



Response to Submissions

Draft Guidance Note for Environmental Risk Assessment and Environmental Outcomes

Stakeholder	Comment	Response/Action	* How supportive are you of the Draft Guidance Note – Environmental Risk Assessment? * 10 extremely supportive, 5 supportive, 1 not at all (-) not indicated
Names are not displayed where the individual or organisation has marked the submission as 'In Confidence'	In Confidence 1	The emphasis on avoiding duplication with other agencies is strongly supported.	5
	<p>Question: Do you feel additional guidance is required? If so please provide details.</p> <p>It is not clear how the guidance would apply to sites in rehab/close phase. It is assumed that operational risks would not require assessment for sites in rehab/closure phase that are transitioning into the new Mining Proposal system.</p>	Comments noted with thanks. DMIRS is developing further guidance to assist proponents with transitioning sites in rehabilitation/closure phases to the 2016 <i>Guideline for Mining Proposals in Western Australia</i> .	
The Chamber of Minerals and Energy of WA	Overall, Guidance Note is useful and CME support the publication of non-statutory information (guidance) that assists preparation of applications that meet DMIRS requirements. The guidance should be periodically reviewed and updated to ensure currency of content and to ensure additional (new) common issues can be captured in examples.	Comments noted with thanks. The guidance note will be periodically reviewed and updated based on the increasing knowledge from assessments of Mining Proposals submitted under the 2016 Guideline for Mining Proposals in Western Australia. <i>To assist this process DMIRS has added a commencement and review dates to both guidance notes.</i>	8
	Minor comments are: * Recommend adding Level 1.; Level 2: and Level 3: before the subheadings under Document Hierarchy to ensure clarity.	The guidance note has been revised to clarify the hierarchy and that legislation and statutory Guidelines are mandatory.	
	* Recommend amending text in Section 1.1 to say "...there is no requirement to include risks that are not relevant based on project site, stakeholder engagement..." (rather than no identified). This also aligns more closely with wording in the Appendix.	The wording has been revised.	
	* Recommend adding "unplanned closure" to section 1.2 as well as temporary and care and maintenance.	The guidance note has been updated to include these phases.	
	* Please fix formatting on Page 5. It is confusing to work out which text relates to which arrow (the correct order is counter-intuitive).	The guidance note has been updated with clearer formatting.	

Stakeholder <i>Names are not displayed where the individual or organisation has marked the submission as 'In Confidence'</i>	Comment	Response/Action	* How supportive are you of the Draft Guidance Note – Environmental Risk Assessment? <i>* 10 extremely supportive, 5 supportive, 1 not at all (-) not indicated</i>
	* The Department of Water and Environmental Regulation (DWER) name has not been updated (throughout).	This has been updated.	
	* Recommend adding Construction to Example 3 as pre-strip and site establishment works will be considered part of construction and may present this risk.	The guidance note has been updated to include construction as a phase in Example 3.	
	* Recommend the Guidance Note clearly state that “Impact” is an optional column. Examples are inconsistent in use and it does not appear in the Statutory Guideline so this clarification would be useful to avoid confusion.	The guidance note states that a column for ‘impact’ can be used to clearly differentiate the impact from the risk pathway.	
	Question: Do you feel additional guidance is required? If so please provide details. It would be useful to add further examples of ALARP as these become available (following submission and approval from DMIRS of Mining Proposals). Use of ALARP for mining regulation, compliance and enforcement is still relatively new. Sharing these examples would assist industry to better meet DMIRS requirements.	The guidance note will be periodically reviewed and updated based on the increasing knowledge from assessments of Mining Proposals submitted under the 2016 <i>Guideline for Mining Proposals in Western Australia</i> .	

Response to Submissions

Draft Guidance Note for Environmental Outcomes

Stakeholder <i>Names are not displayed where the individual or organisation has marked the submission as 'In Confidence'</i>	Comment	Response/Action	* How supportive are you of the Draft Guidance Note – Environmental Outcomes? <i>* 10 extremely supportive, 5 supportive, 1 not at all (-) not indicated</i>
In Confidence 1	The emphasis on avoiding duplication with other agencies is strongly supported.	Comments noted with thanks.	5
	<p>Question: Do you feel additional guidance is required? If so please provide details.</p> <p>Appendix 2 – writing smart performance criteria.</p> <p>For the factor of Closure, the Performance Criteria should simply be 'Adherence to the approved Closure Plan' as listing performance criteria here is duplicating obligations/requirements already in the Closure Plan. Furthermore, adding completion criteria in this column seems inappropriate as they are usually a measure of the desired end-point (completion) i.e. it takes some time to achieve them and corrective action is often required. Including them in the MP would make a 'breach' of that completion criteria a reportable incident.</p>	The guidance note has been updated to clarify that duplication between the Mining Proposal (MP) and Mine Closure Plan (MCP) is not required. The text states that the environmental outcomes and performance criteria are equivalent to the closure objectives and completion criteria required in the MCP. They can be included in both the MP and MCP; or included in the MCP only.	
The Chamber of Minerals and Energy of WA	It is useful to have additional (non-statutory) information provided to support preparation of the environmental outcomes.	Comments noted with thanks. See specific considerations below.	8
	The clarification regarding inherent moderate risks is welcomed.		
	<p>Specific comments on content:</p> <p>* 24 hours for notification may be insufficient in some instances. Notification timeframe should be based on risk and impact. Other agencies allow notifications of 7 days (or longer in some cases). Any notifications for s72 EP Act regarding potential to cause environmental harm require reporting as soon as practical – this would capture high risk / impact incidents hence DMIRS should be able to change notification to be within 7 days.</p>	The 24 hour notification timeframe was agreed upon during consultation on the 2016 <i>Guideline for Mining Proposals in Western Australia</i> . DMIRS has released a "Draft Guidance note for Environmental Non-Compliances and Incidents Reporting" for public comment which aims to provide advice on what constitutes an environmental incident or non-compliance and DMIRS' reporting requirements.	
	* Recommend adding Level1.; Level 2: and Level 3 to the Document Hierarchy sub-headings to aid clarity.	The guidance note has been revised to clarify the hierarchy and that legislation and statutory Guidelines are mandatory.	
	* Section 1.2 change "...may only be regulated during specific scenarios..." to "may only be regulated during specific project phases..." to maintain consistency of terminology with other guidance note.	The wording has been updated.	
* Section 2. The final bullet point appears to conflict with earlier statement about breach of tenement conditions. How can it identify it early enough to achieve this if that then is considered a breach of condition? This bullet point may best appear under Section 3 or 4.	This section has been updated with this consideration.		

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	* Section 3. final paragraph – to what extent will these Appendices then be deemed mandatory requirements for compliance? This should be clarified.	Additional text has been added to clarify this. In situations where the criteria refers to an internal procedure or management plan (e.g. Materials Handling Plan), these procedures/plans should be included as Appendices to the Mining Proposal or Closure Plan. In these circumstances, adherence to the procedure or plan will become an indicator of compliance.	
	* Section 5. The wording above table 5 does not match the wording used in Table 2. Suggest revise Table 2 to say "...significant adverse environmental impacts"	This section has been revised.	
	* It may be more useful to move the image in Appendix 1 to appear in the body of the text Section 1.1	This section has been revised.	
	* Table 3 – it is unclear if this is a demonstration of what not to do? If so, recommend striking out the font or better explaining in the Table title.	This section has been revised.	
	* Appendix 2 – it would be highly improbable (so likely not achievable) that there would no "No hydrocarbon spills outside of contained facilities from the plant and fuel storage/refuelling areas over the life of the project." These spills should be cleaned up promptly though (the second criteria) to ensure there is no groundwater or surface water contamination and recoverable contaminated soil is treated.	This example has been revised.	
	* Example on Page 8 – it is confusing to have the AER reporting listed for just one line. This gives the impression that reporting outcomes in the AER is only necessary when you commit to it as opposed to needing to report against all outcomes in the AER.	This example has been revised.	
	* Landforms example on Page 8 – although it is a delayed monitoring indicator, it is likely you would have some form of water monitoring as well.	This example has been revised.	