conditions to be imposed by the Department of Mines at the grant of title or by the Environmental Protection Authority's recommendations in this report.

4.1 Dieback disease

The spread of dieback disease along the South Coast is the subject of ongoing management strategies co-ordinated mainly by the Department of Conservation and Land Management. Exploration activity which involves soil sampling on little used tracks and fencelines over wide areas is prone to spread dieback if proper hygiene measures are not implemented. The Department of Mines of Western Australia proposes to place a licence condition requiring the licensee to comply with the South Coast Region Dieback Protection Plan 1989/93 and the Department of Conservation and Land Management's Dieback Hygiene Manual. The Environmental Protection Authority is satisfied that the imposition of such a condition and compliance with the Protection Plan is a satisfactory approach to dieback control.

4.2 Offshore exploration

For this proposal, the proponent has indicated that it has no interest in exploring offshore marine areas and has agreed that the Department of Mines place a licence condition which requires no mining (which includes all ground-disturbing exploration activity) on these areas.

The offshore islands which are included within the licence application area are environmentally-sensitive areas and, because the proponent has indicated no interest in exploring them, the Department of Mines proposes to place a no mining condition on these areas.

4.3 Land degradation

Exploration activity can contribute to land degradation by the formation of access tracks, grid lines and other exploration activities. However, if these activities are co-ordinated with the land conservation programmes organised by the existing land users, they can be non-disturbing and possibly complementary. For this proposal the main focus of the exploration activity is the private farm land and the licensee would require the specific agreement of each land owner to access and explore on each property. The exploration activity can be evaluated and controlled by the landowner at that stage to ensure proper co-ordination and management. The Department of Mines proposes to place a licence condition which ensures that this liaison occurs (Appendix 1, Condition 19).

The licence application also covers areas of vacant Crown land which are relatively undisturbed and are regarded as being environmentally-sensitive areas. The Environmental Protection Authority makes the following recommendation for exploration in such areas:

Recommendation 2

The Environmental Protection Authority recommends that, prior to any ground-disturbing exploration activity on areas of vacant Crown land, the proponent refer details of the proposed exploration activity to the Environmental Protection Authority for the approval of the Minister for the Environment.

4.4 Coastline protection

The coast in this area has very significant conservation, landscape and recreational values which the Environmental Protection Authority recommended for reservation for the protection of the coastline (Red Book recommendation 3.10). The Shire of Albany has endorsed this position in its response to the proposal and has requested that no ground-disturbance occur within the coastal zone, which is defined as land within 1km of the high water mark.

The Department of Mines, in concurrence with this request and following the agreement of the proponent, proposes to place a licence condition which requires no mining (which includes all ground-disturbing exploration activity) in the coastal zone extending the length of the licence area and from the high water mark to 1km inland; this condition also covers Cheyne Inlet such that no ground-disturbing exploration can occur in that area.

4.5 Existing reserves

The original licence application area covers, wholly or partly, several environmentally-sensitive reserves for various purposes which are either vested with the National Parks and Nature Conservation Authority or are unvested (Table 1). Following negotiation with the proponent, the Tinkeleup Nature Reserve (C26234; NPNC) and the Basil Road Nature Reserve (C29128; NPNC) will be excised from the licence area upon grant of title.

Table 1: Environmentally-sensitive reserves

| Reserve | Purpose | Comment |
|-----------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------|
| C26234 | Tinkeleup Nature Reserve; NPNC; Conservation of flora/fauna | excision at grant |
| C29128 | Basil Road Nature Reserve; NPNC | excision at grant |
| A14942 | parklands and recreation; unvested | no mining condition |
| A14943 | parklands and recreation; unvested | no mining condition |
| C31240 | government requirements; unvested | no mining condition |
| vacant Crown land; along | protection of coastline | refer exploration programme to Environmental Protection Authority |
| Hassell Beach | Red Book recommendation 3.10 | |

In the Department of Conservation and Land Management's South Coast Region Draft Management Plan, Reserves C31240 and A14943 are proposed to be incorporated into a conservation park extending along Cheyne Bay. Because of their current and possible future status and conservation values they are regarded as environmentally-sensitive areas. The vacant Crown land extending along Hassell Beach has been recommended by the Environmental Protection Authority for the protection of the coastline (Environmental Protection Authority Red Book recommendation 3.10). The vacant Crown land has not been incorporated into the South Coast Region Draft Management Plan but is adequately protected by either the licence condition proposing that there be no mining in the coastal

zone (Appendix 1, Condition 2) or by Recommendation 2 for areas which are not within 1km of the coastline.

Reserve 16163 has the purpose of water and the Water Authority of Western Australia was consulted about this reserve and also the general water resources of the area. The Water Authority advised that none of the licence application area is currently envisaged for future water supplies and that a licence condition for the general protection of water (surface and underground sources) would be sufficient. The Department of Mines proposes to place the appropriate condition on the licence (Appendix 1, Condition 13).

The Department of Mines proposes to place a licence condition of no mining (which includes ground-disturbing exploration activity) over all the reserves which will not be excised at the grant of title. If Government endorsement of the South Coast Region Draft Management Plan's recommendation for the conservation park along Cheyne Bay (Reserves C31240, A14943) is obtained prior to the licence being granted it is suggested that these reserves also be excised from the licence at the grant of title.

Any application by the proponent to suspend a no mining condition is referred to the Minister for Mines and would be determined in consultation with the relevant decision-making Ministers. The Minister for the Environment is not a decision-making Minister and may not be consulted. Accordingly, the Environmental Protection Authority makes the following recommendation:

Recommendation 3

The Environmental Protection Authority recommends that the proponent submit any application to suspend a no mining condition to the Minister for the Environment for his approval in conjunction with the Minister for Mines.

5. Conclusions

The Environmental Protection Authority has concluded that the proposal to grant the exploration licence is environmentally acceptable because the proposed exploration activity is mainly focussed on private farm land and the proponent has agreed to either excise the vested reserves or to have a no mining condition (which includes ground-disturbing exploration activity) placed over the parts of the licence which cover the unvested reserves. In addition, the Environmental Protection Authority has recommended that no ground-disturbing exploration activity occur in the vacant Crown land, which is considered environmentally-sensitive, until specific assessment of the exploration programme has been carried out.

The licensee, upon grant of title, would have access to either private land or to vacant Crown land for exploration. The Environmental Protection Authority has concluded that the conditions to manage the exploration activity in both cases are satisfactory.

Appendix 1

**Department of Mines proposed schedule of conditions for
exploration licence 70/965**

1. Excision from the licence area of Nature Reserves:
 - 26234 (Tinkelelup)
 - 29128 (Basil Road)
2. No mining (ground disturbance) is to be undertaken within the following areas:
 - Government Requirements Reserve 31240;
 - Parklands and Recreation Reserves:
 - 14942
 - 14943 (Cape Riche);
 - A 1km-wide zone inland from the high tide mark (this condition includes the Cheyne Inlet);
 - Off-shore or Territorial Sea.
3. Compliance with the provisions of the Aboriginal Heritage Act, 1972, to ensure that no action is taken which is likely to interfere with, or damage, any Aboriginal site.
4. All surface holes drilled for the purpose of exploration being capped, filled or otherwise made safe after completion.
5. All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the District Mining Engineer, Department of Mines. Backfilling and rehabilitation being required no later than six months after excavation unless otherwise approved in writing by the District Mining Engineer.
6. All waste material, rubbish, plastic sample bags, abandoned equipment and temporary buildings being removed from the licence area prior to, or at, the termination of the exploration programme.
7. Adequate protection to be given to trigometrical stations on Reserves 9406 and 14941.
8. The licensee is to prepare a dieback hygiene management programme to the satisfaction of the Department of Conservation and Land Management's Regional Manager at Albany; and based on the South Coast Region Dieback protection plan (1989-1993) and the Department of Conservation and Land Management's Dieback Hygiene Manual.
9. The licensee making provisions to prevent spillage of fuel and discharge of pollutants generally, and for all rubbish to be removed from the licence area and all disturbed sites to be left in a clean and tidy state.
10. No soap, detergent or other foaming agent being used in any watercourse or rockhole nor any rubbish or other polluting material being deposited in any watercourse or rockhole.
11. Such further conditions for protection of the land environment and rehabilitation of the land as the Minister for Mines may from time to time impose.
12. The grant of this licence not inferring automatic approval to mine or the subsequent grant of a mining lease in accordance with Section 75 of the Mining Act.
13. No activities are to be carried out that will adversely affect waters from surface and underground sources, or affect the natural drainage in any watercourse without the prior approval of the Minister for Water Resources, with particular attention being paid to Reserve 16163 (Water and Camping).
14. Provision of the Rights in Water and Irrigation Act being observed.
15. Strict fire control and all fire regulations being observed at all times.
16. No domestic animals, traps and firearms being taken onto the licence area.
17. Prior to any disturbance on the licence area, the Senior Clerk, Flora, Department of Conservation and Land Management, Como, to be contacted to ascertain whether there exists, in the area to be disturbed, any plant species gazetted as rare flora under the Wildlife Conservation Act, or any other species with a geographically restricted range. The holder then taking all necessary steps to avoid the disturbance of any such flora and to ensure that the occurrence of such species is reported to the Regional Manager, the Department of Conservation and Land Management.
18. Existing tracks are to be used wherever practicable for the movement of vehicles, machinery or equipment.
19. Advise Land Care District Committee and/or affected lease holders about exploration programme.