

ADVISORY NOTE

SUBSTANTIAL DISTURBANCE IN EXPLORATION

This advisory note outlines the definition of the term “Substantial Disturbance”

INTRODUCTION

There is considerable public concern for the protection of the environment from the adverse effects of the activities associated with mining and other industries. Under the *Mining Management Act*, miners and explorers are required to establish and implement appropriate environment protection management systems. It is necessary to ensure that appropriate environment protection measures are understood and established by explorers and miners when their activities may cause significant or substantial disturbance to the environment.

LEGISLATION

Pursuant to section 35 of the *Mining Management Act*, any exploration activity that involves "**substantial disturbance**" of the surface of the site requires the operator to have applied for and been granted an Authorisation by the "Minister".

Exploration activities cover exploration for minerals, including all modes of searching for or evaluating deposits of minerals.

Actions that do not constitute mining activities include:

- remote sensing including geophysical surveying; and
- non-intrusive actions such as fossicking, rock chipping and soil sampling by non-mechanical means in accordance with Section 130D of the *Mining Act*.

As "**substantial disturbance**" is not defined within the relevant sections of the legislation, this information sheet sets out advice on interpreting the term, and indicates those actions which must not be carried out without an Authorisation.

SUBSTANTIAL DISTURBANCE

Although an activity on its own may not appear to disturb an area significantly, the collective effect of several adjacent activities may well result in substantial disturbance.

The following activities, either individually or in combination, cause or have the potential to cause significant or substantial disturbance:

- land clearing
- earthworks: cutting, filling, excavating, trenching etc.
- above-ground works: roadways, buildings, bridges, railways, pipelines, telephone and power lines, conveyors, airstrips etc.

- underground works: tunnels, wells, pipelines, conduits, cables, etc.
- water works: dams, impoundments, canals, drainage works; alternation of river/creek banks, water courses and shore lines
- extraction of resources: surface, underground, river-bed or under-sea mining/quarrying
- stockpiling of materials: ore, overburden, waste materials, by-products
- exploration works: seismic lines, drill pads, drill holes including vacuum, auger and RAB, grids, tracks, costeans, camp establishment etc.
- blasting.

If one or a number of the above actions are to be undertaken then there is the potential for substantial disturbance and a requirement for the operator to seek an Authorisation under the Mining Management Act.

For further information or advice on this subject please contact

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