



## RESPONSE TO SUBMISSIONS DRAFT STATUTORY GUIDELINES AND GUIDANCE NOTES FOR MINING PROPOSALS AND MINE CLOSURE PLANS; DRAFT ENVIRONMENTAL OBJECTIVES POLICY FOR MINING IN WESTERN AUSTRALIA

The *Mining Act 1978* (the Mining Act) refers to “guidelines” as the mechanism for mandating the form and information required in mining proposals and mine closure plans. A mining proposal or mine closure plan must meet the requirements as identified in those guidelines. The purpose of this review was to repackage the available information (the current Guidelines for Mining Proposals (2016) and Guidelines for Mine Closure Plans (2015), and Small Mining Operations Form) so that the mandatory requirements for form and content of applications are clear; with each regulatory document having a clear purpose of how it is considered in decision making.

The Statutory Guidelines detail the mandatory requirements for a mining proposal and mine closure plan, whilst the Guidance provides additional detail to assist applicants in preparing an application. The Guidance only relates to Part 1 applications while extra guidance for Small Operators is included in the pro forma. The requirements for Small Operations are now stipulated in Part 2 of the Statutory Guidelines. The mining proposal and mine closure plan for Small Operations pro forma have also been included in the Statutory Guidelines.

### Stakeholder Consultation

A public consultation period was held for a period of twelve weeks. The documents were published on the Department of Mines, Industry Regulation and Safety (DMIRS) consultation page and subject to web, newsletter and social media stories for the release and a reminder follow up. Letters were sent to industry associations and key government stakeholders advising of the public consultation and offering briefing sessions. During the course of the public consultation period, DMIRS held briefings in Bunbury, Perth and Kalgoorlie with approximately 140 attendees over eight sessions.

### Key themes of feedback received

Key themes arising from the stakeholder feedback are identified and addressed below, as well as specifically in the detailed Response to Submissions document. Some comments regarding detailed content of the Guidance Notes are appreciated however they are out of scope at this time, and will be considered in future content reviews of the documents.

#### 1. Commencement timeframes and implementation

The commencement timeframe of early 2020 is to ensure that applicants have certainty regarding the acceptability of their applications. From the time the Statutory Guidelines framework comes into effect early in 2020, all mining proposals and mine closure plans will need to be submitted to meet the requirements of the Statutory Guidelines. This means that mining proposals and mine closure plans will need to either be in accordance to Part 1 of the Statutory Guidelines or Part 2 (small mining operations).

DMIRS encourages proponents intending to submit in early 2020 to prepare applications in the format of the Guidelines for Mining Proposals in Western Australia (2016) which is replicated in Part 1 of the Statutory Guidelines with some minor changes. DMIRS intends to publish the finalised Statutory Guidelines in January to ensure these are available prior to the date the Statutory Guidelines will come into effect. While DMIRS continues to encourage proponents to submit a mining proposal for the entire environmental group site as was required under the previous Guidelines for Mining Proposals in Western Australia (2016), Part 1 mining proposals can now be submitted for individual activities and will not be required to incorporate prior approved Mining Proposals.

#### 2. Comments on the drafting of the Statutory Guidelines

The drafting of the Statutory Guidelines is intentional to ensure all relevant information is included in a mining proposal and mine closure plan to inform an environmental assessment and reduce the need for requests for further information. It is specific in terms of the type of information required to be provided. It is designed that the level of detail of the information provided is commensurate to the nature and scale of the proposed operation. Where mandatory information to be provided is not considered to be appropriate to the nature or scale of the operations, the application needs to identify why that information is not relevant.

### 3. Clarity on the administration of Mine Closure Plans

All mining proposals must include a mine closure plan as defined under section 70(O) of the *Mining Act 1978*. An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the approved mine closure plan and the mining proposal will not result in increased closure risks and/or a change the closure strategy or outcomes. Where a revision to the mine closure plan is required, the mine closure plan should be updated commensurate to the scale of the change. The standard time for submission of a mine closure plan will reset to 3 years each time a mine closure plan is reviewed, updated and submitted however the Department will determine whether an alternative review date is required on a case by case basis with each mining proposal and/or mine closure plan approval per section 84AA of the *Mining Act 1978*. It is not mandated that mine closure plans have to be site-wide, however DMIRS encourages this as a practical scale for planning mine closure and post-mining land uses.

### 4. Eligibility criteria for Part 2 Mining Proposal and Mine Closure Plan for Small Mining Operations

As result of the consultation undertaken, the draft criteria proposed for small mining operations will be revised to remove reference to volumetric limits and depth restrictions. DMIRS is intending to revise the Small Operations pro forma such that the pro forma cannot be used for the mining of uranium, mineral sands or rare earth elements. The revised criteria are:

Description of activity	Area Limit (if applicable)
1. Scraping and detecting	N/A
2. Dry blowing	N/A
3. Mining excavations (pits, costeans, quarries, shafts, winzes, harvesting, dredging), leaching operations and tailing treatment operations.	Total footprint of mining proposal is 10 hectares (ha) or less.
4. Any construction activities incidental or conducive to the activities listed in row 3 including plant, tailings storage facilities and overburden dumps.	

DMIRS will undertake further targeted consultation on Part 2 Statutory Guidelines for Small Mining Operations prior to the final publication of the Statutory Guidelines.

### **Response to Submissions**

For the purposes of grouping and responding to feedback from stakeholders, the submissions have been sorted into three sections:

- Section 1: Mining Proposals and Mine Closure Plans
  - 1.1 Statutory Guidelines Part 1 Mining Proposals
  - 1.2 Draft Guidance Note Part 1 Mining Proposals (*MP Guidance*)
  - 1.3 Statutory Guidelines Part 1 Mine Closure Plans
  - 1.4 Draft Guidance Note Part 1 Mine Closure Plans (*MCP Guidance*)
- Section 2: Mining Proposals and Mine Closure Plans for Small Mining Operations
  - Statutory Guidelines Part 2 Mining Proposals and Mine Closure Plans
- Section 3: Environmental Objectives Policy
  - Environmental Objectives Policy for Mining in Western Australia

The review process notified respondents that their submissions would be made publicly available on the DMIRS website. However, personal details or company names attributed to those comments could be made confidential at their request. For those stakeholders providing confidential feedback (four respondents), this appears as an "In Confidence" entry in the feedback table. The text of the submissions are included verbatim.

DMIRS thanks all stakeholders for their considered input into the process.

## 1. MINING PROPOSALS UNDER PART 1

### 1.1 Statutory: Draft “Guidelines for Mining Proposals in Western Australia”

Ref #	Stakeholder	Section	Comment	DMIRS Response/Action
1.	<b>Association of Mining and Exploration Companies (AMEC)</b>	<b>General</b>	<p>AMEC has been a long-time advocate for a more streamlined and cost-effective environmental application process which provides certainty and predictability for investment and business decision making. This is particularly relevant to the scoping, preparation and assessment of Mining Proposals and Mine Closure Plans. It was for this reason that AMEC had previously expressed concern in relation to the size, prescriptiveness and perceived mandatory nature of the content of existing guidance material. We therefore welcome the acknowledgement in your consultation papers that <i>‘in most circumstances documents titled “guidelines” are only supporting information’</i>. To avoid confusion it is fundamentally important in the assessment process that the minimum mandatory / statutory aspect of the ‘guidelines’ is clearly separated from the ‘supporting information’ function.</p> <p>Members consider that the proposed new statutory guidelines remain too prescriptive and inflexible to changing and unforeseen operational circumstances. As a result, great care will need to be taken to ensure that the repackaged information does not detrimentally or unnecessarily delay the application, assessment and decision-making processes, or create other unintended consequences for proponents.</p> <p>It is also beneficial for all proponents to have a clear understanding of the Department’s expectations when they are scoping and then lodging relevant documentation and supporting data. This is applicable when attempting to reduce the number of ‘Requests for Further Information’ and the subsequent unnecessary toing and froing that can occur after lodgement.</p> <p>This is pertinent when reviewing the analysis conducted by the Department for the approvals workshop held with some AMEC members in February 2019. The Department reported that 89% of all Mining Proposal related applications required additional information / advice. This clearly indicates the need for simple, user friendly, unambiguous and non-prescriptive documentation being available for proponents / consultants to refer to prior to lodgement.</p>	<p>Comments noted.</p> <p>The drafting of the Statutory Guidelines is intentional to ensure all relevant information is included in a mining proposal and mine closure plan to inform an environmental assessment and reduce the need for requests for further information. It is specific in terms of the type of information required to be provided. It is designed that the <b>level of detail</b> of that information provided is commensurate to the nature and scale of the proposed operation.</p> <p>The intent of the Guidance material is to provide greater understanding of the Department’s expectations for proponents when preparing applications, and reduce the number of ‘Requests for Further Information’ during the assessment process.</p>
2.	<b>Chamber of Minerals and Energy of Western Australia (CME)</b>	<b>General</b>	<p>The Chamber of Minerals and Energy of Western Australia (CME) is the peak resources sector representative body in Western Australia. CME is funded by its member companies responsible for more than 90 per cent of the State’s mineral and energy production and employment of the sector’s workforce. Contributing to a third of the State’s total industry Gross Value Added (GVA)<sup>1</sup> and 20 per cent of State Government revenue via royalties in 2018-19, the sector is a major contributor to the local, state and national economies.</p> <p>CME welcomes the opportunity to provide a submission to the Department of Mines, Industry Regulation and Safety (DMIRS) on the Draft Statutory Guidelines and Guidance Notes for Mining Proposals and Mine Closure Plans in Western Australia and Environmental Objectives Policy for Mining in Western Australia (collectively, Draft Guidelines).</p> <p>CME has reviewed the Draft Guidelines with a view to them achieving providing greater clarity and certainty on fulfilling the relevant requirements under the <i>Mining Act 1978</i>. It is noted these objectives are aligned with the Government’s overarching <i>Streamline WA</i> initiative to deliver more efficient and simplified regulation, and in turn make it easier to do business and invest in WA. CME is actively engaged in <i>Streamline WA</i> and strongly supports it achieving meaningful reductions in regulatory complexity and assessment timeframes.</p> <p>CME’s submission outlines recommendations on how the Draft Guidelines could be further refined, and would welcome DMIRS investing additional time to ensure the final documentation achieves the intent of providing greater clarity and certainty. In addition to the detailed comments in the attached Appendices, CME provides the following high-level comments for your consideration.</p> <p><b>Statutory Guidelines and Guidance Notes for Mining Proposal and Mine Closure Plans</b> The requirements and triggers for revision and updating of approved Mining Proposals (MPs), and associated Mine Closure Plans (MCPs), requires clarification. For example:</p> <ul style="list-style-type: none"> <li>• The amendment process is unclear for MPs approved before the publication of the Statutory Guidelines. Where changes to a MP are immaterial to the substance of the supporting MCP, the Guidelines are not clear on the requirements for update to and/or revision of the MCP.</li> <li>• The process for triennial review of MCPs requires further clarification regarding how the commencement of the triennial review period is determined, how it is affected by submission of revised MCPs, and the expectations and requirements for the management of multiple, potentially overlapping MCPs (or potentially conflicting MCPs) and their amalgamation during the triennial review.</li> </ul>	<p>Comments noted.</p> <p>Comments regarding the administration of mine closure plans are noted. DMIRS intends to provide additional information regarding the processes around the submission of mine closure plans. An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the approved mine closure plan and the mining proposal won’t result in increased closure risks and/or change the closure strategy or outcomes. Where a revision to the mine closure plan</p>

			<p><i>CME recommends DMIRS clarify the requirements and triggers for MPs and MCPs (including linkages to triennial updates and amalgamations) through business rules or further Frequently Asked Questions to assist with implementation.</i></p> <p>It is also unclear how decisions made by DMIRS regarding MCP scope, requirements and updates will interact with Ministerial Statement requirements for MCPs under Part IV of the <i>Environmental Protection Act 1986</i> (EP Act). It is therefore recommended DMIRS liaise with the EPA and DWER to clarify this relationship and implication for Ministerial Statement compliance under the EP Act.</p> <p>The specificity of current Statutory Guidelines makes compliance overly complicated and difficult to achieve. Building on the lessons of the Forrest &amp; Forrest High Court Case and a strict compliance regime, it is CME's firm view that the mandatory form of the MPs and MCPs (as per the Statutory Guidelines) should be minimised, not subject to interpretation and practical in all potential circumstances in order to de-risk the <i>Mining Act 1978</i> (Mining Act). To enable effective compliance, <i>it is recommended there is further simplification of the content of the Statutory Guidelines for Mining Proposals and Mine Closure Plans.</i></p> <p>To ensure public access to the current, approved version, and to avoid referencing incorrect or outdated versions published on the DMIRS website, <i>it is recommended that the Statutory Guidelines for Mining Proposals and Mine Closure Plans be gazetted.</i> Gazetted will also ensure a level of discipline and oversight on the first and subsequent versions of the Statutory Guidelines that would be expected to enhance confidence in the Mining Act and its strict compliance regime.</p> <p>CME notes some inconsistencies exist in the language used throughout the Guidance and Statutory Guidelines documents, whereby mandated requirements in the Statutory Guidelines (e.g. aspects are described as 'must') are not equivalently recognised as mandatory in the respective Guidance (e.g. aspects are defined as 'should'). <i>As part of finalisation, the documents need to be reviewed to ensure consistency between the Statutory Guidelines and the Other Guidance.</i></p>	<p>is required, the mine closure plan should be updated commensurate to the nature and scale of the change.</p> <p>The Statutory Guideline details the form and content for mine closure plans submitted under the <i>Mining Act 1978</i>. Further clarification will be provided regarding the interaction of the guidance with the <i>Environmental Protection Act 1986</i> when the documents are published.</p> <p>The drafting of the Statutory Guidelines is intentional to ensure all relevant information is included in a mining proposal and mine closure plan to inform an environmental assessment and reduce the need for requests for further information. It is specific in terms of the type of information required to be provided. It is designed that the level of detail provided is commensurate to the nature and scale of the proposed operation.</p> <p>Comments regarding gazettal is noted and DMIRS will consider this option.</p> <p>DMIRS will undertake a review to ensure language is consistent.</p>
3.	AMEC	General	<p>Clarity should be provided on whether the new guidelines relate to both 'greenfield' and 'brownfield' sites / applications or just the former. If they also relate to brownfield sites it could create unnecessary work where for example an existing operation has several prior Mining Proposals or versions of Mine Closure Plans which have been processed under previous versions of existing guidelines. It would appear in future that any small amendments to site operations would need to comply with the new guidelines. This needs to be clarified.</p>	<p>From the time the Statutory Guidelines framework comes into effect in early 2020, all mining proposals and mine closure plans will need to be submitted to meet the requirements of the Statutory Guidelines. This means that mining proposals and mine closure plans will need to either be in accordance to Part 1 of the Statutory Guidelines or Part 2 (small mining operations).</p> <p>While DMIRS continues to encourage proponents to submit a mining proposal for the entire environmental group site as was required under the previous Guidelines for Mining Proposals in Western Australia (2016), Part 1 mining proposals can now be submitted for individual activities and will not be required to incorporate prior approved mining proposals.</p>
4.	AMEC	General	<p>Noting that the new documentation takes effect in February 2020, members are concerned with the extremely short transition period to replace the existing Mining Proposal Guidelines (2006 and 2016) and Mine Closure Guidelines (2015). Clarification should be provided on what happens to applications that are currently being drafted / work in progress but not lodged or finalised by 31 January 2020. Members would not want to replicate their work to comply with the 2020 guidelines.</p> <p>Members have suggested in these circumstances that the proposed February 2020 commencement date be deferred until 1 July 2020 to allow time for current brownfield documentation to be completed according to existing guidelines.</p> <p>This additional workload would be further exacerbated if there was only a short mine life remaining, and with no apparent environmental benefit.</p>	<p>From the time the Statutory Guidelines framework comes into effect in early 2020, all mining proposals and mine closure plans will need to be submitted to meet the requirements of the Statutory Guidelines. The timeframe of early 2020 is to ensure that applicants have certainty regarding the acceptability of their applications. DMIRS encourages proponents intending to submit in early 2020 to prepare applications in the format of the Guidelines for Mining Proposals in Western Australia (2016) which is replicated in Part 1 of the Statutory Guidelines with some minor changes. DMIRS intends to publish the finalised Statutory Guidelines in January.</p> <p>For existing operations that require approval for alterations or expansions, while DMIRS continues to encourage proponents to submit a mining proposal for the entire environmental group site as was required under the previous Guidelines for Mining Proposals in Western Australia (2016), Part 1 mining proposals can now be submitted for individual activities and will not be required to incorporate prior approved mining proposals.</p>
5.	AMEC	General	<p>Noting that the Western Australian and Commonwealth Governments continue to have dialogue on having bilateral Agreements in place for assessment and approval processes, the guidance material should also meet those expectations.</p>	<p>Comments noted. Bilateral agreements are currently not in scope of this review.</p>
6.	AMEC	General	<p>We note that each Mining Proposal will need to be accompanied by a Mine Closure Plan. Are there any circumstances where this will not be necessary? If so, this should be referenced in the guidance.</p>	<p>All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i>. An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the approved mine closure plan and the mining proposal won't result in increased closure risks and/or change the closure strategy or outcomes. Where a revision to the mine closure plan is</p>

				required, the mine closure plan should be updated commensurate to the nature and scale of the change.
7.	CME	General	Include heading text for large Mining Proposals.	The heading for this Part will be revised to "Mining Proposals".
8.	CME	Cover Page	Listing all tenements on the cover page could mean a long list. It would be helpful if the 'cover page' could be expanded to include cover and inside cover or cover pages (plural).	This will be updated to cover page(s).
9.	AMEC	General	Statutory Mining Proposal – Several references are made to 'all' activities in the statutory guideline. What happens if an activity is inadvertently omitted at the time of completing the proposal? The wording should be amended to provide some flexibility in such circumstances.	If an activity is omitted at the time of completing the proposal and has not been approved via an existing mining proposal, a further mining proposal would need to be submitted to DMIRS for assessment and approval.
10.	AMEC	5. Activity Details (Appendix 1)	Statutory Mining Proposal – section 5 - A map of the location showing all land disturbances is requested. Clarification is required on whether this is current or future land disturbances.	The mining proposal must include a map of the proposed layout of the mine activities in relation to the disturbance envelope and tenement boundaries. The site plan must include all proposed and existing activities.
11.	AMEC	5. Activity Details (Appendix 1)	Statutory Mining Proposal - section 5 - 'Activity Details' requires the 'current' area of activity. It is noted that the final landform to which approval is being sought may be different to that included in the original application.	The final landforms should be consistent with what was approved through the mining proposal.
12.	MBS Environmental	5. Activity details	Second bullet point. Has it always been the case that non Schedule 1 areas can be included in the MP. How does this reconcile with AER and MRF reporting. <i>Clarification required on AER and MRF reporting for non schedule 1 activities.</i>	The reference to non-Schedule 1 activities will be removed.
13.	MBS Environmental	5. Activity details	Fourth bullet point, 'reference as to whether the activity is part of the proposal must be provided'. Wording implies even if not applicable this needs to be stated for all other activities. <i>Propose wording changes to clarify that only included 'other activities need to be specified'.</i>	This wording will be revised to clarify that only included 'other activities' need to be specified.
14.	CME	<b>5.1 Additional Detail for Key Mine Activities (Appendix 2)</b> For Key Mine Activities, the mining proposal must include the details below and be in the form of the table at Appendix 2: <ul style="list-style-type: none"> <li>• mine activity reference;</li> <li>• total area (ha);</li> <li>• area per tenement (ha);</li> <li>• design description (including maximum height/depth); and</li> <li>• materials characteristics including confirmation of any: <ul style="list-style-type: none"> <li>○ fibrous materials;</li> <li>○ radioactive materials;</li> <li>○ materials capable of generating acid and/or metalliferous drainage, including neutral drainage and saline drainage; and</li> <li>○ dispersive and/or erosive material.</li> </ul> </li> </ul>	Change to "materials characteristics where potential geochemical and other environmental risks exist [...]"  Does materials characterisation exclude saleable product?	The MP Guidance provides further information on materials characterisation. DMIRS considers that applicants need to demonstrate that they understand the materials characteristics prior to determining whether there are any risks.
15.	CME	<b>5.1 Additional Detail for Key Mine Activities (Appendix 2)</b> In addition to the above, for a plant site a table with the following detail is required: <ul style="list-style-type: none"> <li>• mine activity reference;</li> <li>• total area (ha);</li> <li>• area per tenement (ha);</li> <li>• type/design;</li> <li>• throughput;</li> <li>• processing reagents; and</li> <li>• power generation.</li> </ul>	Throughput / reagents / power generation etc, are regulated under Part V of the <i>Environmental Protection Act 1986</i> - changes to licenses / works approvals may lead to a review of Mining Proposals.	These references will be removed.
16.	CME	<b>5.2 Disturbance envelope</b>	Section 5.2 & 5.3 - Further clarify between sections 5.2 and 5.3, what is a proponent held to? If you build-in variance to your site plan but remain within your disturbance envelope are you in non-compliance? May be worth merging the two sections. Perhaps (in line with 2016 advice) have a disturbance envelope with an indicative site plan within it that can be prone to change provided it stays within committed disturbance area allowance. Which of these are you held to (site plan or disturbance envelope)? What is the legal test for compliance? Best case - include tenement boundary and site plan, no need for disturbance envelope.	This section will be updated to clarify that the site plan is indicative only.

17.	MBS Environmental	<b>5.2 Disturbance Envelope</b>	Confirmation on detail to be included in the ESRI shape file. Is it just the design envelope or does it include locations of key activities and indicative locations of other activities. Why doesn't the requirement include key activities? It seems like useful information for DMIRS to have to check compliance, disturbance ha, etc. <i>Confirm locations of key and other activities do not require inclusion in the ESRI shapefile to be provided.</i>	As per section 5.2, Part 1 of the Statutory Guidelines for Mining Proposals, the ESRI shapefile needs to include the disturbance envelope.  The site plan includes proposed locations for key mine activities however Part 1 mining proposals allow flexibility to move activities within the disturbance envelope provided all risks within the disturbance envelope are evaluated.
18.	CME	<b>5.2 Disturbance Envelope</b> The mining proposal must include coordinates in GDA 1994 (geographic latitude/longitude) format delineating the edge of the disturbance envelope boundary.	Should state "GDA 1994 or GDA 2020". GDA 1994 will no longer be used from 2020. How will transition to GDA 2020 be managed?	The transition to GDA 2020 to commence on 30 June 2020 is being coordinated separately to this process. The guideline documents will be revised to refer to the relevant GDA datum.
19.	CME	<b>5.4 Tailings Storage Facilities</b> If the proposed activity includes a tailing storage facility (TSF), the mining proposal must include detailed design report(s). The design report is expected to include an evaluation of: ... <ul style="list-style-type: none"> <li>specified design and operational parameters, including relevant tolerances and their impact on the integrity and performance of the TSF;</li> </ul> ... <ul style="list-style-type: none"> <li>the proposed closure approach to be adopted.</li> </ul>	Where or by who are these specified?  Mining Proposal should not include closure of the TSF, but rather the Mine Closure Plan will present this information.	The wording of this section is consistent with the DMIRS Guide to the preparation of a design report for tailings storage facilities (TSFs) (2015) which provides further guidance on how to prepare a detailed design report.
20.	MBS Environmental	<b>5.4 Tailings Storage Facilities</b>	Fourth dot point, 'approach' indicates not detailed design, however experience has shown that closure details and designs are required. It is noted that reference to 'Guide to the preparation of a design report for TSF' which specify the level of detail is not included. <i>Is the referenced guideline not statutory? This is giving mixed signals. Experience has been that these guidelines must be applied, yet this does not come across in this guideline.</i>	As per section 5.4, Part 1 of the Statutory Guidelines for Mining Proposals, the mining proposal must include detailed design reports. The detailed design reports should be prepared in accordance with the DMIRS Guide to the preparation of a design report for TSF (2015). The Statutory Guidelines do not intent to duplicate the information required in the Guide to the preparation of a design report for TSF (2015).
21.	CME	<b>8. Baseline Environmental Data</b> The mining proposal must describe the existing environment in which the project is located, including any natural (biological/physical) values and sensitivities and heritage areas that may be affected by the activities. This section must include a description of the baseline data covering the below environmental aspects as well as analysis and interpretation of the baseline data.	What about existing projects where this baseline data may not be available (e.g. because of the age of the project, the data was never collected, is has been lost in changes of ownership. etc.)? For a Mining Proposal amendment is it not uncommon to be making changes to an area that has been previously disturbed or impacted and it is not possible to retrospectively collect the baseline data.	This section requires proponents to describe the existing environment which may include previous disturbance. DMIRS would not expect baseline data to be collected retrospectively for areas previously disturbed or affected.
22.	CME	<b>8. Baseline Environmental Data</b> This section must cover the following environmental aspects: <ul style="list-style-type: none"> <li>climate</li> <li>landscape</li> <li>materials characterisation <ul style="list-style-type: none"> <li>soils</li> <li>geochemical and physical characteristics of subsurface materials and mining waste</li> </ul> </li> <li>biodiversity</li> <li>hydrology (including surface water and groundwater)</li> <li>heritage</li> <li>environmental threats.</li> </ul>	Change to "should". Soil sampling is not considered necessary for surface activities and adds additional time and cost delays for investigations that are not required. DMIRS should use their discretion in applying the guidelines in this situation.	In the instance where particular studies are not considered necessary, justification should be provided for why studies were not undertaken.
23.	CME	<b>8. Baseline Environmental Data</b> Where environmental surveys or analysis has been undertaken the findings must be summarised in the mining proposal and all	This may duplicate processes assessed under Part V EP Act.  This needs to be removed from Guideline and included in Technical Guidance document.	It is a mandatory requirement to provide the relevant baseline environmental data information in a mining proposal and therefore this is included as part of the Statutory Guidelines. Further information on how to undertake environmental surveys could be provided in Technical Guidance.

		relevant technical reports must be attached as appendices.		
24.	CME	<p><b>9. Environmental Risk Management</b> The mining proposal must include an environmental risk assessment that:</p> <ul style="list-style-type: none"> <li>identifies all the environmental risk pathways across all phases of the mine life and that may arise from unexpected or emergency conditions;</li> <li>evaluates these risks to derive an inherent risk rating, prior to the application of treatments;</li> <li>identifies appropriate risk treatments using the hierarchy of control;</li> <li>re-evaluates the risk pathways to derive a residual risk rating; and</li> <li>demonstrates that all residual risks are as low as reasonably practicable (ALARP)</li> </ul>	<p>Part IV (of the EP Act) approval may permit the disturbance/impact which will result in the DMIRS environmental objectives not being met. If this is the case, then the management measures will not reduce the risk to ALARP.</p> <p>Suggest 'acceptable' rather than ALARP due to lack of definition of ALARP throughout industry.</p>	<p>As identified under Part 1 Section 6 of the Statutory Guidelines for Mining Proposals, the mining proposal must identify other environmental approvals that have been sought or are required that will affect the environmental management of the site. These approvals, such as Part IV Ministerial Statements under the <i>Environmental Protection Act 1986</i> will be considered as part of the environmental assessment of the mining proposal and whether the residual risks are as low as reasonably practicable.</p>
25.	AMEC	<b>9. Environmental Risk Management</b>	<p>Statutory Mining Proposal – section 9 - Requires that the Environmental Risk Assessment identifies all the environmental risk pathways across all phases of the mine cycle. As this is at a point in time, it is unclear what happens if a risk pathway is not foreseen or addressed at that stage.</p>	<p>DMIRS would not consider an application invalid if a particular risk pathway is not foreseen or addressed. It may result in further information requests during assessment to clarify whether particular risks have been considered. DMIRS would expect that the Environmental Management System would result in a regular review of the risk assessment and risk pathways.</p>
26.	MBS Environmental	<b>9. Environmental Risk Management</b>	<p><b>Item 9. Environmental Risk Management</b> Does not specify risk assessment methodology, however experience has shown that DMIRS want a very specific risk assessment. <i>Specify that it must be in accordance with...</i></p>	<p>DMIRS does not intend to prescribe a risk assessment methodology.</p>
27.	MBS Environmental	<b>10. Environmental Outcomes</b>	<p><b>Item 10. Environmental outcomes</b> Table of outcomes, DWER use something similar for condition EMPs, however slightly different. Why not standardise; Objective, Action, Target, Monitoring, Reporting. <i>It would be good to align this across Govt departments for clarity and consistency.</i></p>	<p>This is currently out of scope but has been noted for consideration in future iterations.</p>
28.	CME	<b>10. Environmental Outcomes</b>	<p>Are these measures of operational environmental performance?</p>	<p>Yes. These are the site-specific outcomes that the mining operation will achieve.</p>
29.	CME	<p><b>10. Environmental Outcomes</b> The mining proposal must include a table of site-specific environmental outcomes that the mining operation will achieve, along with performance criteria for each outcome will be measured. The proposal must also include a description of the monitoring that will be undertaken to measure these criteria.</p>	<p>Sentence doesn't read properly. Change "description" to "brief description".</p>	<p>DMIRS expects a description of the monitoring that will be undertaken to evaluate whether performance criteria are being met.</p>
30.	CME	<b>12. Expansions and/or Alterations to an Approved Mining Proposal</b>	<p>Needs further clarity on when a revision / amendment is required for MPs and/or associated MCPs.</p> <p>How does an amendment process work for an old Mining Proposal written and approved before these Guidelines? (E.g. if a Mining Proposal is approved in 2004, and is subsequently validated by the upcoming legislation and a cutback is required, does a whole new Mining Proposal require development and submission?)</p>	<p>From the time the Statutory Guidelines framework comes into effect in early 2020, all mining proposals and mine closure plans will need to be submitted to meet the requirements of the Statutory Guidelines. This means that mining proposals and mine closure plans will need to either be in accordance to Part 1 of the Statutory Guidelines or Part 2 (small mining operations). While DMIRS continues to encourage proponents to submit a mining proposal for the entire environmental group site as was required under the previous Guidelines for Mining Proposals in Western Australia (2016), Part 1 mining proposals can now be submitted for individual activities and will not be required to incorporate prior approved mining proposals.</p>
31.	CME	<b>13. Mine Closure Plan</b>	<p>Changes to a mining proposal (refer comments on s5.1) may not require changes to a closure plan. Suggest word as 'include or make reference to a mine closure plan'.</p>	<p>All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i>. An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the mine closure plan and the mining proposal doesn't change the closure strategy or outcomes. Where a revision to the mine closure plan is required, the mine closure plan should be updated commensurate to the scale of the change. Depending on the scale of the change the tenement conditions may be amended to alter the three yearly revision.</p>

32.	MBS Environmental	13. Mine Closure Plan	Historically, used to be able to have a closure section if existing site MCP was to be updated soon or if it was a small project with limited impacts on closure. How are all the small MCPs captured in the overall three yearly site MCP? <i>Is there a requirement to then update the three yearly MCP with the MP MCP, does this then make the MP MCP obsolete? Clarification re the interaction of site wide and MP MCPs is required.</i>	All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i> . An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the mine closure plan and the mining proposal doesn't change the closure strategy or outcomes. Where a revision to the mine closure plan is required, the mine closure plan should be updated commensurate to the scale of the change.  The standard time for submission of a mine closure plan will reset to 3 years each time a mine closure plan is reviewed, updated and submitted however the Department will determine whether an alternative review date is required on a case by case basis with each mining proposal and/or mine closure plan approval per section 84AA of the <i>Mining Act 1978</i> .
33.	MBS Environmental	Appendix 2 – Key Mine Activities	Needs to be clearer that a separate table for each of the key mine activities is required. <i>Update wording for clarification.</i>	This will be updated to ensure clarity.
34.	CME	Appendix 2 – Key Mine Activities Activity Category: Activity not defined in Schedule 1 of the Mining Rehabilitation Fund Regulations 2013.	This should be excluded from the table, appears to have been included in error.	This will be updated.
35.	CME	Appendix 2 – Key Mine Activities <a href="#">Mine Activity Reference</a> <a href="#">Mine Activity Reference</a>	Repetition.	This will be updated.
<b>1.2: Draft “Guidance Note on How to Prepare a Mining Proposal in accordance with Part 1 of the Guidelines”</b>				
36.	CME	General	This document should avoid use of "all" and "must".	The MP Guidance will be reviewed and revised where appropriate. Where information <b>must</b> be provided as per the Statutory Guidelines the MP Guidance will reflect this.
37.	Roy Hill Iron Ore Pty Ltd	General	The guidance document doesn't clearly outline when a revision to the document is required. Some wording is included in section 10, section 12 and Appendix K, but not in a consolidated section. It would help to clarify, that if "yes" is the answer to any question in Appendix K, then a revised mining proposal is generally required. This would also provide clear guidance to assessing officers on when a change is required. It would be beneficial that wording be included to reduce the likelihood of an inconsistent application of when a revision is / isn't required. Currently Appendix K appears to be a notification for a minor change, and it is not clear that this appendix provides guidance on when a revision is required. Appendix K refers to Mining Proposal checklist – this needs to be removed.	Appendix K provides guidance on when a revision is required.  The checklist has been retained as additional guidance.
38.	Roy Hill Iron Ore Pty Ltd	General	<b>Discrepancies between Guidance and guidelines</b> Section 10 of Statutory guidelines states that outcomes <i>must</i> be included whilst section 10.1 of guidance document states that outcomes regulated by other legislation do not necessarily need to be included. It would benefit to have further clarification in this regard.	As per section 10.1 of the MP Guidance, the Environmental Legislative Framework section of the mining proposal should clearly delineate which environmental factors are directly regulated by another agency or legislation which is not administered by DMIRS. Environmental outcomes that are regulated by other legislation do not necessarily need to be included in the Environmental Outcomes section of the mining proposal <u>unless</u> proponents feel greater clarity on these is required.
39.	CME	<b>1. Cover Page</b> As per the Statutory Guidelines the mining proposal cover page must include: <ul style="list-style-type: none"> <li>• title;</li> <li>• revision and version numbers;</li> <li>• date;</li> <li>• tenement(s); and</li> <li>• tenement holder or authorised company/person.</li> </ul>	Recommend removal of all duplication of the Statutory Guidelines information - instead note at the beginning of the document that it is to be read in conjunction with the Statutory Guidelines.	The MP Guidance duplicates the requirements from the Statutory Guidelines to ensure that proponents can refer to one document where they feel additional guidance is required to complete the application.
40.	CME	<b>3. Environmental Group Site details</b> An Environmental Group Site (EGS) is a grouping of tenements that make up a particular operation. An EGS should be a mine site/operation that the tenement holder wants to report on as a single entity, and will have one mining proposal, one mine closure plan and one annual environmental report (AER).	Submission of multiple Mining Proposals & supporting Mine Closure Plans is available for small works for an EGS. This needs to be stipulated in the Guidelines.	This will be confirmed in supporting procedural information. The Statutory Guidelines stipulate the mandatory requirements for the form and content of a mining proposal.
41.	CME	<b>5. Activity Details</b>	Issues have been experienced with the Mining Proposal online submission form (DMIRS system) whereby the system only accepts areas of disturbance to one decimal place (e.g. 1.1ha). This is in contrast to the AER and MRF, which both require reporting to 4 decimal places (e.g. 1.1234ha). It is recommended that either (i) the	This has been noted for consideration throughout the online systems.

			online system be changed to accept 2 or 4 decimal places, or (ii) state in this Guideline that proposed disturbance areas should be only to 1 decimal place, in ha, to align with the online system.	
42.	MBS Environmental	<b>5.4 Design details for tailings storage facilities</b>	Talks about TSF requiring inclusion of a detailed design report with guidance in 'Guide to the preparation of a design report for TSFs Aug 2015'. Second paragraph then talks about 'significant engineered structure'. First use of this terminology and implications are not clear as only the TSF guidance is referred to. <i>Introduce 'significant engineered structure' earlier and make the implications and requirements around having one of these clearer. Refer to relevant guidance.</i>	This section has now been revised to remove reference to "significant engineered structure".
43.	CME	<b>6. Environmental Legislative Framework</b> DMIRS aims to remove regulatory overlap and duplication from the mining proposal assessment process where possible. For this reason, a mining proposal must contain a list of all relevant environmental approvals and statutory requirements that will affect the environmental management of the mining project. As far as practicable, DMIRS will not duplicate assessment of any component of an activity that also requires approval from another regulatory agency.	DMIRS approach to remove regulatory overlap and duplication from the mining proposal assessment should be applied to closure. Mine Closure Plans should contain a list of all relevant approvals and statutory requirements for closure so that DMIRS will not duplicate the assessment at closure which also require assessment from another agency (e.g. Radiation, Contamination).	Part 1 Section 3 of the Statutory Guidelines for Mine Closure Plans requires the inclusion of all legal obligations for rehabilitation and closure that will affect the post-mining land use and closure outcomes. This section is intended to provide context regarding when other approvals are required or have been granted. This will enable DMIRS' assessment to focus on those factors that are not directly regulated by another agency or covered by another regulatory requirement.
44.	CME	<b>6. Environmental Legislative Framework</b> Table 2: Example Environmental Legislative Framework <b>Relevant Legislation:</b> <i>Aboriginal Heritage Act 1972</i> <b>Environmental factor regulated/affected:</b> Aboriginal Heritage <b>Relevant approval/requirement:</b> Section 18 Consent to certain uses	Remove  Remove  Remove	DMIRS considers heritage to be broadly within the definition of "environment" and hence needs to consider this to ensure that there are no significant impacts prior to approving. This links to the consideration of heritage as a relevant consideration under the <i>Environmental Protection Act 1986</i> .
45.	CME	<b>6. Environmental Legislative Framework</b> Table 2: Example Environmental Legislative Framework <b>Footnote on Aboriginal heritage:</b> 5 Aboriginal heritage is not an environmental factor listed in Table 1; however it is suggested this information is provided for context and to provide assurance that relevant approvals or consents have been sought, granted or provided.	The <i>Aboriginal Heritage Act 1972</i> must be allowed to stand on its own two feet. Do not include heritage in to Mining Proposals.	DMIRS considers heritage to be broadly within the definition of "environment" and hence needs to consider this to ensure that there are no significant impacts prior to approving. This links to the consideration of heritage as a relevant consideration under the <i>Environmental Protection Act 1986</i> .
46.	CME	<b>6. Environmental Legislative Framework</b> Whilst DMIRS' assessment will focus on those environmental issues not already covered by other approvals or legislation, proponents are still required to include all activities in the Activity Details section to ensure approval is obtained under the Mining Act and identify <u>all</u> risks through the risk assessment process.	Remove; remove.	This will be revised to "all identified risks".
47.	MBS Environmental	<b>6. Environmental Legislative Framework</b>	'DMIRS aims to remove regulatory overlap...' Why then does detail re clearing need to be included in the MP if a NVCP has been granted or is being assessed? Same for dust and noise emissions from Part V licenced works. Does not need to be included in MP as assessed under EP Act. <i>Clarification on need to include information where covered by other legislative mechanisms.</i>	This section is intended to provide context regarding when other approvals are required or have been granted. This will enable DMIRS' assessment to focus on those factors that are not directly regulated by another agency or covered by another regulatory requirement.
48.	CME	<b>7. Stakeholder engagement</b> In the course of preparing a mining proposal, or a revision of a mining proposal, proponents are responsible for demonstrating consultation has been undertaken with each of the following:	Unclear when a revision is required. Current guidelines have more clarity - need to bring this across.	Further guidance on when a revision is required is included in Appendix K of the MP Guidance.
49.	CME	<b>7. Stakeholder engagement</b> In the course of preparing a mining proposal, or a revision of a mining proposal, proponents are responsible for	Remove. The change may only be relevant to some, so must only be relevant stakeholders.	This will be updated to "all relevant decision makers".

		demonstrating consultation has been undertaken with each of the following: <ul style="list-style-type: none"> <li>All Decision Making Authorities, and any other relevant State or Commonwealth government departments and local government authorities.</li> </ul>		
50.	CME	<b>8.3.1 Soils</b>	The Guidance states soil baseline information is recommended, however the Statutory Guidelines state it must be provided. The Statutory Guidelines need to be updated.  Soil sampling is not considered necessary for surface activities and adds additional time and cost delays for investigations that are not required. DMIRS should use their discretion in applying the guidelines in this situation.	In the instance where particular studies are not considered necessary, justification should be provided for why studies were not undertaken.
51.	CME	<b>8.7 Environmental threats</b> Where dust, noise or other atmospheric emissions will impact on key environmental factors (biodiversity, water resources, landforms or mine closure) and the impacts are not directly regulated under the <i>Environmental Protection Act 1986</i> (EP Act), the mining proposal should include baseline data for dust, noise and/or air quality.  For mine sites that are not a 'prescribed premises' under Part V of the EP Act, it is expected that dust, noise and air quality impacts are considered in the environmental risk assessment and environmental outcomes.	Does a commitment to comply with a specific EP regulation remove the need for supply of technical data? Where the site is not a prescribed premises the inclusion of dust, noise and air quality outcomes should be as a result of the risk assessment, not as an expectation.	As per section 10.1 of the MP Guidance, the Environmental Legislative Framework section of the mining proposal should clearly delineate which environmental factors are directly regulated by another agency or legislation which is not administered by DMIRS. Environmental outcomes that are regulated by other legislation do not necessarily need to be included in the Environmental Outcomes section of the mining proposal <u>unless</u> proponents feel greater clarity on these is required.
52.	CME	<b>9. Environmental Risk Management</b>	In this whole section there is no mention of cumulative impacts and associated risks. Potential that some environmental impacts which can build up over time (e.g. repeated small hydrocarbon spills, dust, saline water suppression etc.) may be rated a lower risk outcome or not considered adequately. Recommend a mention of giving consideration to these types of issues should be completed as part of the risk assessment.	The document will be updated to include cumulative impacts.
53.	CME	<b>9. Environmental Risk Management</b>	There should be the option to present standardised risks and controls which form part of a company's Environmental Management System (not project-specific).	The risk assessment must be site specific. Should the standardised risks and controls be directly relevant to a specific site then they should be included in that specific risk assessment.
54.	CME	<b>9.1.2 Identification of risks regulated by other agencies</b>	DMIRS approach to avoid regulatory duplication in the mining proposal assessment should also apply for closure. The Mine Closure Plan should clearly outline closure risks regulated by other agencies - to avoid regulatory duplication.	Part 1 Section 3 of the Statutory Guidelines for Mine Closure Plans requires the inclusion of all legal obligations for rehabilitation and closure that will affect the post-mining land use and closure outcomes. This section is intended to provide context regarding when other approvals are required or have been granted. This will enable DMIRS' assessment to focus on those factors that are not directly regulated by another agency or covered by another regulatory requirement.
55.	MBS Environmental	<b>9.1.5 Risk Treatment</b>	Treatment which rely on control or mitigation will only result in a reduction of the likelihood. Disagree with this statement. For e.g. An engineered PAF cell will result in the likelihood of hostile material escaping the WRD, however it will also reduce the consequence as there will be much less of PAF material escaping. Daily inspections of tailings lines will reduce the likelihood of a spill/leak and will also reduce consequences if there was a spill/leak as less would be lost to the environment and therefore less impact. <i>Review.</i>	Comments noted for future detailed revisions to these examples.
56.	MBS Environmental	<b>10. Environmental Outcomes</b>	Reporting against the environmental outcomes will enable verification that the proposal is not having an unacceptable level of impact on the environment. <i>Is this via AER? Additional information about how this is reported is required.</i>	Reporting is undertaken through the annual environmental report (AER) and via tenement conditions requiring reporting to DMIRS where any outcome or performance criteria has been breached. For further information regarding reporting requirements please refer to DMIRS' <a href="#">"Guidance Note on Environmental Non-compliance and Incident Reporting"</a> .
57.	CME	<b>10. Environmental Outcomes</b> <b>Figure 4 – Determining when an outcome is required</b>	Suggests that the Mining Proposal does not require an outcome if managed under another act, however DMIRS are still asking for these risks to have their own outcomes table in the proposal. This is unnecessary duplication.	As per section 10.1 of the MP Guidance, environmental outcomes that are regulated by other legislation do not necessarily need to be included in the Environmental Outcomes section of the mining proposal unless proponents feel greater clarity on these is required.
58.	MBS Environmental	<b>9. Environmental Outcomes</b>	<b>Item Table 3 (e.g.)</b> Example Environmental outcomes are not auditable, what does "significantly" mean? Is this a technical term to be assessed in the vegetation health monitoring? Same for minimising decline in health of vegetation. "Minimising" is not an auditable outcome. Note use of these terms has been removed from the consolidated outcome. <i>Outcomes should be able to be readily auditable, i.e. Use Table 3 to highlight not only duplication of outcomes but also outcomes that are not auditable.</i>	Comments noted for future detailed revisions to these examples.

59.	CME	<b>12. Expansions and/or alterations to an approved mining proposal</b>	Recommend: - If Mining Proposal change is immaterial to the substance of the Mine Closure Plan, just refer to existing Mine Closure Plan as being sufficient. - If Mining Proposal change is relevant to the Mine Closure Plan but next triennial review coming and the change is not significant, commit to update/include in the triennial review. - If Mining Proposal change is significant to the point where Mine Closure Plan is invalidated, the Mine Closure Plan should be updated and the triennial review period reset.	All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i> . An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the mine closure plan and the mining proposal does not change the closure strategy or outcomes. Where a revision to the mine closure plan is required, the mine closure plan should be updated commensurate to the scale of the change.
60.	CME	<b>13. Mine Closure Plan</b> As per the Statutory Guidelines all mining proposals must include a mine closure plan.	Changes to a mining proposal (refer comments on s5.1) may not require changes to a closure plan. Suggest de-link.	All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i> . An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the mine closure plan and the mining proposal does not change the closure strategy or outcomes. Where a revision to the mine closure plan is required, the mine closure plan should be updated commensurate to the scale of the change.
61.	CME	<b>Appendix B—Regulatory and Administrative Context</b> DMIRS is also the primary regulator of mine safety under the <i>Mines Safety and Inspection Act 1994</i> . For mines where radioactive materials may be an issue (for example uranium or mineral sands mines), management of radioactive materials will also be regulated by DMIRS under Part 16 of the Mines Safety and Inspection Regulations 1995, and by the Radiological Council under the provisions of the <i>Radiation Safety Act 1975</i> .	The use of the word ‘also’ in this paragraph implies that DMIRS - Environment will also be regulating radiation matters, which are already regulated under the <i>Mines Safety and Inspection Act 1994</i> (MSIR Act) and <i>Radiation Safety Act 1975</i> (RS Act). This section should be updated acknowledging the government’s desire to reduce duplication and regulatory overlap and as such DMIRS - Environment would not assess radiation matters that are assessed under the MSIR and RS Act.	Comments noted. DMIRS requires information regarding radioactive materials to know that landforms that contain radioactive materials are being appropriately managed in the mining proposal and subsequently this will lead into mine closure. DMIRS considers this a hostile material that needs management, especially when it will be stored in a landform approved under the <i>Mining Act 1978</i> .
62.	CME	<b>Appendix C—Mining Proposal Scoping Document Template</b>	More upfront information about the scoping document would be useful - when should it be used? Who fills it out? Is it included as an appendix of the Mining Proposal to show how you addressed the items? How will it work - is it a document that goes back and forth until agreed?	This section will be revised to provide further guidance.
63.	CME	<b>Appendix F – Practical Examples for Environmental Risk Assessment</b>  <b>Example 2: Fully describing the risk</b>  Activity: pit dewatering	The risk as written has two receptors (the water and the ecological function of the creek). DMIRS should revise with a better worded example, or otherwise clarify which impact is being considering in this example.	This example will be revised to clarify that it relates to ecological function.
64.	CME	<b>Appendix G - Risk Assessment Supporting Information and Examples</b>  <b>Example Risk Assessment</b>	This table contains a large number of items in the ‘Risk Treatment’ column that are not actually risk treatments: - Annual clearing report - Mesa B is outside the proposed disturbance envelope - Clearing permit CPS 5985/1 includes loss of GDV species - Licence to take water GWL 1533264(1) (the conditions on this licence may be treatments but the licence is not) - Final void groundwater model predicting expected groundwater rebound and extent of drawdown post mining - Final void groundwater model including solute transport model for key elements of concern	This section will be reviewed and updated.
65.	CME	<b>Appendix H – Writing Smart Performance Criteria</b>	As with the Closure Guidelines, the examples of performance criteria (with one possible exception of spills being cleaned up within 24 hours) are not time-bound. It would seem inappropriate for the criteria to be time-bound given that they are described as being the measures of acceptable performance, and should therefore apply at all times. Change table format to landscape.	The table will be revised to landscape format.
66.	CME	<b>Appendix K—Proforma For Notification Of Minor Changes</b> <i>This proforma is designed to allow proponents to notify Department of Mines and Petroleum (DMP) of minor changes to a Mining Proposal that they consider to not require approval via a revised Mining Proposal.</i>	Update reference to DMIRS.	This will be revised.
67.	CME	<b>Appendix K—Proforma For Notification Of Minor Changes</b> MP date Taken from MP Checklist	Checklist not included in Guidance or Guideline. Tenement conditions currently refer to MP signed on a date, check if this refers to application lodgement date?	The checklist has been included in the Guidance to provide additional assistance however is not mandatory. The tenement condition date will be the application lodgement date. This will be revised.

## Mine Closure Plans under Part 1

### 1.3 Statutory: Draft “Guidelines for Mine Closure Plans in Western Australia”

Ref #	Stakeholder	Section	Comment	DMIRS Response/Action
68.	Minjar Gold	General	<p>Thank you for running the briefing session in Kal it was very informative and good to get the background on why this has all come about.</p> <p>My only concern is that if we have to append a MCP to every mining proposal what will happen in the instance where the MCP has not been approved. Do we still get the MP approved while the MCP is undergoing review.</p> <p>As an example, our MCP is due in December, we are likely to submit a MP early next year for a cutback. If we append the same MCP to that proposal will we be dependent on the final review of the MCP to get a mining approval.</p> <p>Additionally will the department have enough experience assessors to cover the updated guidelines?</p>	<p>All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i>. An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the mine closure plan and the mining proposal doesn't change the closure strategy or outcomes. Where a revision to the mine closure plan is required, the mine closure plan should be updated commensurate to the nature and scale of the change.</p> <p>DMIRS is appropriately resourced to assess mining proposals and mine closure plans.</p>
69.	Roy Hill Iron Ore Pty Ltd	General	<p>Major projects within Australia are subject to significant, complex and, in some cases, duplicated government approval processes. It is therefore important to focus on regulatory reform and making it easier for business to invest, create jobs and grow the economy.</p> <p>Noting that these statutory guidelines outline the minimum requirements for a valid mining proposal, Roy Hill believes it would be beneficial for the statutory guidelines to be as simple as possible with additional relevant detail included in the guidance document.</p> <p>By making the statutory guidelines too prescriptive it has potential to create problems and uncertainty. Examples include:</p> <ul style="list-style-type: none"> <li>- Section 5 outlines that a consolidated total for the “current area of activity (ha)” is required, however this should be at a point in time (i.e. consistent with the Annual Environmental Report (AER) and not current at the time of submission of the Mining Proposal, which would be impossible to provide). This should instead be considered in the guidance document. As the current area of activity is already included in the AER, it would be duplicative to also provide this in Mining Proposals. In addition, the current area of activity often doesn't align with the final landform to which approval is being sought (i.e. a current laydown area may be a future pit).</li> <li>- Section 5 requires a table listing the Key Mine Activities with relevant areas provided, however if the site doesn't have that particular activity and therefore doesn't list it, is it deemed an invalid application? This should be updated to reflect all <i>relevant</i> Key Mine Activities are addressed.</li> <li>- Section 9 states that the mining proposal risk assessment “identifies <i>all</i> the environmental risk pathways across <i>all</i> phases...”. Does this deem the application invalid if a risk pathway is not foreseen and addressed?</li> </ul> <p><b>The prescriptive nature of the Statutory Guidelines as they are presented for this consultation, can cause ambiguity which has potential to increase red tape, application complexity and subsequent assessment timeframes.</b></p>	<p>The Statutory Guidelines with clear mandatory requirements will make it easier for industry to prepare submissions, and assist the Department to clearly identify whether an application meets the mandatory requirements of the form and content. The drafting of the Statutory Guidelines is intentional to ensure all relevant information is included in a mining proposal to inform an environmental assessment and reduce the need for requests for further information. It is specific in terms of the type of information required to be provided. It is designed that the level of detail of that information provided is commensurate to the nature and scale of the proposed operation. Where mandatory information to be provided is not considered to be appropriate to the nature or scale of the operations the application needs to identify why that aspect is not a risk for that operation.</p> <ul style="list-style-type: none"> <li>• The “current area of activity” is intended to be provided as at the time of submission.</li> <li>• Section 5 will be updated to clarify that the details of the Key Mine Activities to be provided is only for those relevant to the site/for which the site is seeking approval. Mining Proposals can propose Key Mine Activities that overlap, however additional information is required to detail the interaction between the activities. It is recommended that proponents discuss the placement of Key Mine Activities with DMIRS and seek specific advice on activity interactions, as part of the pre-submission stakeholder engagement for all Mining Proposals. DMIRS is preparing additional guidance on this.</li> <li>• DMIRS would not consider an application invalid if a particular risk pathway is not foreseen or addressed, this may however result in further information requests during assessment to clarify whether particular risks have been considered.</li> </ul>
70.	In Confidence 1	General	<p>There is no reference to the State Mining Engineer (SME) in the lease conditions for a mining lease. These were removed when RSD was removed from the Mines Department some of them were changed and referenced the director environmental (examples can be supplied). The leases are a primary source of information and informing the SME could save lives and embarrassment for the Department and Minister. This is as above but can be more critical as to ensuring safety.</p>	<p>The DMIRS Environmental Compliance Branch liaise with the Mines Safety team as required. Operators are also required to submit a Project Management Plan under the <i>Mines Safety and Inspection Act 1994</i> which includes details on the nature and scale of the operational and occupational health and safety hazards foreseen for the project.</p>
71.	Pilbara Development Commission	General	<p>To whom it may concern.</p> <p>Thank you for the opportunity to comment on the Mine Closure Plan Guidelines (2015) as part of the revised draft Statutory Guideline and guidance package for preparing mining proposals and mine closure plans. It is understood that the information from the existing Mining Proposal Guidelines (2016), Mine Closure Plan Guidelines (2015) and Small Operations Mining Proposal and Mine Closure Plan Pro Forma has been restructured so that each document in the package has a clear purpose and intent of how it is considered in the regulatory process.</p> <p>The Pilbara Development Commission (Commission) has been developing the Mine and Infrastructure Repurposing Initiative (MIRI) in consultation/collaboration with government departments and agencies, industry, local governments, and other interested parties, over the past 2-3 years. The MIRI is thought leadership into the opportunities that mine closure can facilitate in regard to regional economic development, job creation, and diversification. A discussion paper has been prepared (see attached) and is currently being reviewed and updated.</p>	<p>DMIRS welcomes the opportunity to discuss the Mine and Infrastructure Repurposing Initiative (MIRI) with the Pilbara Development Commission.</p>

			<p>The review of the Mine Closure Plan Guidelines (2015) is timely, and the Commission would request a simple amendment involving the Land Use Hierarchy. The request is that the “Hierarchy” be changed to a range of options rather than a hierarchy. This change will allow industry and government (state and local) to consider and evaluate the range of options available as part of the closure process.</p> <p>The Commission would welcome the opportunity to meet with the review team to provide further insight in to the MIRI. If this is possible, please contact me on any of the below contacts.</p>	DMIRS acknowledges that planning for post-mining land uses is more complex than the hierarchy as presented. This will be revised to reference “options” rather than a hierarchy.
72.	Umwelt (Australia) Pty Ltd	General	I have noticed that there are two Sections 6.1 in the Draft Mine Closure Plan Guidelines; ‘Identification of closure issues’ and ‘Risk Management Process’. This will obviously need to be rectified in the final document.	This will be updated.
73.	CME	General	<p>There is no section on Tenement Relinquishment as in the 2016 MCP guidelines. Given that DMIRS has endorsed the WABSI Framework, this omission is significant.</p> <p>The current situation where a Mine Closure Plan remains unapproved after its submission, potentially places the sites in a difficult situation. As the mine life progresses, and better knowledge as to success of rehab practices becomes available, the site is justified in making adjustments to say, cover depths, over hazardous material, which in turn has cost implications which need to be declared in company liability estimates. For some organisations, this liability declaration has legal implications and need to be audit verified. The current situation of not having formally approved Mine Closure Plans leaves the company exposed.</p>	The MCP Guidance is intended to support the form and content requirements rather than detail procedural aspects such as relinquishment.
74.	AMEC	General	Statutory Mining Proposal and Mine Closure Plan – clarification should be provided on what happens if a revision is required to the lodged document and what triggers a requirement to submit an amended Mine Closure Plan.	All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i> . An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the mine closure plan and the mining proposal doesn’t change the closure strategy or outcomes. Where a revision to the mine closure plan is required, the mine closure plan should be updated commensurate to the scale of the change.
75.	MBS Environmental	General	<p><b>Structure of the Document</b> The proposed template now sees the “Baseline and Closure Data Analysis” chapter revert back to its original 2011 position. <i>This is a great improvement and helps with the general narrative (flow) within the document.</i></p>	Comments noted with thanks.
76.	MBS Environmental	General	<p><b>Mine Waste Materials Characterisation</b> Material characterisation assessment is a key aspect for mine closure planning and while covered in Section 5 and Section 6.6 does not get sufficient coverage. There is still a lack of understanding by mining proponents as to exactly what analysis requirements Govt has. While no document can cover all aspects required and the need for detailed waste assessments are site specific (document is an outline of baseline data requirements), the process would benefit greatly from having a clearer and more refined guidance document which is agreed upon by government with appropriate input from subject matter experts. This would assist industry in collation of the correct data and for assessing officers. No reference appears to be made to the <i>2016 Draft Guidance Materials Characterisation Baseline Data Requirements For Mining Proposals</i>. Even this draft guidance document still needs further improvement with respect to:</p> <ul style="list-style-type: none"> <li>• Tailings sampling numbers given JORC test requirements.</li> <li>• Refinement of Soil test methods/interpretation to be more practical and WA specific</li> <li>• Refinement of radiation, asbestiform and silica assessment sections.</li> <li>• Discussion between DWER and DMIRS to refine what/when leachates need to be done for non-reactive waste in particular.</li> <li>• Discussion/possible refinement of the need to test all samples &gt;0.05% sulfur for NAG versus a screening approach at for example 0.2% which includes assessment of ANC/MPA ratio for these lower risk samples.</li> </ul>	DMIRS is working across Government to provide additional guidance on materials characterisation.
77.	MBS Environmental	General	<p><b>Closure Risk Assessment</b> The closure risk assessment remains focused purely on the environmental regulatory aspects which, while understandable for the environment community, does pose some dangers with regard to overall mine closure planning for the mining industry. Reality dictates that the final agreed to mitigation measure (closure strategy) documented in a MCP is dependent on a cost benefit analysis. This means that in all likelihood the MCP submitted to Government will not include all the rationale behind preferred closure strategies. This can invariably lead to time delays in acceptance of Plans as DMIRS reviewers continually request greater clarity on why certain, perhaps more environmentally favourable, options are not chosen for implementation.</p>	The mine closure plan is intended to focus on environmental risks, however DMIRS notes that sites often have risk assessments capturing risks more broadly. Where required, justification of why preferred closure strategies have been chosen should be included in the mine closure plan to provide context.
78.	MBS Environmental	General	<p><b>Financial Provisioning for Closure</b> This is undoubtedly the single most important aspect of mine closure planning both for the mining company’s shareholders and Government (on behalf of taxpayers), yet it gets scant attention due to the commercial sensitivity of the numbers. While the guideline states that “the objective of financial provisioning for closure is to ensure that adequate funds are available at the time of closure and that the community is not left with an unacceptable liability. To that end, it is essential that the cost of closure be estimated as early and accurately as possible”, little effort is made to provide guidance on appropriate accounting procedures and standards. <i>It is suggested that this chapter include greater detail on international mining industry financial reporting norms – e.g. stock exchange accounting and reporting standards. The MCP should also contain the need for some form</i></p>	This is currently out of scope however will be considered for future revisions.

			<i>of Third Party certification that the current closure cost provision accurately reflects the current MCP and industry accounting standards.</i>	
79.	Roy Hill Iron Ore Pty Ltd	General	<p>As per comments on the Statutory Guidelines for Mining Proposals, it would be beneficial for the statutory guidelines for Mine Closure Plans (MCPs) to be as simple as possible, with additional relevant detail included in the guidance document.</p> <p>Roy Hill considers that the statutory guidelines should only note each section required to be included in the MCP. The detailed guidance of information to be included in each section of the MCP should be explained in the guidance document rather than the statutory guidelines.</p> <p>Examples whereby the current level of detail in the statutory guidelines could become problematic include:</p> <ul style="list-style-type: none"> <li>- Section 2 – requires “a map of the location showing all land disturbances”. It is not clear if this is ‘current’ land disturbances or ‘future’ land disturbances. Also, the requirement to “show all tenements and other land tenure” could be interpreted as showing all tenure whether relevant or not, or both applicant tenure as well as other company tenure. Such level of detail should be removed from the statutory guidelines and clarity provided in the guidance documentation.</li> <li>- Section 3 states “mine closure plan must detail <i>all</i> environmental approvals and legal obligations for rehabilitation and closure”. If a legal obligation is inadvertently omitted, does this deem the MCP invalid? There could be situations where a huge amount of obligations exist and, for example a small, Native Vegetation Clearing Permit (NVCP) may have a requirement to rehabilitate a small area, which may easily be overseen and not included, if other obligations override it. This would not pose an issue if the details required of each section were noted in the guidance documentation, rather than in the statutory guidelines.</li> <li>- Section 5 – States “The mine closure plan must include an analysis of the baseline data that: “... details of the methodology of the analysis of baseline data”. It is difficult to interpret the intent of this statement.</li> <li>- Section 6 – Requires an environmental closure risk assessment to be included. This is inconsistent with Section 6.2 of the MCP Guidelines.</li> <li>- Section 8 – It would be beneficial to state only that completion criteria are required, and include the reference to SMART in the guidance instead of the statutory guidelines.</li> </ul> <p><b>The prescriptive nature of the Statutory Guidelines as they are presented for this consultation, currently can cause ambiguity which has potential to increase red tape, complexity of applications and subsequent assessment timeframes.</b></p>	<p>Comments noted. The Statutory Guidelines describe the form and content required in a mine closure plan. The detailed guidance information is included in the MCP Guidance.</p> <p>The text in Section 2 will be revised to clarify “relevant tenements”.</p> <p>DMIRS would not consider an application invalid if a particular environmental approval or legal obligation was inadvertently omitted. This may however result in further information requests during assessment to provide clarification.</p> <p>The text in Section 5 will be revised to provide clarity. Comment noted. The Statutory Guideline and Guidance documents will be reviewed to ensure clarity and consistency. Completion criteria are required to be SMART noting that these will be refined over time.</p>
80.	CME	Document Hierarchy Guidelines Technical Guidance - A framework for developing mine-site completion criteria in Western Australia (2019). The Western Australian Biodiversity Science Institute, Perth, Western Australia.	Gap analysis for existing MCPs may be required, guideline released mid-2019.	Comment noted.
81.	CME	Purpose	Statement could be clearer, state that these are the statutory requirements.	This will be revised to clarify that the document is the statutory form and content of information.
82.	CME	Form and Content of a Mine Closure Plan Limit	Limits not well defined, are they per annum or are the thresholds for the life of mine?	The criteria relate to the mining proposal rather than per annum or thresholds for life of mine.
83.	CME	1. Cover Page	Listing all tenements on the cover page could mean a long list. It would be helpful if the “cover page” could be expanded to include cover and inside cover or cover pages (plural).	This will be revised to cover page(s).
84.	CME	2. Project Summary The mine closure plan must include a description of the mining operation, and a map of the location of the mining operation showing all mine activities, land disturbances, tenements and other land tenure. An estimated project completion date must be included.	<p>Legally, what is 'all'? Problematic - recommend remove.</p> <p>Planned or current for which approval is being sought?</p>	The mine closure plan must include a description of all mine activities associated with the site or the mining proposal it accompanies.
85.	AMEC	2. Project Summary	Statutory Mine Closure Plan – section 2 refers to all mine activities and land disturbances. It is unclear on whether this refers to current or future mine activities and land disturbances.	The mine closure plan must include a description of all mine activities associated with the site or the mining proposal it accompanies.
86.	CME	3. Identification of closure obligations and commitments The mine closure plan must detail all environmental approvals and legal obligations for rehabilitation and closure that will affect the post-mining land use and closure outcomes.	Closure obligations should be defined as all statutory obligations relevant to rehabilitation and closure. The term 'legal obligations' is too broad, and implies that commercial and confidential contracts, for example, must be included.	This will be revised to clarify that it is referring to legal obligations relevant to rehabilitation and closure.
87.	AMEC	3. Identification of closure obligations and commitments	Statutory Mine Closure Plan – section 3 refers to all environmental approvals and legal obligations for rehabilitation and closure. It is unclear on what happens if an obligation is inadvertently omitted.	If a particular obligation is inadvertently omitted, this may result in further information requests during assessment.

88.	CME	<b>5. Baseline and Closure Data and Analysis</b> The mine closure plan must include baseline data that will:	Change to 'was used to'.	This will be revised to clarify that this can be current or past tense depending on the maturity of the operation.
89.	CME	<b>5. Baseline and Closure Data and Analysis</b> The mine closure plan must include baseline data that will: <ul style="list-style-type: none"> <li>inform successful rehabilitation and closure</li> </ul>	Change to "and/or" - may not require rehabilitation.	Rehabilitation is considered the process required to establish the post-mining land use and therefore successful rehabilitation is necessary. DMIRS does not consider that rehabilitation necessarily means the achievement of the pre-existing natural ecosystem.
90.	CME	<b>5. Baseline and Closure Data and Analysis</b> The mine closure plan must include baseline data that will: ... establish baseline conditions for closure monitoring programs, including the identification of reference sites.	Remove or say "where appropriate" (E.g. No reference sites for WRD located in naturally flat area).	The inclusion of "identification of reference sites" will be removed.
91.	CME	<b>5. Baseline and Closure Data and Analysis</b> The mine closure plan must include an analysis of the baseline data that: ... <ul style="list-style-type: none"> <li>details of the methodology of analysis of baseline data.</li> </ul>	Needs rewording - does not read well "[...] include an analysis of the baseline data that details of the methodology of analysis of baseline data".	This will be reviewed and updated for clarity.
92.	CME	<b>5. Baseline and Closure Data and Analysis</b> All relevant technical reports must be attached as appendices.	What constitutes a relevant technical report to be included as an appendix? Just reports relating to closure and rehab trials and studies, etc? Suggest for the scope of a Mine Closure Plan this is not feasible and a summary of the relevant reports is included in a closure knowledge base. Suggest supply technical reports if requested.	DMIRS requires complete applications to include relevant technical reports attached as appendices in order to ensure timely decisions.
93.	CME	<b>6. Closure risk assessment</b>	The post-mining land use should be defined before the closure risk assessment within the Mine Closure Plan document. The closure risk assessment considers closure risks and the impact on achieving the post-mining land use. Closure risks cannot be quantified unless the post-mining land use has been defined. It is far more logical to define the post-mining land use ahead of presenting the closure risks.	This will be revised.
94.	CME	<b>6. Closure risk assessment</b> The mining closure plan must include an environmental closure risk assessment that: <ul style="list-style-type: none"> <li>identifies all the environmental closure risks pathways;</li> <li>evaluates these risks to derive an inherent risk rating, prior to the application of treatments;</li> <li>identifies appropriate risk treatments, using the hierarchy of control; and</li> <li>re-evaluates the risk pathways to derive a residual risk rating.</li> </ul> Mine closure plans must provide information on the processes and methodologies undertaken to identify the closure issues and their potential environmental impacts post-mining, including a description of the risk assessment criteria and risk evaluation techniques.	Environmental: recommended remove All: remove Environmental: recommended remove. Evaluates these risks to derive an inherent risk rating, prior to the application of treatments: Recommend remove - controversial. Issues: Change to 'risks'.	Changes to these long established requirements is out of scope of this review. Comment are noted and may be considered in future content reviews. "Issues" will be revised to "risks" for consistency.
95.	CME	<b>7. Post-Mining Land Use</b> The mine closure plan must describe how the post-mining land use(s) is: <ul style="list-style-type: none"> <li>ecologically sustainable in the context of local and regional environment.</li> </ul>	Definition for 'ecologically sustainable' should be included and additional context provided. An ecologically sustainable post-mining land use may not always be appropriate.	Ecologically sustainable development (ESD) is a well-established normative principle and DMIRS will not be describing the details around ESD in this document.
96.	AMEC	<b>7. Post-Mining Land Use</b>	Statutory Mine Closure Plan – section 7 requires that the plan includes the post-mining land use(s) that has been proposed or agreed. What happens if that is unknown or still under development?	In the early stages of a mining project, it may be acceptable for provisional or proposed post-mining land use(s) to be identified, provided that there has been adequate engagement with the key stakeholders and that there is a clear process and timeline to

				further identify or refine the agreed post-mining land use(s), as part of the stakeholder engagement process.
97.	AMEC	<b>7. Post-Mining Land Use</b>	Statutory Mine Closure Plan – section 8 requires that the plan must include completion criteria that are specific, measurable, achievable, relevant and time-bound. It would seem more appropriate to include this in the general information guideline.	The requirement to include completion criteria that are specific, measurable, achievable, relevant and time-bound is considered a key component of a mine closure plan and is therefore included in the Statutory Guideline.
98.	CME	<b>8. Closure Outcomes and Completion Criteria</b>	This needs to recognise the time to closure and that this is an iterative process where criteria are refined over time (noting, however, this is included in the guidance document).	The MCP Guidance intends to provide additional guidance regarding aspects such as time to closure.
99.	CME	<b>9. Closure Implementation</b> The mine closure plan must include: <ul style="list-style-type: none"> <li>a closure work program for achieving the closure outcomes, with implementation strategies and timeframes for each domain and/or feature of the mining operations;</li> <li>closure designs for landforms; and</li> <li>contingencies for premature or early closure or suspension of operations.</li> </ul>	Closure outcomes: Definition should be included.  Timeframes: Suggest closure timeframes will be conceptual and not finalised until completion of the final Mine Closure Plan. Therefore, of little value in each triennial update.  Domain: Define 'domain'.	A definition of "closure outcomes" will be included.  DMIRS acknowledges that the timeframes will be refined with progression towards closure and subsequent reviews of the mine closure plan.  A definition of domain is included in the Definitions and Acronyms Appendix A.
100.	CME	<b>10. Closure Monitoring and Maintenance</b> The mine closure plan must include: <ul style="list-style-type: none"> <li>a monitoring framework to monitor the progress of the closure implementation strategies for achieving closure outcomes and completion criteria;</li> <li>description of proposed post-closure monitoring; and</li> <li>a description of the monitoring methodology.</li> </ul>	This is contingent on time until closure. This is something that would be developed over time.	Comment noted.
101.	CME	<b>11. Financial Provisioning for Closure</b> The mine closure plan must include the details of closure costing methodology, including clearly documented assumptions and uncertainties.	Clarify this does not require actual closure costs.	This section specifies that the details of closure costing methodology be provided but closure costs are not expected to be provided.

#### 1.4 Guidelines: "Guidance Note on How to Prepare Mine Closure Plans under Part One of the Guidelines"

102.	CME	<b>General</b>	Recommend rename to 'Technical Guidance' to further distinguish from Guidelines.	In this circumstance due to the wording of the <i>Mining Act 1978</i> DMIRS acknowledges the potential confusion between the Statutory "guideline" and guidelines as a category of documents. However, the documents have been categorised according to DMIRS endorsed document hierarchy for its policy framework. As such, documents on how to prepare applications are categorised Guidelines and in this case titled "Guidance". Technical Guidelines is a separate category under Guidelines providing more detailed and scientific information on how to undertake particular activities or studies.
103.	CME	<b>General</b>	There should be an avenue provided in these guidelines that an existing Mine Closure Plan can be utilised to cover activities on new tenure within the boundary of (or in the vicinity of) an existing site, with a commitment made to update with the new Mining Proposal items at the next Mine Closure Plan update. It is noted that amendment to the Mining Act 1978 may be required in order for this to occur. Without ability to complete this, there is an inefficient use of resources from both company and regulatory perspective in reviewing and updating these Mine Closure Plans within the 3 yearly update cycle.	All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i> . An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the mine closure plan and the mining proposal doesn't change the closure strategy or outcomes. The mine closure plan needs to be specific to the tenement considered in the application, however in some instances DMIRS notes that an update to an approved mine closure plan may only be administrative (e.g. updating the tenement number).
104.	Roy Hill Iron Ore	<b>General</b>	With the statutory guidelines in place, it is considered appropriate that the Mine Closure Plan (MCP) checklist be removed.	The mine closure plan checklist has been retained to provide additional guidance.
105.	Roy Hill Iron Ore	<b>General</b>	<b>Clarification on MCP requirements when submitting as part of a mining proposal</b> It is not clear in the MCP guidance what triggers a requirement to submit an amended MCP. It would be beneficial to explain when a new MCP is required, or when a previously approved MCP for the site would suffice.	All mining proposals must include a mine closure plan as defined under section 70(O) of the <i>Mining Act 1978</i> . An approved mine closure plan or a mine closure plan currently under assessment by DMIRS can be provided with the mining proposal where the proposed activities are already addressed in the mine closure plan and the mining proposal doesn't change the closure strategy or outcomes. Where a revision to the mine closure plan is required, the mine closure plan should be updated commensurate to the nature and scale of the change.

106.	<b>Roy Hill Iron Ore</b>	<b>General</b>	<b>Risk assessment alignment with Mining proposal guideline</b> Current MCP guidance document includes: - While Part One of the Statutory "Guidelines for mining proposals in Western Australia" and the Statutory Guidelines for mine closure plans both require a risk assessment, the risk assessments do not need to be undertaken separately. - In these instances, the mine closure plan submitted in support of a mining proposal can refer back to the risk assessment provided in the mining proposal.	Comment noted. The Statutory Guideline and Guidance documents will be reviewed to ensure clarity and consistency.
107.	<b>MBS Environmental</b>	<b>General</b>	The current MCP guidelines focus exclusively on environmental and safety aspects with limited attention to the financial aspects of mine closure planning which invariably determine what closure measures are ultimately implemented.  Projects appear to get approved by DMIRS based purely on environmental management 'commitments/promises' with no independent certification that the cost of implementing these promises have been determined to the required accounting standard so that Govt can determine what added surety measures may need to be put in place.	Comments noted. The Statutory Guidelines for Mine Closure Plans does require that the methodology of financial provisioning for closure be provided to demonstrate that this has been considered in the planning process. However it is not DMIRS intention to require the financial data as part of the application.
108.	<b>CME</b>	<b>Purpose</b>  Any residual liabilities relating to the agreed land use should be identified and agreed to by the key stakeholders.	It may not be possible to agree residual liability with all key stakeholders, especially where stakeholders have conflicting views. What is more important is that there is a viable means identified for managing residual liability, and that has been agreed with the agreed stakeholder(s) that may be affected.	This will be updated.
109.	<b>CME</b>	<b>Scope</b>	The scope of the Mine Closure Plan should consider factors relevant under the <i>Mining Act 1978</i> (Mining Act) only. The scope should identify that where existing regulatory mechanisms exist for closure factors, then the relevant regulatory framework will prevail to reduce regulatory duplication (i.e. contamination, heritage and radiation will be assessed by the relevant existing regulations, and not duplicated under the Mining Act).	The Identification of Closure Obligations and Commitments section of the mine closure plan should clearly delineate the obligations and commitments that will affect the post-mining land use and closure objectives, including those directly regulated by another agency or legislation which is not administered by DMIRS. This section is intended to provide context regarding when other approvals are required or have been granted. This will enable DMIRS' assessment to focus on those factors that are not directly regulated by another agency or covered by another regulatory requirement.
110.	<b>CME</b>	<b>Scope</b> The <i>Mining Act 1978</i> defines a Mining Closure Plan as a document that: (a) is in the form required by the guidelines (b) contains information of the kind required by the guidelines about proposed mining operations in, on or under the land in respect of which a mining lease is sought or granted, as the case requires (c) contains a mine closure plan.	This should be updated to state the 'Statutory Guidelines'	This will be updated.
111.	<b>CME</b>	<b>Scope</b> The " <i>Guidelines for Mine Closure Plans in Western Australia</i> " (Statutory Guidelines) detail the form and content of information required in a mine closure plan.	This statement could be updated to indicate that the Statutory Guidelines provide the mandatory/ minimum requirements for a Mine Closure Plan.	This will be updated.
112.	<b>CME</b>	<b>Scope</b> The purpose of this Guidance Note is to assist proponents in the preparation of mine closure plans under Part 1 of the Statutory Guidelines.	This statement could be updated to indicate that this additional guidance is to be considered where applicable.	Comments noted. This is outside the scope of the Statutory Guidelines which intend to detail the required form and content of applications. DMIRS has updated it's website to ensure clarity around how these documents relate.
113.	<b>CME</b>	<b>Form and Content of a Mine Closure Plan</b> The first mine closure plan submitted as part of a mining proposal must relate to that particular mining proposal or, where practicable, can be prepared for the whole site. Reviewed mine closure plans must be prepared for the whole site.	How will this be managed where multiple, potentially overlapping Mine Closure Plans exist under multiple Mining Proposals?	This will be revised to state that DMIRS encourages proponents to prepare Reviewed Mine Closure Plans for the whole site as an appropriate scale for a closure strategy and ensure there are clear reconciled obligations, however the proponent is welcome to identify the appropriate area to be included for each mine closure plan. All activities approved under a mining proposal must be included in a mine closure plan. It is not mandated that mine closure plans have to be site-wide, however DMIRS encourages this as a practical scale for planning mine closure and post-mining land uses.
114.	<b>CME</b>	<b>Form and Content of a Mine Closure Plan</b> Where a mining proposal is subject to <u>assessment by the EPA</u> , the mine closure plan should cover the proposal development envelope.	Change to "Where the facility / activity relevant to the Mining Proposal is also subject to assessment by the EPA [...]" - The EPA does not assess Mining Proposals.	This will be updated.
115.	<b>CME</b>	<b>Form and Content of a Mine Closure Plan</b> Where a mining proposal is subject to assessment by the EPA, the mine closure	Suggest tenure boundaries are utilised for MCPs to ensure the scope for mining proposals can easily be incorporated. Relinquishment would likely be requested on a tenure basis rather than a development envelope.	This will be updated from "should" to "may". The proponent is welcome to identify the appropriate geographical area and scale for their submission of mine closure plans, acknowledging that all activities approved in a mining proposal must have a relevant closure strategy.

		plan should cover the proposal development envelope.		
116.	CME	<b>Form and Content of a Mine Closure Plan</b> Written agreement may be obtained by the EPA for any variation of the below structure requirements for mine closure plans, however a mine closure plan required under the Mining Act must meet the form and content requirements of Part 1 of the Statutory Guidelines	Include full stop.	This will be updated.
117.	CME	<b>1. Cover Page</b> As per the Statutory Guidelines the mine closure plan cover page must include: <ul style="list-style-type: none"> <li>• title;</li> <li>• site name and code (environmental group site name and code from EARS2 system or note if this is a greenfields or new site);</li> <li>• version number;</li> <li>• date;</li> <li>• tenement(s); and</li> <li>• tenement holder or authorised company/person.</li> </ul>	Recommend not to reiterate Statutory Guidelines in this document - simply state at beginning of the document that the Technical Guidance is read in conjunction with the Statutory Guide.	Comments noted. The MCP Guidance duplicates the requirements from the Statutory Guidelines to ensure that proponents can refer to one document where they feel additional guidance is required to complete the application.
118.	CME	<b>5. Baseline and Closure Data and Analysis</b> All relevant technical reports must be attached as appendices.	What constitutes relevant technical reports to be submitted as an appendix? All reports discussed or just closure / rehab related studies? Do all reports need to be submitted at each update?	Relevant technical reports are those that are required to provide additional context or supporting information.
119.	CME	<b>5.2 Data Analysis and Implications for Mine Closure</b> Knowledge gaps should also be included in the summary tables and the risk of not having this information should be analysed. This will enable the information gaps to be prioritised and acted upon appropriately.	The gap analysis should be undertaken after the closure risk assessment. Once the risks have been defined, the risk of the knowledge gap can be realised. There will always be knowledge gaps, but this should focus on what is the impact of a particular knowledge gap (if any).	This will be revised.
120.	CME	<b>6. Closure Risk Assessment</b>	Risk assessment should be presented after the post-mining land use. The closure risk assessment considers closure risks and the impact on achieving the post-mining land use. Closure risks cannot be quantified unless the post-mining land use has been defined. It is far more logical to define the post-mining land use ahead of presenting the closure risks.	This will be revised.
121.	CME	<b>6.2 Risk assessments in relevant mining proposals</b>	As per Mining Proposal Guidelines - Mine Closure Plan should clearly outline closure risks regulated by other agencies - to avoid regulatory duplication.	Comment noted. Where aspects are regulated by another agency these should be detailed in the mine closure plan.
122.	CME	<b>6.2 Risk assessments in relevant mining proposals</b> When a reviewed mine closure plan is re-submitted for approval every three years, or at a date otherwise advised by DMIRS, as required under the <i>Mining Act 1978</i> , an updated risk assessment must be included to meet the requirements of the Statutory Guidelines.	Requirement to submit an updated risk assessment in the submission of triennially reviewed MCP is inconsistent with the prior statement (i.e. Mine Closure Plan with Mining Proposal can reference the Mining Proposal risk assessment to avoid duplication).	Comment noted. The Statutory Guideline and Guidance documents will be reviewed to ensure clarity and consistency.
123.	CME	<b>6.7 Contaminated Sites</b> To ensure compliance with the <i>Contaminated Sites Act 2003</i> and <i>Contaminated Sites Regulations 2006</i> , closure strategies will need to be designed to incorporate investigation and remediation of contamination.	Contaminated Sites will be managed under the <i>Contaminated Sites Act 2003</i> (CS Act). Proponents should be able to refer to compliance with the CS Act, but to avoid duplication, there should be no requirement for detailed management strategies incorporated in the Mine Closure Plan, given the existing robust framework and regulations for managing contamination.	DMIRS does not intend to duplicate regulation with other agencies. Justification should be provided in the mine closure plan where closure aspects are being managed under other legislation or by another agency.
124.	CME	<b>7. Post-Mining Land Use(s)</b> The post-mining land use(s) should be:	Ecologically sustainable may not be appropriate for every post-mining land use. Further definition / context should be provided.	Ecologically sustainable development is a well-established principle and DMIRS will not be describing the details around ESD in this document.

		<ul style="list-style-type: none"> <li>• Relevant to the environment in which the mine will operate or is operating;</li> <li>• Achievable in the context of post-mining land capability;</li> <li>• Acceptable to the key stakeholders (as defined in section 2.4); and</li> <li>• <u>Ecologically sustainable in the context of local and regional environment.</u></li> </ul>		
125.	CME	<p><b>7. Post Mining Land Use(s)</b> The following <u>land use hierarchy</u> provides a guide to determining post-mining land use(s):</p> <ol style="list-style-type: none"> <li>1. Reinstate "natural" ecosystems to be as similar as possible to the original ecosystem.</li> <li>2. Develop an alternative land use with higher beneficial uses than the pre-mining land use.</li> <li>3. Reinstate the pre-mining land use.</li> <li>4. Develop an alternative land use with beneficial uses other than the pre-mining land use.</li> </ol>	The land use hierarchy is unchanged from the last version of the Guidelines, but now might be a good time to re-evaluate whether it's correct. Would question whether reinstating 'natural ecosystems' should be at the top, and developing land uses with higher beneficial uses is likely to provide a better outcome for all parties, including the State, if a viable land use is identified. Should be options rather than hierarchy.	DMIRS acknowledges that planning for post-mining land uses is more complex than the hierarchy as presented. This will be revised to reference "options" rather than a hierarchy.
126.	CME	<p><b>7. Post Mining Land Use(s)</b> For further guidance refer to the Western Australian Biodiversity Science Institute, <i>A framework for developing mine-site completion criteria in Western Australia</i> (2019).</p>	What is the status of this non-mandatory document? How much weight will the Department be considering this document and whether proponents have used any of the information in it? Is this document expected to be followed or is it closer to best practice recommendations?	This document is intended to provide additional guidance to industry to support the development of completion criteria.
127.	CME	<p><b>8. Closure Outcomes and Completion Criteria</b></p>	Closure outcomes have replaced closure objectives. The way that these have been drafted in Appendix H suggests that they are now more aligned to being commitments or conditions rather than goals. This change should be clarified by DMIRS to inform industry feedback. Development of completion criteria should be risk based. There is a strong focus on setting metrics, but the metrics need to be associated with an environmental consequence. Often proponents are forced to provide measurable completion criteria, which due to the project definition cannot be substantiated in terms of impact (i.e. providing numbers for the sake of providing numbers). For a mature operation, the development of agreed final land uses (for different domains) and associated SMART Closure Criteria are reasonable, however, for a new project, such expectations are unrealistic, particularly given the emphasis on extensive stakeholder engagement in this regard, as noted in the Guideline. For example, for waste rock dumps, the usual Objective is that the landform is 'safe, stable and non polluting', however the associated SMART criteria would need to identify acceptable soil loss rates and TSS values for downstream runoff from the domain area. As the project matures, escalating levels of definition around closure criteria is possible due to improved knowledge and certainty around ultimate disturbance envelope and the nature of potential impact.	Comments noted. DMIRS acknowledges that information within a mine closure plan will be revised and updated as sites progress towards closure.
128.	CME	<p><b>8. Closure Outcomes and Completion Criteria</b> Development of completion criteria and associated performance indicators must commence upfront in the project approval stage for new projects or as early as possible for existing operations, and be reviewed and refined throughout the development and operation of the project to respond to monitoring, research and trial information and any other information or change as appropriate.</p>	It's not clear what the 'performance indicators' are – the term isn't defined in the glossary, and the examples in Appendix N don't refer to it. Completion criteria are the performance indicators?	A definition of performance indicators will be included in the glossary.
129.	CME	<p><b>9. Closure Implementation</b></p>	No guidance regarding expectations for 'closure design for landforms', which are required in the Statutory Guidelines.	The design must be site-specific and presented in a way that shows how it meets DMIRS' Environmental Objectives. Additional guidance for landforms such as tailings storage facilities is provided in the DMIRS Guide to the preparation of a design report for tailings storage facilities (TSF) (2015).
130.	CME	<p><b>9. Closure Implementation</b> The description of the closure work programs, usually referred to as "closure</p>	These line items are nearly impossible to achieve for a new site. The level of detail required is unrealistic. That being said however, the concessions made in section 9.4 Decommissioning are noted and sensible. It is suggested that some of these points receive this same concession, with increasing detail provided in the Mine	The intent of the mine closure plan is to demonstrate that the site is being developed and planned for closure.

		task register”, should include but not be limited to the following information: <ul style="list-style-type: none"> <li>....</li> <li><u>a schedule of work for research, investigation and trials tasks – showing key tasks and key milestones and approximate timing required for each task;</u></li> <li><u>a schedule of work for progressive rehabilitation tasks – showing key tasks and key milestones and approximate timing required for each task;</u></li> </ul> <p>...</p>	Closure Plan as more information becomes available and/or as the site is closer to Closure (2 years as noted in s9.4).	Under an evidence and risk-based framework, it is important to acknowledge what the information gaps are upfront that may inform future closure design, and a process in place to research and address those gaps.
131.	CME	<p><b>9. Closure Implementation</b></p> <p>The description of the closure work programs, usually referred to as “closure task register”, should include but not be limited to the following information:</p> <ul style="list-style-type: none"> <li>....</li> <li><u>decommissioning tasks – including management of contaminated sites; and</u></li> <li><u>a schedule of work for performance monitoring and maintenance tasks.</u></li> </ul>	These line items are nearly impossible to achieve for a new site. The level of detail required is unrealistic. That being said however, the concessions made in section 9.4 Decommissioning are noted and sensible. It is suggested that some of these points receive this same concession, with increasing detail provided in the Mine Closure Plan as more information becomes available and/or as the site is closer to Closure (2 years as noted in s9.4).	<p>The intent of the mine closure plan is to demonstrate that the site is being developed and planned for closure.</p> <p>Under an evidence and risk-based framework, it is important to acknowledge what the information gaps are upfront that may inform future closure design, and a process in place to research and address those gaps.</p> <p>The level of the detail for the information required will be dependent on the progress of that research and increasing understanding of what is required for that site.</p>
132.	CME	<b>9.1. Research, investigation and trials</b>	Whilst it may be useful to itemise anticipated research and trial programs, it is unclear how much information is required for the submission to be deemed acceptable. More definition is required to avoid rework.	Itemising planned research is not onerous information to provide. It is important for the mine closure plan to identify information gaps and planned research.
133.	CME	<p><b>9.4 Decommissioning</b></p> <p>Since the decommissioning phase usually takes place at the end of mine life, limited detail on the strategy and activities required for decommissioning of plant and infrastructure may be acceptable in the early stages of the project. As the implementation of mine closure progresses, the level of detail should increase and include information on:</p> <ul style="list-style-type: none"> <li>the safe demolition and decommissioning of plant and infrastructure;</li> <li>construction of final landforms and drainage structures;</li> <li>completion of rehabilitation;</li> <li>compliance with the requirements of the <i>Contaminated Sites Act 2003</i> including <u>remediation</u> of contaminated areas;</li> </ul>	<p>Remediation is not a given – dependent upon the Contaminated Sites classification.</p> <p>Note earlier comment about potential duplication with CS Act.</p>	In cases where remediation is not proposed, justification should be provided.
134.	CME	<p><b>10. Closure Monitoring and Maintenance</b></p> <p>The performance monitoring results will be reported to DMIRS or DWER in an Annual Environmental Report (AER) and/or a Triennial Environmental Report. The report must document progress against the agreed completion criteria and rehabilitation targets.</p>	The term ‘rehabilitation targets’ is introduced. It’s not clear how these are different to completion criteria or performance indicators.	The document will be updated to remove reference to rehabilitation targets.
135.	CME	<b>13. Reviewed mine closure plans</b>	There is not reciprocal indication of acceptance of submitted Mine Closure Plans by DMIRS, which would be acceptable to an auditing authority. The inability of DMIRS to review and acknowledge changes to the Mine	Comments noted for further consideration by DMIRS.

			Closure Plans is problematic for Industry. DMIRS need to think through how they intend to overcome this issue, rather than maintaining the status quo. Time related default approvals may have to be considered?	
136.	CME	<b>13. Reviewed mine closure plans</b> All mine closure plans approved by DMIRS must be regularly reviewed over the life of a mine. The Mining Act requires these plans to be reviewed and submitted for approval by DMIRS every three (3) years or such other time as specified in writing by DMIRS. This requirement will be stipulated in a tenement condition.	When does the triennial review period commence? From date of application lodgement or approval? How do subsequent Mining Proposals and Mine Closure Plans affect this timing?	Where a revision to a mine closure plan is required, the mine closure plan should be updated commensurate to the nature and scale of the change. Depending on the change the tenement conditions may be amended to alter the three yearly revision.
137.	CME	<b>13. Reviewed mine closure plans</b> DMIRS requires a complete revised version, prepared for the whole site, as well as an updated checklist indicating the sections where changes have been made and a summary of information pertaining to the changes.	Where multiple Mining Proposals exist with overlap of supporting Mine Closure Plans, is it required to consolidate all Mine Closure Plans into a single revised version upon triennial review?	It is not mandated that mine closure plans have to be site-wide, however DMIRS encourages this as a practical scale for planning mine closure and post-mining land uses.
138.	CME	<b>13. Reviewed mine closure plans</b> Please see the updated mine closure plan checklist ( <a href="#">Appendix D</a> ).	Mine Closure Plan checklist is Appendix F.	This will be updated.
139.	CME	<b>Appendix A—Definitions and Acronyms Closure</b> A whole-of-mine-life process, which typically culminates in completion of all obligations under the <i>Mining Act 1978</i> , government “sign-off” and responsibility has been accepted by the next land user or manager. It includes decommissioning and rehabilitation.	‘Closure’ is defined as being a whole-of-mine life process, but this is confusing. It may be better to define ‘closure’ as the time period after cessation of operations (consistent with Figure 1), with ‘closure planning’ as the whole-of-mine-life process.	Comments noted. DMIRS will revise the definition to ensure it remains up to date and appropriate.
140.	CME	<b>Appendix A—Definitions and Acronyms Contaminated</b>	Although derived from the Contaminated Sites Act – the guidelines should reference / refer to the CS Act so that ‘Contaminated’ definition does not evolve with a life of its own with subsequent revisions of the guidelines.	Comments noted. DMIRS will revise the definition to ensure it is appropriate.
141.	CME	<b>Appendix A—Definitions and Acronyms Unacceptable Liability</b> Closure should not lead to regulators, or the community, or landowners or land managers having to take on responsibility for ongoing management, maintenance or monitoring above that which applied before mining, or that which applied to managing land uses comparable to the agreed land uses.	This is worded as a values statement rather than a definition, and is unlikely to be realistic. There will almost certainly be some form of ongoing liability associated with the former mining activity. For example, if it is important to construct abandonment bunds around a pit to manage public safety risks, the mining company is going to have to hand over responsibility at some point for ongoing maintenance.	Comments noted. DMIRS will revise the definition to indicate it refers to unacceptable residual liability.
142.	CME	<b>Appendix D – Regulatory and Administrative Context</b>  <b><u>Department of Jobs, Tourism, Science and Innovation</u></b>	JTSI’s role in the assessment of closure is not clear for State Agreement Projects.	These documents are specific to the form and content requirements of mining proposals and mine closure plans required under the <i>Mining Act 1978</i> .
143.	CME	<b>Appendix D – Regulatory and Administrative Context</b>  <b><u>Other Regulation</u></b> For mines where radioactive materials may be an issue (for example uranium or mineral sands mines), management of radioactive materials will also be regulated by DMIRS under Part 16 of the Mines Safety and Inspection Regulations 1995, and by the Radiological Council under the provisions of the <i>Radiation Safety Act 1975</i> .	The use of the word ‘also’ in this paragraph implies that DMIRS - Environment will also be regulating radiation matters, which are already regulated under the <i>Mines Safety and Inspection Act 1994</i> (MSIR Act) and the <i>Radiation Safety Act 1975</i> (RS Act). This section should be updated acknowledging the government’s desire to reduce duplication and regulatory overlap and as such DMIRS - Environment should not assess radiation matters that are assessed under the MSIR and RS Act.	Comments noted. DMIRS requires information regarding radioactive materials to know that landforms that contain radioactive materials are being appropriately managed in the mining proposal and then subsequently this will lead into mine closure. DMIRS considers this a hostile material that needs management, especially when it will be stored in a landform approved under the <i>Mining Act 1978</i> .
144.	CME	<b>Appendix E – Planning For Mine Closure</b>	Disagree - if there is a higher value, better land use, it should be restored as such.	The document will be updated.

		<p><b>Mine closure planning for Rehabilitation</b>  The best intention must always be to restore the landscape to conditions similar to the surrounding (non-mined) environment, including physical, biological and chemical processes. However, there are significant challenges to achieving this level of mine closure in WA. DMIRS is currently undertaking a project to create standards for what is expected from rehabilitation. These advances will be incorporated into future iterations of this guideline.</p>		
145.	CME	<p><b>Appendix G – Example Of A Legal Obligations Register</b>  <b>Table: Works Approval (No and Date)</b></p>	<p>Remove - Considering purpose and timeframe of a works approval, it is unlikely there would be any obligations that relate to closure within a works approval. Furthermore, the <i>Environmental Protection Act 1986</i> is currently under review to remove works approvals.</p>	<p>The document will be updated.</p>
146.	CME	<p><b>Appendix N—Examples Of Completion Criteria</b></p>	<p>The completion criteria examples appear to be unchanged from the previous version of the Guidelines. None of them contain a 'time-bound' element, which is something that DMIRS regularly cites as being important (including in the main body of the document) and routinely criticizes when it reviews closure plans. It would be good for DMIRS to provide examples that fully address the SMART principles, or otherwise remove and reference the WABSI document ('A framework for developing mine-site completion criteria in Western Australia (2019)').</p>	<p>The document will be updated.</p>

## Part 2 – Statutory: Mining Proposals and Mine Closure Plans for Small Mining Operations

Ref #	Stakeholder	Section	Comment	DMIRS Response/Action
147.	CME	General	Statutory Mining Proposal – page 2 – There is a lack of clarity around the definition of ‘significant’ effect.	Comments noted. This criteria will be removed.
148.	CME	General	Thresholds not well defined (are they total or annual thresholds?).	These limits are for the proposal. These criteria will be revised and simplified.
149.	Cement Concrete and Aggregates Australia (CCAA)	General	<p>Cement Concrete &amp; Aggregates Australia (CCAA) thank you for this opportunity to comment on the Guidelines. We are the peak industry body representing the heavy construction materials industry in Australia including the cement, pre-mixed concrete &amp; extractive (BRM - quarrying) industries. Our WA members include Boral, Cement Australia, Cockburn Cement, Hanson, Holcim, Lime Industries, WA Limestone &amp; Urban Resources. Further information can be viewed on our website at: <a href="https://www.ccaa.com.au/iMIS_Prod">https://www.ccaa.com.au/iMIS_Prod</a>.</p> <p>CCAA acknowledges the Departments efforts in producing the Guidelines which will assist industry to operate effectively. Generally we are supportive of the Guidelines, with the exception of what appears to be an unrealistic restriction:</p> <p><b>Small mining proposals and mine closure plans</b> Placing a threshold of 30,000 m<sup>3</sup> for the extraction of Basic Raw Materials (BRM) to be considered as appropriate for a small mining proposal and mine closure plan appears to be onerous. The 30,000 m<sup>3</sup> threshold for the life of the project is a relatively small quantity for low cost, high volume BRM extraction.</p> <p>Placing a threshold of this nature does not appropriately reflect the assessment of environmental risk associated with a BRM project. A preferable outcome would be to assess the environmental risk of proposed projects, as is currently the practice for small mining proposals and mine closure plans, and permit an extraction rate that is considerable greater on a case by case basis for projects with low environmental risk.</p> <p>For example, a river sand project may allow extraction of a sand resource and be of low risk to the environment where no vegetation is cleared and the sand resource replenishes. Placing a 30,000 m<sup>3</sup> extraction limit could potentially create additional regulatory burden when not required.</p> <p><b>We thus recommend that there should be no extraction volume limit for BRM small mining proposals and mine closure plans, or the 30,000 m<sup>3</sup> should be substantially increased, with “small mines” only defined by low environmental risk considerations.</b></p> <p>We thank you for this opportunity to comment on the Guidelines and would be pleased to meet with you if further discussion is required.</p>	<p>Comments noted.</p> <p>As result of the consultation undertaken, the draft criteria for Part 2 (small mining operations) will be revised. DMIRS will revise the small mining operations criteria to remove reference to volumetric limits (such as the 30,000m<sup>3</sup> threshold you refer to) and depth restrictions.</p>
150.	Mr Brian Champion	General	<p>I am a Aboriginal elder and also have a long history of being involved with small scale mining and have only just found out about the Draft Guidelines for Mining Proposals in Western Australia and wish to make a submission.</p> <p>The first point I wish to make is that all tenement holders need to have letters written to them so that they are fully aware of these proposed changes which will eventually become law. To not do this it just makes this whole process of DMIRS consultation nothing less than a sham and farce compared to consultation that has taken place with the Aboriginal Heritage Act 1972.</p> <p>The next point I wish to make is that the so called consultation on these draft guidelines is quite frankly ridiculous as I have only just found out about them. If you compare how consultation in terms of the timeframe and methodology that has taken place with proposed changes to the Aboriginal Heritage Act 1972 with extensive multiple workshops in regional areas, letters sent and given to all stakeholders and the length of time well over 12 months then the so called consultation on these draft mining guidelines is nothing less than a disgrace to the whole mining industry.</p> <p>As it stands the DMIRS draft statutory guidelines produced by DMIRS will force prospectors and miners totally out of business and if DMIRS suggests anything different to that with excuses, then they are worse than these environmental activists chaining themselves to earthmoving machinery I have seen on television trying to stop every mine development in the state of WA.</p> <p>I keep hearing on the radio from the state government ministers and Premier that they strongly support keeping people in jobs and creating employment and yet the rubbish generated by DMIRS environmental division with the draft Statutory Guidelines is clearly targeted at putting small miners and prospectors out of work and out of the industry. The whole thing is a disgrace.</p> <p>I personally request that consultation allowing submissions to be submitted for another 6 months at the very minimum and more one on one workshops with people directly affected. To not do this as far as I am concerned DMIRS is just hell bent on shutting the small miners and prospectors out of the mining industry and all the rhetoric that DMIRS supports small miners and prospectors is just a big load of crap.</p> <p>I have attached a copy of the Low Impact Mining Operation Template(LIMO) which was developed well over 20 years ago and worked extremely well and DMIRS needs to go back to making it highly simplified like in this LIMO template form so my people whom sometimes don't have a education can easily fill in these forms out and go about Low Impact Mining and prospecting without huge financial costs to get paperwork completed and lodged and get on with finding the mines of tomorrow that are discovered by us small miners/ prospectors that eventually the whole state of WA benefits from.</p> <p>DMIRS needs to study this LIMO form carefully as it worked well for well over 20 years with successful rehabilitation programs for small miners/prospectors and then come up with something very similar without imposing new statutory restrictions as proposed currently by DMIRS. IF THE LAW needs to be changed so that this can happen, then DMIRS can put forward legislation to make that happen but stop making excuses that DMIRS IS HELPING THE SMALL MINER AND PROSPECTOR with these proposed changes and specific tonnage limits and depth restrictions.</p> <p>The other thing is DMIRS knows very well that this LIMO form worked very well for small miners/prospectors and DMIRS has changed this template form previously without no detailed consultation with the whole industry.</p>	<p>DMIRS acknowledges the comments in relation to the consultation undertaken. DMIRS will review and refine its standard consultation procedures to ensure they remain appropriate. DMIRS will continue to work with the industry associations and individual lease holders to ensure all consultation is conducted in an appropriate and beneficial manner.</p> <p>DMIRS acknowledges that structured forms with simple information requirements are beneficial for small miners. To assist in this regard, the proposed changes are specifically acknowledging small mining operations and their need for streamlined environmental approvals to include them in the Statutory Guidelines. DMIRS agrees that the historic Low Impact Mining Operation (LIMO) template was a very useful form for many years, however changes to standards and legislative requirements under the <i>Mining Act 1978</i> have prompted ongoing revisions of the original form. The draft <i>Mining Proposal for Small Mining Operations</i> (Appendix 3, Draft Statutory Guidelines for Mining Proposals) form is intended to function in the same manner of the historic LIMO template. DMIRS acknowledges the level of information being requested has changed from the historic LIMO, however the intent remains to provide a simplified more streamlined approvals pathway for small miners. It is further noted that the inclusion of a dedicated part for small miners (Part 2; Draft Guidelines for Mining Proposals in Western Australia) provides legal certainty to small miners seeking to apply for leases under the <i>Mining Act 1978</i>, who previously have had to prepare a full Mining Proposal (in accordance with Part 1 of the Draft Statutory Guidelines), unable to utilise the <i>Mining Proposal for Small Mining Operations</i> form.</p> <p>As result of the consultation undertaken, the draft criteria for small mining operations will be revised. DMIRS will revise the small mining operations criteria to remove reference to volumetric limits and depth restrictions. For example, scrape and detect activities will no longer have total size (hectare) or depth restrictions, providing flexibility to small miners.</p>

			<p>Importantly the former LIMO form did not have tonnage limits and depth restrictions for push and scrape operations along with dryblowing so now why impose them on us to restrict the economics of conducting these operations that have worked successfully for well over 30 years and more all with successful rehabilitation.</p> <p>Instead of treating us small miners/prospectors like idiots and increasing regulatory burden and cost DMIRS needs to produce this LIMO form in a very simplified manner with tick the box type headings. Stop creating and making us fill in detailed explanations for LIMO type operations and appreciate the efforts of small miners/prospectors creating jobs and employment for the state.</p> <p>I WANT TO MAKE IT CLEAR DMIRS NEEDS TO STOP TREATING US LIKE IDIOTS AND START RECOGNISING THE ENORMOUS IMPORTANCE OF HAVING US SMALL MINERS/PROSPECTORS BEING ABLE TO GO TO WORK IN A SIMPLIFIED MANNER THAT HELP THE STATE OF WA GET BACK TO THE BASICS OF WHAT I KEEP HEARING FROM MINISTERS AND THE PREMIER MARK McGOWAN ON THE RADIO THAT THE GOVERNMENT IS PROMOTING AND HELPING PROSPERITY BY CREATING JOBS.</p> <p>I ALSO KEEP HEARING FROM MINISTERS and The PREMIER that they are helping to reduce the regulatory burden for industry. WELL ITS quite simple DMIRS can now start implementing this approach of reducing regulatory burden by introducing the LIMO FORM which I have attached.</p>													
151.	<b>Amalgamated Prospectors and Leaseholders Association (APLA)</b>	<b>General</b>	<p>The Amalgamated Prospectors and Leaseholder Association (Inc) is a volunteer operated and unfunded organisation representing the interests of prospectors and leaseholders across Western Australia. We have over 2000 members including a large number of occupational small miners. These small mining members are seriously concerned at the increase in the bureaucratic requirements of this proposed draft Statutory Guideline for Mining Proposal combined with a similar reduction in accessibility and operability created by the restrictions within the Guidelines. The combination of these two issues will cause a reduction in small mining activity, loss of jobs and occupations, loss of revenue from those unexploited mineral resources and a serious reduction in revenue creation in regional areas of Western Australia.</p> <p>APLA ideologically agrees with any proposal that separates the small miner from the larger corporates that make the transition from a PL/EL to an ML more readily available and at no cost. This draft Statutory Guideline doesn't meet that ideology or the aims of DMIRS to help us to achieve that.</p> <p>This submission refers only to the "Part Two" SMP Guidelines.</p>	<p>Comments noted. DMIRS acknowledges the benefits structured forms with set information requirements can have for small miners. To assist in this regard, the proposed changes are specifically acknowledging small mining operations and their need for streamlined environmental approvals.</p> <p>Part 2 of the Statutory Guidelines now explicitly incorporates small mining operations and includes an amended version of the Small Mining Operations Pro forma. The inclusion of Part 2 ensures that Small Mining Operations mining proposals can continue to be used to support Mining Lease applications. The mining proposal and mine closure plan for Small Operations pro forma have also been included in the Statutory Guidelines so applicants can be confident that it will be accepted for assessment by DMIRS and can be used to support mining lease applications.</p> <p>The form has been developed to assist those proponents looking to undertake low impact mining who would otherwise have to prepare a full Mining Proposal to meet the requirements of Part 1 of the Statutory Guidelines.</p>												
152.	<b>APLA</b>	<b>General</b>	<p><b>Comparisons.</b></p> <p>It has been stated by DMIRS that the proposed Statutory Guidelines are a transfer of existing the existing Small Mining Proposal application. Recent comparisons by APLA reveal that this is not the case. A successful SMP application from 2016 is attached for your reference. The threshold limits in the draft Stat Guideline (September 2019) are not apparent in the former SMP of 2016. Therefore, we consider that this draft is not acceptable as a way forward to implement a simpler method for small miners to move from a PL/EL to an ML. Neither is it suitable for any ML holder that wishes to extend any existing mining operations.</p> <p><b>See below:</b></p> <p>We make the assumption that this case is an example of transferring from a PL/EL to an ML and an SMP is required to meet the Mining Act requirements. "Small scale mining" under the MRF is if the total MRF levy is less than \$50,000</p> <p>The following are some of the MRF levies that apply to our usual prospecting operations:-</p> <table border="1"> <thead> <tr> <th>Mine Activity Type</th> <th>Category</th> <th>Rate</th> </tr> </thead> <tbody> <tr> <td>Exploration/Prospecting Operations - Land that has been disturbed by exploration operations</td> <td>D</td> <td>\$2,000</td> </tr> <tr> <td>Heap or vat leach facility</td> <td>A</td> <td>\$50,000</td> </tr> <tr> <td>Mining void (with a depth of at least 5 metres) - above ground water level</td> <td>C</td> <td>\$18,000</td> </tr> </tbody> </table> <p>If we take these in turn:-</p> <p><b>Exploration/Prospecting Operations - Land that has been disturbed by exploration operations</b></p> <p>t the MRF rate of \$2,000 per hectare this allows:-</p> <p>\$50,000 MRF threshold ÷ \$2,000 = 25 hectares of scrape and detect operations</p> <p><b>Heap or vat leach facility</b></p> <p>With the MRF threshold of \$50,000</p> <p>And the MRF rate for Heap or vat leach facility being \$50,000 per hectare</p> <p>This allows: \$50,000 MRF threshold ÷ \$50,000 MRF rate = 1 hectare</p> <p>Now if the Heap or vat leach facility is 4 metres high</p> <p>With 1 hectare being 10,000 m<sup>2</sup></p>	Mine Activity Type	Category	Rate	Exploration/Prospecting Operations - Land that has been disturbed by exploration operations	D	\$2,000	Heap or vat leach facility	A	\$50,000	Mining void (with a depth of at least 5 metres) - above ground water level	C	\$18,000	<p>The criteria provided in the draft Statutory Guideline were developed to remove ambiguity about which operations are considered small mining operations, and thus eligible to lodge a Mining Proposal for Small Mining Operations form. DMIRS appreciates your detailed submission in this regard and intends to revise and simplify the draft criteria as presented on page 2 of this document. DMIRS will revise the small mining operations criteria to remove reference to volumetric limits and depth restrictions. For example, scrape and detect activities will no longer have total size (hectare) or depth restrictions, providing flexibility to small miners.</p>
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			<p>Then - Volume = 10,000 m<sup>2</sup> x 1 hectare x 4 metre depth = 40,000 m<sup>3</sup> Compared to new proposed limit of 200 m<sup>3</sup></p> <p><b>Mining Void (with a depth of at least 5 metres) - above ground water level</b> With the MRF threshold of \$50,000 And the MRF rate for a Mining Void (with a depth of at least 5 metres) - above ground water level, being \$18,000 per hectare This allows \$50,000 MRF threshold ÷ \$18,000 MRF rate = 2.8 hectares Now if the Mining Void is 40 metres deep With 1 hectare being 10,000 m<sup>2</sup> Volume = 10,000 m<sup>2</sup> x 2.8 hectares x 40 metre depth = 1,120,000 m<sup>3</sup> Compared to new proposed limit of 20,000 m<sup>3</sup></p> <p>If the MRF is to be used as a prescribed control function than far more thought needs to be given than we see here. The table provided by DMIRS in its draft on page 3 of 37 is copied below</p> <table border="1"> <thead> <tr> <th>Description of activity or commodity</th> <th>Limit</th> </tr> </thead> <tbody> <tr> <td>Tailings storage facility or heap/vat leach</td> <td>200 m<sup>3</sup></td> </tr> <tr> <td>Shafts and winzings</td> <td>5,000 m<sup>3</sup></td> </tr> <tr> <td>Scrape and detect</td> <td>Maximum depth 3 metres</td> </tr> <tr> <td>Excavations for minerals other than basic raw materials</td> <td>20,000 m<sup>3</sup></td> </tr> <tr> <td>Precious stone mining</td> <td>20,000 m<sup>3</sup></td> </tr> <tr> <td>Gypsum mining</td> <td>30,000 m<sup>3</sup> and 5 hectares total surface disturbance area.</td> </tr> <tr> <td>Basic raw materials</td> <td>30,000 m<sup>3</sup></td> </tr> </tbody> </table>	Description of activity or commodity	Limit	Tailings storage facility or heap/vat leach	200 m <sup>3</sup>	Shafts and winzings	5,000 m <sup>3</sup>	Scrape and detect	Maximum depth 3 metres	Excavations for minerals other than basic raw materials	20,000 m <sup>3</sup>	Precious stone mining	20,000 m <sup>3</sup>	Gypsum mining	30,000 m <sup>3</sup> and 5 hectares total surface disturbance area.	Basic raw materials	30,000 m <sup>3</sup>	
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Gypsum mining	30,000 m <sup>3</sup> and 5 hectares total surface disturbance area.																			
Basic raw materials	30,000 m <sup>3</sup>																			
153.	APLA	General	<p><b>Scrape and detect.</b></p> <p>In the event that a “scrape and detect” operation is to be conducted on an ML, then it would seem that it is possible to get a deeper depth or potentially, even a unrestricted depth for such a project by using a “POW” on a Mining Lease” once the barrier of grant is overcome. This seems contradictory and somewhat farcical as the project operator would actually get around the limits by applying for a POW and ignoring the SMP threshold of 3 metres.</p> <p>This also contradicts the philosophy of unfettered mining inferred when an ML is granted i.e no depth or tonnage restriction. We should also be aware that the true limit of depth excavation is not controlled solely by environmental considerations but is limited to 1.5 metres by the Mines Inspection and Safety Section stipulations. More discussion within DMIRS and externally to stakeholders is required here if an SMP is to have any value for “scrape and detect” or any other excavation. So here we see a ‘hidden cost’ for geological stability studies that must be done by qualified consultant geologists.</p> <p><b>Next is the “Heap Leach” threshold of 200m<sup>3</sup>.</b></p> <p>“Heap Leaching” is the primary cheapest method of extracting gold from low grade ores. Low grade is generally recognized as less than 20 gpt but far less than this is the much lower and more common figures of 1 to 3gpt. This figure can provide an economic ROI provided the gold bearing ore tonnage is much higher than the threshold of 200m<sup>3</sup>. Simple calculation reveals that at these lower, but common gold contents, a heap leach of 200m<sup>3</sup> (approximately 380 tonnes) is not economically viable. Such a gold content in 380 tonnes would repay about \$60,000.00 before overheads and material costs. This is not an acceptable outcome and a far higher threshold figure is required. It appears that either a misprint has occurred or DMIRS has simply taken data from the last few years in a time when Heap Leaching projects have become scarce and applied a mean figure of that statistically deficient data to the threshold values. APLA regards such an approach as misleading. A figure of at least 20,000m<sup>3</sup> would be more appropriate but we are open to discussion on that number when compared to the vat leaching cyanide plant throughputs of the corporate mining industry.</p> <p><b>Reaching and breaching the water table.</b></p> <p>Once again, we see the MRF being used as Guideline while, once again we see a Threshold Value being included in the proposed Stat Guideline that was never in the former and currently in use, Small Mining Proposal. See attached example at attachment A.</p> <p>APLA sees little value in bringing in this as a Threshold Value. It was never a restrictive question prior to this. The former SMP simply asked for information on the methods of groundwater disposal. That has now transformed into a “stop point”. This is not an acceptable change.</p> <p>Groundwater in the auriferous areas of WA are mainly saline or hypersaline and unfit for human drinking water and often not fit for stock watering. When dewatering, ground water often returns via natural seepage on another route back into the groundwater table or is pumped into another holding pit area as is the case at Saracen’s Thunderbox Project at Leinster.</p>	<p>The criteria provided in the draft Statutory Guideline were developed to remove ambiguity about which operations are considered small mining operations, and thus eligible to lodge a Mining Proposal for Small Mining Operations form. DMIRS appreciates your detailed submission in this regard and intends to revise and simplify the draft criteria as presented on page 2 of this document. DMIRS will revise the small mining operations criteria to remove reference to volumetric limits and depth restrictions. For example, scrape and detect activities will no longer have total size (hectare) or depth restrictions, providing flexibility to small miners.</p>																

			APLA requires more explanation why groundwater has become a Threshold Value when formerly it was a simply an “enquiry, more information” point.	
154.	APLA	General	<b>Chemical Characteristics of waste rock (Part Two, Item 8, page 8 of 27)</b> DMIRS to provide details of how complex a study is required. Most of the exposed and near surface rock in the Goldfields is acidic but stable in nature. However, APLA believes it is the generation of acidic drainage that’s in question here and that only occurs when ground is disturbed and exposed to atmosphere. More explanation is required here.	The form will be updated to clarify the level of detail required.
155.	APLA	General	<b>Use of MRF tables in describing threshold values.</b>  This is an unusual and unworkable use of the MRF Regulations and the levy tables. Breaching an MRF threshold is not illegal, punishable and neither is it a control method on techniques used in a mining or prospecting project. It is simply a means of ensuring there is no liability to the State for rehabilitation or financing abandoned mines. While the MRF tables are indicative, their use in this fashion is not suited to the topic of Mining Proposal Assessment. MP/SMP assessment is a pre-cursor to mining and MRF Levy is an effect of that mining. APLA feels this approach should be reviewed.	The criteria provided in the draft Statutory Guideline were developed to remove ambiguity about which operations are considered small mining operations, and thus eligible to lodge a Mining Proposal for Small Mining Operations form. DMIRS appreciates your detailed submission in this regard and intends to revise and simplify the draft criteria as presented on page 2 of this document. DMIRS will revise the small mining operations criteria to remove reference to volumetric limits and depth restrictions. For example, scrape and detect activities will no longer have total size (hectare) or depth restrictions, providing flexibility to small miners.
156.	APLA	General	<b>Rolling SMP applications.</b>  During our talks with DMIRS the issue was raised that a “de-facto” tonnage limit was being placed on to a Mining Lease if ever the proposed Stat Guidelines were to be implemented. DMIRS is on record as saying that this issue would be overcome by enabling “rolling SMPs” that would require no further engagement with other land users or without any further scrutiny providing the methods and techniques used in the rolling application remained unchanged from those in the initial application. APLA can find no such assurance in the draft guidelines provided here. APLA requires such a crucial detail to be written into the Guideline.	The criteria have now been revised to remove the volume limit for materials. Applicants maintain the ability to submit multiple mining proposals.
157.	APLA	General	<b>Summary.</b>  There are many flaws in this draft Stat Guideline that require further serious consideration if it is to achieve a useful, inexpensive mechanism for a small mining operation to pass the “Mining Proposal Requirement” test in the Mining Act. APLA looks forward to further and in depth meetings to secure simpler and improved conditions for small mining operations.  <b>Recommendations.</b>  1. As a starting point, we suggest a study of the 10 hectare exemption from needing an NVCP that is within the EP Act and how that footprint can be used to avoid the traps within this proposal. 2. Comparisons need to be made against the criteria and limits with POW-P and POW-E when structuring the SMP. This is particularly valuable in cases where the PL holder are attempting to transition from that PL to an ML simply to continue what they were doing under the POW-P on a PL. Some of SMP threshold values are less than those available in a POW-P. Much more work needs to be done here. 3. Furthermore, the provision by DMIRS of “prescribed limits” in the Guidelines contradicts their position of “Risk Based” assessment. Once limits are prescribed, then any risk falls back on DMIRS as it can be construed that DMIRS made the rules. The proponent simply abided by them. DMIRS is then accountable for any liability incurred. If we are to progress down the road of prescribed limits then we need to stop using the phrase “Risk Based”. Alternatively, we embrace the “risk based” ideology with all the risks that come with it. Such an ideology would easily dovetail into a “footprint affected” ideology rather than “prescription”. The 10 hectare exemption from needing an NVCP for exploration and prospecting would also slot straight into this model.  APLA also takes the view that the incessant implied demand for a consultant’s opinion be severely curtailed as we feel that there must, by now, be sufficient tertiary qualified environmental expertise within DMIRS and DWER to provide a reliable assessment or consultative view of their own. Placing the financial burden of consultants onto a proponent is simply supporting a largely unnecessary industry that does little to facilitate mining and support prospecting. This is the job of government and not that of vested interests whose perpetuation of their existence is built on making mining more difficult than it needs to be and controlled more than a thriving mining industry should be.	The criteria provided in the draft Statutory Guideline were developed to remove ambiguity about which operations are considered small mining operations, and thus eligible to lodge a Mining Proposal for Small Mining Operations form. DMIRS appreciates your detailed submission in this regard and intends to revise and simplify the draft criteria as presented on page 2 of this document. DMIRS will revise the small mining operations criteria to remove reference to volumetric limits and depth restrictions. For example, scrape and detect activities will no longer have total size (hectare) or depth restrictions, providing flexibility to small miners.  The proposed changes will protect small miners from having to submit a full mining proposal, providing a standardised form for seeking environmental approvals. The form is provided as Appendix 3 in the Draft Statutory Guidelines for Mining Proposal and is intended to provide a simplified approval pathway for small miners.  The intent of the Mining Proposal for Small Mining Operations form is that for the majority of instances proponents can provide the necessary information in the form without requiring the engagement of environmental consultants.
158.	Mr Christopher Potts	General	I need more time to consider the draft statutory guidelines. I would suggest 6 months. There is much to consider and read. This is way too important to rush without careful consultation. This greatly affects small miners and producers. I am not talking about the metal detector prospectors. They are a very small contributor and they do not represent the small miners and gold producers which by far outweigh the detectors in gold production and contribution to economy. Our country is really battling at the moment and the last thing we need is to rush through these ridiculous onerous restrictions which will put small miners out of business if implemented as you have proposed. These changes will directly affect me and my business and my ability to go forward as a gold producer. I employ people and contractors on a regular basis and so do so many of my colleagues. It appears that your staff have nothing better to do than harass and put obstacles in our way when none of these changes were necessary in the first place. You are forcing us into expensive full mining proposals that we cannot afford (\$250,000) plus. On this basis, this is way too important to address in such a short time and I demand more time to consider this draft. I must point out that these changes have seemingly been proposed by people without any industry experience and is purely designed to please Green Voters. I have been a prospector and small miner for 40 years and I can see these changes putting me and others like me out of business. I again therefore request more time.	DMIRS acknowledges the importance of providing small miners with a simplified and streamlined approvals pathway for low impact operations. To assist in this regard, the proposed changes are specifically acknowledging small mining operations and their need for streamlined environmental approvals.  The proposed changes will protect small miners from having to submit a full mining proposal, providing a standardised form for seeking environmental approvals. The form is provided as Appendix 3 in the Draft Statutory Guidelines for Mining Proposal and is intended to provide a simplified approval pathway for small miners. It is further noted that the inclusion of a dedicated part for small miners (Part 2; Draft Guidelines for Mining Proposals in Western Australia) provides legal certainty to small miners seeking to apply for leases under the <i>Mining Act 1978</i> , who previously have had to prepare a full Mining Proposal (in accordance with Part 1 of the Draft Statutory guidelines).

				DMIRS is unable to extend the 12 week consultation period a further 6 months. DMIRS needs to ensure that the Statutory Guidelines are in place by early 2020 to provide certainty to applicants regarding whether an application meets the mandatory requirements of the form and content.
159.	<b>Eastern Goldfields Prospecting Association (EGPA)</b>	<b>General</b>	<p>Given the enormous impact of the proposed changes as proposed in the Draft statutory guidelines (which will have wide ranging ramifications to the mining industry), we suggest at least a minimum another 6 months consultation be taken to ensure no low impact miner or prospector is put out of business.</p> <p>The proposed Statutory Guidelines covering Proposals for Mining operations as presented recently are unacceptable to the Small Mining Sector.</p> <p>Small miners require a low cost simple proforma <b>Small Mining Operations Form</b> that can be prepared without the need to employ expensive consultants.</p> <p>Experienced small miners have the knowledge and are more than capable of providing all the technical input necessary at this level. There is a growing tendency due to ever the increasing DMIRS guidelines for small miners to be forced to employ consultants for low tonnage projects, that in many cases are still at the exploration stage. These are projects which are often shunned by the larger companies as being too small or uneconomic. These small "lean pickings" are still profitable in low-cost operations and are, at times, the only projects that are available to small operators. These deposits, collectively worth tens of millions of dollars, would be otherwise ignored and left in the ground unmined, as they would be considered un-mineable under current proposals.</p> <p>Regional WA desperately needs such projects to create employment, support local communities and infrastructure and inject much-needed economic activity. Without these inputs regional WA will be inevitably hollowed out, dwindle and die.</p> <p>The EGPA has spent considerable time with DMIRS on extolling the virtues of the former LIMO - low impact Mining Operations form. The LIMO has worked exceedingly well for a great many years, is well understood by all involved and should not be replaced with a clumsy, poorly thought through, inadequately documented, hugely more operationally expensive, and seriously inferior and flawed alternative. Are you looking to close down hundreds of (currently profitable) small mining operations, injecting tens of millions of dollars annually into regional WA, and cripple employment and the economy in large parts of regional WA, <b>for no net benefit</b> to anyone? I doubt that is the objective but will be the reality.</p> <p><b>We attach two LIMO forms for your convenience at Attachments "A" and "B"</b></p> <p>The idea put forward of creating unrealistically restrictive statutory thresholds for DMIRS to pigeonhole what is small or big is causing great concern for those small miners aware of what is proposed. Most small miners whose business, income and employment will be severely adversely affected are unaware of or have not been adequately consulted on what is about to befall them. Why has DMIRS not notified <b>every tenement and leaseholder</b> by mail, outlining these small mining proposals and seeking input from those directly affected. Has DMIRS learnt nothing from the monumental disaster of the humiliating failure of the 2015 Mining Amendment Bill fiasco and taken no notice of the recommendations of the Parliamentary Inquiry into the causes and failures of that policy train-wreck?</p> <p>The total cost required <b>to meet the full mining proposal</b> guidelines is likely to be \$250K to \$500K plus. The level of detail required can only be completed using experienced qualified consultants who are working within larger consulting groups that cost a minimum of \$250/hr to employ. Our investigations into the industry, which includes a small operator's estimation of the costs involved, amounted to \$100K for a small mining proposal involving a low tonnage open pit. This could blow out to \$250k if forced to a full mining proposal guidelines. This demonstrates that there is a desperate need to return to the basics like the previous LIMO format, or our industry will slowly die along with the regional communities that depend on it. These projects are low risk and therefore using a risk-based approach they should have a far simpler approval process.</p> <p>As the pastoral industry is still in further decline with drought, not forgetting the "little or no employees required carbon farming proposals for pastoral land", and with only the odd tourist passing by for regional areas, the fuel outlets are already closing at an alarming rate.</p> <p>The garage in Menzies is shut and the Sandstone fuel outlet is not doing too well either. Shops and small business are shutting up and government and community services are being curtailed. The regions are being slowly depopulated as economic opportunities dry up.</p> <p>So, one can see the picture is not too bright. DMIRS (whose prime function should be promoting and supporting mining) should be reverting back to the practical basics for managing small mining proposals that existed for many years under the very successful LIMO format.</p> <p>Small miners and regional WA desperately need DMIRS support, <b>not hindrance</b>.</p>	<p>DMIRS acknowledges the comments in relation to the consultation undertaken. DMIRS will review and refine its standard consultation procedures to ensure they remain appropriate. DMIRS will continue to work with the industry associations and individual lease holders to ensure all consultation is conducted in an appropriate and beneficial manner. In this instance DMIRS is unable to extend the 12 week consultation period a further 6 months. DMIRS needs to ensure that the Statutory Guidelines are in place by early 2020 to provide certainty to applicants regarding whether an application meets the mandatory requirements of the form and content.</p> <p>DMIRS acknowledges the benefits structured forms with simple information requirements can have for small miners. To assist in this regard, the proposed changes are specifically acknowledging small mining operations and their need for streamlined environmental approvals. The proposed changes will protect small miners from having to submit a full mining proposal, providing a standardised form for seeking environmental approvals. The form is provided as Appendix 3 in the Draft Statutory Guidelines for Mining Proposal and is intended to provide a simplified approval pathway for small miners. The intent of the Mining Proposal for Small Mining Operations form is that for the majority of instances proponents can provide the necessary information in the form without requiring the engagement of environmental consultants.</p> <p>DMIRS agrees that the historic Low Impact Mining Operation (LIMO) template was a very useful form for many years, however changes to standards and legislative requirements under the Mining Act 1978 have prompted ongoing revisions of the original form. The draft Mining Proposal for Small Mining Operations form is intended to function in the same manner of the historic LIMO template. DMIRS acknowledges the level of information being requested has changed from the historic LIMO, however the intent remains to provide a simplified more streamlined approvals pathway for small miners. It is further noted that the inclusion of a dedicated part for small miners (Part 2; Draft Guidelines for Mining Proposals in Western Australia) provides legal certainty to small miners seeking to apply for leases under the Mining Act 1978, who previously have had to prepare a full Mining Proposal (in accordance with Part 1 of the Draft Statutory Guidelines), unable to utilise the Small Mining Operations form.</p> <p>The criteria provided in the draft Statutory Guideline were developed to remove ambiguity about which operations are considered small mining operations, and thus eligible to lodge a Mining Proposal for Small Mining Operations form. DMIRS appreciates your detailed submission in this regard and intends to further revise and simplify the draft criteria as presented on page 2 of this document. For example, scrape and detect activities will no longer have total size (hectare) or depth restrictions, providing flexibility to small miners.</p>
160.	<b>EGPA</b>	<b>General</b>	<p><b>LOW RISK MINING PROPOSAL POINTS</b>  <b>In response to DMIRS Draft Mining Proposal guidelines 2019</b></p> <p>The majority of these points relate to Part 2 - Small Mining Operations (SMO). The proposed activities definitions of the SMO and suggested limits proposed are rejected for the following reasons and we offer these suggestions with the caveat that many of those likely to be affected are not aware of this DMIRS draft proposal and have been in no position to comment.</p> <ul style="list-style-type: none"> <li>• We suggest refrain from calling it SMALL as SMALL can't be quantified</li> <li>• We also suggest it be called Mining Proposal –type: <b>Low Risk</b>" or even <b>low Impact</b> as in the past this was called a Low Impact Mining Operation – "<b>LIMO</b>".</li> <li>• Attached is a copy of an earlier LIMO to be used as an example. These LIMO's are from the small miner's perspective and have worked very well for many years and provided a very simple, effective and low-cost method of addressing all the issues relating to low impact mining activities.</li> <li>• 10 ha may be a suitable control for non- scrape and detecting and alluvial processing operations. Some accommodation for sluicing material should also be allowed for scrape and detect areas which may be outside of the 10ha pit area and be processed in the 10ha mining and processing envelope.</li> </ul>	<p>Comments noted. DMIRS acknowledges the importance of providing small miners with a simplified and streamlined approvals pathway for low impact operations. To assist in this regard, the proposed changes are specifically acknowledging small mining operations and their need for streamlined environmental approvals.</p> <p>The proposed changes will protect small miners from having to submit a full mining proposal, providing a standardised form for seeking environmental approvals. The form is provided as Appendix 3 in the Draft Statutory Guidelines for Mining Proposal and is intended to provide a simplified approval pathway for small miners.</p>

			<ul style="list-style-type: none"> <li>• A rule of 10 Ha in area may work for most as (but be <b>“Generally be limited to”</b>) for pits and quarries and associated infrastructure being classed as a SMO. Unforeseen circumstances and unintended consequences could be addressed under the provisions available under the powers of ministerial discretion.</li> <li>• Dozer &amp; Detect &amp; Dryblowing are by definition low risk and should continue to have no area, tonnage, or depth limits as they are low environmental risk activities with progressive rehabilitation, that are more than secure with the MRF levy. It is suggested these operations be allowed to have up to 10ha open at any one time as overburden and alluvial process material needs to stockpiled separately to one side for processing and inevitably will be numerous and possibly non-contiguous along a mineralised trend or locality.</li> <li>• DMIRS should not need to demand an environmental risk assessment of any description (professionally prepared or otherwise) to support the SMO.</li> <li>• DMIRS should remove the requirement for a Project Management Plan (PMP) for excavations over 1.5m deep as these are onerous and quite expensive for the smallscale operators.</li> <li>• Non-alluvial Open Pits &amp; Quarries be limited to 10ha envelope but keep open opportunity of ministerial discretion for larger projects.</li> <li>• It appears the Nov 2018 SMO Form already has all the points that DMIRS is seeking to get rubber stamped by Industry – i.e. the “Do Not” include permanent excavations below the water table, so using that as a barrier should not be in the equation. Water table restrictions are not in the Mining Act or Regulations so DMIRS should not refer to or mention this as a control or threshold point.</li> </ul> <p>The Figures listed below are realistic costs and cost ranges for a Full Mining Proposal – (if you don’t fit the small or low risk proposal).</p> <ul style="list-style-type: none"> <li>• \$20-50K – Flora &amp; Fauna</li> <li>• \$20-200K – Aboriginal Heritage Surveys</li> <li>• \$10-20K – Soil Characterisation Report</li> <li>• \$10-20K – Waste Rock Characterisation Report</li> <li>• \$10-20K – Native Vegetation Clearing Permit</li> <li>• \$20-40K - Surface Hydrological Study</li> <li>• \$40-250K – Tailings Dam design report</li> <li>• \$20-50K – Mining Engineering site layout and pit design</li> <li>• \$20-40K – Disturbance classification and area calculation</li> <li>• \$30-\$50K - Geotechnical Report</li> <li>• \$10-20K- Dangerous Goods Site Licence costs</li> <li>• \$10-20K – Hydrocarbon Management costs</li> <li>• \$6K – DWER Ground Water Extraction Licence application fee</li> <li>• \$20-50K- Hydrological Studies H2 and H3 for water extraction</li> <li>• \$50 - 100K Preparation and collation of Mining proposal</li> <li>• \$20 - 30K – Mine Closure Plan(s) – this is on-going every 3 years</li> <li>• \$5 - 10K — Yearly Monitoring Costs related to Mine Closure Plan</li> <li>• \$100 - 200K – Project Management Plan Preparation</li> </ul> <p>Given the enormous impact of the proposed changes in the Draft Statutory Guideline (which will have wide ranging ramifications to the mining industry), we suggest at least a minimum of another 6 months consultation be taken to ensure no low impact miner or prospector is put out of business.</p>	<p>DMIRS agrees that the historic Low Impact Mining Operation (LIMO) template was a very useful form for many years, however changes to standards and legislative requirements under the Mining Act 1978 have prompted ongoing revisions of the original form. The draft Mining Proposal for Small Mining Operations form is intended to function in the same manner of the historic LIMO template. DMIRS acknowledges the level of information being requested has changed from the historic LIMO, however the intent remains to provide a simplified more streamlined approvals pathway for small miners. It is further noted that the inclusion of a dedicated part for small miners (Part 2; Draft Guidelines for Mining Proposals in Western Australia) provides legal certainty to small miners seeking to apply for leases under the Mining Act 1978, who previously have had to prepare a full Mining Proposal (in accordance with Part 1 of the Draft Statutory Guidelines), unable to utilise the Small Mining Operations form.</p> <p>The criteria provided in the draft Statutory Guideline were developed to remove ambiguity about which operations are considered small mining operations, and thus eligible to lodge a Mining Proposal for Small Mining Operations form. DMIRS appreciates your detailed submission in this regard and intends to revise and simplify the draft criteria the draft criteria as presented on page 2 of this document. For example, scrape and detect activities will no longer have total size (hectare) or depth restrictions, providing flexibility to small miners.</p> <p>DMIRS is unable to extend the 12 week consultation period a further 6 months. DMIRS needs to ensure that the Statutory Guidelines are in place by early 2020 to provide certainty to applicants regarding whether an application meets the mandatory requirements of the form and content.</p>
161.	Hovey Group	General	<p>Small mining operations like ours need low cost simple forms which can be prepared without using costly consultants.</p> <p>We have vast knowledge of the area and the industry and are more than capable of providing technical input at this level.</p> <p>DMIRS appears to be placing the small miners in the bigger basket, forcing them to employ consultants at every level for low tonnage projects. Regional WA needs projects such as ours to create employment and fulfil the material sourcing needs of the community. The cost to small enterprises will stifle and eventually extinguish these operations due to the impost of the proposal.</p> <p>We see DMIRS as an authority to assist, promote and support mining in all its forms, and we need DMIRS support.</p>	<p>Comments noted. DMIRS acknowledges the importance of providing small miners with a simplified and streamlined approvals pathway for low impact operations. To assist in this regard, the proposed changes are specifically acknowledging small mining operations and their need for streamlined environmental approvals.</p> <p>The proposed changes will protect small miners from having to submit a full mining proposal, providing a standardised form for seeking environmental approvals. The form is provided as Appendix 3 in the Draft Statutory Guidelines for Mining Proposal and is intended to provide a simplified approval pathway for small miners. The intent of the Mining Proposal for Small Mining Operations form is that for the majority of instances proponents can provide the necessary information in the form without requiring the engagement of environmental consultants.</p>
162.	Hovey Group	General	<p>Given the enormous impact of the proposed changes as proposed in the Draft statutory guidelines (which will have wide ranging ramifications to the mining industry), we suggest at least a minimum another 6 months consultation be taken to ensure no low impact miner or prospector is put out of business.</p>	<p>Comment noted however DMIRS is unable to extend the 12 week consultation period a further 6 months. DMIRS needs to ensure that the Statutory Guidelines are in place by early 2020 to provide certainty to applicants regarding whether an application meets the mandatory requirements of the form and content.</p>
163.	Hovey Group	General	<p>We believe there should be less guidance and more simplified</p>	<p>Comments noted. The Small Mining Operations Pro forma will be reviewed and simplified.</p>
164.	Hovey Group	General	<p>We believe there should be less guidance and more simplified</p>	<p>Comments noted. The Small Mining Operations Pro forma will be reviewed and simplified.</p>
165.	Mr Lance Fraser	General	<p>Thank you for the opportunity to comment on the proposal. I attach the cover page of previous SMPs.</p>	<p>Comments noted. The criteria provided in the draft Statutory Guideline were developed to remove ambiguity about which operations are considered small mining operations, and thus eligible to lodge a Mining Proposal for Small Mining Operations form. Based on submissions</p>

			<p>It is concerning that the discretionary proviso, that the particular application might still be used outside of the definitions listed on the cover sheet, has been deleted in the latest format, please see the attachment.</p> <p>Further I feel the notification and comment period process and implementation, has been to short and poorly implemented. I think it serves everyone's interest to extend and further consult.</p> <p>The small mining sector in my experience is composed of people with a long association with mining, mainly thru work within the mining industry. My associates in this industry are air leg miners, surveyors, engineers , geologist's and family businesses in the mining industry.</p> <p>The possible added expense of consultants required to be engaged as a result of onerous legislation is a disaster in the making.</p> <p>I feel the questions at hand are to important to be rushed or mishandled. Please listen to the people and communities who will be most affected by poorly considered legislative burdens.</p>	<p>received in this regard, DMIRS intends to revise and simplify the draft criteria the draft criteria as presented on page 2 of this document. For example, scrape and detect activities will no longer have total size (hectare) or depth restrictions, providing flexibility to small miners.</p> <p>The proposed changes will protect small miners from having to submit a full mining proposal, providing a standardised form for seeking environmental approvals. The form is provided as Appendix 3 in the Draft Statutory Guidelines for Mining Proposal and is intended to provide a simplified approval pathway for small miners.</p> <p>The intent of the Mining Proposal for Small Mining Operations form is that for the majority of instances proponents can provide the necessary information in the form without requiring the engagement of environmental consultants.</p> <p>DMIRS is unable to extend the 12 week consultation period a further 6 months. DMIRS needs to ensure that the Statutory Guidelines are in place by early 2020 to provide certainty to applicants regarding whether an application meets the mandatory requirements of the form and content.</p>
166.	CME	<p><b>6. Closure Provisioning, Monitoring and Management</b></p> <p>The mining proposal must:</p> <ul style="list-style-type: none"> <li>confirm that upon unexpected or temporary closure, the closure process will be accelerated to ensure the project is left in a safe, stable and non-polluting state;</li> </ul>	<p>Whilst it is a reasonable request, if a site has entered into C&amp;M, the 'acceleration of mine rehabilitation' may be difficult to achieve. Cash flows will be limited at this point.</p> <p>The most that may be possible is containment of hazardous waste and associated seepages, so that the site is left in a 'non polluting state.'</p>	<p>Comments noted. This will be reviewed.</p>

### 3. Draft Environmental Objectives Policy for Mining in Western Australia

Ref #	Stakeholder	Section	Comment	DMIRS Response/Action
167.	CME	<b>Objectives</b>	<p><b>Environmental Objectives Policy</b> To reduce duplication and improve efficiency in the assessment process, <i>it is recommended that the objectives adopted by the Mining Act 1978 align where relevant with those under the Environmental Protection Act 1986</i>. If alignment is not practicable, the Environmental Objectives Policy should clarify where an assessment under the <i>EP Act</i> applies to a proposal, then the objectives under the <i>EP Act</i> prevail.</p> <p>Define there will be no duplication in assessment.</p> <p>The environmental objectives adopted under the <i>Mining Act 1978</i> (Mining Act) should align where possible with those adopted under the <i>Environmental Protection Act 1986</i> (EP Act). This is to ensure consistency across regulators, which is particularly necessary where proposals are subject to regulation under both Acts. Alignment from the objective level will help in the alignment of, and hopefully in the reduction of duplication in, approval processes under both Acts.</p> <p>If alignment is not possible, this Policy should recognise where the DMIRS are not the primary regulator, and should make it clear that where an assessment under the EP Act applies to a proposal, DMIRS will not duplicate assessments.</p>	DMIRS notes the suggestions regarding aligning the Objectives with the relevant factors under the EP Act and where the intent aligns may consider these in reviewing the document.
168.	CME	<p style="text-align: center;"><b>Scope</b></p> <p>This policy specifically applies to activities regulated under the <i>Mining Act 1978</i>. The principal objective for environmental regulation is: Resource industry activities are designed, operated, closed, decommissioned and rehabilitated in an ecologically sustainable manner, consistent with agreed environmental outcomes and end land-uses without unacceptable liability to the State.</p>	<p>Definition of 'ecologically sustainable manner' should be provided.</p> <p>End land-uses: Change to 'next land uses' or 'post-mining land uses'.</p>	<p>Ecologically sustainable development is a well-established normative principle and DMIRS will not be describing the details around ESD in this document.</p> <p>This will be updated to 'post-mining land uses'.</p>
169.	CME	<b>Table 1: Objectives for environmental factors</b>	<p><b>Biodiversity:</b> Under the Theme of 'Land', the EPA has objectives for the factors "Flora and Vegetation", "Terrestrial Fauna" and "Subterranean Fauna". All are structured in the form, "To protect [factor], so that biological diversity and ecological integrity are maintained". DMIRS could have one Biodiversity Factor to align with the three EPA factors - in short, biological diversity and ecological integrity are maintained.</p> <p><b>Water resources:</b> Under the Theme of "Water", the EPA has one factor, "Inland Waters", with the objective, "To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected." The DMIRS objective for "Water Resources" is similar and it is considered that DMIRS could adopt the same objective.</p> <p><b>Landforms:</b> Under the Theme of 'Land', the EPA has objectives for the factors "Landforms" and "Terrestrial Environmental Quality". The objectives for these factors are: - "To maintain the variety and integrity of significant physical landforms so that environmental values are protected"; and - "To maintain the quality of land and soils so that environmental values are protected." The DMIRS "Landforms" objective appears to encompass both the "Landforms" and the "Terrestrial Environmental Quality" EPA objectives and could be revised to align with the EPA objectives.</p> <p>Parts of the DMIRS "Landforms" objective relate to the requirements of the <i>Contaminated Sites Act 2003</i> (CS Act), and that the role/objectives of the CS Act should be acknowledged. DMIRS should not duplicate the role of the CS Act.</p> <p>The "Landforms" objective is structured differently to other objectives, and would benefit from structure revision.</p> <p><b>Mine closure:</b> Mine closure is not an environmental factor, it is an activity or phase of the mining life cycle, and therefore should not be included in the list of environmental factors. The other environmental factors are relevant at the mine closure phase. As the Policy applies to all decision making under the Mining Act, it is unclear why a Mine Closure objective is specified.</p>	<p>DMIRS notes the suggestions regarding aligning the Objectives with the relevant factors under the EP Act and where the intent aligns may consider these in reviewing the document.</p> <p>Comments noted, however it is DMIRS' role to ensure all relevant risks are identified (including risks of causing contamination) such that these risks are avoided, minimised etc. The <i>Contaminated Sites Act 2003</i> establishes a regime for managing sites and liability once a site is contaminated, it is part of DMIRS' role to ensure companies design their sites to avoid this from happening.</p> <p>While DMIRS acknowledges this factor has a different focus to the other factors, Mine Closure and the residual liability of a site is a key aspect regulated by DMIRS and is relevant to decision making under the <i>Mining Act 1978</i>.</p>
170.	CME	<p style="text-align: center;"><b>Table 1: Objectives for Environmental Factors</b></p> <p><b>Water Resources:</b> To maintain the hydrological regimes, quality and quantity of groundwater and surface water to the extent that existing and potential uses, including ecosystem maintenance, are protected.</p>	Clarify how 'potential uses' are defined.	This is intended to capture possible uses of the water resources as well as those that are currently utilising the water resources.