



Department of Energy, Mines,
Industry Regulation and Safety

Mining Development and Closure Proposal and Approvals Statement Framework

December 2024

Document Hierarchy

Legislation	<i>Mining Act 1978</i> Mining Regulations 1981
Policy	Environmental Regulatory Strategy Environmental Objectives Policy for Mining Small Mining Operations Policy
Guidelines	Guideline for preparing Mining Development and Closure Proposals
Procedures	Environmental Application Administrative Procedures This document

Version History

Version	Date	Changes
1.0	2024	Initial publication of the Mining Development and Closure Proposal and Approvals Statement Framework.

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Purpose

The purpose of this document is to outline the procedure for:

- submission of Mining Development and Closure Proposals (MDCP);
- submission of Mine Closure Plans (MCP);
- generating and issuing Approvals Statements; and
- transition of existing operations to an Approvals Statement.

Objective

The objective of the document is to detail the procedural elements associated with the submission of MDCPs and MCPs, alterations to Approvals Statements and the transition to the MDCP and Approvals Statement Framework.

Scope

The document applies to all MDCPs and MCPs submitted to the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) following amendments introduced by the *Mining Amendment Act 2022* (Amendment Act).

1. Regulatory Context

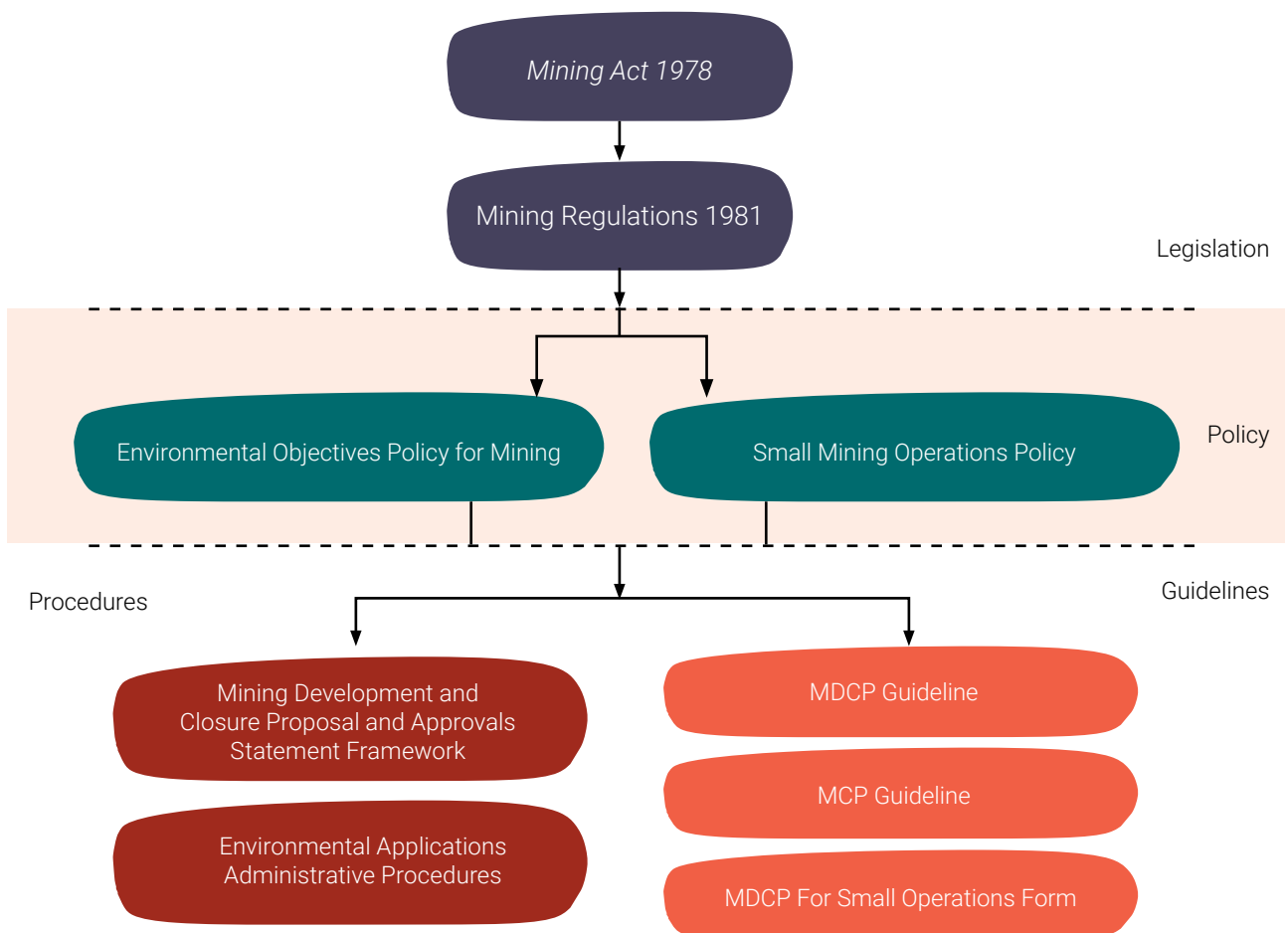
The amended *Mining Act 1978* (Mining Act) states that prior to undertaking any activity for the purpose of, or in preparation for, mining operations or carrying out mining operations on a tenement granted under the Mining Act, the activities must be included in a MDCP, approved under section 1030(1) of the Act and recorded on a Approvals Statement. Activities must be undertaken in accordance with the Approvals Statement or prior approvals documentation.

Approvals issued under the Mining Act prior to commencement of the *Mining Amendment Act 2022* remain in force.

A MCP document that reports on planning and progress towards successful mine closure must be submitted to DEMIRS. Under section 103AT of the Mining Act, a MCP for the relevant tenements must be lodged on or before the lodgement date recorded on the Approvals Statement.

The detailed content requirements for both MDCPs and MCPs are prescribed in the Mining Regulations 1981 (the Regulations). To support applicants in meeting their legislative requirements under the Mining Act (and Regulations) and demonstrate that their activities can meet the [DEMIRS Environmental Objectives](#), DEMIRS has prepared detailed guidance on how to prepare MDCP and MCP applications, as well as procedural documents to assist with submission of these applications as outlined in Figure 1 below.

Figure 1. Document hierarchy under the *Mining Act 1978*



2. Interaction between MDCPs, MCPs and Approvals Statements

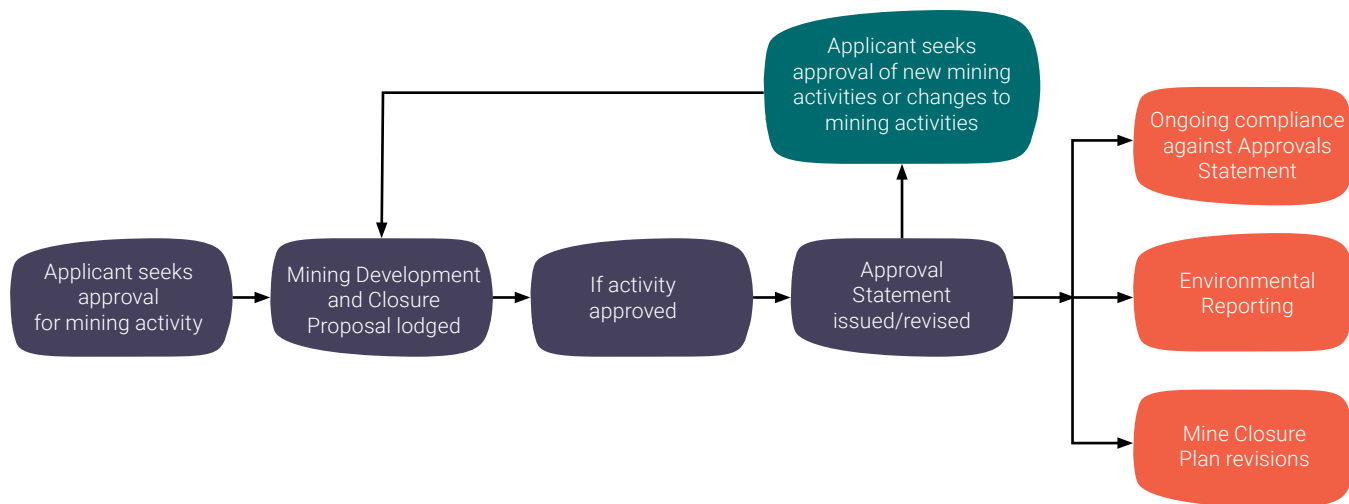
A **MDCP** functions as the targeted application that is required to seek approval for mining activities under the Mining Act. A MDCP's primary purpose is to demonstrate to DEMIRS that proposed mining activities can be conducted in accordance with [DEMIRS' Environmental Objectives Policy for Mining](#). As DEMIRS is the lead regulator of rehabilitation and mine closure in Western Australia, a MDCP includes details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage, and submission of a standalone MCP is no longer required at this stage.

Following assessment of a MDCP, should the proposed activities be approved, an **Approvals Statement** will be issued to the tenement holder. The Approvals Statement defines the scope and limits of the mining activities approved, along with any relevant conditions (environmental outcomes), and closure outcomes, and date for submission of the **MCP**.

It is a requirement of the Mining Act that standalone MCPs are submitted to DEMIRS to demonstrate planning and progress of the mining operation towards successful closure and achievement of the closure outcomes recorded on the Approvals Statement.

The interaction between MDCPs, Approvals Statement and MCPs is also represented visually in Figure 2 below.

Figure 2. Conceptual representation of the Mining Development and Approvals Statement Framework and interaction with Mine Closure submissions and reporting requirements.



3. Mining Development and Closure Plans

3.1 Pre-submission engagement

To facilitate an efficient assessment process, applicants are encouraged to engage with DEMIRS prior to submission of a MDCP on key aspects of the proposal.

A scoping document template has been provided as Appendix 1 and is also available on the DEMIRS website for applicants to complete prior to the scoping meeting. This template will assist in setting out the scope and key aspects of the mining activities, delineate regulatory agency responsibilities and identify any information gaps. The scoping document template is intended to guide applicants for scoping meeting discussions with DEMIRS and is not a mandatory document for approval.

The procedures for screening and assessing environmental applications and making decisions is set out in DEMIRS [Environmental Application Administrative Procedures](#). This includes details on statutory and agreed administrative requirements for interaction of an assessment with those required under other legislation and target timeframes for completing environmental assessment.

3.2 Interaction with other regulatory frameworks

DEMIRS acknowledges the importance of reducing duplication with other regulatory frameworks and is committed to continual improvement as a regulator. Wherever practicable, if impacts to [DEMIRS environmental factors](#) are assessed and regulated under other regulatory frameworks, DEMIRS will not duplicate this assessment through the MDCP process. It is noted however that some environmental approvals only apply during specific activities or phases of mining (e.g. while a site is operating) and may not be applicable during other phases such as mine closure or care and maintenance. In these instances, the MDCP would need to capture these phases not regulated under other frameworks.

Where an applicant can demonstrate in the 'Legislative Framework' section of an MDCP that impacts to a DEMIRS environmental factor has been assessed and regulated under another regulatory framework, assessment of this impact will not be duplicated via the MDCP process.

The Guideline for Preparing Mining Development and Closure Proposals provides specific guidance for activities assessed under Part IV of the *Environmental Protection Act 1986* and those that require a Native Vegetation Clearing Permit under Part V of the *Environmental Protection Act 1986*.

4. Mine Closure Plans

4.1 Requirement to submit MCPs

It is a requirement of the Mining Act that standalone MCPs are submitted to DEMIRS in order to demonstrate that the mining operation is planning and progressing towards successful closure and achievement of the closure outcomes for the operation.

The due date for submission of a MCP will be specified on the Approvals Statement issued following assessment of the MDCP. In circumstances where an Approvals Statement has not been issued for a project (i.e. operating under existing approvals) the due date for submission of a MCP will continue to be specified via tenement conditions. The review date for a MCP will be based on factors such as expected life of mine, the quality of the MCP content, and number of knowledge gaps remaining. The level of information required in a MCP will be reflective of the stage of mine development with an increasing level of detail required as the mine moves towards closure.

4.2 Closure information in MCP compared to MDCP

The closure information submitted in the MDCP needs to provide sufficient detail to demonstrate that DEMIRS objective for rehabilitation and mine closure can be met. This includes closure designs for key landforms, identification of closure knowledge gaps and opportunities for progressive rehabilitation. A guide to the level of detail required in a MDCP compared to a MCP is provided in Appendix 2.

5. Approvals Statement

5.1 Information recorded on an Approvals Statement

In accordance with section 103AP of the (amended) Mining Act, the following information will be recorded on an Approvals Statement:

- approval given to an activity proposed in a mining development and closure proposal;
- any conditions attached to the approval;
- any relevant information (note: the Act defines any relevant information as information “relevant to the nature and extent of the activity”);
- the closure outcomes; and
- the date by which a mine closure plan must be lodged.


5.2 Conditions recorded on an Approvals Statement

The Regulations establish that a MDCP must include environmental outcomes that will be met during the life of the project.

Environmental outcomes are used to establish the acceptable level of impact that must not be exceeded, or the level of protection/performance that must be achieved, for the site to be compliant throughout the mine life.

Should activities proposed within a MDCP be approved, the environmental outcomes will be recorded on the Approvals Statement as a ‘Condition of Approval’.

To promote consistency and efficiency in document preparation and assessment, DEMIRS has developed a list of standard environmental and closure outcomes which can broadly be applied to many mining operations (Appendix 5 of the Guideline for Preparing Mining Development



and Closure Proposal), though applicants will also have the opportunity to develop site-specific environmental or closure outcomes where the standard outcomes are not appropriate for their operation. Site-specific outcomes will also be recorded on the Approvals Statement as a condition.

In addition, the Approvals Statement will record standard conditions relating to environmental monitoring and reporting. This includes, but is not limited to, conditions requiring submission of an environmental report to demonstrate that environmental outcomes are being met and progress is being made towards meeting closure outcomes.

Conditions recorded on an approvals statement have the same legal standing as a tenement condition.

5.3 Procedural fairness when issuing an Approvals Statement

To afford procedural fairness, tenement holders will be provided with an opportunity to review their Approvals Statement prior to it being formally issued.

5.4 Public availability of Approvals Statements

Once formally issued, an Approvals Statement will be made publicly available in accordance with section 103AP(3) of the *Mining Act*. In addition, MCPs will continue to be made publicly available.

5.5 Amendments to Approvals Statements

For operations with an existing Approvals Statement, a MDCP will need to be submitted to DEMIRS for assessment in the following circumstances:

- When new mining activities (for the purposes of, or in preparation for, mining operations) are proposed or when changes, expansions or alterations are proposed to mining activities beyond what is recorded on the Approvals Statement.
- When any mining activities are proposed outside of the activity envelope recorded on the Approvals Statement.
- To amend a closure outcome. Note: Section 10AP of the Mining Act requires the Approvals Statement to record the closure outcomes as presented in the MDCP thus any changes to closure outcomes as recorded on the Approvals Statement need to be reflect in a MDCP.

Where a mining operation has an existing Approvals Statement, the MDCP submitted only needs to provide details on the aspects for which approval is being sought (i.e., the expansion or additions to the mining operation).

The Guideline for Preparing Mining Development and Closure Proposals has been designed to provide guidance on the information required within a MDCP when seeking approval for amendments to a mining operation with an existing Approvals Statement. Within each section of the guideline, subheadings titled “Amendments to an Approvals Statement” have been included, (also consolidated in Appendix 2 of the guideline) to provide specific guidance on the level of detail to be presented in the MDCP when seeking an amendment. This is intended to ensure all the relevant information is provided, to improve efficiency of assessment and simplify the process for amendments to existing operations.

Following assessment of the MDCP, the Approvals Statement will be updated to reflect the changes and the amended statement provided to the tenement holder(s). Only one Approvals Statement will be issued for a mine covering all tenements, however the Approvals Statement will be updated over the life of mine to reflect the approved amendments/updates to the mining operation as reflected in the conceptual diagram presented in Figure 2.

6. Reporting and compliance

As a condition of approval, tenement holders will need to provide an environmental report to DEMIRS demonstrating compliance with environmental and closure outcomes/conditions recorded on the relevant Approvals Statement(s) or prior approval documents.

All Approvals Statements will contain a standard condition requiring tenement holders to notify DEMIRS of any reportable environmental incidents within 24 hours of detection. A reportable environmental incident is defined as:

- An incident that breaches any environmental outcome/condition recorded on the relevant Approvals Statement or has the potential to cause such a breach.

Failure to notify DEMIRS of a reportable incident constitutes a breach of conditions and renders the tenement(s) liable for forfeiture under the Mining Act.

For further guidance on compliance reporting, please see the DEMIRS Guidance Note on Environmental Non-compliance and Incident Reporting. This document will be updated to incorporate the MDCP framework.

7. Transition

7.1 Existing, undetermined mining proposals

Any applications that are lodged prior to the commencement of the MDCP framework but are still under assessment and awaiting a decision by DEMIRS at the time of commencement, will be taken to be a MDCP and an Approvals Statement will be issued following assessment and approval of the activities.

The MCP in the application will be taken to be the closure information required to be included in a MDCP under the Mining Act requirements.

7.2 Existing, approved activities

Tenement holders do not need to submit a MDCP to seek approval for existing activities. From the date of commencement all previously approved mining proposals (including Notices of Intent) are taken to be a MDCP.

7.3 Transition of existing, approved operation onto an Approvals Statement

There is no requirement for tenement holders to transition an entire mining operation to an Approvals Statement. Tenement holders can submit a MDCP for only new mining activities or changes to activities and will be issued an Approvals Statement that relates specifically to those new mining activities.

Tenement holders will need to ensure they have robust compliance systems in place to track approval requirements across their broader mining operation.

7.4 Issuing of Approvals Statements for previously approved activities

During the transition period (10 years with the possibility for extension by the Minister for Mines and Petroleum or the DEMIRS Director General), the Minister can issue an Approvals Statement for a previously approved mining operation based on previous approvals documentation. The simplicity of administering one framework is beneficial for government, industry, and the community, and therefore DEMIRS is looking at how to use this time to facilitate the transition of projects across to the new framework.

The department's overarching goal is to have all projects regulated under the new framework to improve efficiency and consistency of assessments and compliance activities.

7.5 Transition of operations under the 2016–2020 Mining Proposal Framework

DEMIRS acknowledges the effort, time, and process many tenement holders have been through to transition their mining operations to a single mining proposal under the risk and outcomes-based framework of the 2016 and 2020 Mining Proposal Guidelines. Given these projects are already operating under a risk/outcome-based framework, DEMIRS anticipates that it should be straightforward to translate these approvals into an Approvals Statement format and will look to develop a process so this transition can occur as efficiently as possible.

8. Small operations

In order to meet the requirements of the Mining Act, a MDCP is required for all mining operations. DEMIRS has developed a dedicated pro forma document to support applicants in lodging MDCPs for small mining operations that meets all of the requirements of the Mining Act and Regulations.

DEMIRS Small Mining Operations Policy provides further guidance on the key elements of the environmental regulatory framework under the Mining Act relevant to small mining operators.

Appendix 1 – MDCP Scoping Document template

The purpose of a Mining Development and Closure Proposal Scoping Document is to:

- provide a framework for pre-consultation with DEMIRS to discuss the key aspects of the Mining Development and Closure Proposal;
- delineate regulatory agency responsibilities; and
- identify issues that are to be addressed prior to submission of the mining proposal and/or required studies/work that need to be carried out.

A blank template is available on the DEMIRS website for potential applicants to complete to ensure necessary information is available or information gaps identified prior to meeting with DEMIRS. This document is provided for further guidance to applicants intending to submit Mining Development and Closure Proposal and is not a document for approval.

1. Key proposal characteristics¹

Summary of proposal

Proposal title²	[Emily Gold Mine]
Applicant name	[Safe Hands Mining Pty Ltd]
Short description	[This proposal is to mine ore from Emily deposit, 25 km north of the town of Coolgardie WA, including the construction of associated mine infrastructure (processing plant, offices, workshop, accommodation and roads), excavate a pit, construct a waste rock landform and discharge tailings from ore processing to a Tailings Storage Facility]

Physical elements

Activity Type/ Element	Location	Proposed nature/extent
Mining void	[Tenements, Attached Figure]	[Up to 1 ha in surface disturbance, up to 80m depth, Underground, Above ground water]
waste rock landform or overburden stockpile	[Tenements, Attached Figure]	[Up to 60 ha in area. Max height of 35m. Potential for acid-forming material.]
Tailings or residue storage facility	[Tenements, Attached Figure]	[Up to 25 ha in area. Paddock-style, 2 cells, perimeter discharge, max height of 15m. Up-stream lifts as per Design Report. Potential for acid-forming material and high levels of lead.]
Heap or vat leach facility	[Tenements, Attached Figure]	[Up to 10 ha in area, max height of 3m as per Design Report]
Evaporation Pond	[Tenements, Attached Figure]	[Up to 180 ha in area, max height of 3m as per Design Report]
Miscellaneous mine activities	[Tenements, Attached Figure]	[Up to 100 ha in area. Includes fuel storage facility, workshop, landfill, accommodation village, airstrip, laydown area.]

¹ This table is aligned with the EPA's Instructions on how to define the key characteristics of a proposal. You can copy the table across from any existing EPA assessment documents. Completing this table may assist with scoping of projects that have also been referred to the EPA.

² If the project has been assessed by the EPA, use the same project name as that stated in the 'Key Proposal Characteristics Table' included in the EPA assessment documents.

Operational elements³

Element	Location	Proposed nature/extent
Dewatering	[Tenements, Attached Figure]	[Pit dewatering up to 0.5 GL per year on MXX/01 and LXX0/01. Temporary storage in lined Dam and then used for processing and dust suppression. No discharge to environment.]
Ore processing	[Attached Figure]	[Up to 500,000 tonnes of ore processed per year]
Ore processing (waste)	[Attached Figure]	[Up to 300,000 tonnes of tailings produced per year, physical and engineering characteristics of tailings]

1. Consideration of environmental factors and scope of work

The purpose of this section is to discuss how the project will impact on DEMIRS' environmental factors,⁴ and what further work will be undertaken.

Environmental Factors	Studies undertaken/proposed	Comments
Terrestrial environmental quality	[Physical and chemical characterisation of waste rock] [Soils survey] [Erosion modelling]	[Topsoil and subsoils are nutrient poor, and can be dispersive, however suitable as rehabilitation material if used appropriately.] [Lateritic materials suitable as rehabilitation material. Competent fresh rock available for TSF construction and rock armouring. Oxide zone waste rock present risks to rehabilitation – erodible and dispersive.] [Approx. 8% of waste rock is potentially acid forming (PAF). Tailings has some PAF material but should be adequately buffered by the net neutralising capacity of the tailings.] [Erosion modelling to be completed to predict levels of erosion from waste rock landform and tailings embankments.]
Flora, vegetation and fauna	[Detailed flora and fauna surveys, stygofauna survey.]	[Two priority flora species identified - Acacia westerosii, Eucalyptus pawneus] [Threatened fauna habitat present, Impacts to Leipoa ocellata (Malleefowl) and Liopholis kintorei (Great Desert Skink).in targeted surveys.] [~10% of Very Important TEC to be impacted by proposal] [Stygofauna survey still to be completed]
Inland water	[Hydrogeological study] [Hydrological study – surface] [Flood mapping]	[Pit dewatering up to 0.5 GL per year required. Groundwater is saline – 30,000mg/l TDS] [Dan's Creek realignment.] 1 in 100 year ARI flood mapping to be undertaken.]
Rehabilitation and mine closure	[Closure designs] [Rehabilitation trials]	[TSF closure design – store and release cover. Waste rock landform closure design – bench and berm, 14 degree slopes, contain drainage on top surface and berms, combined topsoil/rock mulch.] [Rehabilitation trials proposed.]

³ Include any operational elements that are not clearly explained by the list of physical elements.

⁴ As defined in DEMIRS *Environmental Objectives Policy for Mining*.

2. Stakeholder engagement

The purpose of this section is to outline what targeted stakeholder engagement has been undertaken, what further engagement is proposed, and how this has affected the proposal.

Stakeholder engagement to date indicates the post-mining land use will be: [insert land use e.g. pastoral, conservation]

De Mining - Stakeholder Engagement Register

Date	Description of Engagement	Stakeholders	Stakeholder comments/issue	Applicant Response and/or resolution	Stakeholder Response
2019 - ongoing	[Quarterly meetings]	[Traditional owners]	[Concern that water in a nearby spring may be being contaminated with lead]	[Identifying and securing lead contaminated materials. Monitoring quality and quantity of the spring water. Remedial action as required. Health testing and keeping the traditional owners informed]	[Acceptable]
12 July 2023	[Meeting to discuss potential post-mining land uses]	[Pastoralist neighbour]	[Concerns about any hole or pit to be left behind after mining]	[Will include in closure design and provision practical measures to make safe (to human and animal) any hole or pit left after mining]	[Acceptable]
2020 -2023	[Periodic meetings to discuss post-mining opportunities]	[Local Shire]	[No concerns with new proposed activities. Seeking ongoing relationship with regular communication to explore potential uses of rehabilitated mine feature or infrastructure to be left after mining that would be of benefit to community]	[Continued open dialogue]	[N/A]
12 June 2024	[Pre-referral consultation]	[DWER – EPA Service]	[Confirmed that Section 45C required]	[Prepared and lodged 30 June 2024]	[Under Review]

3. Legislative framework

The purpose of this section is to outline what other environmental approvals (or other relevant approvals) have been granted or will be applicable, and what aspects of the proposal they will regulate.

Environmental Factor	Risk Pathway Regulated	Relevant Legislation	Relevant approval condition/outcome (if known)	Phase of mine life

4. Attachments

Attachment 1 – Regional location

Attachment 2 – Proposed site plan

Attachment 3 – Proposed activity envelope

Appendix 2: Content requirements for MDCPs compared to MCPs.

Aspect/Content	MDCP	MCP	MDCP for amendment to Approvals Statement	MCP revision
Proposal description	Description of the proposed operation including activity envelope within which all activities will occur, maximum activity areas and characteristics and design of key mine activities	Description of the operations to provide context to the document. This will include historical operations and maps as appropriate.	Description of the additional activities / changes to operations Where appropriate updated activity envelope and activity details provided.	Updated to detail current status of the site.
Legislative framework/ identification of closure obligations and commitments	Details of environmental approvals relevant to the operations.	List of environmental approvals relevant to closure of operations.	List of environmental approvals relevant to additional activities/changes to operation.	Updated with additional closure obligations and commitments over life of mine, progress towards attainment of the obligations.
Environmental data and analysis	Description of environmental information and baseline data for the project and implications for environmental risk assessment.	Summary of environmental data (ongoing monitoring and baseline) available for the site and implications for closure.	Description of environmental data to support additional activities/changes to operation.	Continuously update to reflect information gathered for the site through routine monitoring.
Land use and stakeholder engagement	Details pre mining land use(s), proposed post mining land use and stakeholder engagement undertaken prior to commencement of operations.	Details on post mining land use(s). Register of stakeholder engagement undertaken in relation to mine closure.	Details additional stakeholder engagement undertaken in relation to the additional activities / changes to operation and where relevant changes to post mining land use(s).	Details post mining land use and stakeholder engagement progress. Continuously updated to reflect ongoing stakeholder engagement undertaken in relation to mine closure.
Risk assessment and management	Standardised environmental risk assessment for all phases of mine life (operations and closure).	Closure focussed risk assessment using standardised framework.	Standardised environmental risk assessment for additional activities/ changes to operation.	Continuously reviewed over the life of mine.
Environmental and closure outcomes, criteria and monitoring	Environmental outcomes presented with monitoring framework. Closure outcomes presented with site specific completion criteria.	Closure outcomes presented with site specific completion criteria. Monitoring details with links to risk, outcomes, and criteria.	Details on environmental and closure outcomes in relation to the additional activities/changes to the operation. Changes to monitoring as a result of additional activities / changes.	Completion criteria further refined. Monitoring results provide information to refine criteria and achievement of closure at the operation.
Closure implementation	Includes: <ul style="list-style-type: none"> closure designs for key mining activities; identified knowledge gaps and schedule for addressing them; identified opportunities for progressive rehabilitation 	Includes information on: <ul style="list-style-type: none"> closure work schedule for achieving closure outcomes. Research and trials planned Progressive Rehabilitation plans. Early closure or suspension of operations to C&M Decommissioning schedule Monitoring and maintenance Closure costs 	Details on closure implementation in relation to the additional activities/ changes to the operation	Further refined closure tasks and rehabilitation and decommissioning schedule. Updated closure costs. Implementation detail increases as operation nears closure.

Government of Western Australia

**Department of Energy, Mines, Industry Regulation
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8.30am – 4.30pm

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