

**Application for exploration licence 04/530 -
Quondong Point, north of Broome**

Martin Ynema

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

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1. Introduction

Martin Ynema, the proponent, has applied for exploration licence 04/530, which is located north of Broome and extends from Quondong Point inland on Waterbank Pastoral Lease (Figure 1). The licence application was referred to the Environmental Protection Authority by the Department of Mines because of its environmental sensitivity and a formal assessment was commenced at a level of Consultative Environmental Review.

The Environmental Protection Authority is assessing the environmental impacts of the grant of the exploration tenement, not of the exploration activity itself, because, at this stage, it is not known what ground-disturbing activities would be included in the exploration programme and what is the focus of the exploration activity. The assessment process focusses on whether there are parts of the licence application area for which the biophysical environment is so sensitive that it requires protection from any exploration activity. Such areas can be protected by either excision from the tenement at grant of title or by placing a no mining condition (which includes ground-disturbing exploration) on the licence at the grant of title. For other less sensitive but still environmentally important areas within the tenement it is important to reserve the right to perform an assessment of any ground-disturbing exploration when the details of the potential environmental impacts and locations are known.

2. Existing environment

Exploration licence application 04/530 is located on Waterbank Station, 30 km north of Broome (Figure 1). The licence application area is divided by the Broome-Minari Road (Road No.15968) into a western coastal area and an eastern inland area and covers beaches, coastal dunes, reddish-grey sandplains, watercourses, seasonal freshwater swamps and permanent freshwater springs. The area has a semi-arid environment with a low rainfall and high evaporation rates.

Coastal area

The western part of the licence application area is networked with tracks and is frequently visited by tourists. The coastal scenery is attractive and there is good fishing from the sandy beaches. The coastal strip is a very popular recreation and camping area and Quondong Point is one of the major focal points for recreational activities on the peninsula. The recreational values of the coastal strip are considered to be very high.

Sub-coastal vine thickets and closed vine forests occur in isolated patches immediately behind the coastal dune systems. The Department of Conservation and Land Management indicates that the conservation values of these ecosystems is very high because of their rarity and affinity with rainforest vegetation types.

The Western Australian Museum recently reported that there are fossils in a white sandstone rock type at Quondong Point which are of great scientific importance. Dinosaur footprints belonging to at least three different kinds of dinosaurs are preserved as well as some of the best Cretaceous plant fossils recorded in the State. The rock type which contains the fossils is a silcrete or "white sandstone" and the Museum is proposing to conduct a scientific investigation into its extent and fossil content.

The coastal area west of the Broome-Minari road has recently been surveyed by the Department of Aboriginal Sites of the Western Australian Museum. Details of the survey are recorded in "A Management Report for the Lurujarri Heritage Trail, Broome". The Western Australian Museum reports that the area to the west of the Broome-Minari road contains archaeological sites and ethnographic sites of great cultural significance to Aboriginal people. The Museum currently has proposed to declare part of the Quondong Point area as a Protected Area under the Aboriginal Heritage Act.

Inland area

The eastern part of the licence application area consists mainly of sandplains behind the dune system and it supports a mosaic of woodland vegetation known as the Pindan vegetation type. The Department of Conservation and Land Management indicates that the woodland vegetation has a high conservation value.

A small proportion of the licence application area at the eastern end impinges upon an area identified by the Departments of Regional Development and Planning and Urban Development in the Kimberley Region Plan Study Report as being environmentally significant. The area is designated for parks and recreation (Category C) and requires further investigation of its conservation value. Currently, there is little recreational use of the entire eastern part of the licence application area.

The Western Australian Museum proposes to evaluate the outcrops of the fossilised rock in the western part of the area and determine if it extends into the inland area. If it does they propose to extend their scientific investigations into the eastern part of the licence application area.

The Department of Aboriginal Sites of the Western Australian Museum report that unpublished information regarding the eastern part of the licence application area indicates that there are Aboriginal concerns in the area and that further investigations are to be conducted. The proponent is bound to abide by the Aboriginal Heritage Act in addressing those concerns.

3. The proposal

The proposal is to grant an exploration tenement (EL 04/530) to Martin Ynema, 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.

4. Assessment and recommendations

The Environmental Protection Authority considers that it is unlikely that the action of granting an exploration tenement would have significant biophysical environmental impacts. Potential impacts would occur at the point where actual exploration activity was proposed. At the granting stage, it is more likely that environmentally-sensitive areas would be identified which

would require either excision of part of the tenement or to have a no mining condition placed over them. The assessment process therefore focusses on identifying these environmentally-sensitive areas and, either recommending their excision or, if the exploration licence is granted, to make provision for the specific assessment of any exploration activity which involves ground-disturbance in these areas at a later date.

In order to identify the biophysical environmental issues, the Environmental Protection Authority consulted with a number of agencies (Table 1). The key biophysical environmental issues identified are related to the protection of the coastal vine thickets, the recreational value and current and future usage of the coastal area, the scientific value of the fossilised rock type (silcrete) and the maintenance of the conservation values of the area.

The information compiled by the Environmental Protection Authority indicates that the area on the western side of the Broome-Minari road has scientific, conservation and recreational values which require protection. The protection of the coastal vine thickets, the known fossilised rock localities and the recreational use of the coastal area can be achieved by either the excision of the area from the licence or by prohibiting all exploration activity under a no-mining condition set by the Minister for the Environment.

The option of excision is not favoured by either the regulatory authorities (Department of Mines and the Environmental Protection Authority) or by the proponent because the excision process can make a tenement application illegal under the Mining Act and the proponent often requires excess licence area for subsequent forfeiture under the provisions of the licence. A further consideration is that the grant of title over the western coastal area would prohibit any other applications by other mining companies during the term of the licence.

Table 1 : Agencies consulted

Kimberley Conservation Group
Broome Botanical Society
Conservation Council of WA Inc.
Australian Conservation Foundation
The Wilderness Society
Shire of Broome
National Parks and Nature Conservation Authority
Department of Conservation and Land Management
Mamabulanjin Aboriginal Corporation
Pearl Coast 4WD Tours
Department of Planning and Urban Development
Western Australian Museum

The area on the eastern side of the Broome-Minari Road does not have the known scientific, conservation, recreational and Aboriginal values identified for the western area, though it is apparent that some of these values may be present. The Environmental Protection Authority considers that, prior to any ground-disturbing exploration activity, the onus should be on the

proponent to investigate whether there are any values which require protection. This would involve investigations overseen by the Western Australian Museum and the Department of Conservation and Land Management and the submission of a report for environmental assessment which includes public input.

Various Aboriginal organisations have advised the Environmental Protection Authority of their concerns and these have been addressed, as far as is possible, under the Environmental Protection Act. The issue of the grant of the title and the subsequent exploration activity has been placed with the appropriate organisations who administer the Aboriginal Heritage Act, and their advice is also being sent directly to the Department of Mines.

The Environmental Protection Authority makes the following recommendations:

Recommendation 1

The Environmental Protection Authority recommends that, in view of the environmental sensitivity of the area encompassed by exploration licence 04/530, the granting of the licence would only be environmentally acceptable if the licence were subject to the recommendations in this report.

Recommendation 2

The Environmental Protection Authority recommends that no mining, which includes all ground-disturbing exploration activity, occur on the western side of the Broome-Minari road (Road No.15968).

Recommendation 3

The Environmental Protection Authority recommends that, prior to any ground-disturbing exploration activity on the eastern side of the Broome-Minari road (Road No.15968), the proponent refer an exploration programme to the Environmental Protection Authority under Section 38 of the Environmental Protection Act, 1986, and no ground-disturbing exploration activity shall occur unless and until the approval of the Minister for the Environment is given.

5. Conclusions

The Environmental Protection Authority has assessed the proposal to grant an exploration licence over an area at, and extending inland from, Quondong Point, 30 km north of Broome. The conclusion based on the environmental factors identified by the Environmental Protection Authority is that no exploration is environmentally acceptable on the western side of the Broome-Minari road and that no ground-disturbing exploration is environmentally acceptable on the eastern side of the road unless and until an exploration programme is submitted to the Environmental Protection Authority under Section 38 of the Environmental Protection Act, 1986.