

**Application for exploration licences 69/163,69/164,
Israelite Bay area**

Simto Pty Ltd

**Report and recommendations
of the 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 The former policy has now been replaced by a new policy entitled "Resolution of Conflict - A Clear Policy for National Parks", 1990.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 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 licences 69/163 and 69/164 over an area from Point Malcolm, east of Esperance, eastwards past Israelite Bay along the Great Australian Bight. Both applications impinge on the A Class Nuytsland Nature Reserve.

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 (Appendix 1) on tenements, such as this one, 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 in Appendix 1.

Assessment and recommendations

The Environmental Protection Authority has concluded, following consultation with various public and government agencies, that exploration licences 69/163 and 69/164 could be granted subject to no significant ground-disturbing activity occurring, with provision for specific consideration of the actual exploration programme, if it involves ground disturbance, at a later date. The Authority considers that non ground-disturbing activities on the tenements can be satisfactorily controlled by the imposition of the conditions to be applied by the Department of Mines.

The conclusion that the grant of the tenement subject to no ground-disturbing activity could be environmentally acceptable explicitly does not imply that either ground-disturbing exploration activity or, subsequently, the grant of a mining lease or productive mining would necessarily be found to be environmentally acceptable.

Since both exploration licences impinge upon the Nuytsland Nature Reserve (A27632), vested with the National Parks and Nature Conservation Authority, and extend for 200m offshore, the whole of the area of the licences is considered to be environmentally sensitive. The Department of Conservation and Land Management and the National Parks and Nature Conservation Authority should have the opportunity to consider the exploration programme and provide advice on any further conditions required.

Recommendation 1

The Environmental Protection Authority concludes that the proposal to explore for minerals, under exploration licences 69/163 and 69/164, could be environmentally acceptable and recommends that the licences could be granted subject to no ground-disturbing activity occurring in environmentally sensitive areas unless approval is obtained. The proponent should not undertake ground-disturbing activity in the sensitive areas unless and until approval has been granted by the Minister for the Environment on advice of the Environmental Protection Authority and further conditions applicable to ground-disturbing activity have been set in consultation with the Department of Conservation and Land Management, the National Parks and Nature Conservation Authority and the Department of Mines.

The environmentally sensitive area is designated as the whole of the area of the two exploration licences 69/163 and 69/164.

Recommendation 2

The Environmental Protection Authority further recommends that the conditions listed in Appendix 1 be applied to the environmentally sensitive areas of the tenements by the Minister for Mines to provide for adequate protection of the environment.

Appendix 1

Department of Mines

**Proposed schedule of environmental conditions for exploration
licences 69/163 and 69/164**

1. 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 unless and until a proposal is referred to the Environmental Protection Authority under Part IV Section 38 of the Environmental Protection Act, 1986.
2. Prior to any significant ground-disturbing activity, as defined by the State Mining Engineer, in the designated environmentally sensitive area, the licensee preparing a detailed programme for each phase of proposed exploration for approval of the State Mining Engineer in agreement with the Regional Manager, Department of Conservation and Land Management, the National Parks and Nature Conservation Authority and for referral to the Environmental Protection Authority. This programme to include :
 - i) Maps and/or aerial photographs showing the proposed locations of all roads, tracks, camps, costeans and other disturbances;
 - ii) The purpose, specifications and life of such roads, tracks, disturbances, etc;
 - iii) Descriptions of all vegetation types (in general terms), land forms, and unusual features likely to be disturbed by such proposed disturbances. The Regional Manager, Department of Conservation and Land Management, specifying the level of vegetation description;
 - iv) Proposals which may disturb any declared rare or geographically restricted flora and fauna;
 - v) Techniques, prescriptions, and timetable for rehabilitation of all proposed disturbances;
 - vi) Undertaking for corrective measures for failed rehabilitation;
 - vii) Details of water requirements from within the reserve;
 - viii) Details of refuse disposal;
 - ix) Proposals for instruction and supervision of personnel and contractors in respect to environmental conditions; and
 - x) Description of the environmental impacts and programmes for their management.
3. Unless the written approval of the State Mining Engineer, Department of Mines, is first obtained, the use of scrapers, graders, bulldozers, backhoes or other mechanised equipment for surface clearing or the excavation of costeans is prohibited.

Following approval, all topsoil being removed ahead of mining operations and separately stockpiled for replacement after backfilling and/or completion of operations.
4. The licensee, at his expense, capping or filling all holes drilled, rehabilitating all areas cleared or otherwise disturbed and backfilling all volumes excavated during the term of the licence to the satisfaction of the State Mining Engineer in agreement with the Regional Manager, Department of Conservation and Land Management. Backfilling and rehabilitation being required no later than six months after excavation unless otherwise approved in writing by the State Mining Engineer. Drill holes are to be capped or filled immediately after completion.
5. At agreed intervals, not greater than 12 monthly, the licensee reporting to the State Mining Engineer, the Regional Manager, Department of Conservation and Land Management, and the Chairman of the Environmental Protection Authority on the progress of the operation and the rehabilitation programme.
6. The Regional Manager, Department of Conservation and Land Management, being supplied with an itinerary and programme of the locations of operations on the licence area and informed at least seven days in advance of any changes to that itinerary.

7. The licensee complying with and ensuring that all persons under its control operating in the licence area are aware of and comply with the provisions of:
 - i) the *Conservation and Land Management Act*, 1984, and the Regulations thereunder;
 - ii) the *Bush Fires Act*, 1954-77, and the Regulations thereunder; and
 - iii) the *Wildlife Conservation Act*, 1950, as amended, and the Regulations thereunder (excepting the Regulations 46 a, b, c, d, g I, L and O, insofar as non-compliance occurs as an unavoidable incident or reasonable consequence in the performance of the approved exploration programme).
8. The licensee ensuring that, where required by the Regional Manager, Department of Conservation and Land Management, all vehicles and equipment entering the designated environmentally sensitive area are washed down to remove soil and plant propagules and adhering to such conditions specified by the Regional Manager, Department of Conservation and Land Management, for the prevention of the spread of soil-borne diseases.
9. Access to and from and the movement of vehicles within the licence area being restricted to ground or seasonal conditions and routes approved under the programme or otherwise agreed by the Regional Manager, Department of Conservation and Land Management.
10. Prior to the cessation of the exploration/prospecting activity in the environmentally sensitive area, the licensee notifying the State Mining Engineer, the Regional Manager, Department of Conservation and Land Management, and the Chairman of the Environmental Protection Authority and arranging an inspection as required.
11. All waste material, rubbish, plastic sample bags, abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of the exploration programme.
12. The licensee making provisions to prevent spillage of fuel and discharge of pollutants generally and for all exploration sites being kept free from any rubbish and being left in a clean and tidy state.
13. The licensee not establishing any camp, base works or area, fuelling depot or similar establishment on the licence area unless the site and access has received prior approval of the Regional Manager, Department of Conservation and Land Management.
14. 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.
15. Domestic animals, traps or firearms not being taken onto the designated environmentally sensitive area.
16. 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.

Specific conditions applied to Tenements el 69/163 and 69/164

17. The complete excision of any portion encroaching on reserve 36002.
18. The licensee submitting the programme for ground-disturbing activity cited in condition 2 for the following areas -whole of areas of licences 69/163 and 69/164