

**Application for exploration licence 70/1033,
Nullaki Peninsula**

Westralian Sands Ltd

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

**Environmental Protection Authority
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Introduction

This proposal is one of a group of applications for mineral exploration tenements for which a formal level of assessment was set by the Environmental Protection Authority under the Government's former policy (known as "Balancing the Scales", 1988) on exploration in environmentally sensitive areas. The former policy has now been replaced by a new policy entitled "Resolution of Conflict - A Clear Policy for National Parks", 1990.

In future, the Environmental Protection Authority intends to assess exploration proposals in environmentally sensitive areas when there is potential for significant impact on the environment.

This approach requires the Department of Mines to impose conditions on the tenement which prevent significant ground disturbing activity. If the tenement holder wishes to disturb the ground he must prepare a plan to describe the disturbance proposed, its location and his plans to manage any environmental impacts.

This plan should be reviewed by the Department of Mines in consultation with the agency responsible for the land. For conservation areas this will usually be the National Parks and Nature Conservation Authority and the Department of Conservation and Land Management. The plan should also be publicly available at the Department of Mines and the Environmental Protection Authority.

For B and C class reserves the National Parks and Nature Conservation Authority should decide if the plan is acceptable. The Ministers for Environment and Mines could then concur on any new conditions to be applied to the tenement to control ground disturbing activities.

If the programme cannot be made acceptable by consultation then the National Parks and Nature Conservation Authority or the Department of Conservation and Land Management can refer it to the Environmental Protection Authority for further assessment. Plans for A class reserves would go through the same steps and must be referred to the Environmental Protection Authority in each case in accordance with Government Policy.

Any member of the public could also, at any time, refer a proposal to the Environmental Protection Authority for a decision on the need for further formal assessment.

Non ground-disturbing exploration activity means activities which do not have significant impact on the environmentally sensitive area. Such exploration would be akin to other accepted uses of the environmentally sensitive area, such as recreation and park management. The Environmental Protection Authority concludes that the following activities would not result in significant ground disturbance:

- all airborne surveys;
- reconnaissance in a light vehicle, including limited off-road access where approved by the management authority;
- geophysical work, for example, magnetometer surveys, especially if on foot, by helicopter or with limited off-road access where approved by the management authority;
- geochemical work including collection of small samples (<20 kg) especially if on foot, by helicopter or with limited off-road access where approved by the management authority; and
- scout drilling on existing roads, tracks and approved management access routes (firebreaks, etc).

This position has been put to and generally accepted by the Departments of Mines and Conservation and Land Management and the National Parks and Nature Conservation Authority.

Additional input on the definition of ground disturbance for both onshore and offshore exploration activity has been sought from relevant interest groups, such as the exploration industry and the conservation movement, and the definition could be expected to be refined. Details of the specific activities to be permitted will be specified by the State Mining Engineer, in consultation with the National Parks and Nature Conservation Authority and the Environmental Protection Authority, in conditions to be set for each tenement.

The proposal

The Environmental Protection Authority has assessed a proposal to grant exploration licence 70/1033 over an area covering the Nullaki Peninsula and Wilson Inlet.

An exploration licence (described in Part IV, Sections 57-70 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 activity according to conditions placed on the licence. The licence area must be halved at the end of the third and fourth years and there are obligatory expenditure commitments.

On grant of licence, the Department of Mines has regulatory power via the licence conditions and requires a security or a bond to ensure that rehabilitation is completed to an acceptable standard. Many of the licence conditions relate to environmental protection issues and the Department of Mines has undertaken with the Environmental Protection Authority to apply a standard set of conditions on tenements which cover environmentally sensitive areas.

Consultations with the proponents, mining industry representatives, conservation group representatives and the Departments of Mines and Conservation and Land Management identified a number of issues concerning mineral tenement applications in general. These included the legality of conditions, a preference for not granting tenements over sensitive areas, the need to ensure that consistent standards of management are applied to all users of sensitive areas and means for supervising and auditing non ground-disturbing activity. The issues were taken into account in the course of this assessment and in further developing the conditions.

Assessment and recommendation

The Nullaki Peninsula and Wilson Inlet are areas which have a high visual amenity for the people of the Shire of Denmark. The local government authority has advised the Authority that they do not foresee any development being acceptable. The Peninsula is highly susceptible to erosion and Wilson Inlet is prone to excessive nutrient input. The Environmental Protection Authority has previously examined this area in detail and expressed the view that development of various kinds including ground-disturbing exploration and mining would not be environmentally acceptable. The Environmental Protection Authority has concluded, following consultation with various public and government agencies, that there are environmental issues likely to prevent the granting of the exploration licence 70/1033.

Recommendation 1

The Environmental Protection Authority concludes that the proposal to grant Exploration Licence 70/1033 is environmentally unacceptable and recommends that the licence be refused.