



Government of **Western Australia**
Department of **Mines and Petroleum**



Response to submissions on the *Draft Guidelines for Mining Proposals*
in Western Australia – September 2015
Proposed Amendments

November 2015

Stakeholder comments

The review process notified respondents that their submissions would be made publicly available on the DMP website. However, personal details or company names attributed to those comments could be made confidential at their request. For those stakeholders providing confidential feedback (one respondent), this appears as an “In Confidence” entry in the feedback table.

During the consultation period submissions were received from the following stakeholders:

- The Association of Mining and Exploration Companies (AMEC)
- Cement Concrete and Aggregates Australia (CCAA)
- The Chamber of Minerals and Energy (CME)
- Fortescue Metals Group (FMG)
- Goodz & Associates GMC Pty Ltd
- Integrate Sustainability
- MBS Environmental
- Roy Hill.

For the purpose of more easily grouping and responding to points raised by stakeholders, the submissions have been split into each section of the guidelines. The content has been retained in its submitted form (ie. the text of the submissions is included verbatim). DMP thanks all stakeholders for their considered input into the process.

Stakeholders were asked to provide a rating of support regarding changes to Mining Proposals and particular sections of the guidelines and information requirements. These ratings are provided out of 10, with 1 being not at all supportive, 5 being supportive and 10 extremely supportive.

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
General Comments			
1	AMEC	<p>Thank you for the opportunity to comment on the draft Guidelines for Mining Proposals in Western Australia, and in participating on the Working Group.</p> <p>As the peak national industry body for the mining and mineral exploration industry, the Association of Mining and Exploration Companies (AMEC) supports the objective to deliver a risk based outcome focussed assessment and approval process. This should lead to increased efficiency within the Department of Mines and Petroleum (DMP) and quicker turnaround times.</p> <p>AMEC also supports the concept of 'one approved Mining Proposal' for a mine site, rather than numerous proposals and subsequent amendments.</p> <p>As previously indicated AMEC considers that consideration should be given to determining the benefits or otherwise by combining the Mining Proposal and the Mine Closure Plans.</p>	<p>Comments noted with thanks. DMP notes the linkages between Mining Proposals and Mine Closure Plans and future changes and reforms will continue to streamline and align these processes</p>
		<p>General – Reference to website hyperlinks throughout the Guideline assumes that the document is being accessed electronically. Actual website addresses should also be included.</p>	<p>The guidelines reference the general DMP website because specific links often change over time. Further material can be found via the search function on the department's website.</p>
		<p>General – There does not appear to be the opportunity for proponents to provide information which describes the social and economic benefits, such as additional jobs, royalty streams and other economic multipliers in the event that the project progresses as anticipated. Such data will assist DMP in determining the importance of the project to the State and the economy.</p>	<p>DMP acknowledges that considering the economic and social benefits aligns with DMP's primary objective for resources in Western Australia.</p> <p>It is suggested that this information is included in the stakeholder engagement section of the Mining Proposal.</p>
2	CCAA	<p>CCAA members appreciate the DMP's provision of guidelines to assist with the submission of mining proposals. Overall the objectives of the guide are supported however industry would appreciate greater recognition of the operational and economic differences between Basic Raw Material (BRM) extraction and large high value mineral and ore mining activities. Quarry mining proposals need to reflect the characteristics of BRM extraction, which are:</p> <ul style="list-style-type: none"> • The rock, sand and aggregates extracted by the industry are strategic economic resources generally consumed by the communities that produce them. • BRMs are essential to sustain the local community, without them infrastructure, housing, industrial and urban development can not occur. 	<p>Comment noted with thanks.</p> <p>A key focus of the Mining Proposal guidelines is to provide a framework for risk and outcome-based decision making. This framework will ensure that regulatory effort by the department is targeted and proportionate in order to protect environmental values in an effective, efficient and timely manner.</p> <p>The guidelines are designed to cater to all level of industry and take into account the operational differences associated with mining of different commodities. The level of detail provided in a Mining Proposal should reflect the scope and scale of activities.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<ul style="list-style-type: none"> Quarries are relatively small operations when compared to high value mineral mining operations. <p>Quarries are mined in stages and are progressively environmentally rehabilitated often to the benefit of the local community.</p> <ul style="list-style-type: none"> Compared to the large scale mining industry the extractive industry is relatively small, with limited resources allocated to regulation compliance. The high volume, low cost nature of the materials extracted means that most quarries are located close to the products' market (towns, cities, mines and development centres). This proximity to the urban areas means that the land being quarried can have a high commercial value after project closure. The successful rehabilitation of the site is therefore a commercial advantage, which limits the risk associated with Governments needing to step in and rehabilitate a closed quarry. BRMs are finite, site specific and limited in occurrence by geological conditions, with some already being scarce in some regions of Western Australia. 	<p>CCAA are encouraged to continue to engage with DMP to develop more specific guidelines and templates for the BRM industry.</p>
		<p>CCAA Basic Raw Materials Best Practice Guideline</p> <p>In consultation with industry and environmental consultants, CCAA are currently developing a "Basic Raw Materials Best Practice Guideline". The guide is intended to reflect our industry specific requirements within the context of the DMP's recently developed outcomes based mining proposal requirements.</p> <p>In this regard it is our intention to engage with your office to align the CCAA guide with the DMP's requirements to hopefully facilitate your endorsement of the final document.</p> <p>The goal of the CCAA guideline is to assist industry participants in the submission of compliant mining proposals. Further, in acknowledgment of the limited resources of some smaller quarry operations, the possibility of developing a simplified, low risk, BRM extraction application stream will also be explored.</p> <p>CCAA would like to thank the department for this opportunity to comment on the draft guide. We also look forward to engaging with you during the development of CCAA's "Basic Raw Materials Best Practice Guideline".</p>	<p>Comments noted with thanks. DMP looks forward to engaging with CCAA on the "Basic Raw Materials Best Practice Guideline".</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
3	CME	<p>CME welcomes the opportunity to review and provide comment on the Department of Mines and Petroleum (DMP) <i>Guidelines for Mining Proposal in Western Australia</i> (the Guidelines).</p> <p>The Guidelines are an essential component of the DMP's Reforming Environmental Regulation (RER) program, establishing a risk and outcome-based framework for environmental assessment and management of mining activities.</p> <p>The Guidelines also propose several changes to improve the clarity of approvals and reduce unnecessary regulatory burden which is supported by CME. This includes:</p> <ul style="list-style-type: none"> • Moving to an 'activity-based' approval, rather than regulation against every section of a Mining Proposal document; • Each mine having only one approved Mining Proposal at any one time; • Allowing for an appropriate level of flexibility in the approval to promote innovation and continuing improvement with best practice; and • Preventing unnecessary minor amendments having to be formally proposed and assessed. <p>CME supports the Guidelines, however, recommend consideration of several matters outlined below.</p> <p>(a) Mining Proposals to support Mining Lease Applications</p> <p>Currently, a Mining Proposal may be submitted to support the application of a mining lease under Section 74(1) (ca) of the <i>Mining Act 1978</i> (Mining Act). However, Section 1.4.1 of the Guidelines states <i>"In circumstances where the proponent does not have secured access to the land, it is likely to be difficult to complete a Mining Proposal that meets the requirements of these guidelines"</i> which suggests proponents will not be able to submit a Mining Proposal to support a mining lease application.</p> <p>Alternatively, <i>"DMP recommends that the proponent uses a statement and mineralisation report to support the tenement application."</i></p> <p>The <i>"statement"</i> sets out information regarding the mining operation likely to be carried out including:</p> <p>When mining is likely to commence;</p> <p>The most likely method of mining; and</p>	<p>Comments noted with thanks. See specific considerations below.</p> <hr/> <p>This section of the guideline has been modified to use words like 'may' instead of 'likely'. This section has been included because it reflects DMP's experience in dealing with Mining Proposals submitted to support Mining Lease Applications (MPMLA) and hence this risk should be highlighted for industry. Having said that, the MPMLA process has been successfully completed for many mine sites, in particular for Basic Raw Material mines.</p> <p>DMP notes that the Mineralisation Report option is far more commonly utilised by industry.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>The location, and the area, of land that is likely to be required for the operation of the plant, machinery and equipment and for the other activities associated with those mining operations.</p> <p>CME is concerned an unintended consequence of this new approach will be a significant restriction to mining lease applications given the mineralisation report focuses on the area where mineralisation is located and the statement may not allow the proponents to fully justify the land required for supporting infrastructure.</p> <p>To ensure these restrictions are minimised, CME considers the Industry Reference Group for the Mining Proposal Reform should review whether the use of a statement and mineralisation report to support the tenement application will restrict proponents applying for larger mining leases to allow for supporting infrastructure.</p> <p>CME recommends the DMP Industry Reference Group for the Mining Proposal Reform review the use of <i>“a statement and mineralisation report to support a tenement application”</i> to ensure proponents are not restricted when applying for larger mining leases for supporting infrastructure.</p> <p>CME Recommends:</p> <ul style="list-style-type: none"> • The Department of Mines and Petroleum (DMP) Industry Reference Group for the Mining Proposal Reform review the use of <i>“a statement and mineralisation report to support a tenement application”</i> to ensure proponents are not restricted when applying for larger mining leases for supporting infrastructure. 	
4	FMG	<p>Further to the consultation on Department of Mines and Petroleum’s (DMP) draft Guidelines for Mining Proposals in Western Australia (Guidelines), Fortescue would like to provide the following comments.</p> <p>A key area of the DMP’s Reforming Environmental Regulation (RER) initiative is to provide a framework for risk and outcome-based decision making whilst removing duplication in regulatory processes.</p> <p>Fortescue supports and congratulates the DMP on this approach to environmental management as it allows flexibility for adaptation and innovation, as well as improvement of management measures as opposed to a focus on monitoring compliance with specific actions (which may not deliver the best environmental outcomes).</p>	<p>Support noted with thanks. DMP has updated wording in the guidelines to make it clear how the overlap between an Environmental Protection Authority (EPA) assessment and a Mining Proposal will be addressed.</p> <p>DMP will continue to engage with industry and other stakeholders to provide further guidance and improve processes where necessary.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>The aim to remove regulatory overlap and assessment duplication is of great importance to Fortescue and we look forward to seeing some measurable progress in this area in the implementation of these revised Guidelines. Identification and development of a clear guidance relating to environmental factors, where assessed under other legislation such as the <i>Environmental Protection Act 1986</i> (EP Act) should be developed to clearly outline how the potential for duplication can be managed and avoided. This guidance should be developed in conjunction with these Guidelines. It is hoped that where a factor has been previously assessed, then this can simply be referenced within the risk assessment without the need to provide intricate detail, including baseline environmental data on the factor, associated risks and applicable controls.</p>	
5	Goodz & Associates GMC Pty Ltd	<p>We are partially supportive for the documentation in its current form but it does not fully represent the needs of special areas of the mineral resource industry. In particular it is not adequate for the metals (non-ferrous) industries, in particular precious and base metal exploration and mining whom represent major export industries and royalty generators for the State of Western Australia.</p> <p>The issue is that the proposed changes were created for a one rule/ solution to cover all parts of the resources industries. This is not practical and will impact on our ability as a state to remain competitive and to contribute to state wealth if we do not modify the proposed changes to the guidelines and pending legislation.</p>	<p>Comment noted with thanks. A key focus of the Mining Proposal guidelines is to provide a framework for risk and outcome-based decision making. This framework will ensure that regulatory effort by the department is targeted and proportionate in order to protect environmental values in an effective, efficient and timely manner.</p> <p>The guidelines are intentionally designed to cater to all levels of industry and take into account the operational differences associated with mining of different commodities. The level of detail provided in a Mining Proposal should reflect the scope and scale of activities.</p> <p>DMP will continue to engage with industry to develop more specific guidance if considered necessary and beneficial.</p>
6	IN CONFIDENCE 1	<p>The Company is supportive of the change for the following reasons:</p> <ul style="list-style-type: none"> • There only being one MP per tenement; and • Allows flexibility in design/location of miscellaneous mine activities within an activity envelope without having to seek further approvals from the DMP. 	<p>Comments noted with thanks.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
7	Industry Reference Group	<p>Regulatory Overlap and Duplication</p> <ul style="list-style-type: none"> DMP to clarify how environmental factors that have been assessed by the EPA will be addressed. DMP to clarify in the Guidelines how regulatory overlap/duplication will be managed. DMP to consider whether representative from the OEPA can attend the next IRG meeting. DMP to meet with DER and OEPA to ensure regulatory overlap issues are appropriately addressed, and to ensure risk management guidance is aligned where possible. <p>DMP to consider developing a template for scoping meetings.</p> <hr/> <p>Transition of Existing Mine Sites</p> <ul style="list-style-type: none"> DMP to provide further guidance on how consolidated Mining Proposals for existing sites will be assessed. Guidance to be developed to provide greater certainty on 'no-reassessment' of existing sites. DMP to consider developing a template form to transfer sites on care and maintenance or closed to the new guidelines. <p>DMP to set a framework for some pilot projects to transfer to the new guidelines during the transition period.</p>	<p>The guidelines have been updated to clarify that DMP will not duplicate the environmental impact assessment of the key environmental factors that have been determined via the Part IV assessment process. The exception to this is when the EPA determines that the Mining Proposal and Mine Closure Plan assessment process will be able to address the assessment of that factor (eg. Rehabilitation and decommissioning). Additionally, DMP may need to ensure the closure outcomes and completion criteria in a Mine Closure Plan have the necessary detail for any environmental factors that have been previously assessed by the EPA.</p> <p>A template for scoping meetings has been included as Appendix O of the guidelines.</p> <hr/> <p>Further guidance on transitional arrangements will be developed outside of the guidelines review.</p> <p>For existing operations, DMP will not require any pre-existing environmental commitments or outcomes to be changed (ie. the 'goal posts will not be moved'). However the existing operation will have to be considered when completing all aspects of the revised Mining Proposal.</p> <p>Pilot projects will be set up during the transition period.</p>
8	Integrate Sustainability Pty Ltd	<p>Overall we are supportive of the changes to Mining Proposals; however, we believe there are several elements within these guidelines which, if addressed, could improve the proposed changes and environmental management. Firstly, all sites should be required to provide detail / overview on their EMS regardless of whether they have ISO 14001 certification or not. It is important to note that just because an EMS is certified, that does not ensure that it is achieving the best environmental outcome. I have come across a number of examples in my career where companies have achieved ISO certification and there were still significant environmental impacts occurring. The quality of the EMS is linked to the scope of the system, the quality of the ISO auditor and the value the company places in environmental management and protection. An ISO certified EMS does not necessarily mean the EMS is effective and this should be considered by the DMP when reviewing mining proposals. It would also be beneficial for the DMP to require companies with ISO certification to provide the certification certificate and a copy of their systems manual.</p>	<p>Support noted with thanks. DMP will further interrogate company's environmental management systems via our compliance processes.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>Secondly, depending on the type of risk matrix (company wide versus site specific) used by a site there is a risk that environmental risk could be under estimated. I have come across examples where multi-national companies' risk matrix will under estimate the significance of environmental issues because their matrix is designed to assess things at a company scale rather than assessing impact on the local environment. For companies that with business wide risk assessment tools there is the potential that some environmental factors will be down played or overlooked. To address this it would be worthwhile that DMP require companies that use a business wide risk matrix (typically 6 x 6 matrix) to establish environmental outcomes for those risks that are ranked as minor or establish a standard matrix tool for use by all companies to ensure risk rating is comparable across the industry. This will capture a greater number of potential risks, increase management and provide management options for those minor risks which, over time, can become serious environmental problems if not addressed.</p>	<p>It is acknowledged that there are some consistency benefits if a standard risk matrix tool is used, however, DMP has received previous comments that flexibility for companies to use their own risk management tools was beneficial as well. Based on the previous comments received, DMP has decided not to change to a fixed risk matrix tool approach. Proponents can utilise the model provided in the guidelines.</p>
		<p>Additional to this the DMP will need to consider and clarify how older sites which need to consolidate their mining proposals into one document and resubmit a single mining proposal will be treated. Of particular concern is a situation where standards have changed since the original approval. This should be considered as it may not be possible for the new standards to be implemented at these older sites.</p>	<p>Comments noted with thanks. Additional comments have been added to the guidelines to ensure DMP will not 'move the goal-posts' for existing mine sites. DMP acknowledges that further guidance is required for existing mine sites that need to transfer to the new guidelines. This will be developed in consultation with industry.</p>
		<p>In addition, there is some concern over whether mining proposals will be used in place of a PER for EPBC Act approval. Given that the EPBC Act is a piece of Federal Legislation and has slightly different requirements and information to be included in the approval document a PER document should still be created as a separate document.</p>	<p>Mining Proposals cannot currently be used to seek Environment Protection and Biodiversity Conservation (EPBC) Act approval. In the event that this is proposed, further consultation and changes are likely to be required.</p>
		<p>Positive aspects which arise from the draft mining proposal guidelines are the need for one consolidated document per site, the exemption of clearing permits for activities approved under a mining proposal and preventing the need for minor amendments to be formally proposed and assessed.</p>	<p>Support noted with thanks.</p>
		<p>To address the concern that there could be too much variation in risk assessment between companies and site, maybe using the document just released by DER could be beneficial.</p>	<p>Comments noted with thanks. DMP has considered the Department of Environmental Regulation (DER) risk matrix when developing the example matrix in Appendix K, and aligned terminology where appropriate.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
9	MBS Environmental	<p>Overall the new guidelines seem to have potential to reduce duplication and unnecessary paperwork. It will be a refreshing change to have one current and well documented approval for a project replacing a myriad of often poorly documented and disparate approvals of varying ages. Implementing the changes may however be a big job at some existing sites.</p> <p>There is potential for the risk based approach to also be a big improvement in the approval process, but we have some concerns that aspects are not clearly defined and the final implementation could create problems if not done well.</p> <p>It appears that the policy may effectively act as a cancellation of existing Mining Approvals after 6 years for operations on extended care and maintenance without the resources to reapply under the new guidelines. Is this intended?</p>	<p>Comments noted with thanks. For mining projects with existing, approved Mining Proposals, DMP will allow a transition period of six years for proponents to re-submit a Mining Proposal in accordance with these guidelines. The resubmission will cover all existing and currently proposed operations. It is intended that all existing project will have to submit revised proposals within the six year transition period.</p> <p>Further guidance will be developed outside of the guidelines review regarding transitional arrangements.</p> <p>DMP acknowledges that further guidance is required for existing mine sites that need to transfer to the new guidelines. This will be developed in consultation with industry.</p>
<i>How supportive are you of this change to Mining Proposals?</i>			
10	Goodz & Associates GMC Pty Ltd	5 out of 10	
11	Integrate Sustainability Pty Ltd	7 out of 10	
12	MBS Environmental	5 out of 10	
13	IN CONFIDENCE 1	7 out of 10	
1. Background			
14	Goodz & Associates GMC Pty Ltd	We believe the outcomes-based assessment process is a good step forward and we fully support this method.	Support noted with thanks.
15	IN CONFIDENCE 1	<p>pp5-6: Minor changes to a MP: should a Company complete and submit a “Proforma for Notification of Minor Changes to a Mining Proposal”, is there a statutory timeline within which the DMP needs to reply to the Company with the advice as to whether a new MP will be required or if the existing MP is suitable? And does this assessment attract a fee (\$)?</p> <p>pp5-6: When updating/amalgamating/replacing existing MP's/NOI's we recommend that the associated disturbances be presented in the new MP as a disturbance table and the relevant REG ID number noted, if the risks associated with the MP/NOI are not at variance with the new MP which is to be assessed?</p>	<p>No statutory timeframe exists, however DMP will develop appropriate timelines for notifications in consultation with stakeholders.</p> <p>Comments noted with thanks. DMP acknowledges that further guidance is required for existing mine sites that need to transfer to the new guidelines. This will be developed in consultation with industry.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		pp5-6: It is still unclear on the length of an MP assessment and approval period; especially at the start when dealing with a new system and when seeking retrospective approvals.	DMP does not propose any change to the current target timeframes.
		pp5-6: Relocation of key mine activities – if the “key mine activity” is relocated within an approved envelope and has not changed the risk profile or the environmental outcome, then is an amendment required? Will each amendment cost \$6,950?	This section of guidelines has now been updated to allow flexibility in placement of key mine activities which will reduce the need for amendments to be submitted.
		pp5-6: Would the liability against the old MP’s still remain or will the change in the Act remove them?	DMP would hold tenement holders liable to the environmental outcomes agreed in the revised Mining Proposal. Often these will reflect commitments from previous, existing approvals.
16	Integrate Sustainability Pty Ltd	Integrate Sustainability acknowledges that it is a proponent’s responsibility to develop and undertake an appropriate risk assessment for their site. For this to occur it is critical that DMP support this by developing clear guidance through the establishment of a suitable environmental risk matrix that allows the establishment of comparable risk assessment for both industry and the community. It is critical that what one company sees as a critical environmental risk is the same as another company in the same environment.	It is acknowledged there are some consistency benefits if a standard risk matrix tool is used, however DMP has received previous comments that flexibility for companies to use their own risk management tools was beneficial as well. Based on the previous comments received, DMP has decided not to change to a fixed risk matrix tool approach. Proponents can utilise the model provided in the guidelines.
2. DMP Key Environmental Objectives and Factors			
17	AMEC	Page 7 – It is noted that 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 land uses without unacceptable liability to the State”. AMEC considers that it is not always possible to meet this objective in an ecologically sustainable manner on every occasion. This is particularly relevant with post mining land uses such as with pastoralism or grazing.	Ecologically sustainable manner definition has been updated to reflect economic, social and ecological benefits. It can be considered that post-mining land uses such as pastoralism or grazing can fit within this definition.
18	Goodz & Associates GMC Pty Ltd	There needs to be recognition that there are areas in Western Australia where essentially 100% of the land is disturbed from the last 120 years of exploration and mining activity. These areas need to have a special level of designation to allow for processing of application and mining proposal submissions to not be impeded by legislation or guidelines set about to protect pristine natural features. In particular, there should be areas exempt of aspects of the guidelines, such as brownfield disturbed areas in the historical mining camps. In these brownfield areas the environmental factors are already considerably altered/disturbed. Therefore the objectives might need to be modified especially with respect to EPA clearing principles.	Comment noted with thanks. A key focus of the Mining Proposal guidelines is to provide a framework for risk and outcome-based decision making. The level of detail provided in a Mining Proposal, including the risk assessment and outcomes, should reflect the scope and scale of activities and be relevant to the environmental context.

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
19	IN CONFIDENCE 1	<p>pp7-8: DMPs principal Objective for environmental regulation ('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') is aligned with the EPAs former* Objective for Rehab and Closure ('To ensure that premises are closed, decommissioned and rehabilitated in an ecologically sustainable manner, consistent with agreed outcomes and land uses, and without unacceptable liability to the State.')</p> <p>*Note that the EPAs Objective has been recently updated to state 'To ensure that premises are decommissioned and rehabilitated in an ecologically sustainable manner'. Will the DMP be updating these to reflect the current EPA objectives?</p>	These objectives are broadly aligned.
20	Industry Reference Group	<p>DMP Key Environmental Objectives and Factors</p> <ul style="list-style-type: none"> • DMP to clarify the use of the term 'ecologically sustainable manner' in the DMP's principal objective, and make sure the definition allows for economic, social and other land uses of mined areas. • DMP to clarify use of the terms 'maintain' and 'minimise' in the objectives, and ensure it aligns with other agencies. • DMP to update guidelines to allow proponents to specifically address the clearing principles. 	<p>The definition of "ecologically sustainable manner" has been updated to reflect economic, social and ecological benefits. Appendix A has been updated to include definitions for maintain and minimise.</p> <p>The guidelines have been updated to state that proponents can choose to undertake their own assessment of the proposed activities against the clearing principles. This should be attached as a separate appendix to the Mining Proposal. It is important to note that this will only be used as information by DMP and will not necessarily reflect the outcome of the department's assessment against the clearing principles.</p>
21	Integrate Sustainability Pty Ltd	<p>Integrate Sustainability is supportive of the principle objective proposed as it will set a clear direction for the Resource industry and will be useful for the broader community.</p> <p>The Objectives for environmental factors outlined in Table 1 are broad and can be open to vast interpretation by DMP. A negative consequence of such broad objectives is that environmental features could be compromised.</p> <p>The future amendments to the EP Act mentioned on page 8 that will allow for an exemption to a clearing permit for activities approved under the Mining Act is a positive step which will reduce duplication, time and paperwork from both an industry and regulator perspective. To ensure that this change does not compromise environmental values in WA it will be critical to ensure that the 10-clearing principles are specifically addressed in Mining Proposals that will authorise clearing activities.</p>	<p>The objectives are intentionally broad as they need to allow for numerous different scenarios and outcomes. However, they still provide an improved level of transparency and clarity to industry and the community on what environmental outcomes are considered acceptable.</p> <p>Should this amendment be passed, DMP will ensure the clearing principles are specifically addressed in the department's assessment and decision making process. Appendix N of the guidelines has been updated to provide an option for proponents to assess proposed activities against the Clearing Principles in the Mining Proposal.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
22	MBS Environmental	<p>The definition of mine closure in Table 1 seems to be a good statement that doesn't focus on vegetation if not suitable (such as a TSF that you want to exclude roots growing into).</p> <p>The proposed clearing changes seems like a good idea to reduce duplication in applications.</p> <p>How will fees be determined?</p>	<p>Comments noted with thanks.</p> <p>This is outside the scope of the Mining Proposal guidelines review.</p>
23	Roy Hill	<p>The definitions for environmental objectives for the Biodiversity/Flora/Fauna/Ecosystems and Water Resources factors stipulate the words 'to maintain'. The DMP's expectation regarding this wording is not defined in Appendix A. Ministerial Statements (MS) issued by the Environmental Protection Authority (EPA) regularly employ the use of the words 'maintain' and 'minimise'. The intent of MS conditions using 'maintain' is to result in no environmental impacts, whilst the intent of MS conditions using 'minimise' is to limit environmental impacts. Roy Hill is concerned that without a clear definition of 'to maintain' that minimal or unavoidable impacts encountered through the implementation of proposals, which do not result in significant impacts, may not be acceptable within the proposed wording of the guideline. In addition proponents may be in conflict with different regulator expectations. Roy Hill would like to seek clarification if there was consideration of how other agencies utilise similar words during assessments.</p> <p>Duplication of Approvals</p> <p>The listing of water resources as key factor has the potential to result in the continued duplication of approvals. In many cases, Mining Proposals that include water related aspects are referred to the Department of Water for advice and consultation. Roy Hill would like clarity on the water aspects and impacts that the DMP is seeking to assess within a Mining Proposal. Roy Hill acknowledges that there is the requirement for proponents to include these activities within the Mining Proposal to ensure that the activities are approved under the Mining Act.</p>	<p>Comments noted with thanks. Definitions for maintain and minimise have now been included in the glossary that reflect how they are used in Ministerial Statements.</p> <p>The Mining Proposal guidelines allow proponents to clearly articulate the other environmental approvals that are relevant to the proposal and what environmental aspects they will cover. As a result, the proponent will not need to duplicate these issues in the environmental outcomes section of the Mining Proposal and therefore they will not be outcomes that DMP will directly regulate.</p> <p>A new administrative agreement between DMP and Department of Water (DoW) has recently been signed and is available on the DMP website.</p>
<i>How supportive are you of this section of the Guidelines?</i>			
24	Goodz & Associates GMC Pty Ltd	1 and 5 out of 10	
25	Integrate Sustainability Pty Ltd	8 out of 10	

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
26	MBS Environmental	5 out of 10	
27	IN CONFIDENCE 1	7 out of 10	
3. Content of a Mining Proposal			
28	Integrate Sustainability Pty Ltd	Overall the requirements for the content of a mining proposal have been clearly outlined. This will ensure all mining proposals are written in the same format and contain the same information making the process easier for companies and consultants writing proposals and for DMP to assess. To ensure the long term benefit for DMP, the Resource Sector and the community it is important that effort is made to tidy up the environmental group. In the past when efforts have been made to address tenement errors associated with environmental group it has become very difficult for DMP as there was confusion within the DMP and industry on environmental group site, tenement reporting groups and project codes.	Comment noted with thanks. This is identified for continued improvement outside of the guidelines review process. Appendix F of the guidelines has been developed to explain the relationship between Projects, Environmental Group Sites and Tenements.
<i>How supportive are you of the proposed information requirements?</i>			
29	Goodz & Associates GMC Pty Ltd	8 out of 10	
30	Integrate Sustainability Pty Ltd	7 out of 10	
31	MBS Environmental	5 out of 10	
32	IN CONFIDENCE 1	7 out of 10	
3.1 Cover Page			
33	Goodz & Associates GMC Pty Ltd	Reasonable checklist requirements are fully supported.	Comment noted with thanks.
34	Integrate Sustainability Pty Ltd	We feel it would be beneficial for the Environmental Group site number to be also included on the cover page.	Comment noted with thanks. This section of the guidelines has now been updated.
35	MBS Environmental	Can it be clarified if the document ID number is required to be a number or is any unique alphanumeric designation acceptable?	Comment noted with thanks. This section of the guidelines has now been updated.
3.2 Mining Proposal Checklist			
36	Goodz & Associates GMC Pty Ltd	Appendix E has unreasonable implications on expectations in areas of brownfields disturbance for environmental disturbance protection (especially legacy issues). Also some projects are too early in their life for detailed closure plans – this might see manageable today, but in the future this will be an area of high risk for smaller projects without long enough project life being defined in advance.	The Mining Act requires all Mining Proposals to include a Mine Closure Plan. The scale and detail required is commensurate to the closure risks and the life-of-mine remaining.

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
37	Industry Reference Group	DMP to align the Mining Proposal Checklist with the Mine Closure Plan checklist, including information on revised sections.	The checklist in Appendix E has been updated to align with the Mine Closure Plan checklist.
38	Integrate Sustainability Pty Ltd	The new checklist should be structured similar to the existing Mining Proposal Checklist. The proponent should be asked to indicate what page they have addressed the relevant aspects.	Comment noted with thanks. The checklist in Appendix E has been updated.
		The checklist would benefit from a section that allows the proponent to list other approvals they already have such as AH Act s18 Approval, 5C licence, 26D Licence, Prescribed Premises Licence, Clearing permit etc.	Comment noted with thanks. The checklist has been updated to include a question "Does the Mining Proposal include a list of all relevant environmental approvals that have been sought or are required before the proposal may be implemented?" as required under Section 2.6 of the guidelines.
		The checklist would benefit from a stakeholder section, threatened and protected flora and fauna section.	Comment noted with thanks. The checklist in Appendix E has been updated to include a threatened flora and fauna question.
		The new checklist should align more with the current checklist.	Comment noted with thanks. The checklist in Appendix E has been updated.
39	MBS Environmental	<p>The checklist looks like a good improvement on the current checklist, with no duplication.</p> <p>As the checklist will be submitted with a Mining Proposal rather than the guidelines, it may be good to specify that the Section numbers referred to in the checklist are Section numbers of the Mining Proposal guidelines (not the Mining Proposal).</p> <p>The checklist includes a requirement for a summary of changes to be included with revised MPs. It would be good to have further guidance on this such as preferred format and location in the main guidelines.</p>	Comment noted with thanks. The checklist in Appendix E has been updated.
3.3 Third Party Authorisation			
40	Goodz & Associates GMC Pty Ltd	Reasonable	Comment noted with thanks.
41	Integrate Sustainability Pty Ltd	This section should also provide guidance on the responsibilities that are retained by tenement holders. They should be reminded that they do not remove their responsibilities under the Mining Act by allowing third parties to undertake work on their tenements.	Agreed. This section has been updated.
42	MBS Environmental	Good to see more detailed guidance given here than previous guidelines.	Comment noted with thanks.

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
3.4	Environmental Group Site Details		
43	CME	<p>Environmental Group Site details</p> <p>An Environmental Group Site is a grouping of individual tenements that make up a particular mining project. CME has received feedback indicating problems have been encountered with the setup of the Environmental Group Sites and associated tenements. Examples have been provided showing tenements are missing or assigned to the wrong Environmental Group Site. Some companies have experienced lengthy delays in getting these issues fixed by DMP.</p> <p>To date, this has made it difficult for companies to lodge reports using the DMP's online systems, resulting in many being submitted after the due date despite efforts to achieve the specified deadline. CME is concerned this issue will continue with the roll-out of an online system for the new Mining Proposal format unless DMP re-examines the Environmental Group Sites and moving forward, allow proponents to select the tenements to be grouped together as an Environmental Group Site.</p> <p>CME recommends DMP review all Environmental Group Sites to ensure tenements have been appropriately assigned to each group.</p> <p>CME recommends the Guidelines are updated to allow proponents to select the individual tenements to be grouped together as an Environmental Group Site.</p> <p>Environmental Group Site details CME Recommends:</p> <ul style="list-style-type: none"> • DMP review all Environmental Group Sites to ensure tenements have been appropriately assigned to each group. • The Guidelines are updated to allow proponents to select the individual tenements to be grouped together as an Environmental Group Site. 	<p>Comments noted with thanks. This is identified for development and further improvement outside of the guidelines review.</p> <p>Generally speaking, proponents can choose the tenements that make up their group site, provided those tenements have an approved Mining Proposal and the requirement to submit an Annual Environmental Report (AER).</p> <p>If the groupings listed in EARS2 are believed to be incorrect, users should contact the department via EARS Manager (EARSManager@dmp.wa.gov.au) with a request and reason for change.</p>
44	FMG	<p>In Appendix G, the requirement to provide 'Current Area of Activity' duplicates information required in Appendix H, and also duplicates the provision of this information for MRF and annual reporting. There should be no need to provide details of current disturbance in the Mining Proposals.</p>	<p>This has been removed from Appendix H. During the continued development of DMP's on-line lodgement system, this information should auto-populate from existing data provided within the department's systems.</p>
45	Goodz & Associates GMC Pty Ltd	<p>The ability to group tenements for management and reporting purposes is very important and simplifies process. Issues that need attention is acceptability on expenditure on grouped tenements. Also where there are legacy issues (contaminated sites) there needs to be caution in management not to place cumbersome conditions on all tenements in the reporting group.</p>	<p>Comments noted with thanks. Expenditure issues are outside the scope of these guidelines. It is understood this issue has since been taken up with DMP's Mineral Titles division.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
46	IN CONFIDENCE 1	<p>p.9: The company has worked with the DMP to consolidate tenements regarding Rail and Power Infrastructure into two Environmental Group Site's (EGS's) to enable easier Annual Environmental Reporting (AER) via EARS 2. As such, when preparing the AERS, as per the DMPs Guidelines (March 2015), and as agreed to with the DMP, the AERs will only cover works on tenements with an AER condition imposed and for works 'regulated under the <i>Mining Act 1978</i>'.</p> <p>Due to the age of the power and rail infrastructure, not all of the works on a particular tenement have been subject to approvals under the <i>Mining Act 1978</i>, and therefore are not reported in the AER. As an AER condition is imposed on a tenement following the approval of a Mining Proposal (or historically an NOI), when the time comes to submit a single MP for the before mentioned EGS's, we recommend that the same approach be adopted to ensure consistency.</p>	Comments noted with thanks.
47	Integrate Sustainability Pty Ltd	Integrate Sustainability believes this approach is great, however the process for amending Environmental Group site needs to be made simpler and less confusing. Historically within the DMP it was almost impossible to change the tenements associated with an environmental site group.	Comments noted with thanks. This is identified for development and further improvement outside of the guidelines review.
48	MBS Environmental	It would be helpful to provide more guidance on the composition of Environmental Group Sites. Appendix F indicates proponents can nominate to split an EGS if desired. Are there specific limits on combining operations into one EGS, eg. Distance between mines, different types of materials or operations, operations in different mineral fields, differences in ownership?	As much as possible, DMP will allow proponents to nominate the group sites, however sensible restriction will apply if mine sites have no operational relationship to each other.
<i>How supportive are you of the proposed information requirements?</i>			
49	Goodz & Associates GMC Pty Ltd	8 out of 10	
50	Integrate Sustainability Pty Ltd	9 out of 10	
51	MBS Environmental	5 out of 10	
52	IN CONFIDENCE 1	7 out of 10	

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
3.5	Activity Details		
53	AMEC	<p>Page 10 – It is imperative that DMP adheres to the statement that <i>“the level of detail for each mining activity is governed by the level of complexity of each Mine Type Activity”</i>. This is critical to ensure that undue delays are not caused by unexpected demands for additional information by DMP.</p> <p>Page 12 – Following the dot point <i>“Activity Envelope boundaries must be consistent with tenement boundaries associated with the Environmental Group Site”</i>, the following comment should be added – <i>“unless a proponent has authority from a different but adjacent land owner to construct infrastructure on their tenure”</i>.</p>	<p>Comments noted with thanks.</p> <p>Agreed. These tenements would already be the subject of a Mining Proposal and the authorisation would be provided in the proposal.</p>
54	CME	<p>Activity Details</p> <p>CME supports the approach outlined in the Guidelines which allows proponents to use an <i>“activity envelope”</i> to record the individual activities for which the proponent is seeking approval. For an activity referred to as a ‘Key Mine Activity’, proponents must provide a specific spatial location.</p> <p>Section 3.5.1 includes a footnote which states <i>“Proponents can provide a polygon area that is larger than the proposed area of the Key Mine Activity in order to provide flexibility. However the risk assessment must account for all factors within the designated area.”</i></p> <p>CME considers this footnote is critical to prevent unnecessary minor amendments requiring reassessment and the text should be explicitly stated within Section 3.5.1.</p> <p>CME recommends Section 3.5.1 is updated to include the following footnote explicitly within the body of the paragraph: <i>“Proponents can provide a polygon area that is larger than the proposed area of the Key Mine Activity in order to provide flexibility. However the risk assessment must account for all factors within the designated area.”</i></p> <p>CME Recommends:</p> <p>Section 3.5.1 is updated to include the following footnote explicitly within the body of the paragraph: <i>“Proponents can provide a polygon area that is larger than the proposed area of the Key Mine Activity in order to provide flexibility. However the risk assessment must account for all factors within the designated area.”</i></p>	<p>Comments noted with thanks. The guidelines have been updated to remove the need for separate polygons for ‘key mine activities’.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
55	FMG	<p>Although there seems to be some progress towards an outcome based regulatory approach, it is somewhat discouraging to see that rigidity remains around the requirement to provide spatial data for key mine activities (without mention of how any security measures to protect this information). The size, location and position of mine items or infrastructure does have an influence on the potential for environmental impacts, however, as long as various controls and management programs are implemented and the desired outcome achieved, then location and size should not be that closely monitored.</p> <p>Confirmation that the objectives or outcomes of environmental management on site are being achieved is stated to be through the proposed evaluation of agreed environmental performance criteria. It is also stated that these outcomes must be achieved in order for a site to be deemed compliant. It therefore seems incongruous that although a site may be able to demonstrate that an outcome has been achieved, it may be subject to regulatory action or investigation if an activity is implemented outside of a nominated boundary.</p> <p>The option to provide a polygon within which a key mine activity can be undertaken does provide some flexibility in the placement of a key mine activity however for reasons mentioned above, it is the control imposed around an activity that will assist in an outcome being achieved. Therefore even the allowance of a key mine activity polygon seems to be focused on monitoring compliance with specific actions rather than an outcome .</p> <p>Other regulatory and compliance focused processes should be employed if the specifics around mine activity locations and placements require assessment. Fortescue suggests that a proponent is provided the option to propose an aggregate area of key mine activities for a Proposal (within a proposal envelope such as tenement boundaries) and the specific area of each key mine activity is then provided in the Annual Environmental Report. This detail will also transpose to the information provided to calculate the Mining Rehabilitation Fund (MRF) payments.</p> <p>Fortescue considers that it is not necessary to augment these two already existing checks with a requirement to provide specific spatial data for key mine activities within a mining proposal.</p>	<p>Comments noted. The guidelines have been updated to remove the need for specific polygon area for 'key mine activities'.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>Table 2 which outlines the information requirements for each mine activity type could be consolidated to reference Class 1 and 2 Tailings or residue storage facilities and similarly for waste dump or overburden stockpiles (as the information DMP is requesting is the same, therefore they can be grouped together). This could also be considered for mine voids with (an average) depth greater than 5 metres. Although it seems that Table 2 is intended to represent the MRF descriptions of infrastructure or land, it does not align completely and therefore categories within the table could be consolidated.</p> <p>Alternatively, a direct alignment with Schedule 1 of the MRF Regulations should be considered for consistency. Direct alignment between 'key mine activities ' listed within the Guidelines and those listed with a rehabilitation category of 'A' or 'B' within the MRF Regulations should address those activities with a perceived greater short and long term risk to the environment.</p> <p>Currently both above and below water table mine voids are listed as key mine activities with the requirement to provide material characterisation detail. For mine voids above water table , assuming that a driver for materials characterisation detail relates to the need to assess metalliferous or acid mine drainage potential, the risk associated with mining above the water table is considerably lower that of those voids mining below the water table. Therefore, this detail should not be required and above water table pits listed as a miscellaneous activity rather than a key mine activity.</p> <p>It is also noted that Run-of-mine (ROM) pads have been included as a key mine activity rather than miscellaneous mine activity as they were identified in an earlier version of the Guidelines. As the characteristics and design parameters of a ROM pad can vary greatly between operations, as well as within a single operation, it is suggested that whether a ROM pad is identified as a key or miscellaneous mine activity should be determined by its design detail and whether these details meet Class 1 category requirements of a waste dump or overburden stockpile:</p> <ul style="list-style-type: none"> its highest point is at least 15 metres high; it contains any of the following – <ul style="list-style-type: none"> fibrous minerals; radioactive material; material capable of generating acid and metalliferous drainage, including neutral drainage and saline drainage; erodible material that is capable of compromising the structure of the waste dump or overburden stockpile, 	

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>Fortescue is also concerned about the lack of sufficient detail describing the information required to be submitted for each key mine activity. While it states that proposals that include tailings storage facilities must include the relevant design reports detailed in the DMP <i>Guide to the preparation of a design report for tailings storage facilities</i>, no clarification is provided for waste rock dumps, mine pits, etc. This will likely cause delays in the DMP requesting this additional information from the proponent. Fortescue considers that proponents would benefit from some case studies or worked examples of the level of information required to be provided in relation to each of the key mine activities.</p> <p>Fortescue would also value further guidance on when the requirement for resubmission of a mining proposal would be triggered for 'a new activity or change to an activity type is proposed'.</p> <p>Fortescue considers that the requirement to reassess as a result of a new miscellaneous mine activity should be limited to circumstances where the new activity is outside of the activity envelope, poses a moderate to high risk (pre-treatment) and would therefore change the environmental outcome.</p>	
56	Goodz & Associates GMC Pty Ltd	<p>The concept of identifying “envelopes” for reporting and not having to process amendments should the activity be slightly varied within the envelope is an excellent improvement in processing – thank you.</p> <p>Provision of spatial data by digital means can be challenging for prospectors, syndicates and small companies.</p>	Comments noted with thanks. Assistance for small miners/prospectors will be provided.
57	IN CONFIDENCE 1	<p>pp10-11: To enable reporting of disturbance/rehabilitation activities against MP's, will the Mining Activity Types in EARS 2 be updated to reflect those listed in Schedule 1 of the MRF Regulations and Table 2 of the Mining Proposal Guidelines? If so, when is this scheduled to occur?</p> <p>pp10-11: If Miscellaneous Mine activities (Table 2 in Guidelines) are able to be grouped into envelopes, how are these planned to be reported via EARS 2? Currently approved, disturbed and rehabilitated land for each individual Mining Activity type must be reported via EARS 2 – will EARS 2 be modified to have an overall Miscellaneous Mine activity approved amount and then a breakdown of categories for reporting or will there be an option to report groups of Mining Activity types as an envelope?</p> <p>pp10-11: What is the timeline when EARS 2 and the AER Guidelines will be updated to reflect the new information required within Mining Proposals (eg. Environmental outcomes and reporting framework)?</p>	<p>These categories have now been aligned.</p> <p>At this stage, DMP is not proposing to bundle the 'miscellaneous activities' for the purposes of AER or Mining Rehabilitation Fund (MRF) reporting. DMP is happy to discuss this further via future stakeholder engagement opportunities.</p> <p>DMP is planning to undertake this during the transition period for these guidelines.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
58	Industry Reference Group	<p>Activity Details</p> <ul style="list-style-type: none"> DMP to update the Activity Details section of the Guidelines, to remove distinction between key and miscellaneous infrastructure DE to confirm that the requirement to provide disturbance data on a per tenement basis is constrained by the <i>Mining Act 1978</i>. 	<ul style="list-style-type: none"> This section of the guidelines has been updated. Disturbance must be per tenement, however a future online system would assist in auto calculating this.
59	Integrate Sustainability Pty Ltd	<p>Further clarification on the level of detail required may be worthwhile to ensure consistency across the board. While the proponent does not need to specify the location of miscellaneous mine activities, it would be beneficial to require the proponent to specify the total area that will be cleared for these miscellaneous activities.</p>	<p>Comment noted with thanks. Appendix H requires the total area of disturbance for Miscellaneous Activities to be provided.</p>
60	MBS Environmental	<p>This appears to be a major improvement over current more specific requirements to nominate infrastructure locations. However it was quite confusing to read and could be explained better rather than just having Table 2 where it shows specific versus envelope requirements. Also, quite often the processing plant and supporting infrastructure is commonly in one area – can the plant site be widened to include a variety of items that support the mine?</p> <p>Has consideration been given to areas of disturbance which may change category over the life of the mine e.g. A pit which later becomes a TSF, or a ROM Pad which is to be later built over with a waste dump? Will the assessment system allow for overlapping areas in these cases and will the order of use with time need to be nominated?</p> <p>In Section 3.5.3, we note that geographic coordinates are required for submission of spatial data. As much design work is done in projected metric grids such as MGA94 or local grids, it may be worth noting that straight lines between distant points in projected coordinate systems will be curved in geographic coordinate systems, this can result in designs moving outside tenement boundaries when viewed in different projections in extreme cases such as long narrow access road tenements.</p> <p>There appears to be a minor error on Table 2, Page 11, The miscellaneous Mine Activity should be “Borrow pit or shallow surface excavation (not of)</p> <p>As the Mining Proposal system requires all items to be assigned to the MRF categories, it would be very helpful to include guidance in assignment of common infrastructure to categories where they do not have a specific category.</p>	<p>Comments noted with thanks. Section 3.5 of the guidelines has been updated and addresses these comments. Further guidance on MRF categories is provided via the MRF guidelines.</p> <p>The issues with spatial data are noted.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>Some examples of these are: Vent rises. Abandonment bunds. Surface Water Diversion and Flood protection bunds . Box Cuts/Decline entrances. Sewage treatment facilities other than ponds. Treated Sewage effluent irrigation areas. Product stockpiles. High grade stockpiles. Concentrate stockpiles. Airstrip facilities such as terminal buildings – should these be categorised as airstrip or as buildings? Tailings pipelines. Backfilled Mining voids. Magazines. Previously the MRF category “Other Cleared Land” has not been available when submitting Mining Proposals, will this now be available?</p>	
61	Roy Hill	<p>Miscellaneous Mine Activities</p> <p>The approach to miscellaneous mine activities is a positive feature of the draft guidelines. The flexibility for proponents to make minor amendments without the requirement for additional approval is a valuable feature of the guideline (Section 3.5.1 and 3.5.2). Table 2 outlines the spatial location of the miscellaneous mine activities (within the assessed activity envelope) and is required to be indicative in the Section 3.5.4 Site Plans. Appendix D of the guideline outlines the consultation requirements to determine if a revised Mining Proposal will be required by DMP. The ‘Proforma for Notification of Minor Changes to a Mining Proposal’ lists ‘location of miscellaneous infrastructure’ in the examples of proposed changes. This requirement appears to conflict with Sections 3.5.1 and 3.5.2. in the guideline. Roy Hill is seeking clarification on the requirements to disclose the spatial locations of miscellaneous mine activities in the Mining Proposal or Proforma for Notification. Roy Hill would also like to understand if the Notification Form may be electronically submitted to DMP through EARS and the likely timeframes for assessment of the submission.</p>	<p>Comments noted with thanks. Reference in Appendix D has been removed. DMP will plan for notifications to be submitted online.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
<i>How supportive are you of the proposed information requirements?</i>			
62	Goodz & Associates GMC Pty Ltd	8 out of 10	
63	Integrate Sustainability Pty Ltd	8 out of 10	
64	MBS Environmental	5 and 10 out of 10	
65	IN CONFIDENCE 1	7 out of 10	
3.6	Environmental Legislative Framework		
66	AMEC	<p>Page 14 – AMEC supports the intention to remove regulatory overlap and duplication from the Mining Proposal assessment process where possible.</p> <p>In this regard, reference should be made to the AMEC submission to the Minister for Finance on Reinvigorating Regulatory Reform, dated September 2015. An extract follows:</p> <p>Environmental approvals reform is an ongoing process aimed at improving efficiency across Government agencies while maintaining a high standard of assessment to ensure that development projects progress in an environmentally responsible manner.</p> <p>Whilst AMEC recognises that progress has been made, areas of duplication remain between various Government agencies which still need to be addressed.</p> <p>The <i>Proposal for Environmental Reform</i> discussion paper released by the Department of Mines and Petroleum (DMP) in January 2014 discussed the matter of reducing regulatory burden through recognising approvals under other legislation as follows:</p> <p><i>DMP intends to expressly address the potential for unnecessary regulatory overlap. It is proposed to amend the Mining Act so that tenement holders who have approval for an activity which forms part of their mining operations under other specified State environmental legislation (e.g. Part V of the Environmental Protection Act 1986) will not require separate approval for that aspect of their operations under the Mining Act (although closure and rehabilitation would need to be covered by a Mine Closure Plan). (Section 4.3.1).</i></p>	<p>Comments noted with thanks. The guidelines have been drafted with minimising overlap with the Environmental Protection Act Part IV process as a priority as well as aligning with their process.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>The following areas of duplication need to be reviewed and remedied:</p> <p>Part IV of the Environmental Protection Act</p> <p>Projects deemed to have the potential for significant environmental impacts are required to be referred to the Environmental Protection Authority (EPA) and assessed under Part IV of the <i>Environmental Protection Act 1986</i> (EP Act).</p> <p>These projects undergo rigorous assessment covering a wide range of impacts on the biophysical environment and proposed management measures are enforced through conditions attached to a Statement issued by the Environment Minister at the conclusion of the process allowing the proposal to be implemented. No other Government agency/ Decision Making Authority (OMA) can make a decision allowing the proposal to be implemented until the Ministerial Statement has been issued.</p> <p>Yet having undergone the full Part IV assessment process, the proponent is still required to submit a Mining Proposal to the Department of Mines and Petroleum (DMP) which covers most of the same aspects of the proposal as the documentation assessed by the EPA (e.g. ground surface disturbance, flora and fauna, surface water and groundwater, dust, noise, mine closure).</p> <p>In the case of a mining project the DMP is designated as a (OMA) and has significant input at various stages of the EPA assessment and condition setting process.</p> <p>AMEC understands that there are specific issues that need to be assessed by the DMP in greater technical detail than provided in the EPA approval documentation (i.e. Public Environmental Report (PER) or equivalent). However, the need to reproduce most of the content of the PER in a Mining Proposal in addition to more specific technical detail required by DMP is both time consuming and costly to industry.</p> <p>The stand-alone Mine Closure Plans that are required by both the EPA and DMP already go a long way towards meeting much of the information requirements.</p> <p>Examples of supplementary technical information to be provided to DMP over and above EPA requirements would likely include: tailings storage facility design plans and operating strategies, pit wall stability assessment, waste dump design and stability (including geochemical characterisation), detailed drainage design, and Dangerous Goods storage and handling.</p>	

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
67	AMEC	<p>Recommendation: Where a proposal has undergone a formal assessment under Part IV of the Environmental Protection Act, the same assessment outcomes could be achieved by the DMP to satisfy Mining Proposal requirements by identifying what further technical documentation is required as supplementary documentation, rather than the provision of duplicate information.</p> <p>Part V of the Environmental Protection Act</p> <p>AMEC recognises that significant progress has been made towards reducing duplication between DMP functions and Part V (Division 2) of the EP Act with regard to Native Vegetation Clearing Permits.</p> <p>However, Part V (Division 1) of the EP Act also provides for regulation of prescribed activities relating to mining operations. For example, Schedule 1 of the <i>Environmental Protection Regulations 1987</i> defines various categories of prescribed premises requiring licensing including: processing and beneficiation of metallic or non-metallic ore, mine dewatering extraction and discharge, vat or in-situ leaching of metal, and mineral sands mining or processing.</p> <p>The Works Approval and Licensing process requires a high level of technical detail to be provided for assessment and specifies legally binding conditions under which a project is constructed and operated. The licensing process is usually undertaken subsequent to both EPA Part IV assessment and Mining Proposal assessment adding an extra layer of approval and regulation.</p> <p>Recommendation: DMP should accept the Part V Environmental Protection Act licensing requirements as they apply to mineral processing and water discharges and focus the Mining Proposal assessment on direct mining related impacts and management, and not request duplicate information.</p>	<p>The guidelines have been updated to ensure that they are reflective of these comments.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
68	AMEC	<p>(b) Rights in Water and Irrigation Act</p> <p>Mine water abstraction and use is subject to provisions of the <i>Rights in Water and Irrigation Act 1914</i> (RIWI Act) which typically applies to the following activities:</p> <ul style="list-style-type: none"> • mine dewatering, • water supply borefield development and operation, and • surface water storages. <p>Similar to Part V EP Act licensing, approvals for constructing groundwater wells and groundwater abstraction is subject to a rigorous assessment and permitting process undertaken by the Department of Water. A high level of technical detail is required and legally binding conditions are specified. The water licensing process is also undertaken subsequent to both EPA Part IV assessment and Mining Proposal assessment adding an extra duplicate layer of approval and regulation.</p> <p>Recommendation:</p> <p>DMP should accept the Rights in Water Irrigation (RIWI) Act licensing requirements as they apply to mine dewatering and water supply borefields and focus the Mining Proposal assessment on direct mining related impacts and management, and not request duplicate information.</p>	The guidelines have been updated to ensure that they are reflective of these comments.
69	Goodz & Associates GMC Pty Ltd	Although everyone is supportive of removing duplication of process, most industry players of all size and project complexity would prefer a “one-stop shop” where the applicant only needs to deal with the DMP (and therefore the environmental matters to be managed by the DMP environmental section rather than DER, DoW, DoH, EPA, etc).	Comment noted with thanks.
70	IN CONFIDENCE 1	<p>pp14-16: If the project has been assessed via Part IV under the EP Act or has an exemption available, recommend that 10CP is not necessary.</p> <p>p14: As DoW and DER assess the water factors, not sure that this needs to be duplicated in DMP’s assessment; and if flora/fauna have been assessed by the OEPA as not being significant factors, then recommend the DMP keep their assessment consistent and not re-assess as a significant factor.</p>	<p>Comment noted and agreed.</p> <p>Comment noted with thanks. Full overlap does not occur in all occasions. However DMP will avoid overlap where possible.</p>
71	Integrate Sustainability Pty Ltd	Integrate Sustainability is supportive of reducing regulator duplication, however to ensure that other approvals cover the environmental aspects DMP considers important it would be beneficial for DMP and the community to provide copies of these approvals within the Mining Proposal. It is not clear how DMP may address operations that are located in historic areas that are exempt or where the environmental standards may not be to the required standard.	Providing copies is not considered mandatory but will be encouraged. For historical areas, only relevant approvals will need to be provided.

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
72	MBS Environmental	It is good to see the emphasis on reducing duplication of approvals. The section is not entirely clear whether it applies where an activity is regulated by another agency, but does not trigger the requirement for an approval, for example if there are no Aboriginal sites impacted, should it be stated here that no approvals are required under the Aboriginal Heritage Act, or is such discussion confined to the risk assessment section?	The intention is to only include approvals or regulatory mechanisms that will cover specific environmental aspects. The proponent will have the ability to add in what they choose to this section.
<i>How supportive are you of the proposed information requirements?</i>			
73	Goodz & Associates GMC Pty Ltd	5 out of 10	
74	Integrate Sustainability Pty Ltd	8 out of 10	
75	MBS Environmental	5 out of 10	
76	IN CONFIDENCE 1	7 out of 10	
3.7 Stakeholder Engagement			
77	Goodz & Associates GMC Pty Ltd	Early stakeholder engagement and maintenance of an engagement register is essential to a successful project development – everyone agrees. There is always concern that the public engagement process may cause participation by people/groups who are not directly involved or affected by the mining proposal. Protection of the applicant and affected stakeholders needs to be maintained which might require some dispensation to exclude unaffected parties.	Comment noted with thanks. Proponents need to identify information that they consider is of a confidential nature, such as commercially sensitive information or intellectual property that should not be in a public document, and provide two separate electronic versions (one for assessment by DMP with input from other relevant government agencies and one which will be publicly available). DMP will not make any confidential information publicly available provided it is clearly identified as such.
78	IN CONFIDENCE 1	p16: Are DMA's aware of this requirement (esp. as 10CP's are now included in MP's and majority will be sent to Parks and Wildlife for comments on priority flora and fauna)? Will the assessing officers know when to send it to DMA's with inter-agency MoU's if thorough consultations have been conducted and other approvals such as under the EP Act have been obtained (Part IV requires technical stakeholder consultations as well).	DMP's assessing officers will be appropriately trained and existing inter-agency MOUs and Administrative Agreements will be followed.
79	Industry Reference Group	DMP to review this section of the Guidelines to ensure the wording of stakeholder engagement requirements are consistent with the Mine Closure Plan guidelines. Guidelines to be updated to ensure anonymity for individual (private) stakeholders.	This section of the guidelines has been updated to ensure consistency with the Mine Closure Plan guidelines.

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
80	Integrate Sustainability Pty Ltd	Integrate Sustainability is supportive of what is proposed, however it is not clear how DMP will address operations that proposes strategies yet do not implement them. There is no objective proposed by DMP linked to stakeholder consultation and if the operation does not see stakeholder or community interests or concerns as a risk that requires management it is unlikely that a site will develop a reporting obligation in this area.	The intent of this section is to demonstrate that adequate consultation has been undertaken and establish how any stakeholder comments or concerns have been addressed. If DMP considers that a stakeholder's comment has not been adequately addressed, or has been dismissed when it may be reasonable to address, then the department can raise this via the Mining Proposal assessment process.
81	MBS Environmental	Overall the guidelines are OK, but seem vague on what level of engagement is required to be considered adequate and appropriate. The requirement to consult with any person whose functions, interests and activities may be affected (S3.7.3 Page 17) seems too broad.	Comment noted. This section of the guidelines is consistent with the Mine Closure Plan guidelines is considered appropriate by DMP.
<i>How supportive are you of the proposed information requirements?</i>			
82	Goodz & Associates GMC Pty Ltd	8 out of 10	
83	Integrate Sustainability Pty Ltd	10 out of 10	
84	MBS Environmental	5 out of 10	
85	IN CONFIDENCE 1	6 out of 10	
3.8 Baseline Environmental Data			
86	Goodz & Associates GMC Pty Ltd	<p>The concept of collecting and referring to baseline data is agreed by all; sometimes there is a challenge in agreeing upon a fair period to conduct the study (whether seasonal impacts can be determined over part of a year, a full year or longer).</p> <p>The issues of material characterisation is critical in the goldfields where many deposits historically have waste material that has not generated any acid drainage issues and still there are cases where there continues to be unnecessary demands on carrying out waste characterisation and other test work to confirm the waste is stable.</p> <p>In the Goldfields there is a large number of cases where soil stockpiles have shown stability and that they are not sterilised by stockpiling thickness of greater than 5-10m. Acceptance of these cases would greatly reduce disturbance footprints and reduce costs.</p>	<p>Comment noted with thanks. DMP encourage proponents to conduct scoping meetings with the department and other relevant agencies and stakeholders prior to the submission of a Mining Proposal. This will assist in agreeing on timeframes to collect baseline data. A template for scoping meetings has been included in Appendix O of the guidelines.</p> <p>DMP is also in the initial stages of developing a State Environmental Data Library to make existing environmental data available to the industry. This will be available via the Geoview tool on DMP's website.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
87	IN CONFIDENCE 1	<p>There have been a number of studies completed historically collecting baseline data, flora/fauna surveys, regional hydrology, carrying out heritage studies etc, that would save the industry considerable cost and time if there was a public library maintaining these reports for sharing between tenement holders. It would also promote undertaking new or extensional studies and R&D because there would not be a huge waste of resources repeating survey work and baseline data collection.</p> <p>Issues appear to happen too frequently where DER and DoH guidelines refer to “fresh” water quality when one is in a hypersaline groundwater environment. In some cases the water quality studies should be waived if the groundwater is hypersaline (pages 23-24).</p> <p>p24: If the assessment is a risk and outcomes based assessment, are detailed baseline data and spatial files necessarily required? If we are committing to monitoring and thresholds and outcomes, and continually reviewing risks, does detailed baseline data need to form part of the assessment?</p> <p>p24: How are potential noise and dust impacts on native fauna and flora to be determined?</p> <p>p22: In the Guidelines there seems to be a strong focus on SRE’s and subfauna. When updating/amalgamating/replacing existing MP’s/ NOI’s; how will historic sites be addressed where this information is not available or been previously addressed?</p>	<p>Baseline environmental data is required to assist in the identification of environmental risks and potential impacts, informing the risk assessment and proposed management measures and determining appropriate environmental outcomes and performance criteria.</p> <p>Where dust, noise or air quality is not regulated by DER and may impact on the other environmental factors listed in Table 1, the Mining Proposal must include baseline data for noise and or air quality.</p> <p>The Baseline Data section of the guidelines has been updated to clarify this. For mining projects with existing, approved Mining Proposals, no new data is required when re-submitting the Mining Proposal unless there is an expansion or alteration to the project or it has been identified as a knowledge gap in an approved Mine Closure Plan</p>
88	Industry Reference Group	<p>Baseline Environmental Data</p> <ul style="list-style-type: none"> DMP to ensure the guidelines are clear that no new data is required for existing sites unless it has been identified as a knowledge gap in an approved Mine Closure Plan. 	<p>The Baseline Data section of the guidelines has been updated to clarify this. For mining projects with existing, approved Mining Proposals, no new data is required when re-submitting the Mining Proposal unless there is an expansion or alteration to the project or it has been identified as a knowledge gap in an approved Mine Closure Plan.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
89	Integrate Sustainability Pty Ltd	There is no reference to heritage (Aboriginal and European) within section 3.8. The inclusion of heritage values and surveys as baseline data would help to shape the understanding of the area and provide context around the site and the associated risks. It is acknowledged that it is the proponent's responsibility to comply with the WA Aboriginal and Heritage of Western Australia Act.	The definition of the 'environment' in the glossary of the guidelines specifically excludes heritage, because this is dealt with via other legislation. The Mining Legislation Amendment Bill 2015 includes the same definition.
90	MBS Environmental	<p>Generally gives good guidance to information required.</p> <p>The requirement on page 19 under climate for details of historic flood events may not be reasonable in areas where flooding is not an issue and such records are often not available. It also overlaps with the requirements on page 23 under surface water hydrology to describe the flooding characteristics of the area.</p> <p>On page 20 and 21 there is a requirement for diagrams showing the 3D spatial distribution of samples. It is unclear whether this is requiring a perspective or cross sectional view or if simply labelling the depth of samples on overhead plan view figures is sufficient.</p> <p>The inclusion of characterisation of soils and ore is a good move forward as these materials (particularly low grade ore which may be stockpiled for very long periods) have often been omitted in the past. MBS has considerable experience in and would be keen to provide input on future guidance documents on materials characterisation in WA.</p> <p>While it is good that dust noise and air quality assessment is not required to be duplicated in a Mining Proposal when assessed under Part V of the EP act, this section provides very little guidance on the information required for projects not assessed under Part V other than that some information is required.</p>	Comments noted with thanks. Wording has been improved in some areas to improve clarity, however the guidance is intentionally 'high-level'.
<i>How supportive are you of the proposed information requirements?</i>			
91	Goodz & Associates GMC Pty Ltd	5 out of 10	
92	Integrate Sustainability Pty Ltd	7 out of 10	
93	MBS Environmental	5 out of 10	
94	IN CONFIDENCE 1	6 out of 10	

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
3.9	Environmental Risk Management		
95	AMEC	<p>Page 25 – The Guideline points to the success of ALARP in the petroleum industry, however there is no detail on how the trigger thresholds will apply in the mining sector.</p> <p>Page 29 – The draft Guideline indicates that it is the responsibility of proponents to ensure that they refer to relevant codes of practice, standards, guidance notes and other established best practice. It would be useful if DMP provided an indicative list of references that it considers useful in the assessment and approval process.</p>	<p>Further stakeholder engagement and workshops will be organised to discuss the principle of ALARP and how it will be applied.</p> <p>Comment noted with thanks. DMP is considering developing a guidance document on relevant standards, guidelines and codes that apply to environmental management in mining outside of the guidelines review.</p>
96	Industry Reference Group	<p>Environmental Risk Management</p> <ul style="list-style-type: none"> • DMP to investigate the recently released guidance from DER to see if the example risk assessments provided in the guidelines can be aligned. • DMP to review the use of terms moderate and medium risk in the Guidelines. • DMP to consider developing a guidance document on relevant standards, guidelines and codes that apply to environmental management in mining. 	<ul style="list-style-type: none"> • DMP have reviewed the guidance from DER and aligned terminology where appropriate. • The terms moderate and medium have been reviewed and updated for consistency. • DMP is considering developing a guidance document on relevant standards, guidelines and codes that apply to environmental management in mining outside of the guidelines review.
97	Integrate Sustainability Pty Ltd	<p>Integrate Sustainability supports the move to an outcome and significance based approach to ensure that significant impacts are addressed. However, it is important to remember that some minor and low environmental risk can progress to moderate or major risk over time if not managed appropriately.</p> <p>We do have some concern for how DMP will ensure consistency across the board in ensuring risks have been identified and given the appropriate rating and control measures when considering project approvals. For example, during the risk assessment process different people involved will have different perceptions on risks, their likelihood and their control measures. This can be heavily influenced by experience and field. It would be a useful addition to this section to include evidence of who was involved in the internal risk assessment process, their field and level of experience. In addition to this internal mining company risk assessment tools which are likely to be used for this purpose have a focus on business risk rather than an environmental focus and are likely to rate environmental risks to a lower level than is appropriate. Further to this an external review could assist in the risk assessment process and ensure all risks have been identified and provided an appropriate rating. In identifying these issues there then needs to be more clarification around how the DMP will ensure that risks have been adequately identified and addressed.</p>	<p>Comments noted with thanks. The monitoring of lower risks will be undertaken via DMP's compliance program.</p> <p>Other comments noted. The onus will be on the proponent to demonstrate that the environmental risk assessment is appropriate. Further workshops and consultation will be undertaken to ensure consistency and quality of these risk assessments.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
98	MBS Environmental	<p>The guidelines require engagement with stakeholders as part of the risk assessment. Will DMP be a participant in this as a stakeholder and if so have resources been allocated for this involvement?</p> <p>While ALARP seems like a good idea it is heavily reliant on interpretation. The guidelines require cost in money time and effort to be weighed against risk, which is not always easily comparable and requires value judgements on the risk. Terms like “reasonably practicable”, “grossly disproportionate” and “unreasonably disproportionate” are likely to be interpreted differently by different stakeholders.</p> <p>Further guidance on how these standards are to be applied would be welcome. Examples of situations which are close to the thresholds of these definitions would be useful.</p>	<p>DMP acknowledges there will be flexibility in how proponents will interpret some of the risk terms. The onus will be on the proponent to demonstrate that the environmental risk assessment is appropriate. Further workshops and consultation will be undertaken to ensure consistency and quality of these risk assessments.</p>
99	Roy Hill	<p>Figure 4 indicates that when an environmental objective cannot be met, it would be considered intolerable risk and therefore the Mining Proposal may not be accepted. However an environmental objective is defined in Appendix A as a ‘desired goal’. Roy Hill would suggest that environmental objective in Figure 4 be replaced with environmental outcome, as environmental outcome is defined as ‘the acceptable level of impact that must not be exceeded’.</p> <p>Environmental Risk Assessment</p> <p>Roy Hill welcomes the use of environmental risk assessment in the assessment of Mining Proposals. Roy Hill considers that the use of environmental risk assessments may result in varying outcomes due to inconsistent approaches used by industry. Roy Hill suggests that the example risk matrix used in Appendix J of the Mining Proposal Guidelines is defined as the standards risk matrix to be used in environmental risk assessments within Mining Proposals to ensure consistent approaches and outcomes.</p>	<p>Comment noted with thanks. DMP does not consider this change to be appropriate because Figure 4 relates to the general concept of the application of risk and the environmental objectives. Environmental outcomes are site specific.</p> <p>The word ‘may’ was intentionally selected for Figure 4 because the objectives are goals and not prescribed limits.</p> <p>It is acknowledged there are some consistency benefits if a standard risk matrix tool is used, however DMP has received previous comments that flexibility for companies to use their own risk management tools was beneficial as well.</p> <p>Based on the previous comments received, DMP has decided not to change to a fixed risk matrix tool approach. Proponents can utilise the model provided in the guidelines.</p>
<i>How supportive are you of the proposed information requirements?</i>			
100	Integrate Sustainability Pty Ltd	5 out of 10	
101	MBS Environmental	4 out of 10	
102	IN CONFIDENCE 1	8 out of 10	

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
3.10 Environmental Outcomes and Reporting			
103	CME	<p>Environmental Outcomes and Reporting</p> <p>The Guidelines introduce the requirement for proponents to outline specific environmental outcomes relevant to the environmental factors which may be impacted by the proposed activity. The environmental outcomes are <i>“the acceptable level of impact that must not be exceeded or a level of protection/performance/result that must be achieved for the site to be considered compliant”</i>.</p> <p>The purpose of setting outcomes is to provide agreement between the proponent and DMP as to the level of environmental impact that is predicted and considered acceptable.</p> <p>For historical Mining Proposal and Notice of Intent (NOI), meeting the DMP’s environmental objectives specified in Table 1 of the Guidelines will be challenging and in some cases, unachievable. For example, waste landforms constructed to acceptable standards set out by the Department at that time but do not meet modern standards.</p> <p>The DMP has publicly stated the Guidelines are not intended to make it more difficult for proponents to achieve the environmental objectives (i.e. ‘move the goalposts’ for already approved projects). However, this is not explicitly stated within the Guidelines and CME is concerned the mining industry will be required to comply with a higher level of performance when submitting revised Mining Proposals.</p> <p>CME recommends DMP update the Guidelines to ensure commitments previously approved by the Mining Proposal are maintained when a proponent transitions to the new Mining Proposal format.</p> <p>The transition of historically approved Mining Proposal to the new format also presents a number of issues for the stakeholder engagement and baseline data requirements outlined in the Guidelines. For older established sites, it will be difficult for proponents to document the stakeholder engagement since the project commenced. The requirement for proponents to submit baseline data is also difficult for older sites and may result in a lengthy, unwieldy document.</p>	<p>For mining projects with existing, approved Mining Proposals, no new data is required when re-submitting the Mining Proposal in accordance with these guidelines unless there is an expansion or alteration to the project or it has been identified as a knowledge gap in an approved Mine Closure Plan.</p> <p>DMP will also draft additional guidance for the transition of existing projects to the new guidelines.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>CME recommends:</p> <ul style="list-style-type: none"> • DMP update the Guidelines to clarify the expectations for the stakeholder engagement and baseline data when a proponent transitions from an already approved Mining Proposal to the new format. • DMP update the Guidelines to ensure commitments previously approved by the Mining Proposal are maintained when a proponent transitions to the new Mining Proposal format. • DMP update the Guidelines to clarify the expectations for the stakeholder engagement and baseline data when a proponent transitions from an already approved Mining Proposal to the new format. 	
104	FMG	<p>A reportable incident is classified as one arising from the mining activity that has caused, or has the potential to cause, 'significant' environmental harm.</p> <p>Environmental harm is broadly defined within the Guidelines however significant is not. Fortescue suggests that the definition of "Material" environmental harm under the EP Act could be used for consistency. So as not to duplicate other legislative requirements, clear guidance is also required regarding the DMP's expectations of reporting under the <i>Mining Act 1978</i> compared to other legislation such as the EP Act and Regulations.</p> <p>The requirement for proponents to notify DMP of incidents within 24 hours of detection may not afford enough time for proponents to collate the necessary information required to determine if the incident is a 'reportable incident'. Fortescue considers a longer timeframe of three business days to notify the DMP is required.</p>	<p>The word 'significant' has been removed from this section. DMP will provide additional guidance on environmental reporting and removing the duplication of reporting will be a key focus of this.</p> <p>Only the initial notification is required within 24 hours. The follow up report can be provided within an agreed timeframe.</p>
105	Goodz & Associates GMC Pty Ltd	<p>Agree, but still have an ongoing issue with the Closure Outcomes requirements for projects that have ongoing short lifespans where it is difficult to prove up reserves more than 2-5 years in advance.</p>	<p>Comment noted with thanks. DMP recognises that mine closure planning is an ongoing process and not all technical information relating to Closure Outcomes will be available at the early stages of development. However, knowledge gaps relating to closure specific technical information are expected to be listed in the initial Mine Closure Plan and then refined/developed in future iterations.</p>
106	IN CONFIDENCE 1	<p>p31: Timeframes for reporting of incidents should be reflective of the scale of the incident and if reporting is already required by another approval then DMP should seek this information via the AER.</p>	<p>An initial notification to DMP within 24 hours is considered reasonable. DMP will provide additional guidance on environmental reporting and removing the duplication of reporting will be a key focus of this.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
107	Integrate Sustainability Pty Ltd	On page 29 it is stated that 'outcomes only need to be set for those risk pathways identified in the risk assessment that present a moderate to high risk'. While this will ensure that large scale risks are managed it does not provide for the management of smaller scale risks or minor risks that if not managed appropriately can, over time, become serious environmental problems, for example, issues which are accumulative like dust and small hydrocarbon spills. For this reason outcomes should also be set for risk pathways identified as minor. It would also be beneficial for DMP to provide further clarity over their expectations on how these types of environmental risks should/will be managed.	The monitoring of other risks will be undertaken via DMP's compliance program.
108	Roy Hill	Roy Hill considers that Environmental Outcomes would only need to be set for those risk pathways identified in the risk assessment that represent a pre-treatment high risk.	Comments noted with thanks. DMP considers that it is appropriate that outcomes be set for moderate to high risks.
<i>How supportive are you of the proposed information requirements?</i>			
109	Goodz & Associates GMC Pty Ltd	8 out of 10	
110	Integrate Sustainability Pty Ltd	4 out of 10	
111	MBS Environmental	5 out of 10	
112	IN CONFIDENCE 1	7 out of 10	
3.11 Environmental Management System			
113	FMG	<p>Section 3.11 of the Guidelines refers to the requirement for proponents to have and maintain an EMS. It is stated that ongoing management can be achieved by an 'appropriate' EMS however unless a proponents system is certified to ISO 14001 standard, the proponent is required to explain how the system that they choose to implement meets the pillars of the ISO 14001 standard.</p> <p>Providing detail on the 13 pillars listed will be an overly onerous task for proponents and should (if deemed absolutely necessary) be limited to a proponents simply acknowledging that their system does address the basic requirements of ISO 14001 (for example, via a checkbox) rather than having to provide detail on how it does.</p> <p>In the event that proponents were required to provide detail of the various elements of an EMS, guidance should be provided on how DMP would 'assess and approve' that the detail provided is adequate (for example, meets or exceeds ISO 14001 standard).</p>	Comments noted with thanks. Further guidance on Environmental Management Systems is identified for development outside of the guidelines review.

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
114	Goodz & Associates GMC Pty Ltd	Agree with the EMS process as with all management plans. For small operators this is a big challenge to develop and maintain without external resources and extra cost. A system where the DMP can provide the basic EMS templates that the small players can use as a starting base and then tailor to their individual projects would be a recommendation (in other words to elaborate on Appendix M (page 69) to provide detailed examples for each level of the EMS – perhaps a few examples showing all steps from risk identification through procedures and the audit and review processes).	Comment noted with thanks. Further guidance on Environmental Management Systems is identified for development outside of the guidelines review.
115	Industry Reference Group	<p>Environmental Management System</p> <ul style="list-style-type: none"> DMP to clarify that each individual mine site (environmental group site) does not need a separate EMS. A company may have an umbrella EMS that is suitable for all their sites. 	The Environmental Management System (EMS) section of the guidelines has been updated to clarify this. A separate EMS is not required for each individual Environmental Group Site – proponents can have an overarching EMS that is suitable for all of their sites, provided that it adequately addresses the specific procedures for the Environmental Group Site associated with the Mining Proposal.
116	Integrate Sustainability Pty Ltd	On page 32 it is stated that ‘if the proponent chooses to implement a certified ISO 14001 EMS no further information in the EMS section is required’. In response to this an ISO 14001 certified EMS does not necessarily mean it is a good management system, is efficient or is actively implemented. For this reason all sites, even those with an ISO certified EMS, should have to outline the details of their EMS and provide a copy of the certification certificate for the DMP to assess. It would also be beneficial for the DMP to require each site with a certified system to provide a copy of the management systems manual. This will ensure that the DMP is confident that the EMS is appropriate, effective and being implemented.	Comments noted with thanks. DMP has left the wording in its current form with the aim of streamlining information requirements.
117	MBS Environmental	We understand DMP is in the process of preparing Guidelines for EMS in relation to Mining Proposal needs. This is encouraged as certification to ISO 140001 does not guarantee good environmental performance and can focus resources on administration and documentation rather than outcomes. Having a framework is useful.	Comment noted with thanks. Further guidance on Environmental Management Systems is identified for development outside of the guidelines review.

How supportive are you of the proposed information requirements?

118	Goodz & Associates GMC Pty Ltd	8 out of 10
119	Integrate Sustainability Pty Ltd	3 out of 10
120	MBS Environmental	5 out of 10
121	IN CONFIDENCE 1	8 out of 10

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
References			
		No comments	
Appendices			
122	Goodz & Associates GMC Pty Ltd	All helpful	Comment noted with thanks.
Appendix A – Definitions and Acronyms			
		No comments	
Appendix B – Regulatory and Administrative Context			
		No comments	
Appendix C – Submission and Assessments			
123	AMEC	<p>Page 41 – Reference is made to the current assessment timeframes and that DMP’s target timeframe is to complete 80% of decisions within 30 business days. AMEC’s red tape submission recommended development of improved approval target timeframes in liaison with industry. The explanation provided was:</p> <p>AMEC has been informed by the Department of Mines and Petroleum (DMP) that it takes on average about 40 hours for a Mining Proposal to be processed through seven departmental officers. The DMP Performance Report for June 2015 shows that 89% of Mining Proposals are finalised within the target 30 business days.</p> <p>The current escalation procedure for Mining Proposals should be reviewed to determine whether applications need to be processed through seven departmental officers, which will allow a significant reduction in the target timeline.</p> <p>The high number of Proposals being processed within the target timeline indicates a capacity for it to be reduced to a maximum of 20 business days for more complex proposals. Minor revisions to a Mining Proposal should be processed within a maximum of 10 business days.</p>	<p>Comments noted with thanks. Any changes to timelines will be considered outside of the guidelines review.</p>
		Page 41 – The website link and address to the DMP Parallel processing of environmental approvals policy should be listed in the Guideline.	Comment noted with thanks.
		Page 42 – AMEC notes that the Guideline will be updated in the event that the Mining Act (Mining Legislation Amendment Bill 2015) is promulgated.	Comment noted with thanks.

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
124	IN CONFIDENCE 1	Appendix C p40: Footnote on page 40 states that the DMP can commence assessment if the project is also under assessment under the EP Act – can this be confirmed?	DMP assessment can run in parallel to the EP Act process, however the department will be constrained from making a decision on the proposal until the Minister for the Environment has made a decision under Part IV of the EP Act.

Appendix D – Revision and variation process

125	CME	<p>Appendix D – Revision and Variation Process</p> <p>Proponents are required to record the activities for approval using the standard list of Mine Activity Types shown in Table 2 of the Guidelines. The activity envelopes will provide flexibility for proponents to make minor amendments to the exact location of ‘Miscellaneous Mine Activities’. However, Appendix D of the Guidelines will require proponents to revise and resubmit the Mining Propose in circumstances where:</p> <ul style="list-style-type: none"> • A new activity or change to an activity type is proposed. <p>This approach will result in any new ‘Miscellaneous Mine Activity’ (not previously approved by the Mining Proposal) triggering reassessment. For example, a proponent requires a borrow pit during construction which can be sourced within the activity envelope, however, <i>“Borrow pit or shallow surface excavation”</i> was not included on the approved Mining Proposal.</p> <p>CME considers the requirement to reassess as a result of a new ‘Miscellaneous Mine Activity’ should be limited to circumstances where the new activity is outside of the activity envelope, poses a moderate to high risk (pre-treatment) and would therefore change the environmental outcome.</p> <p>CME recommends DMP delete Point 6 of Appendix D and replace with the following statement: <i>“A new Miscellaneous Mine Activity located outside of the approved envelope and poses a moderate to high risk (pre-treatment).”</i></p> <p>The Guidelines state <i>“Mining Proposals will be subject to a standard condition requiring proponents to notify DMP of any reportable incident within 24 hours of detection.”</i></p> <p>The failure to notify DMP of a reportable incident would be a breach of condition and the mining tenements would be subject to forfeiture under the Mining Act which and is a matter taken very seriously by the mining industry.</p>	<p>Revision and Variation</p> <p>It is conceded that this issue may result in Mining Proposals needing to be re-submitted when a new ‘miscellaneous activity’ is proposed, even if the risk is unlikely to change. However, DMP considers this is necessary given that the act requires all “activities” on a lease to be covered by a relevant Programme of Works or Mining Proposal, meaning the proposal would need updating and approving. However, DMP will review whether any such change can be undertaken in a timely fashion as a part of implementation of the new guidelines (there may be slightly different assessment or approval processes for lower risk or minor changes to a proposal).</p> <p>Reporting</p> <p>The intent of this condition is to ensure DMP is notified of the occurrence of the incident. Further details can be provided at a later date (ie. “at a time agreed with DMP”) via a further report. This reflects similar timeframes for Petroleum reportable incidents (two hours for notification/ three days for report).</p>
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REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
		<p>CME is concerned the requirement for proponents to notify DMP of incidents within 24 hours of detection doesn't afford enough time for proponents to collate the necessary information required to determine if the incident is a 'reportable incident'. CME considers a longer timeframe of 3 business days to notify the DMP is required.</p> <p>CME recommends the requirement for proponents to notify DMP of any reportable incident within 24 hours of detection is amended to 3 business days following detection.</p> <p>Appendix D – Revision and Variation Process</p> <p>CME Recommends:</p> <ul style="list-style-type: none"> DMP delete Point 6 of Appendix D and replace with the following statement: <i>"A new Miscellaneous Mine Activity located outside of the approved envelope and poses a moderate to high risk (pre-treatment)."</i> The requirement for proponents to notify DMP of any reportable incident within 24 hours of detection is amended to 3 business days following detection. 	
		Appendix E – Mining Proposal checklist	
		No comments	
		Appendix F – Projects & Environmental Group Sites	
		No comments	
		Appendix G – Environmental Group Site details	
		No comments	
		Appendix H – Activity Details	
		No comments	
		Appendix I – Developing a stakeholder engagement strategy	
		No comments	
		Appendix J – Example Risk Criteria	
		No comments	
		Appendix K – Example Risk Assessment	
		No comments	
		Appendix L – Example environmental outcomes, performance criteria and monitoring	
		No comments	

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
Appendix M – Example Environmental Management System			
		No comments	
Appendix N – Addressing Native Vegetation Clearing Principles via a Mining Proposal			
		No comments	
Additional Comments			
126	CME	<p>Online Systems</p> <p>DMP has implemented the Environmental Assessment and Regulatory System (EARS) to streamline submitting and tracking of environmental applications, and compliance reporting. Online lodgement via EARS is now compulsory for the mining industry and DMP have made a commitment for all customer transactions to be conducted online by mid-2016.</p> <p>The roll-out of the online systems has resulted in a number of issues for the mining industry. A number of proponents have faced difficulties with inputting data or submitting applications which has resulted in delays or increased internal resourcing requirements to lodge reports.</p> <p>Given DMP's intent to implement a new online system for the lodgement of Mining Proposals in the new format, CME considers it essential for DMP to complete tests on sites with multiple tenement packages prior to roll-out more broadly to ensure Information Technology issues are minimised as much as possible.</p> <p>CME recommends DMP conduct all necessary tests to ensure the new online system for lodging Mining Proposals is capable of processing applications with multiple tenement packages prior to broader roll-out.</p> <p>CME Recommends:</p> <p>DMP conduct all necessary tests to ensure the new online system for lodging Mining Proposals is capable of processing applications with multiple tenement packages prior to broader roll-out.</p>	<p>Comments noted with thanks. DMP notes the past issues experienced by industry and agrees that rigorous testing will be required.</p>

REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
127	Goodz & Associates GMC Pty Ltd	<p>There were many good points made by the attendees of the RER session in Kalgoorlie on the 5th November 2015. Some may have been off the direct purpose of this exercise, but they need to be addressed.</p> <p>In summary, many felt that the guidelines are made with long life large operations in mind which is not applicable to the majority of operations and future proposals in the precious and base metal space.</p> <p>Many felt the system demands detail and concerns for greenfield projects in remote and undisturbed areas. This is not applicable to brownfields regions with legacy issues and in areas such as the Goldfields where all land is disturbed.</p> <p>Concern on the issues of the requirements on active prospectors to convert Prospecting Licences to Mining Licences after 8 years or pending proposed works. The cost implications and threat of cost surcharges by Local Government Authorities is real and happening and title rents/rates increase 8- to 10-fold when a PL is converted to an ML. If the idea is to stop people holding on to ground that is not being worked a simple assessment of recent work/expenditure should separate genuine operators from those who are not.</p> <p>It is important that the regulators and legislators are aware that in the non-ferrous industry – namely precious and base metals sectors (gold, silver, nickel, copper, zinc, lithium, vanadium, mineral sands, diamonds etc.) that the future of large mines is entirely dependent on the access and success of small prospecting companies, syndicates and individual prospectors (the Explorers). This is different from the other ferrous and energy sectors.</p> <p>Our laws and guidelines need to facilitate and protect the Junior Explorers and Prospectors to ensure we have a non-ferrous industry in the future which remains a significant provider of state revenue and support for Regional WA, but is under pressure in the current economic and political environment.</p>	<p>Comment noted with thanks. A key focus of the Mining Proposal guidelines is to provide a framework for risk and outcome-based decision making. This framework will ensure that regulatory effort by the department is targeted and proportionate in order to protect environmental values in an effective, efficient and timely manner.</p> <p>The guidelines are designed to cater to all level of industry and take into account the operational and economic differences associated with mining of different commodities. The level of detail provided in a Mining Proposal should reflect the scope and scale of activities.</p>
<i>Question: Is there any Guidance or Further Information you need?</i>			
129	Integrate Sustainability Pty Ltd	Additional information is needed on the transitional arrangement for existing sites and sites that are currently on care and maintenance or in the process of being closed.	Comments noted with thanks. DMP will draft additional guidance for the transition of existing projects to the new guidelines.
130	MBS Environmental	Currently it is up to EO discretion on small operations and how they qualify, though there is a general summary. More guidance on this would be useful.	Comments noted with thanks. New guidance for 'small operations' will be developed in due course.

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