



Department of **Energy, Mines,
Industry Regulation and Safety**

Response to Submissions for Mining Development and Closure Proposals

March 2024

Response to Submissions

Mining Development and Closure Proposals and Approvals Statements Discussion Paper

The purpose of the Mining Development and Closure Proposals and Approvals Statements Discussion Paper (Discussion Paper) is to provide information on the proposed Mining Development and Closure Proposal (MDCP) and Approvals Statement framework introduced by the *Mining Amendment Act 2022* (Amendment Act).

Stakeholder feedback has been considered in developing the Draft Guideline for Preparing Mining Development and Closure Proposals in Western Australia (Guidance for Preparing MDCPs) and will inform the drafting of amendments to the Mining Regulations 1981 (the Regulations) to establish the framework for MDCPs.

Stakeholder comments

The Mining Development and Closure Proposals and Approvals Statements Discussion Paper was released on the DEMIRS website for public comment from 9 May 2023 to 1 August 2023, with nine stakeholders providing feedback.

The review process notified respondents that their submissions would be made publicly available on the DEMIRS website. For the purposes of grouping and responding to feedback from stakeholders more efficiently, the submissions have been arranged by theme. Feedback submissions are included verbatim.

The key themes of this feedback related to:

Interaction between MDCPs, Approvals Statements and MCPs

Several stakeholders queried the interaction between MDCPs, Approvals Statements and Mine Closure Plans, and queried the purpose and function of these documents, noting DEMIRS' goal of reducing regulatory duplication.

A key function of a MDCP is to demonstrate to DEMIRS that a mining operation can meet DEMIRS' [Environmental Objectives for Mining](#). It is intended that a MDCP will function as a targeted application document that only captures information required for assessment of proposed activities. A MDCP will reduce regulatory duplication by replacing the existing requirement for submission of both a Mining Proposal and Mine Closure Plan at the approval stage (noting that as DEMIRS is a key regulator of rehabilitation and mine closure, a MDCP will need to include details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage).

MDCPs will function as standalone documents, meaning that once approved, if additional mining activities are proposed, a new MDCP will need to be submitted to DEMIRS. The new MDCP will only capture information relevant to the new activity, so it is envisioned that the length and complexity of MDCPs will be proportionate to the complexity of proposed activities.

Once a MDCP has been approved, all relevant information (scope and limits of the activities approved, conditions, environmental and closure outcomes and date for submission of an MCP) will be recorded on an Approvals Statement. An Approvals Statement is intended to be updated over time as mining operations and/or conditions change. The Amendment Act establishes that "*if an activity on land the subject of the lease is proposed in a mining development and closure proposal the lessee must not do the activity on the land otherwise than in accordance with the approvals statement for the lease*", meaning that the Approvals Statement is what DEMIRS will regulate against. This will result in efficiencies for tenement holders, as the Approvals Statement will function as a single source of truth for all approved mining operations.

As mine closure planning is a dynamic process that needs to be regularly reviewed and refined over time, standalone MCPs will still be required to be submitted to DEMIRS at regular intervals in order to demonstrate that a mine is tracking towards successful closure. The MCP will function as an evolving planning document which undergoes ongoing review, development, and continuous improvement throughout the life of mine. The level of information required in a MCP will be reflective of the stage of mine development with detail increasing as the mine moves towards closure. The review date at which MCPs are required to be submitted to DEMIRS will be recorded on the Approvals Statements and will have consideration for factors such as life of mine remaining, project status, number of knowledge gaps remaining etc.

DEMIRS is reviewing the content requirement of standalone MCPs in parallel with developing the Guidance for Preparing MDCPs to ensure there is alignment between both documents and duplication is reduced as far as practicable.

More detail requested on aspects of the MDCP Framework

Several stakeholders requested and/or suggested the discussion paper provide further specific detail for how applicants can meet the various (proposed) requirements of the MDCP framework. The Discussion Paper was intended to provide an overview of the MDCP/Approvals Statement framework and the types of information that may be included in an MDCP and Approvals Statement (in order to inform drafting of regulations to support the framework) and was not intended to be detailed guidance to support a MDCP application.

Guidance on Preparing a MDCP has been developed for an initial 8-week public consultation period.

Standardised Risk Assessment

DEMIRS received a significant amount of feedback on its proposal to introduce a standardised risk assessment framework. Amongst stakeholders there was a broad recognition of the benefits a standardised risk assessment framework will introduce, with stakeholders recognising the procedural efficiencies and consistency in assessment/decision making that may occur under a standardised framework. Notwithstanding this, some stakeholders indicated they were not supportive of introducing a standardised risk framework and recommended applicants should be able to utilise their existing environmental risk assessment and management processes.

Stakeholders provided detailed feedback on the example risk assessment framework presented in Attachment 1 of the discussion paper. The risk assessment framework presented in Attachment 1 was intended as an example to demonstrate how a standardised risk framework may be applied to assessment of a MDCP.

Stakeholder feedback on the detail of the risk framework was considered by DEMIRS in developing the standardised risk framework presented in the Guidance on Preparing a MDCP. Additionally, in developing this framework, DEMIRS engaged the services of a subject matter expert.

The draft framework is subject to further consultation with the Guidance on Preparing an MDCP.

Standardised Environmental and Closure Outcomes

DEMIRS received a significant amount of feedback on draft outcome-based conditions presented in Attachment 3 of the discussion paper. A significant amount of feedback was received on the wording of the draft outcomes, with some stakeholders noting that the outcomes as drafted would be difficult to achieve and/or regulate against.

Stakeholder feedback on the draft outcomes has been considered when developing the Guidance for Preparing a MDCP and will be further refined following the 8-week consultation period.

Transition Arrangements

A number of stakeholders queried the transition arrangements that will be in place as DEMIRS transitions to the MDCP framework.

The Amendment Act provides for the following transitional arrangements:

Transition of existing undetermined mining proposals (those currently awaiting a decision by DEMIRS)

Any applications that are lodged prior to the commencement of the amendments, but are still under assessment and awaiting a decision by DEMIRS at the time of commencement, will be taken to be a Mining Development and Closure Proposal. The mine closure plan in the application will be taken to be the closure information required to be included in a Mining Development and Closure Proposal under the new Part IVAA of the Mining Act.

Transition of previously approved mining proposals (those previously approved by DEMIRS)

There is no requirement to submit a Mining Development and Closure Proposal for existing, approved activities in order to retain approval for those activities after the transition period has ended.

Instead, during the transition period (10 years with the possibility for extension by the Minister for Mines and Petroleum), the Department may issue an approval statement to the tenement holder for the mining operations proposed in a previously approved mining proposal.

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

Ref #	Stakeholder	Comment	DEMIRS Response
GENERAL AND ADMINISTRATIVE			
1.	Association of Mining and Exploration Companies (AMEC)	<p>AMEC appreciates the opportunity to provide a submission to Mining Development and Closure Proposals (MDCP) and Approvals Statements Discussion Paper. The Mining Amendment Act 2022 included these reforms, and importantly the introduction of Eligible Mining Activities (EMA), which we look forward to future discussions on their rapid implementation.</p> <p>The new MDCP and Approvals Statement has the stated intent of streamlining documentation and increasing transparency. AMEC is supportive of both intentions. We consider that the MDCP and Approval Statement provide an opportunity to restructure how DMIRS does environmental assessment so that it fits within the broader umbrella of legislation and truly reduces duplication.</p> <p>Industry anticipates the outcome of this reform is that it will create a substantial document. As the main document of the current Mine Closure Plan (MCP) averages over 450 pages, AMEC anticipates this document will be larger. This creates its own problems for regulators as assessing such a volume is difficult.</p> <p>The key feedback from AMEC in this submission is:</p> <ul style="list-style-type: none"> • AMEC supports the intent of the reform to streamline; • This is an opportunity to reduce the duplication of the content in a MDCP; and • Future legislative reform should look to integrate a Mine Closure Plan into the MDCP. 	DEMIRS thanks AMEC for its submission and has addressed key feedback in detail below.
2.	Cement Concrete and Aggregates Australia (CCAA)	<p>Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide comments to the Department of Mines, Industry Regulation and Safety (DMIRS) on the Mining Development and Closure Proposals and Approvals Statements Discussion Paper.</p> <p>CCAA is the peak industry body for the heavy construction materials industry in Australia including the cement, pre-mixed concrete and extractive industries. Our members operate cement distribution facilities, concrete batching plants, hard rock quarries</p>	DEMIRS thanks CCAA for its submission.

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>and sand and gravel extraction operations throughout Western Australia.</p> <p>CCAA welcomes efforts to streamline administrative processes and reduce unnecessary red tape which is the aim of these documents as outlined in the Discussion Paper. CCAA supports in principle the simplified Mining Development and Closure Proposal framework, the standardized risk categories and the approvals statement which should provide greater clarity on the approval conditions.</p> <p>As always, the real benefits to industry and DMIRS will only be realized once the details are provided and CCAA looks forward to working with DMIRS on developing a practical regulatory environment that provides certainty for all stakeholders.</p> <p>Western Australia's regulatory environment needs to be internationally competitive to continue to attract capital to invest into the state to ensure a sustainable and competitive heavy construction materials industry. This in turn facilitates Western Australia's productivity, housing affordability and lower infrastructure costs.</p>	
3.	Chamber of Commerce and Industry of Western Australia (CCIWA)	<p>The Chamber of Commerce and Industry of Western Australia (CCIWA) is the peak body advancing trade and commerce in Western Australia. We are fundamentally committed to using our insights to develop and advocate for public policies that will help realise our vision to make WA the best place to live and do business.</p> <p>We thank the Department for engaging with industry with respect to the MDCP and Approvals Statement framework Discussion Paper. This consultation process is in response to legislative amendments made to the Mining Act 1978 in 2022, which sought to streamline mining-related approval processes. A central aspect of this legislation was the replacement of the separate Mining Proposal (MP) and Mine Closure Plans (MCPs) process with a single Mining Development and Closure Proposal (MDCP). A related Approvals Statement framework was also approved through legislation.</p>	<p>DEMIRS thanks CCIWA for its submission and has addressed its feedback below.</p>

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		<p>WA's resources sector achieved record sales of over \$246 billion in 2022, confirming how critical it is to our State's and Nation's prosperity. With the global shift to renewables, the resources sector could play an even more critical role, underpinning our State's future economic growth, and a successful transition to a more sustainable energy future. To enable this vision however, State and Federal regulatory approvals frameworks need to underpin, not undermine, this critical area of investment.</p> <p>To this end, while we welcome the Department's efforts to address duplication and inefficiencies in the process with respect to the MDCP and Approvals Statement framework, we also suggest a more ambitious streamlining agenda is needed.</p>	
4.	Chamber of Minerals and Energy of WA (CME)	<p>The concept of the Mining Development and Closure Proposals (MDCP) and Approvals Statements were first conceived in the development of the Mining Amendment Act 2022, previously known as the Streamlining (Mining Amendment) Bill 2021. In our submission to the then draft Bill, CME highlighted the duplication risks inherent in creation of additional processes, reiterating the overarching priority of the sector to see more efficient and simplified processes.</p> <p>We acknowledge that the release of the MDCPO and Approvals Statements Discussion Paper (Discussion Paper) represents concerted effort by the Department of Mines, Industry Regulation and Safety (DMIRS) to identify and consult on practical ways to reduce administrative burden.</p> <p>CME is supportive of proposals within the Discussion Paper to remove the detailed activity table and introduce a description of proposed mining operations. These changes are practical and have the potential to reduce administrative obligations without compromising outcomes.</p> <p>CME also considers that the consolidation of approval conditions and obligations in an Approvals Statement provides an opportunity to streamline compliance management processes for both the DMIRS and industry. However, we note the actual benefit will depend on the implementation process which has not been outlined in the Discussion Paper.</p>	DEMIRS thanks CME for its submission and has addressed its feedback below.

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		<p>CME supports Discussion Paper proposals to remove the detailed activity table, introduce a description of proposed mining operations, and consolidate approval conditions and obligations within the Approvals Statement and recommends these are implemented.</p> <p>While the above specific proposed changes as supported, CME considers the broader MDCP and Approvals Statement processes as currently outlined in the Discussion Paper require additional clarity and fall short of setting out a framework that will lead to streamlining of the mine development or closure planning processes.</p>	
5.	CME	<p>CME members are concerned the framework proposed in the discussion paper, as a whole, would create the risk of increased duplication and are administratively burdensome processes particularly with regards to mine closure.</p> <p>CME recommends that DMIRS reconsider the proposed framework to ensure duplication is not being introduced and identify opportunities to implement a process that provides efficiency benefits for both the regulator and the proponent.</p> <p>CME recommends the DMIRS focus on the following three aspects of the proposed MDCP and Approvals Statement framework, since these directly impact the efficiency of the new framework</p> <ol style="list-style-type: none"> 1. Clarify the interaction between the MDCP and the Mine Closure Plan (MCP). <p>It is unclear from the Discussion Paper how the MDCP and MCP processes interact. Since the MCP requirement will remain, inclusion of specific closure information in the MDCP in addition to that required in an MCP appears duplicative and could lead to inconsistent outcomes. If proponents with an existing MCP are exempt from the requirement to develop an MDCP for the same project to prevent duplication, then this should be clearly articulated.</p> <ol style="list-style-type: none"> 2. Review new processes and terminology to ensure clarity and consistency between (and within) permitting processes. 	<ol style="list-style-type: none"> 1. DEMIRS has provided additional information on the interaction between MDCPs and MCPs on page 1 of this response to submissions document. 2. The purpose of including proposed new processes (i.e. standardised risk assessment) in this discussion paper was to seek stakeholder feedback and gauge how the proposed new process may impact DEMIRS stakeholders prior to developing regulations to support implementation of the MDCP framework. Following consultation on the MDCP Discussion Paper, DEMIRS has developed draft Guidance for Preparing a MDCP to support applicants in developing a MDCP for stakeholder consultation. 3. DEMIRS is continuing to work with DWER to ensure there is alignment between both agencies on how duplication in assessment processes can be reduced.

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		<p>Inconsistent use of terminology and the introduction of new overarching processes such as standardised risk assessment frameworks, that have not been socialised with industry prior to inclusion in the discussion paper creates uncertainty. By extension, there is a need for improved clarity of definitions and process to enable industry to assess impact and intent.</p> <p>3. Address missed opportunities for cross departmental streamlining.</p> <p>Duplication between <i>Mining Act 1978</i> approvals processes and approval processes under Part IV and Part V of the <i>Environmental Protection Act 1986</i> should be addressed where possible. The development of the MDCP and Approvals Statement framework provides a good opportunity for DMIRS to critically assess and collaborate with the Department of Water and Environmental Regulation to identify information and procedures that can be removed from current assessment processes and streamlined to avoid duplication. These issues have previously been outlined in our submission to the then Streamlining (Mining Amendment) Bill 2021.</p> <p>Detailed comments on the framework are provided in Appendix 1.</p>	
6.	CME	<p>It is critical that consultation on the proposed framework includes information on proposed transition processes and implementation timing. It is important for industry to understand how DMIRS will transition to a new approach, and that there is capacity (resources with appropriate expertise) within the Department to implement the transition, since industry will continue to implement obligations associated with approved operations and will require timely processing of applications (for both existing and new operations) throughout the transition.</p> <p>CME recommends that prior to the finalisation of the framework DMIRS conducts consultation on the transition process with industry stakeholders and assesses the resource requirements related to implementation</p>	<p>Comment noted. Page 3 of this response to submissions has been updated to include information on the transition arrangements for the MDCP framework. In addition, DEMIRS presented on the transitional arrangements at a number of stakeholder information sessions held in July 2023.</p>
7.	CME	<p>CME also encourages DMIRS to prioritise the utilisation of funding provided through the State's 2023/24 budget to progress modernisation of Information and Communications Technology</p>	<p>The Department's Digital Transformation Strategy and Development of the Resources Online system (which will be utilised for submission of a MDCP) will significantly expand, modernise and enhance the digital capability of mining</p>

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		<p>(ICT) systems as soon as possible, in close consultation with industry. This should include systems that may be utilised for the lodgement of MDCPs and facilitate updating of Approval Statements, with features that allow for real time updating as an application is processed. To ensure Western Australia retains its hard-earned status as a world leading mining jurisdiction, ongoing investment in modernising all aspects of regulation, including technology, will be critical. CME considers this is an example of a no regrets investment which stands to deliver benefit for government and industry.</p> <p>CME remains committed to collaborating with DMIRS to progress the development and implementation of the MDCP and Approvals Statement framework and appreciates the engagement with the Department to date. We would welcome the opportunity to host further discussions during the development of the guidance.</p>	<p>and petroleum lodgements to DEMIRS and will address a number of matters raised by CME. In developing the Resources Online system, consultation with industry will be undertaken and feedback sought.</p>
8.	Conservation Council WA (CCWA)	<p>The Conservation Council of WA (CCWA) is the state's foremost non-profit, non-government conservation organisation representing close to 100 environmental organisations across Western Australia, with tens of thousands of engaged individuals state-wide. This broad collective of like-minded groups and individuals creates a vibrant and passionate community, dedicated to the conservation of our unique and diverse state.</p> <p>CCWA has been a prominent and forthright voice for conservation for more than 50 years working directly with the government, media, industry, community groups, and political parties to promote a more sustainable WA and to protect our natural environment.</p> <p>CCWA's comments on the proposed MDCP are set out below.</p> <ol style="list-style-type: none"> 1. Closure monitoring and maintenance 2. Merging operational and closure environmental requirements 3. Financial provisioning for closure 4. Stakeholder engagement 5. Outcomes based conditions 	<p>DEMIRS thanks CCWA for its submission and has addressed its feedback below.</p>
9.	Darren Murphy	<p>DMIRS is to be congratulated on its continuous improvement to the regulatory framework supporting the preparation, submission of</p>	<p>DEMIRS thanks Mr Murphy for his submission and has addressed feedback below.</p>

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		<p>development approvals and closure plans for mining operations in Western Australia.</p> <p>It is understood that the preparation and submission of an MDCP is requirement of the Mining Act Amendment 2022, and that an MDCP replaces the requirement for preparation and submission of separate Mining Proposal's and Mine Closure Plan's (MCPs). Whilst a Mining Proposal will no longer be required a standalone MCP will continue to a requirement for all mining operations. A key driver for the change in requirement is to reduce the need for duplication and streamline project approvals.</p> <p>It is understood that the MCP Guidelines will be updated a as part of the revision of regulations</p>	
10.	The Environment Institute of Australia and New Zealand (EIANZ)	<p>The Environment Institute of Australia and New Zealand (EIANZ) (the Institute), Western Australia (WA) Division (the Division) is pleased to have this opportunity to provide comments on the Discussion Paper - Mining Development and Closure Proposals (MDCP) and Approvals Statements Under the Mining Amendment Act 2022.</p> <p>The Institute is the leading professional body in Australia and New Zealand for environmental practitioners and promotes independent and interdisciplinary discourse on environmental issues. On all issues and all projects, the Institute advocates good practice environmental management delivered by competent and ethical environmental practitioners.</p> <p>We forward this submission on behalf of the WA EIANZ members. The WA Division currently has approximately 200 members, while the Institute has more than 2,100 members across Australia in a range of technical disciplines including certified environmental practitioners (CEnVP), ecological consultants, environmental advocates, and environmental impact specialists working in government, industry, consultancies and the community.</p> <p>Again, we thank the Department of Mines, Industry Regulation and Safety (DMIRS) for the opportunity to be consulted on this Discussion Paper.</p>	<p>DEMIRS thanks EIANZ for its submission and has addressed feedback below.</p>

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11.	Mine Earth	<p>Thank you for the opportunity to provide feedback on the Department of Mines, Industry Regulation and Safety discussion paper titled "Mining Development and Closure Proposals and Approvals Statements," Version 0.1 dated March 2023 (described as 'discussion paper' from herein).</p> <p>Mine Earth has reviewed the discussion paper and provided the following comments on relevant sections.</p>	DEMIRS thanks Mine Earth for its submission and has addressed feedback below.
12.	Roy Hill	<p>Roy Hill welcomes the Department's willingness to consult with industry on development of a new framework and acknowledge the overall intent is to 'simplify the approval processes for West Australia's mining sector'. However, Roy Hill considers the new framework as currently proposed does not do enough to streamline regulation, reduce administrative burdens, duplication, or create efficiencies.</p> <p>Roy Hill is concerned the changes run the real risk of creating more duplicative and complex processes which have the potential to further delay projects and deter mining investment.</p> <p>Our specialists in Environment, Rehabilitation and Project Approvals have reviewed the discussion paper and provide the following feedback for the Department's consideration.</p> <p>Key concerns</p> <ul style="list-style-type: none"> Roy Hill considers the new framework as currently proposed does not do enough to streamline regulation, reduce administrative burdens, duplication, or create efficiencies. Roy Hill is concerned the changes run the real risk of creating more duplicative and complex processes which have the potential to further delay projects and deter mining investment. Based on current DMIRS target timeframes, combining the mine closure plan into the mining proposal will add an extra 30 days to the process given mine closure plans target timeframe is 60 days to complete (30 days more than a mining proposal). The requirement for a standalone MCP and inclusion of closure information into the MDCP document is unnecessary duplication. 	DEMIRS thanks Roy Hill for its submission and has addressed feedback in detail below.

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INTRODUCTION			
13.	CME	<p>CME considers provision of guidance regarding the proposed transition arrangements for existing Mining Proposals (MP) and MCP's as well as expected timing of implementation of the MDCP framework would be useful to provide certainty of process to industry. This will help to ensure proponents looking to meet current obligations and progress future development applications have a clear understanding of pending changes and how that may impact and influence their approach.</p> <p>Specifically, the new framework and associated guidelines need to consider how to transition:</p> <ul style="list-style-type: none"> • Larger and more complex projects which have been operating for a long period of time. • Consideration of legacy issues within projects. • Projects approved under multiple MP frameworks (i.e., 2006 & 2020) and in some cases even older MPs in existence. • Projects who wish/need to transition, but also require new/additional approvals to not impede mine development, <ul style="list-style-type: none"> ○ Many projects have not moved to a single MP. • Avoid re-assessment of already approved activities. • Avoid duplication of MCP content and reporting requirements (contained in Mine Closure Completion Guideline). <p>CME recommends the guidance provides detail on the proposed transition arrangements and that industry consultation is undertaken prior to implementation to ensure that approach is informed by industry to allow proponents to continue to operate and be compliant.</p> <p>This may be achieved through the formation of an industry reference group to provide input as the guidelines are being prepared to trial and test the guideline applicability to a variety of mine sites including sites with different timelines (e.g., Greenfields, mature ops and in rehab/ closure phases) and with different layers/ combinations of regulatory instruments (e.g., Part IV, Part V of Environmental Protection Act 1986 & Environment Protection and Biodiversity Conservation Act 1999).</p>	<p>Page 3 of this response to submissions document has been updated with high level transitional arrangements for the MDCP framework. Important to note is that there is no requirement to submit a MDCP for existing, approved activities in order to retain approval for those activities.</p>

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14.		<p>The potential for inconsistent approaches to transitioning existing operations to the new framework is high (based on member experience of the 2020 Guidelines role out), particularly for re-assessment of an already approved activity.</p> <p>CME recommends DMIRS prioritise the development of clear internal assessment guidelines and tools prior to implementation of the new framework to avoid re-assessment of approved activities and ensure consistent application and approach.</p>	<p>In conjunction with the development of external guidance material, DEMIRS will develop internal guidance for assessing officers transitioning sites to the MDCP format to ensure consistency in decision making.</p>
EFFICIENCIES AND REDUCTION IN DUPLICATION			
15.	CCIWA	<p>The purpose of the Mining Development and Closure Proposal and Approvals Statement Framework is to reduce regulatory and administrative duplicity with respect to assessment processes and approval document preparation, as well as monitoring compliance. This new and improved model is suggested to be beneficial for both the Department and proponents.</p> <p>While we support the intent, it is still unclear at this stage the extent to which the amalgamation of these plans and processes into one document will substantially reduce regulatory duplication for proponents, and contribute to the goal of streamlining the administration process of the <i>Mining Act 1978</i>.</p> <p>To this end, the following key concerns have been identified:</p> <p>While Figure 2.1 of the consultation document shows a reduction in the information/details required, the development of the MDCP is still expected to be a bigger and more onerous exercise, especially as a standalone Mining Closure Plan (MCP) within the Mining Act 1978 is still required.</p>	<p>A MDCP will reduce regulatory duplication by replacing the existing requirement for submission of both a Mining Proposal and Mine Closure Plan at the project approval stage and removing the duplicate sections that currently exist across both of these documents.</p> <p>MDCPs will function as standalone documents, meaning that once approved, if additional mining activities are proposed, a new MDCP will need to be submitted to DEMIRS. The new MDCP will only capture information relevant to the new activity, so it is envisioned that the length and complexity of MDCPs will be proportionate to the complexity of proposed activities.</p>
16.	CCIWA	<p>Given the task of merging these two processes together is a significant exercise, due consideration needs to be given to the administrative complexity involved in analysing large MDCP documents, and the necessary resourcing requirements to efficiently manage this.</p>	<p>Comment noted. Resourcing will be considered by DEMIRS as part of implementation of the MDCP framework.</p>
17.	CME	<p>CME remains fully supportive of the intent to deliver streamlining benefits through this framework. CME recommends ongoing engagement and co-design on future streamlining</p>	<p>A MDCP will reduce regulatory duplication by replacing the existing requirement for submission of both a Mining Proposal and Mine Closure Plan at the project approval stage and removing the duplicate sections that currently exist across both of these documents.</p>

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		<p>opportunities to ensure industry can provide input and understand DMIRS vision for the future.</p> <p>Beyond the three matters identified in our letter, CME has not been able to identify how the MDCP will result in any significant streamlining of process for proponents from the discussion paper. The discussion paper lacks sufficient detail regarding how these processes will practically operate to remove duplication and enable industry to clearly see any real efficiency or streamlining benefit. CME recommends that DMIRS demonstrates how this reform removes duplication and delivers efficiency benefits to industry with respect to MP's and MCP's.</p>	<p>In addition to consolidating the existing sections of a Mining Proposal and Mine Closure Plan, DEMIRS is reviewing the nature of information required in a MDCP to ensure the MDCP is a targeted, application document that only includes information relevant to approval of the proposed activities (noting that as DEMIRS is a key regulator of rehabilitation and mine closure, a MDCP will need to include details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage).</p>
18.	CME	<p>CME considers further information, and a clear distinction is provided regarding the closure undertakings the MDCP seeks to incorporate and those required in an MCP. The process for mine closure is necessarily iterative (especially with projects that have long mine life) whereas, at the specific point in time when an MDCP would be submitted many closure related matters are not yet fully formed. This temporal mismatch requires specific recognition and accommodation within the framework.</p>	<p>It is intended that a MDCP will function as a targeted application document that only captures information required for assessment of a proposed mining operation, noting that as DEMIRS is a key regulator of rehabilitation and mine closure, a MDCP will need to include details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage.</p> <p>The MCP will then function as an ongoing targeted planning document for closure that is reviewed and submitted to DEMIRS at regular intervals to demonstrate progress towards successful closure (noting that the intervals at which MCPs are submitted will be set on a case by case basis and will have consideration for factors such as life of mine remaining, project status).</p> <p>The content requirement of MCPs will be reviewed following establishment of the MDCP content requirements to ensure duplication is reduced between MDCPs and MCPs.</p>
19.	CME	<p>CME is supportive of an Approvals Statement that provides standardised conditions and clear compliance obligations as proposed in the Discussion Paper. However, clarity on transition to the Approvals Statement is needed, including the process that will be used to update the MDCP and Approvals Statement given the MCP will still be required to be updated at set timeframes. It is not clear how, or if the MCP will impact conditions in the Approvals Statement, noting the iterative closure process could result in shifting conditioning or deviation from the original closure outcomes indicated in the MDCP. This appears duplicative and poses a compliance risk if the MCP deviates from the Approvals Statement and original MDCP.</p>	<p>DEMIRS recognises that closure is an iterative process and closure outcomes/criteria are continually refined over time.</p> <p>If updates to closure outcomes are required, approval will need to be sought for these via a new MDCP, after which, the Approvals Statement will be updated to reflect the most up to date closure outcomes. The MCP then functions as the planning document which demonstrates a site's progress towards closure.</p>
20.	CME	<p>For the purposes of streamlining and efficiencies it is important that the MDCP and Approvals Statement can be lodged, updated, and</p>	<p>The Department's Digital Transformation Strategy and Development of the Resources Online system (which will be utilised for submission of an MDCP)</p>

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		<p>accessed via an easy-to-use ICT system ensuring that it is user friendly and functional to minimise any burden in administrative processes.</p> <p>CME recommends that DMIRS engage with industry to develop streamlined ICT processes and allow industry to provide early system feedback and undertake user acceptance testing.</p>	<p>will significantly expand, modernise and enhance the digital capability of mining and petroleum lodgements to DEMIRS and will address a number of matters raised by CME.</p> <p>In developing the Resources Online system, consultation with industry will be undertaken and feedback sought.</p>
21.	Roy Hill	<p>Roy Hill provides the following responses regarding the proposed MDCP process:</p> <p>The MCP should remain as a standalone document.</p> <ul style="list-style-type: none"> - The discussion paper details the requirement for integration of the MCP into the MDCP in addition to having a standalone document. - This is a duplicative and inefficient process for both industry and the Department. 	<p>It is intended that a MDCP will function as a targeted application document that only captures information required for assessment of a proposed mining operation, noting that as DEMIRS is a key regulator of rehabilitation and mine closure, a MDCP will need to include details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage. The standalone MCP will then function as an ongoing targeted planning document for closure that is reviewed and submitted to DEMIRS at regular intervals to demonstrate progress towards successful closure</p>
22.	Roy Hill	<p>The proposed new MDCP process does not differ significantly from the current Mining Proposal process required under <i>Statutory Guidelines for Mining Proposals, March 2020</i> which also requires mining proposals to include an MCP.</p> <p>Therefore, if the current 2020 Mining Proposal process is considered inefficient; it is unclear what efficiencies the proposed MDCP process will provide.</p>	<p>A MDCP will reduce regulatory duplication by replacing the existing requirement for submission of both a Mining Proposal and Mine Closure Plan at the project approval stage and removing the duplicate sections that currently exist across both of these documents.</p> <p>The MDCP framework differs from the current Mining Proposal process as MDCPs will function as standalone documents, meaning that once approved, if additional mining activities are proposed, a new MDCP will need to be submitted to DEMIRS. The new MDCP will only capture information relevant to the new activity, so it is envisioned that the length and complexity of MDCPs will be proportionate to the complexity of proposed activities.</p>
STRUCTURE AND INFORMATION REQUIRED IN A MDCP			
23.	AMEC	<p>The proposed structure and information requirements for an MDCP will be familiar to most proponents. Industry feedback is broadly supportive of this format as it achieves the focus of this reform to reduce duplication of information across the previously separate documents.</p> <p>However, this format could be improved. The current structure outlined in the discussion paper requires the submission of a MDCP and subsequently the creation of a separate Mine Closure</p>	<p>Under the MDCP Framework, MDCPs and MCPs have two separate functions and therefore, must be lodged separately.</p> <p>The MDCP will function as a targeted application document that only captures information required for assessment of a proposed mining operation, noting that as DEMIRS is a key regulator of rehabilitation and mine closure, a MDCP will need to include details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>Plan (MCP). AMEC proposes that rather than the requirement to develop two separate documents it would be advantageous to revise the MDCP with updated information periodically. This would allow the MDCP to act as a single source of information that is current and up to date.</p> <p>This approach would encourage proponents to submit revised MDCPs rather than multiple standalone MDCPs and therefore improve assessment efficiency and reduce duplicated effort. Whatever necessary legislative reform should be prioritised to include the MCP into the MDCP.</p>	<p>The MCP will then function as an ongoing targeted planning document for closure that is reviewed and submitted to DEMIRS at regular intervals to demonstrate progress towards successful closure (noting that the intervals at which MCPs are submitted will be set on a case by case basis and will have consideration for factors such as life of mine remaining, project status).</p> <p>The content requirement of MCPs will be reviewed following establishment of the MDCP content requirements to ensure duplication is reduced and it is fit for purpose.</p> <p>For clarity, once each MDCP is approved, the Approvals Statement will act as the single source of information (as opposed to the MDCP).</p>
24.	CME	<p>CME considers, with the proposed removal of some sections in the combined document, the high-level proposed inclusions noted in the Discussion Paper could simplify the process for undertaking an MDCP. However, the document, when considered in detail, still appears to require a high level of information related to closure, much of which is likely to be subject to revisions over time and included in MCP iterations</p> <p>CME recommends that the MDCP should, with regards to closure, confirm a proponent's intent to meet high level principled undertakings and indicate overall approach to engagement with stakeholders.</p> <p>CME recommends that DMIRS clearly outline the scope proposed for an MDCP with regards to closure and ensure that this does not duplicate or complicate processes with the MCP and acknowledges the iterative nature of mine closure.</p>	<p>As DEMIRS is a key regulator of rehabilitation and mine closure, a MDCP will need to include details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage.</p> <p>Notwithstanding this, it is acknowledged that closure information required within a MDCP may contain broadly identified tasks and indicative timeframes that will be refined or expanded in subsequent reviews of the MCP.</p> <p>The content requirement of MCPs will be reviewed following establishment of the MDCP content requirements to ensure duplication is reduced and it is fit for purpose.</p>
25.	CCWA	<p>The MDCP should include provisions for conceptual Care and Maintenance plans, to prepare and to produce protocols in the event of a mine temporary shut-down.</p>	<p>The draft Guidance on Preparing a MDCP outlines the requirement for a MDCP to detail the activities to be undertaken in the event of early closure or suspension of operations</p>
26.	CCWA	<p><i>Merging operational and closure environmental requirements</i></p> <p>The reason for merging the two mechanisms is cited as reducing regulatory duplication and to create efficiencies due to an identified "...high administrative burden for both industry and DMIRS" (p2). CCWA acknowledges the administrative burden of environmental review processes for DMIRS and, also, the need for a single source of information to consolidate all approved activities and conditions</p>	<p>The content requirement of a MDCP will be designed to ensure an appropriate amount of information and level of detail is being captured at the project approval stage to ensure a robust environmental assessment of proposed activities can be undertaken.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>to provide clarity, however, CCWA believes that regulatory streamlining must not be at the expense of the highest standards for environmental assessment, closure monitoring and maintenance.</p> <p>Regulatory streamlining must be demonstrated to meet all environmental objectives and not simply be provided for administrative ease. CCWA argues that the merging of any key environmental processes, should not result in the loss of important environmental review mechanisms at different stages of an environmental plan.</p>	
27.	EIANZ	<p>There is support for refined information required for MDCPs relative to current separate Mining Proposals (MPs) and Mine Closure Plans (MCPs). This should allow for a focus on higher risk environmental impacts, by reducing effort spent on less important information.</p> <p>Be providing more target information to the assessing officers should lead to reduced timeframes for assessment, improved support through the process, and improved trust and communication between proponents and regulators. EIANZ does not that this should not compromise the trust community has for the process.</p>	Comment noted.
DESCRIPTION OF THE PROPOSED MINING OPERATIONS			
28.	AMEC	<p>AMEC supports the approach of ensuring the key aspects of a mining development are captured whilst not confining the approval to a level of descriptive detail that may require future amendments for minor changes. This is particularly important for mine site supporting infrastructure where changes tend to be needed far more frequently than for other activities.</p> <p>The activity envelope, maximum area of activity and further details on 'key mine activities' are all familiar. Removal of the detailed activity tables current required in MPs and replacement with a simpler description that defines only the 'key mine activities' is a welcome change.</p> <p>Industry has identified that the discussion paper does not address the existing Mining Proposal issue of how best to present overlapping key infrastructure in the activity details aspect of the MDCP. There is a need for a clear and consistent approach for</p>	<p>Comments noted.</p> <p>DEMIRS acknowledges that previously, overlapping infrastructure has been difficult to present in mining proposals format. The revised activity tables presented in the draft Guidance on Preparing a MDCP have been developed in an attempt to address this issue.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		addressing overlapping infrastructure. The table format for activity details in the 2020 Statutory Guidance does not allow for this.	
29.	CME	<p>The removal of the requirement to include a detailed activity table is welcomed. However, this section currently includes inconsistent terminology between activity envelope and disturbance envelopes. These have different practical definitions and will have a very different outcome in application.</p> <p>CME recommends that DMIRS clarify terminology and ensure consistent wording is utilised.</p>	<p>Comment noted. DEMIRS clarifies that this section should have referred only to an activity envelope, being the envelope within which all mining activities will be contained.</p>
30.	CME	<p>The description in this section indicates that DMIRS will not be assessing all activities, however at the end of the section it indicates that further contextual information will be required e.g., indicative site plan. This wording has the potential to lead to inconsistency in application and assessment. Further if this was to be maintained in finalised documentation it will not represent a reduction in administrative burden and would instead represent a reincarnation of an activity table with a different title.</p> <p>CME recommends that DMIRS clarify the information required for this section, with a view to meeting compliance and minimising administrative duplication.</p>	<p>The further information referenced in this section “<i>indicative site plan, description of mining methods/processes, and designs for some of the key mine activities</i>” is considered important information to inform DEMIRS’ assessment of proposed activities.</p> <p>Please note that this section was intended to provide an overview of the types of information that may be included in an MDCP and was not intended to be detailed guidance to support a MDCP application.</p>
31.	Mr Darren Murphy	<p>The concept of an activity envelope and ‘maximum area’ to accommodate minor changes and avoid additional approvals or variations is sound. The discussion paper however appears to perpetuate the current geometric, and even random, approach to placement of the activity envelop. This appears in conflict with the concurrent requirement for a proponent to minimise disturbance within the approved envelope.</p> <p>DMIRS has an opportunity within the revised regulations to require stronger justification and provide improved guidance for placement of activity boundaries that follow topographic (i.e., land systems and landforms) and hydrological (i.e., catchment) boundaries which are more likely to minimise disturbance and optimise the containment of environmental impacts. Such guidance should align with current and improved guidance for the identification of closure domains which encourage proponents to consider a whole of</p>	<p>Comment noted. The ‘Disturbance Envelope’ section of the draft Guidance for Preparing a MDCP has been updated with additional information to provide guidance on creating the minimum practicable disturbance to the environment and avoiding sensitive features.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		landscape approach to risk assessment, rehabilitation, and final land use	
32.	Roy Hill	<p>Recommended that DMIRS develop a guideline that identifies what activity takes precedent where there are overlapping activities over the life of the mine (currently no guidance for overlapping infrastructure). A substantial amount of time is currently spent by Roy Hill on this issue because of the lack of guidance and inconsistent messaging from the Department.</p> <ul style="list-style-type: none"> - For example, where a mine pit is backfilled to become a waste rock dump (WRD) and then have low grade ore stockpiled on the WRD. The activity area is better based on the maximum disturbance area of the primary activity (i.e., in the example above the mine pit), and then allow for a defined WRD area and LG stockpiles area within the primary disturbance area. - This would ensure the total disturbance area for the mining activities reconciles with the disturbance footprint area approved under the Environmental Protection Act 1986. 	<p>Comments noted.</p> <p>DEMIRS acknowledges that previously, overlapping infrastructure has been difficult to present in mining proposals format. The revised activity tables presented in the draft Guidance on Preparing a MDCP have been developed in an attempt to address this issue.</p>
LEGISLATIVE FRAMEWORK			
33.	AMEC	<p>AMEC appreciates that an overview of the Baseline Environmental Data is required to contextualise a project sites. However, there needs to consideration that multiple agencies strive to regulate environmental disturbance.</p> <p>DMIRS needs to supply guidance given on how to treat a DMIRS environmental factor that is wholly or partially regulated under other legislation. If a DMIRS environmental factor (e.g., biodiversity) is wholly regulated under other legislation, we consider that there is little need for any further assessment of this factor to be undertaken.</p> <p>Not all matters are covered by the DMIRS legislative framework, nor should it be as there are many legislative frameworks a company operates under. The future guidance on environmental regulatory duplication should specify clearly what need not be included within the scope of the MDCP.</p> <p>AMEC proposes that a company could list what is expressly excluded from the MDCP by way of appropriate assessment under other legislation. The reference number for that agency's approval could be provided in the list.</p>	<p>Suggestion noted.</p> <p>DEMIRS acknowledges that there are a number of different regulatory frameworks a mine site operates under and that most sites are subject to other environmental approvals issued pursuant to other legislation.</p> <p>DEMIRS' intention is that by providing a list of other environmental approvals/regulatory requirements, the MDCP can focus on those aspects that are not directly regulated under other legislation. This aims to avoid regulatory duplication and determines which risk pathways require environmental outcomes to be regulated by DEMIRS.</p>

Ref #	Stakeholder	Comment	DEMIRS Response																			
		<p>Industry is regulated under each of the legislative instruments in the below, AMEC considers that the regulated items detailed in the following legislation should not be duplicated:</p> <table border="1" data-bbox="414 304 1178 935"> <thead> <tr> <th data-bbox="414 304 539 392">DMIRS Environmental Factor</th> <th data-bbox="539 304 707 392">Category/ Aspect</th> <th data-bbox="707 304 1178 392">Regulating Legislation</th> </tr> </thead> <tbody> <tr> <td data-bbox="414 392 539 544" rowspan="2">Biodiversity</td> <td data-bbox="539 392 707 440">Flora</td> <td data-bbox="707 392 1178 440">Environmental Protection Act 1986,</td> </tr> <tr> <td data-bbox="539 440 707 544">Fauna</td> <td data-bbox="707 440 1178 544">Biodiversity Conservation Act 2016 Environment Protection and Biodiversity Conservation Act 1999 (Cth).</td> </tr> <tr> <td data-bbox="414 544 539 624">Water Resources</td> <td data-bbox="539 544 707 624">Groundwater</td> <td data-bbox="707 544 1178 624">Environmental Protection Act 1986, Rights in Water and Irrigation Act 1914</td> </tr> <tr> <td data-bbox="414 624 539 743">Land and Soils</td> <td data-bbox="539 624 707 743">Soils</td> <td data-bbox="707 624 1178 743">Dangerous Goods Safety Act 2004 Environmental Protection Act 1986, Contaminated Sites Act 2003.</td> </tr> <tr> <td data-bbox="414 743 539 863" rowspan="2">Rehabilitation and Mine Closure</td> <td data-bbox="539 743 707 863">Mine wastes and hazardous materials</td> <td data-bbox="707 743 1178 863">Dangerous Goods Safety Act 2004 Environmental Protection Act 1986, Contaminated Sites Act 2003</td> </tr> <tr> <td data-bbox="539 863 707 935">Compliance and safety</td> <td data-bbox="707 863 1178 935">Workplace Health and Safety Act 2020</td> </tr> </tbody> </table>	DMIRS Environmental Factor	Category/ Aspect	Regulating Legislation	Biodiversity	Flora	Environmental Protection Act 1986,	Fauna	Biodiversity Conservation Act 2016 Environment Protection and Biodiversity Conservation Act 1999 (Cth).	Water Resources	Groundwater	Environmental Protection Act 1986, Rights in Water and Irrigation Act 1914	Land and Soils	Soils	Dangerous Goods Safety Act 2004 Environmental Protection Act 1986, Contaminated Sites Act 2003.	Rehabilitation and Mine Closure	Mine wastes and hazardous materials	Dangerous Goods Safety Act 2004 Environmental Protection Act 1986, Contaminated Sites Act 2003	Compliance and safety	Workplace Health and Safety Act 2020	
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34.	CME	<p>CME is concerned that the reference in the Discussion Paper to 'other environmental approvals' could result in regulatory creep. It is not clear why there is a need to include information related to approvals by other regulatory agencies.</p> <p>Further, if it is intended that this information is updated over time this would add to the risk of duplication and administrative burden given that some approvals are updated on a more frequent basis or triggered by a different mechanism than that of the MDCP.</p>	<p>DEMIRS' intention is that by providing a comprehensive list of other environmental approvals/regulatory requirements, the MDCP can focus on those aspects that are not directly regulated under other legislation.</p> <p>This aims to avoid regulatory duplication and determines which risk pathways require environmental outcomes to be regulated by DEMIRS.</p> <p>A list of other environmental approvals/regulatory requirements will need to be provided with each MDCP submission, noting that the MDCP will only need to record other environmental approvals/regulatory requirements relevant to the proposed activities.</p>																			
35.	Darren Murphy	<p>The discussion paper focuses the MDCP on the legislative framework for regulation of environmental factors for project development and operation.</p>	<p>Aboriginal Cultural Heritage is not an environmental factor listed in DEMIRS' Environmental Objectives Policy for Mining, in recognition of the fact that heritage matters are regulated under the <i>Aboriginal Heritage Act 1972 (AH Act)</i>.</p>																			

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>Recent changes in legislation and regulations within Western Australia relating to social surrounds and cultural heritage have potential for significant impact on the planning for, and implementation of, mine closure. Given the significance of these impacts it is disappointing that the MDCP discussion paper is notably silent on compliance with these changes and does not include either social surround or cultural heritage as an 'environmental' factor. It is no longer sufficient to defer the management of these issues to non-mining regulation.</p>	<p>Notwithstanding this, a MDCP will be required to include heritage baseline data and information on approvals granted under the AH Act, and demonstrate that effective and appropriate engagement with stakeholders regarding all stages of mining (including closure outcomes and completion criteria) and post-mining land use has been undertaken.</p> <p>DEMIRS will also continue to engage with the Department of Planning, Lands and Heritage (as administrators of the AH Act) to ensure there is alignment between both agencies with regards to how Aboriginal heritage matters are considered in mining applications.</p>
36.	Darren Murphy	<p>A significant deficiency of past MCPs has also been the requirement for the proponent to identify and understand the requirements of legislation associated with the relinquishment of mining tenure and transition to the agreed post mining land use. It may not be a requirement of the proponent to seek approval for the transition however the legal framework for tenure transfer (under the Land Administration Act) and transfer of liability to a third party, where appropriate are essential to assess the veracity of an MCP.</p> <p>It is similarly no longer sufficient for mining regulations to be silent on these issues. Post-mining land use, tenure and liability should be included as 'environmental' factors.</p>	<p>Comment noted. The standard closure outcomes presented in the draft Guidance for Submitting a MDCP include an outcome relating to infrastructure and transfer of liability and applicants will be required to develop site specific criteria to demonstrate how this will be achieved.</p>
LAND USE AND STAKEHOLDER ENGAGEMENT			
37.	AMEC	<p>Industry undertakes engagement with a range of stakeholders throughout the exploration for and development of a deposit. Clarification of how a MDCP interacts with the new Aboriginal Cultural Heritage Act 2021 is needed. As the Aboriginal Cultural Heritage Act 2021 is considered by the WA State Government as national best practice, there should be no need for duplication of the regulation in this legislation by DMIRS.</p>	<p>DEMIRS is continuing to review and consider how matters regarding Aboriginal Cultural Heritage will be considered under the MDCP framework (in view of the recent changes in the heritage legislative framework), however, a MDCP will need to demonstrate that effective and appropriate engagement with all relevant stakeholders regarding all stages of mining (including closure outcomes and completion criteria) and post-mining land use has been undertaken.</p>
38.	CME	<p>CME considers the overall approach to post-mining land use should be principles based since end land use decisions can evolve over time and are dependent on a variety of factors, some outside of the proponent's control.</p> <p>Closure is by nature an iterative process, and therefore the risk of being too prescriptive in the first instance through requirements for significant detailed information may duplicate the MCP. This would also contribute to increased administrative burden related to</p>	<p>DEMIRS acknowledges that closure is an iterative process and that post mining land use can evolve over time as more information is acquired through progressive rehabilitation and continued stakeholder engagement.</p> <p>In the early stages of a mining project, it may be acceptable for provisional or proposed post-mining land use(s) to be identified, provided that there has been adequate engagement with the key stakeholders and that there is a clear</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		ongoing updates to the MDCP which may otherwise not be needed if the undertakings relating to closure were kept at an appropriately high level and remain principles based.	process and timeline to further identify or refine the agreed post-mining land use(s), as part of the stakeholder engagement process.
39.	CME	<p>The concept of stakeholder engagement also requires further clarity to make clear the expectation of DMIRS, with an overarching need to ensure these requirements remain contained and limited to closure. Our industry's experience is that the priorities of stakeholders evolve over time, with discussions undertaken early in a project often more focused on economic and community opportunities.</p> <p>Limitations, regarding detailed next land use discussions, are ongoing throughout a project lifecycle. Land use is often informed by proponent and community priorities which often change over time. It is CME's interpretation that this would be covered appropriately by the proposed MCP process, which is updated more frequently and therefore can reflect these changing priorities.</p> <p>CME recommends that this section remains focused on principles of engagement and confirms at a high level a proponent's commitment to the overall process of working with stakeholders to consult on next land use.</p>	<p>The stakeholder engagement section of a MDCP will need to demonstrate that effective and appropriate engagement with stakeholders regarding all stages of mining has been undertaken, and is not just limited to closure matters.</p> <p>Further detail on DEMIRS expectations for stakeholder engagement is provided in the draft Guidance for Preparing a MDCP.</p>
40.	CME	<p>Although stakeholder input is important it is not the only factor considered in end land use decisions and may not align with what is possible or allowable.</p> <p>Discussion paper wording regarding post mining land use needing to be 'acceptable' to stakeholders should be re-worded to acknowledge the need for balanced land use decisions making with other factors relevant to consider.</p> <p>Additionally, CME recommends that the definition of stakeholder is amended to reflect those with whom (legal) access agreements are required to disturb land, e.g., 'key stakeholders' rather than all stakeholders.</p>	<p>Consistent with DEMIRS' existing process, the term "stakeholders", includes both parties who are likely to affect, to be affected by or to have an interest in the proposed mining activities. This includes:</p> <ul style="list-style-type: none"> - All relevant Decision Making Authorities, and any other relevant State or Commonwealth government departments and local government authorities. - Any person or organisation whose functions, interests or activities may be affected by the activities carried out under the mining proposal (e.g. environmental non-government organisations, local Indigenous people and the local community). - Any other person or organisation that the proponent considers relevant. <p>The draft Guideline for Preparing a MDCP acknowledges that where an alternative post-mining land use is not defined/agreed with key stakeholders at the point of submission, it is DEMIRS expectation that land will be returned to the pre-mining land use.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
41.	CME	<p>CME recommends that the current approach with respect to land use be maintained, as per the DMIRS Mine Closure Plan Guidance 2020 which stated: “it may be acceptable for provisional or proposed post-mining land use(s) to be identified, provided that there has been adequate engagement with the key stakeholders and that there is a clear process and timeline to further identify or refine the agreed post-mining land use(s), as part of the stakeholder engagement process.”</p> <p>This wording enables post mining land use to adapt to meet current and future requirements of key stakeholders and proponents over time.</p> <p>As currently proposed, the wording in section 2.1.3 of the MDCP guidance is unclear and risks including requirements for detailed information, stakeholder engagement and closure planning that is not appropriate to build into an MDCP.</p> <p>Attempts to lock in a land use at the early stage of a mine is likely to result in sub-optimal outcomes for stakeholders in the future given the variability of options available and the evolving range of economic and community inputs into these discussions. The proposed approach therefore has the potential to stifle consideration of future beneficial land uses, limiting the ongoing iterative planning process.</p>	<p>DEMIRS acknowledges that closure is an iterative process and that post mining land use can evolve over time as more information is acquired through progressive rehabilitation and continued stakeholder engagement.</p> <p>In the early stages of a mining project, it may be acceptable for provisional or proposed post-mining land use(s) to be identified, provided that there has been adequate engagement with the key stakeholders and that there is a clear process and timeline to further identify or refine the agreed post-mining land use(s), as part of the stakeholder engagement process.</p> <p>For clarity, the MDCP Discussion paper released for consultation was not intended to be detailed guidance to support a MDCP application. Rather, this discussion paper was intended to provide an overview of the types of information that may be included in an MDCP to inform preparation of the draft Guideline for Preparing a MDCP.</p>
42.	CME	<p>CME recommends that DMIRS clarify if compliance with the requirements of the State’s Aboriginal heritage legislative framework (amended <i>Aboriginal Heritage Act 1972</i>) may be considered as satisfying MCP/MDCP requirements with regards to engagement obligations related to indigenous stakeholders. Certainly, there is an opportunity to consider streamlining these requirements in the development of supporting regulation for the amended <i>Aboriginal Heritage Act 1972</i>.</p>	<p>A MDCP will be required to demonstrate that effective and appropriate engagement with stakeholders regarding all stages of mining has been undertaken (noting approvals under other legislative frameworks are sometimes only applicable/relevant to certain stages of mining and therefore compliance with another legislative framework may not satisfy a MDCPs stakeholder engagement obligations in all instances).</p> <p>Further detail on DEMIRS expectations for stakeholder engagement is provided in the draft Guidance for Preparing a MDCP.</p>
43.	CCWA	<p>CCWA believes that <u>DMIRS</u> led stakeholder engagement should be offered for all environmental plans and not just for proposals assessed under the <i>Environmental Protection Act 1986</i> or for land clearing applications, and that this engagement should be ongoing for the life of the proposal.</p>	<p>The <i>Mining Act 1978</i> does not contain the same provisions relating to public review of applications as the <i>Environmental Protection Act 1986</i>.</p> <p>Notwithstanding this, DEMIRS’ expectation is that proponents engage with affected stakeholders throughout the life of an operation. This continual engagement is assessed by DEMIRS when revised mine closure plans are submitted to the Department.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
44.	CCWA	Under the present mechanism for proponent-led consultations, there is no means for stakeholders to determine whether they have been identified prior to departmental signoffs, whether proponent claims of consultation are accurate, and whether stakeholder comment is being appropriately considered. CCWA is aware of proponent bodies making inaccurate claims regarding contact, and proponents targeting a restricted group of stakeholders for comment. CCWA also raises the problem of stakeholder capacity/resources to engage with technical reports or to manage the demands of an environmental review process, and that this does not support meaningful consultation between proponents and stakeholder groups.	<p>Further detail on DEMIRS expectations for stakeholder engagement is provided in the draft Guidance for Preparing a MDCP.</p> <p>A MDCP will need to contain evidence to demonstrate that targeted and effective consultation has occurred with stakeholders. This evidence will be assessed by DEMIRS as part of the assessment process, and where required, DEMIRS may request verification and/or additional information from stakeholders to confirm the veracity of evidence provided.</p>
45.	CCWA	The MDCP merges operational and closure stakeholder engagement. CCWA is concerned that this will further restrict critical stakeholder engagement opportunities at different points along proposal development and implementation.	DEMIRS' expectation is that proponents engage with stakeholders throughout the life of an operation. This continual engagement is assessed by DEMIRS when revised mine closure plans are submitted to the Department.
46.	CCWA	There are no clear provisions for the review of mine closure plans. There are provisions for changing criteria based on new information but the process and the timing are unclear, including the provisions for public review and stakeholder engagement, as part of this review process.	<p>The <i>Mining Amendment Act 2022</i> requires that Mine Closure Plans be submitted to DEMIRS at regular intervals to demonstrate progress towards successful closure (noting that the intervals at which MCPs are submitted will be set on a case by case basis and will have consideration for factors such as life of mine remaining, project status).</p> <p>The content requirement of MCPs will be reviewed following establishment of the MDCP content requirements to ensure it is fit for purpose.</p>
47.	CCWA	<p>DEMIRS acknowledges that “environmental and closure outcomes are important to ensure that the proposal is consistent with the expectations of DEMIRS, industry and the community” (p6 emphasis added).</p> <p>CCWA submits that community expectations can only be characterised using robust consultative mechanisms. If these processes are not open to broad and ongoing consultation, community expectations (and changes in expectations) cannot be ascertained.</p>	DEMIRS' expectation is that proponents engage with stakeholders throughout the life of an operation. This continual engagement is assessed by DEMIRS when revised mine closure plans are submitted to the Department.
48.	Darren Murphy	<p>There is significant opportunity for improvement in stakeholder engagement by industry.</p> <p>To date there has been a significant lack of regulatory and industry guidance on stakeholder engagement, despite DEMIRS officers stating publicly that stakeholder engagement is one of their three biggest concerns. Relevant guidance however is now coming</p>	Comment noted. Further detail on DEMIRS expectations for stakeholder engagement is provided in the draft Guidance for Preparing a MDCP.

Ref #	Stakeholder	Comment	DEMIRS Response
		available through organisations such as the International Association for Public Participation (IAP2) and the International Standards Organisation (ISO). Whilst it may not be necessary for DMIRS to provide specific guidance as part of the DMCP Framework, the requirement to demonstrate adoption and compliance to emerging industry guidance would greatly assist DMIRS and proponents to commit to a pathway toward improvement which is not currently evident.	
49.	Darren Murphy	This process of stakeholder engagement and post mining land use selection could also be significantly improved through the requirement a formal land capability/suitability assessment, which demonstrates that potential post mining land uses have been identified and fully assessed based on expected land condition, regional development plans and stakeholder aspirations. Such an assessment needs to include the clear and collaborative development of a closure vision, as well as reference to relevant ILUA's and landowner agreements.	Comment noted. Further detail on DEMIRS expectations for stakeholder engagement and post-mining land use is provided in the draft Guidance for Preparing a MDCP.
50.	EIANZ	EIANZ advocates greater visibility of the approvals process for stakeholders. A fundamental principle of environmental impact assessment is the transparency of information. As part of the development of the MDCP concept, DMIRS should consider whether an advertising period is appropriate, and potentially for the MDCP document that supports an Approvals Statement to be publicly available. Providing publicly available MDCPs should drive better practice. For example, by allowing proponents to view different examples of performance and completion criteria to demonstrate environmental outcomes, underpinned by appropriate science and evidence.	Comment noted. Once formally issued, Approvals Statements will be made publicly available (in accordance with the amended Mining Act), and DEMIRS may consider opportunities to make MDCPs available.
51.	Mine Earth	<p>The MDCP is required to document that effective and appropriate engagement with stakeholders regarding all stages of mining is undertaken (including closure outcomes and completion criteria). Meaningful stakeholder engagement in relation to closure is often difficult at the approval stage given closure plans are often fairly vague and high level. Closure plans are likely to change considerably over the course of the Project as a result of data collected during operational monitoring and the filling of knowledge gaps.</p> <p>Early and meaningful stakeholder engagement around closure at this stage of the Project may result in the miscommunication of information. The MCP should be the primary source for</p>	Given that a MDCP will contain closure related information, it is expected that consultation with stakeholders relating to closure matters occurs at the MDCP stage. Notwithstanding this, it is acknowledged that that the level of detail to be discussed with stakeholders would be refined over time in subsequent mine closure plans as the site progresses towards closure and ongoing engagement with stakeholders relating to closure will be reflected in MCP revisions.

Ref #	Stakeholder	Comment	DEMIRS Response
		documenting stakeholder engagement related to closure as the operations progress and closure knowledge gaps are filled.	
BASELINE DATA			
52.	AMEC	<p>The proposed baseline data is envisaged to cover the same areas as the current MPs. The baseline data and analysis should be tied to the overall scope of the MDCP, such that duplication of information is not necessary where it has already been considered under other legislation. An important example of this is that where the potential impacts of a mining development on flora and fauna have been assessed under Part IV of the Environmental Protection Act (EP Act), there would be no need to provide baseline information on flora and fauna in the MDCP. AMEC asks that DMIRS clarifies whether the MDCP could further reduce duplication by accepting Part IV EP Act as correct.</p> <p>There are numerous other examples of duplication from the legislative frameworks described above. DMIRS could support Industry by not demanding a duplication of these efforts, as they are regulated by other agencies.</p>	<p>It is acknowledged that proponents compile baseline data for a range of other regulatory processes and DEMIRS agrees in principle that where baseline data has been considered under other legislation it should not be duplicated in a MDCP.</p> <p>In order to reduce duplication, a MDCP will only require baseline data that is needed to inform a risk assessment of activities and phases of mining not regulated by other regulatory processes (noting that some other approvals only apply during specific phases and may not be directly applicable during other phases such as mine closure or care and maintenance).</p> <p>In addition to the above, DEMIRS continues to engage with other regulatory agencies to clarify roles and responsibilities for environmental assessments in order to reduce duplication.</p> <p>Further information on the baseline data requirements of a MDCP is presented in the draft Guidance for Preparing a MDCP.</p>
53.	CME	<p>It is not clear why baseline data collected for the purpose of regulatory processes administered by other regulators is required. If the data has already been provided to another regulator e.g., the Department of Water and Environmental Regulation (DWER), CME recommends that the DMIRS allow for this data to be supplied in the relevant format and not require rework to comply with department specific preference.</p> <p>There is a risk of duplication if a proponent is effectively required to undertake two environmental approvals. CME recommends that the DMIRS clarify their approach to this requirement to ensure it will not produce duplicative outcomes.</p>	
54.	Darren Murphy	Failure to obtain baseline data relevant to closure (e.g., groundwater inflow and rebound) is a critical deficiency of many MCPs. There is an opportunity within the revised regulations that DMIRS provide stronger and improved guidance of the specific maturity of the knowledge base required to support project development and closure. This should include guidance on the assessment and response to critical knowledge gaps.	The draft Guidance for Preparing a MDCP clarifies DEMIRS' expectation that the baseline data section of a MDCP must include a consideration of the implications for rehabilitation and closure, in order to facilitate an assessment of closure risks and development of appropriate closure outcomes and completion criteria.

Ref #	Stakeholder	Comment	DEMIRS Response
55.	Darren Murphy	<p>Most mining companies have developed internal guidance for the definition and maturity of required data to support resource evaluation and development. There is an opportunity for DMIRS through the proposed regulations to encourage and require demonstration that such internal processes and frameworks are being adapted for closure planning.</p>	<p>Comment noted.</p>
RISK ASSESSMENT			
56.	AMEC	<p>The proposed risk assessment methodology is the standard semi-quantitative methodology that assesses risk at a fixed point in time and was developed for human health and safety. Environmental risk assessment, however, is more complex than a single catastrophic event leading to a result, as is the case in health and safety.</p> <p>AMEC proposes that the risk assessment methodology be reconsidered to incorporate a conceptual site model approach. This approach uses the source>pathway>receptor linkage system to understand if there is a complete risk pathway. This model is used very effectively in contaminated lands management and more broadly assessment under Part V of the EP Act.</p> <p>There are clear benefits of this alternative risk assessment methodology:</p> <ul style="list-style-type: none"> • It clearly rules risk pathways as being either in or out risk, significantly reducing redundant information. • Risks are not temporally bound (i.e., if it will ever happen, whether only once or gradually over time, it is ruled in as a risk). • It identifies unknowns quickly. • It reduces the overall size of documents by utilising figures/tables. <p>The conceptual site model, along with the source>pathway>receptor (qualitative) model is used to understand which risks are present specifically at the project site (e.g., distance to sensitive ecological receptor; depth to groundwater). The risks can then be compared to a semi-quantitative risk assessment which is presented in the discussion paper. This combination risk assessment is much more robust</p>	<p>DEMIRS notes stakeholder's broad recognition of the benefits of a standardised risk assessment.</p> <p>The risk assessment framework presented in Appendix 1 was intended as an example, to demonstrate how a standardised risk framework may be applied to assessment of a MDCP.</p> <p>Stakeholder feedback on the detail of the risk framework was considered by DEMIRS in developing the standardised risk framework presented in the draft Guidance on Preparing a MDCP. In developing this framework, DEMIRS engaged the services of a subject matter expert to assist.</p> <p>The draft risk framework is presented for further stakeholder feedback with the draft Guidance on Preparing an MDCP.</p>

Ref #	Stakeholder	Comment	DEMIRS Response																		
		<p>process with better site understanding, thereby enabling a clearer ranking of key risks and assignment of actions/mitigations.</p> <p>The development of a generic risk assessment has its benefits and allows a direct comparison between sites and allows procedural efficiencies.</p>																			
57.	AMEC	<p>The discussion paper outlines a single risk assessment process, however, a risk assessment for project development, operation and closure needs to be considered separately as the temporal aspects of both are completely different. A simple fix would be to simply add another column with the frequency of occurrence to account specifically for closure (as below).</p> <table border="1" data-bbox="421 608 1169 986"> <thead> <tr> <th><i>Likelihood</i></th> <th><i>Operational occurrence</i></th> <th><i>Closure occurrence</i></th> </tr> </thead> <tbody> <tr> <td>Almost Certain</td> <td><Once per year</td> <td>One in 10 years</td> </tr> <tr> <td>Likely</td> <td>Once in 5 years</td> <td>One in 50 years</td> </tr> <tr> <td>Possible</td> <td>Once in 10 years</td> <td>One in 100 years</td> </tr> <tr> <td>Unlikely</td> <td>Once in 25 years</td> <td>One in 250 years</td> </tr> <tr> <td>Rare</td> <td>One in 100 years</td> <td>One in 1,000 years</td> </tr> </tbody> </table>	<i>Likelihood</i>	<i>Operational occurrence</i>	<i>Closure occurrence</i>	Almost Certain	<Once per year	One in 10 years	Likely	Once in 5 years	One in 50 years	Possible	Once in 10 years	One in 100 years	Unlikely	Once in 25 years	One in 250 years	Rare	One in 100 years	One in 1,000 years	
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58.	CCWA	<p>Under the Rehabilitation and Mine Closure Factor (p10), any stability or pollution issues requiring ongoing maintenance will be by the 'end land-user' and not necessarily the polluter. CCWA believes that pollution should be the responsibility of the polluter and be proponent funded. That is, the polluter pays principle should apply.</p>																			
59.	Darren Murphy	<p>The intent to standardise risk ratings is sound. The expectation that a standardised risk assessment considers all project phases however could potentially exacerbate the existing challenges faced by proponents in assessing and reporting risk.</p> <p>Any guidance established by DMIRS for assessment of risk must acknowledge the status and nature of inherent, residual, and latent</p>																			

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		<p>risks at the commencement and completion of each project phase. It must also acknowledge that in nearly all cases there will be permanent and non-recoverable change to the bio-physical and social environment associated with the project. Future guidance on risk provided by DMIRS must therefore provide a strong focus on the quantification and costing of residual or latent impacts that may require ongoing or active management as part of, or in parallel with, the post mining land use. Such quantification and costing must become the basis of negotiation between DMIRS, the mining company and future land users regarding the costing and transfer of liability.</p>	
60.	Darren Murphy	<p>The proposed risk assessment framework presented in Attachment 1 of the discussion paper does not provide sufficient qualification of quantification of residual, latent or chronic risks where the source of impact remains and is 'contained' by an engineered solution with an undetermined design life (e.g., encapsulation). The proposed revised regulations must also clearly establish and provide guidance for how DMIRS expects proponents to adopt the concept of ALARP with respect to the assessment of risk.</p>	
61.	EIANZ	<p>Having a standardised risk assessment criteria across all MDCPs is expected to provide greater consistency of DMIRS consideration of environmental risk for projects across the state.</p> <p>However, the risk assessment framework and criteria require further consideration, including:</p> <ul style="list-style-type: none"> • The risk assessment framework could be improved by including fields for the inclusion of contextual environmental information. • The consequence descriptors need to be reconsidered as they may not be practical. For example, they do not allow for consideration of the significance of environmental values, such as clearing of common vegetation, as opposed to clearing of a Threatened Ecological Community (TEC). 	
62.	Mine Earth	<p>While Mine Earth supports the idea of a standardised risk assessment framework for all phases of operations, some</p>	

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>concerns are noted with the proposed risk assessment matrices presented in the discussion paper.</p> <p>The likelihood descriptors are suitable for the operating phase of the Project, but not closure. The time frame for operations (<30 years) and closure (100+ years) are largely different and it seems unfeasible to have the same likelihood descriptors for both. Perhaps the table of likelihood descriptors could have separate values for closure and operations.</p> <p>ICMM state in their integrated mine closure good practice guide that the closure risk assessment should include health and safety, legal and regulatory, environmental, social, financial and reputational risks. The proposed consequence descriptors are largely focussed on the environment, with little consideration of social, financial and reputation risks which should be important considerations in the risk assessment for the closure.</p>	
63.	Mine Earth	<p>The proposed risk assessment table presented in Attachment 1 is large and contains a considerable amount of information and is likely to be unwieldy. The table does not include a description of the actual causes of the risk event and the actual consequences that might occur as a result of the risk assessment. The identification of both factors is important to adequately identify treatment options.</p> <p>To avoid repetition (and inconsistent environmental outcomes between sections) we would recommend removing key environmental factor and environment closure outcomes from the risk register. These are presented in latter sections of the MDCP and have not been described or introduced prior to the risk assessment section. Where possible, repetition should be avoided in the document and presenting these twice in different sections will likely result in inconsistencies between the two sections.</p> <p>The risk assessment table should include a column for risk number and this has been recommended by DMIRS previously and helps when reviewing the risk register.</p>	
64.	CME	<p>The proposal for standardisation has the potential to create issues and rework for industry. Each CME member organisation has their own risk management framework that takes into consideration the</p>	<p>CME's comments are noted.</p> <p>DEMIRS has progressed with the concept of standardising the MDCP risk assessment, in order to promote consistency in the rating of risk of mining</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>context of the operation (scale, location, type of operation) in order to develop likelihood and consequence descriptors that are specific and relevant.</p> <p>Paragraph 1 of the Discussion Paper notes that the DMIRS is proposing a standard environmental risk assessment as well as standard likelihood and consequence descriptors. Some proponents will face significant administrative and internal compliance issues if required to 'map' across from their existing risk assessment processes to a standardised process for this specific purpose.</p> <p>CME recommends that the DMIRS enable a proponent to utilise their existing environmental risk assessment and management processes, similar to provisions in the 2020 guidelines.</p>	<p>activities across Western Australia, and promote streamlining in document preparation, assessment and decision making.</p> <p>The proposed risk assessment framework is presented in the draft Guidance for Preparing a MDCP, and DEMIRS welcomes further feedback and comments on this framework.</p>
ENVIRONMENTAL AND CLOSURE OUTCOMES, PERFORMANCE AND COMPLETION CRITERIA AND MONITORING			
65.	AMEC	<p>It is acknowledged that the outcomes are in draft format; however, there is a need for thorough review and industry engagement specifically on the wording of the outcomes. Many of the proposed outcomes overlap with other legislation and their assessment and management need not be duplicated, nor rights so assigned eroded. For example:</p> <ul style="list-style-type: none"> • Flora and fauna are factors routinely assessed in Part IV and Part V of the Environmental Protection Act 1986 (WA), the Biodiversity Conservation Act 2016 (WA) and the Environment Protection and Biodiversity Conservation Act 1999 (Cth). In the unlikely instance flora/fauna is not assessed by other legislation it is unclear how DMIRS would decide that the flora/fauna is of significance for the Mining Act to do so?; • Similarly, the outcome "All environmentally hazardous chemical and materials appropriately stored or managed to prevent contamination" is managed collectively by Part V of the EP Act, DG provisions, the Contaminated Sites Act 2003, and the Work Health Safety Act. <p>In these instances, where obligations are triggered by other legislation, why would the Mining Act 1978 (WA) be needed to</p>	<p>It is acknowledged that there are a number of other regulatory frameworks that regulate environmental matters on a site, however, some environmental approvals only apply during specific activities or phases of mining (e.g. while a site is operating), and may not be directly applicable during other phases such as mine closure or care and maintenance.</p> <p>One of the primary purposes of a MDCP is to demonstrate that potential environmental risks presented by mining operations are managed such that DEMIRS' objectives can be met throughout all phases of a mine's life. It is therefore important to develop standard outcomes for all of DEMIRS Environmental Factors.</p> <p>As far as practicable DEMIRS will not duplicate assessment or set an outcome for any components of an activity that is also regulated under another regulatory framework. Per the draft Guidance for Preparing a MDCP, where a MDCP can demonstrate that an activity is adequately regulated under other legislation, it will not need to consider this activity in the risk assessment (and therefore, an outcome would not need to be set). Notwithstanding this, it should be noted that it is common for other regulatory processes to only partially regulate some aspects, or for those processes to only cover some phases of the mine. Any such gaps will need to be adequately covered in the risk assessment and outcomes.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		regulate such items to the limit or 'prevent'. And, even if so, how would duplication add value or further protections? There is no evidence to support that such duplication leads to improved environmental outcomes.	
66.	AMEC	<p>Outcomes should be written in a way that stipulates a desired endpoint. Some of the examples proposed in the discussion paper include actions that are needed to meet an outcome, this type of wording is more akin to completion criteria.</p> <p>For example:</p> <ul style="list-style-type: none"> • "Suitable growth medium is in place and soil properties achieved to facilitate rehabilitation and agreed post-mining land use". <p>Alternate wording to be an outcome, with appropriate supporting completion criteria, could be:</p> <ul style="list-style-type: none"> • "Rehabilitated land will support agreed post-mining land use". 	Comment noted. Revised outcomes are presented in the draft Guidance for Preparing a MDCP.
67.	AMEC	AMEC is concerned that the choice of language in the Discussion Paper for the outcomes is difficult to achieve. Meeting terms such as 'prevent', 'No [loss, impact, increase...]', 'will not' is unattainable and other verbs should be used to the industry standard such as mitigate, manage or control. Aligning language with other Departments and considering work being done by the Department of Water, Environment Regulation and the Environmental Protection Authority on standardising conditions would be valuable.	<p>Comment noted. Revised outcomes are presented in the draft Guidance for Preparing a MDCP.</p> <p>The guidance also clarifies that where a standard outcome is deemed not appropriate for a particular operation, applicants will have the opportunity to propose bespoke conditions.</p>
68.	CCIWA	We also support further consultation on the contents of Attachment 3, as there may be further opportunities to progress streamlining objectives. By working closely with industry to identify key concerns, a more ambitious agenda that meets the Department's goals of being more efficient and eliminating duplication could be achieved.	Comment noted. Revised outcomes are presented in the draft Guidance for Preparing a MDCP.
69.	CCWA	The MDCP lacks clarity on closure monitoring and maintenance conditions. CCWA is concerned that these important environmental criteria will be diluted under the plan to merge development and closure conditions.	DEMIRS has developed a number of standard outcomes relevant to rehabilitation and mine closure. Proponents will then be required to develop their own bespoke completion criteria that will demonstrate the achievement of these closure outcomes and outline the monitoring that will be completed to

Ref #	Stakeholder	Comment	DEMIRS Response
			progressively measure that criteria are being met and the environmental impacts and risks of the activities are continuously reduced.
70.	CCWA	DMIRS Environmental Factor Biodiversity should include explicit reference to species and ecosystems impacts through loss of genetic diversity. This will ensure the protection of not only the genetic diversity of wildlife communities but will acknowledge the genetic resources of actual or potential value, in accordance with the UN Convention on Biological Diversity, to which Australia is a signatory.	Comment noted. A review of DEMIRS' objectives for environmental factors is out of scope currently, however it is considered that the objective (as currently worded) captures loss of genetic diversity.
71.	CME	<p>The MDCP guidance states "Completion criteria that will demonstrate the achievement of closure outcomes (note: completion criteria, based on a conservative estimate of closure performance, may be acceptable at the MDCP approval stage, provided that they are capable of objective verification and based on the best available data at the time.)"</p> <p>CME recommends that DMIRS clarify the term "objective verification". The experience of our industry is that this can often translate to a solely numerical target. As outlined in Young et al's* completion criteria guidance, there are other ways of objectively verifying whether something has been achieved or not.</p> <p>CME recommends that the DMIRS consult further with industry to ensure that MDCP criteria are appropriately set to avoid inconsistent application during assessment.</p> <p><i>*Young, R, Manero, A, Miller, B, Kragt, M, Standish, RJ, Jasper, D & Boggs, G 2019, A framework for developing mine-site completion criteria in Western Australia. The Western Australian Biodiversity Science Institute, Perth, Western Australia</i></p>	<p>Comment noted.</p> <p>Consistent with the <i>Framework for developing mine-site completion criteria in Western Australia</i> (which has been endorsed by DEMIRS as a tool to assist with the development of acceptable completion criteria) verification may rely on quantitative measurements or could be a process of certification, for example in terms of compliance with an approved design. This guideline has been referenced in the draft Guidance for Preparing a MDCP.</p>
72.	CME	<p>Specific amendments in the section recommended by CME are:</p> <ul style="list-style-type: none"> • Paragraph 5, bullet point 6 suggest including 'monitoring frequency'. • Performance criteria should be developed (and approved) to allow for adaptive management allowing for tailoring to be operation specific. 	Comments noted.
73.	CME	CME recommends that clarity on how applicants can develop bespoke conditions and process to agree these with the DMIRS is provided.	Guidance on the development of bespoke environmental or closure outcomes is presented in the draft Guidance for Preparing a MDCP.

Ref #	Stakeholder	Comment	DEMIRS Response
74.	Darren Murphy	<p>There is current misalignment across industry regarding the definition and use of outcomes and criteria, and their required level of maturity, across project phases.</p> <p>The MDCP framework and associated regulations must include more formal definition of the concepts and terms regarding outcome, performance, and completion, and must provide greater guidance on the use of maturity of criteria through the process of option assessment, scope development, engineering definition and practical completion. These are common concepts and processes used by mining companies for the development of capital projects that could and should be applied to within the MDCP framework. As with baseline data, there is an opportunity for DMIRS through the proposed regulations to encourage and require demonstration that such internal processes and frameworks are being adapted for closure planning.</p>	<p>Comment noted. To promote consistency, the draft Guidance for Preparing a MDCP includes a glossary of terms (including environmental and closure outcomes and completion criteria)</p>
75.	EIANZ	<p>Members have expressed some concerns about having standardised environmental outcomes, as there are outcomes that will apply to some projects but they may not be a “one size fits all”. While EIANZ supports outcomes that are linked with reducing overall environmental degradation (e.g., “no loss of abundance” and “no adverse impacts”), the example-based outcomes in the Discussion Paper might not be demonstrable.</p>	<p>Comment noted.</p> <p>DEMIRS’ intention is to develop standard outcomes that are worded appropriately so they can be applied to the majority of mining operations. Revised outcomes are presented in the draft Guidance for Preparing a MDCP for further stakeholder consideration.</p>
76.	Mine Earth	<p>Previously environmental outcomes were only required for those inherent risks with a medium or above risk ranking, this is not described in the discussion paper, is this still the case?</p>	<p>The draft Guidance for Preparing a MDCP proposes that an outcome will be required for all risk pathways (where the risk pathway is not regulated under another regulatory framework).</p>
77.	Mine Earth	<p>Mine Earth supports the use of standard outcomes in the MDCP, however some are unachievable or impossible to measure. Mine Earth has provided a comment where this applies (Table 1).</p>	<p>Support for standardised outcomes is noted.</p> <p>Revised outcomes are presented in the draft Guidance for Preparing a MDCP for further stakeholder consideration.</p>

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78.	Mine Earth	The discussion paper does not present any outcomes related to social/heritage aspects, which are important considerations for closure.	<p>Outcomes in relation to heritage matters have not been prepared as DEMIRS is not the lead agency for regulating Aboriginal heritage matters. Heritage matters are regulated primarily via the <i>Aboriginal Heritage Act 1972</i>, administered by the Department of Planning, Lands and Heritage.</p> <p>Notwithstanding this DEMIRS acknowledges the importance of heritage considerations when planning for closure, which is why details on any heritage</p>																										

Ref #	Stakeholder	Comment	DEMIRS Response
			approvals obtained, heritage baseline data and stakeholder consultation will be requested under the MDCP framework.
79.	Mine Earth	<p>The discussion paper suggest that monitoring should be included in the table with the performance criteria, and while Mine Earth supports the approach of aligning completion criteria with monitoring the proposed table format will be large, unwieldy, and complex. Perhaps several tables may be required to adequately convey the information.</p> <p>The inclusion of performance criteria and completion criteria together in one table, may also be problematic. Monitoring and criteria during operations may be very different than monitoring/criteria for the closure period and this could be confusing or misinterpreted.</p>	Comments noted. The tables presented in the draft Guidance for Preparing a MDCP have been revised (separating environmental and closure outcomes into two separate tables and removing criteria from the environmental outcome table) for further stakeholder consideration.
80.	Roy Hill	<p>Environmental matters included in approvals statements should only relate to environmental matters or impacts that are not regulated through approvals granted under Part IV and Part V of the Environmental Protection Act 1986.</p> <ul style="list-style-type: none"> • This includes conditions approved under a Part IV ministerial statement to manage impacts related to key environmental factors and/or any emissions and discharges that are licenced under a prescribed premises licence. • The assessment of environmental data for managing environmental impacts is a duplication of environmental regulation that are regulated under the Environmental Protection Act 1986 under the jurisdiction of the Environmental Protection Authority and the Department of Water and Environmental Regulation. 	<p>It is acknowledged that there are a number of other regulatory frameworks that regulate environmental matters on a mine site, however, some environmental approvals only apply during specific activities or phases of mining (e.g. while a site is operating), and may not be directly applicable during other phases such as mine closure or care and maintenance.</p> <p>Notwithstanding this, as far as practicable, DEMIRS will not duplicate assessment of any component of an activity and set an outcome for any activity that is appropriately regulated under another regulatory framework. that also requires approval from another regulatory agency.</p>
CLOSURE IMPLEMENTATION			
81.	AMEC	DMIRS propose that “the MDCP will include the predicted closure cost and governance/assurance of how the cost has been calculated”. Publishing a predicated cost is a new requirement. Companies have not had to include the closure cost in the MCP to date. Current requirements are to calculate the Life Of Mine (LOM) closure cost but only provide information on the methods/assumptions that were used to calculate, not the cost itself (unless separately requested by DMIRS).	Comment noted. The requirement to provide financial provisioning information has been removed from the draft Guidance for Preparing a MDCP.

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>AMEC has been told that it was clarified at the Closure Planning Practitioners Association engagement session (5 July 2023) that this aspect would be applied to a domain level or feature level, primarily to provide transparency. If this is the case, a future draft should provide this clarity.</p> <p>There are many variables and models that can be used to develop a closure cost estimate. According to ICMM, there are five classes of closure estimate, from order of Magnitude (Class 5) through fully costed engineering designs (Class 1). Should this be required, DMIRS will need to provide guidance on what class of financial model is required and acceptable tolerances. Further, a domain-level model excludes the economy of scale that is afforded to a whole site closure estimate. It is recommended that a high order (Class 4/5) would be adequate at the conceptual approval stage so as not to entrain very detailed provisions for elements and infrastructure that may not have been fully designed and not built.</p> <p>It should also be noted that the information being sought is already required of publicly listed companies under the Corporations Act 2001 (Cth). The rehabilitation liability is presented in public disclosure statements to the ASX, as is required under their continuous disclosure obligations. These statements are required to be third-party audited and therefore are subject to increased accuracy. AMEC recommends that DMIRS should consider the inclusion of the closure liability estimate from the latest public financial disclosure statement rather than requiring proponents to rehandle and reformat information unnecessarily. Industry feedback has suggested that if DMIRS hold commercially sensitive financial information, it would need to provide certainty and an explicit assurance that information protected by the Corporations Act 2001 remains confidential and held with the same scrutiny as the Australian Securities and Investments Commission (ASIC) in relation to this information.</p>	
82.	AMEC	<p>Industry has noted that DMIRS administer the Mine Rehabilitation Fund (MRF) that itself includes, and relies upon, a mechanism to develop a "Rehabilitation Liability Estimate" (RLE). The equation to develop an RLE and the approvals statement is both publicly available.</p>	<p>Comment noted. The requirement to provide financial provisioning information has been removed from the draft Guidance for Preparing a MDCP.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		If the MDCP was to apply the RLE estimator tool to project domains, it would create increased transparency and align with the requirements of the <i>Mine Rehabilitation Fund Act 2012</i> .	
83.	CCWA	The MDCP lacks clarity in ongoing financial provisioning for mine closures. CCWA maintains that in assessing mine closure plans, DMIRS needs to be able to establish that the proponent has financially provided for closure and, also, for post-closure monitoring and maintenance. It is not sufficient to just predict or calculate costs - financial provisioning must also be adequately addressed, and without reliance on the Mining Rehabilitation Fund.	Consistent with existing processes, it is anticipated that Mine Closure Plans will continue to require a summary of the mine closure costing methodology, assumptions and financial processes to demonstrate that the proponent has properly considered and fully understood the costs of meeting closure outcomes identified in the mine closure plan, and made adequate provisions in corporate accounts for these costs.
84.	CME	The MDCP guidance states that closure designs should be presented for key landforms. It should be acknowledged that these designs may be conceptual as, in long lived mines, final landforms can vary significantly from concepts proposed at approval due to new information arising from materials characterisation and stakeholder consultation and changes to mine plans. CME recommends that Paragraph 2, third bullet be edited to insert the word “Conceptual” i.e., “Conceptual closure designs for key landforms to reflect an appropriate information threshold”.	<p>The draft Guidance for Preparing a MDCP acknowledges that closure designs presented at the project approval stage may be conceptual, that will be refined and further developed in the subsequent reviews of the mine closure plan.</p> <p>However, the level of information provided at any stage of the project should demonstrate key landforms can be successfully rehabilitated and closed to meet DEMIRS overarching objectives of safe, stable, non-polluting and self-sustaining ecosystem meeting the agreed post mining land use.</p>
85.	CME	The document states that DMIRS requires inclusion of a predicted closure cost into the MDCP and details of how the closure cost has been calculated. This information is commercially sensitive and should not be published in a publicly available document. CME and our members are strongly opposed to this requirement and recommend that this be excluded from the document.	Comment noted. The requirement to provide financial provisioning information has been removed from the draft Guidance for Preparing a MDCP.
86.	CME	CME also recommends that further clarity is required as to how DMIRS would approach MDCPs associated with MCPs linked to State Agreement Act tenure. It will be important to ensure there is no misalignment or issues for proponents operating under State Agreements.	Sections 103AL and 103AM of the <i>Mining Amendment Act 2022</i> (which establish the requirement for a MDCP prior to undertaking mining activities) establishes that “ <i>unless a Government agreement provides otherwise, this section does not apply to a mining lease/miscellaneous licence granted or held under the agreement in accordance with proposals approved, taken to be approved or determined under the agreement</i> ”. State Agreement proponents will therefore continue to operate under the approval mechanisms outlined in the specific State Agreement.

Ref #	Stakeholder	Comment	DEMIRS Response
			State Agreements will be considered when reviewing if any changes are required to MCP content requirements following establishment of the MDCP content requirements.
87.	Darren Murphy	<p>Whilst the discussion paper lists closure designs of key landforms as a requirement of closure implementation it does not call out the need for the development of the closure scope through successive phases of investigation. Such phases are used extensively within capital project development by mining companies and demonstrate how the hierarchy of control is used to eliminate or mitigate identified risks and establish appropriate completion criteria. The proponents schedule for closure must include such stage gates to demonstrate an orderly and appropriate development of the scope of closure and associated engineering designs.</p>	Comment noted. Further detail on the level of information required in the closure implementation section of a MDCP is provided in the draft Guidance for Preparing a MDCP.
88.	Darren Murphy	<p>Within the discussion paper DMIRS proposed that the MDCP framework will include a requirement for proponents to present the predicted closure cost and governance/assurance of how that cost has been calculated. DMIRS needs to be very clear on how this requirement is defined. As presented in the International Council for Mining and Metals Guideline for Financial Concepts in Mine Closure there are several types of mine closure cost estimates. These estimates have different purposes, are based on different scopes of closure, and have variable bases of pricing. DMIRS must make sure that the aspects are clearly stated and defined for any costing requirement and that the relationship between the required cost estimate and the requirements of the Mine Rehabilitation Fund are clearly and explicitly explained.</p> <p>Most mining companies have clear and well-defined guidance for the preparation of capital cost estimates, that comply with international cost accounting standards. Central to these guidelines is the requirement for preparation of estimates by qualified cost engineers and the preparation of a basis of estimate. Such guidance should be similarly reflected in the proposed revised regulations should DMIRS persist with a requirement for presentation of closure cost.</p>	Comment noted. The requirement to provide financial provisioning information has been removed from the draft Guidance for Preparing a MDCP.
89.	Mine Earth	The requirements of this section are relatively straightforward, however there is considerable emphasis placed on developing a closure work schedule. This is very difficult to produce and often not that relevant. The very nature of mining means that plans change almost on a daily basis. Perhaps just a loose timeline of	The closure work programs developed at the project approval stage may contain broadly identified tasks and an indicative timeframe that will be refined or expanded in the subsequent reviews of the mine closure plan.

Ref #	Stakeholder	Comment	DEMIRS Response
		when/if progressive rehabilitation is going to start. In addition, without detailed designs (which can typically only be developed once final surfaces are known), determining the duration of works is difficult.	
90.	Mine Earth	With regards to the closure cost estimate, does DMIRS expect that the closure cost will be presented? This is often highly sensitive commercial information, that has not been shared in the past.	Comment noted. The requirement to provide financial provisioning information has been removed from the draft Guidance for Preparing a MDCP.
DECISION ON MDCP			
91.	AMEC	<p>The wording in this section of the discussion paper seems to indicate that the approval or refusal will be based on individual activities within the project rather than for the whole operation. This section is brief, and its intent is unclear. If it is intended to facilitate expedited approvals for key infrastructure, then this is a welcome initiative. However, approving and refusing infrastructure on an activity basis may have unseen consequences and potentially lead to the loss of sight of the greater impact of the project. Greater procedural detail on these decision process would be welcome.</p>	<p>This section is intended to reflect section 103AO of the <i>Mining Amendment Act 2022</i> which establishes that “<i>The Minister must approve, or refuse to approve, an activity proposed in a mining development and closure proposal or a substitute mining development and closure proposal</i>”. This provision means that the Minister may approve some activities and refuse other activities proposed in the same MDCP.</p> <p>Further guidance on how this provision will function in practise will be developed once the MDCP content requirements have been settled. It is anticipated however that refusal of an activity in a MDCP (when other activities are approved) would be a “last resort” option where the provision of additional information and/or revisions to the MDCP have not been able to resolve matters.</p> <p>Procedural fairness procedures will ensure that proponents will be made aware of the intention to refuse an activity and options will be discussed prior to refusal.</p>
92.	AMEC	<p>The discussion paper indicates that “<i>If activities proposed under a MDCP are refused, reasons for the refusal will be provided to the tenement holder</i>” (pp7) and “<i>To afford procedural fairness, tenement holders will be provided with an opportunity to review their Approvals Statement prior to it being formally issued</i>” (pp8).</p> <p>Not all project proponents are the tenement holder. AMEC suggests this should be revised to consider projects where the proponent is not the tenement holder.</p>	Comment noted.
93.	CME	The approval process outlined in the Discussion Paper seems to indicate that there could be instances where an MDCP is not approved or refused by the Minister or their delegate in its entirety, may be approved or refused in part with some activities approved to proceed and other activities refused. While the intent of such	This section is intended to reflect section 103AO of the <i>Mining Amendment Act 2022</i> which establishes that “ <i>The Minister must approve, or refuse to approve, an activity proposed in a mining development and closure proposal or a substitute mining development and closure proposal</i> ”. This provision means

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		<p>flexibility is appreciated, we note that some activities would be linked such that the refusal of one may make the other impossible irrespective of it being approved. CME is concerned that this approach may limit the amount of effort put in place to ensure all activities can be approved. CME recommends that the DMIRS provides greater clarity on the decision-making process and how this process would work should some activities and not others be approved.</p>	<p>that the Minister may approve some activities and refuse other activities proposed in the same MDCP.</p> <p>Further guidance on how this provision will function in practise will be developed once the MDCP content requirements have been settled. It is anticipated however that refusal of an activity in a MDCP (when other activities are approved) would be a “last resort” option where the provision of additional information and/or revisions to the MDCP have not been able to resolve matters.</p> <p>Procedural fairness procedures will ensure that proponents will be made aware of the intention to refuse an activity and options will be discussed prior to refusal.</p>
94.	CME	<p>The section indicates that a proponent can review a draft approval statement, but it is not clear if this then allows for discussion if an activity is refused. Further clarity is sought on whether there is an appeals mechanism for activities that are refused. CME recommends that additional clarity be provided to deliver certainty of process regarding approvals, review, and the prospect of appeal.</p>	<p>The <i>Mining Amendment Act 2022</i> does not contain an appeals provision if an activity is refused, however, procedural fairness procedures will ensure that proponents are aware of the intention to refuse an activity and options will be discussed prior to refusal.</p>
95.	Darren Murphy	<p>It is acknowledged that the Minister or their delegate may approve or refuse any aspect of the MDCP. MDCPs however are technically complex and diverse, with potential for misunderstanding and misrepresentation of risk and response against the full range of ‘environmental’ factors. There is growing concerns amongst key stakeholders that mining proposals and MCPs have been and are being prepared without the necessary input of qualified and competent persons.</p> <p>The requirement for sign-off on resource definitions and remediation of contamination by competent persons has been in place for some time. Accredited certification programs for professional practitioners are also now available, or are being developed, for many of the disciplines required to support mine closure planning. It will be necessary for the revised regulations to outline the basis for a decision on a MDCP and the level of review and assurance to be provided by competent persons. This should include guidance on the level of experience, qualification, and competency for review of MDCPS and MCP by subject matter experts internal to both proponents and DMIRS.</p>	<p>The basis for a decision on a MDCP will be whether DEMIRS considers that the MDCP has demonstrated that it can meet DEMIRS’ Environmental Objectives. In recommending a decision, DEMIRS assessing officers have access to a dedicated Mine Closure Team who can provide specialist advice on Mine Closure, as well as subject matter experts external to the Department (i.e. seeking information from other agencies).</p> <p>DEMIRS acknowledges the growing body of guidance and standards for mine closure, and wherever practicable, will incorporate these standards into guidance material to support development of a MDCP.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>Further to the issue of assurance, there are now both industry-lead and internationally lead standards and guidance for mine closure. These includes guidance and standards for activities being undertaken by both mining companies and governments. Whilst it may not be necessary for the revised regulations to call out all these standards, an improved level of assurance would be provided to stakeholders for proponents to identify those standards to which they subscribe and provide details of their accreditation and performance where available.</p>	
96.	Roy Hill	<p>The target approvals timeframes for an MDCP not be longer than the current target approvals timeframes for a mining proposal of 30 days. The discussion paper does not outline the proposed statutory timeframe for assessment of the new MDCP and Approval Statement Process.</p>	<p>DEMIRS does not have statutory timeframes for assessments of mining applications, rather it utilises target timeframes to monitor and report on approval performance for key approval processes.</p>
97.	Roy Hill	<p>Identify the lead agency and key environmental aspects relevant to each regulatory process. This will provide greater transparency for industry and regulators regarding who is responsible for regulating environmental matters. The Discussion Paper does not discuss how the Department will streamline its approvals process to remove duplication of environmental regulation.</p> <p>It is Roy Hill's experience that duplication of environmental regulation leads to potential inconsistencies between regulatory bodies and duplication in reporting of environmental incidents and annual reporting. An example of this is where there have been threshold criteria set in mining proposals that differ from the Part V Licence.</p>	<p>A MDCP will require applicants to include a list of environmental approvals/regulatory requirements that are relevant to the project under other legislation. This list should identify which of DEMIRS' environmental factor the regulatory process is applicable to, and for which stage of mining. DEMIRS' intention is that by providing this list, the MDCP can focus on those aspects that are not directly regulated under other legislation.</p> <p>This aims to avoid regulatory duplication and determines which risk pathways require environmental outcomes to be regulated by DEMIRS.</p>
98.	Roy Hill	<p>Roy Hill recommends a 28-day consultation period be included in the MDCP and approvals statement process. Provide provisions for appeal or review of draft decision documents or approval statement conditions detailed in the discussion paper. This process is afforded to proponents under both Part IV and Part V of the <i>Environmental Protection Act 1986</i>.</p> <p>Providing proponents with the opportunity to provide comment on draft reports and conditions aligns with DMIRS desire to have a more efficient process by ensuring conditions can be implemented; therefore, reducing the need for proponents to seek future amendments to approval statement conditions.</p>	<p>The <i>Mining Amendment Act 2022</i> does not contain an appeals provision for the review of an Approvals Statement, however, procedural fairness procedures will ensure that proponents are given the opportunity to review and provide comment prior to issuing of the Approvals Statement.</p>
EXPANSION AND/OR ALTERATION TO AN APPROVALS STATEMENT			

Ref #	Stakeholder	Comment	DEMIRS Response
99.	AMEC	<p>A revised MDCP will be required to be submitted when there is a change to activity. The discussion paper says a revised MDCP is required for expansions and alterations to operations, but also that alternative approaches for minor amendments and/or small operations may be developed alongside.</p> <p>The discussion paper does not address potential issues with how this might work in practice. For example, revising a MCP for an operation where the current operations were originally approved by a MDCP but more recently modified by minor amendment(s).</p> <p>Industry has asked a number of questions as to what is considered minor? Clarification of how principles to define what a minor amendment is would be helpful.</p> <p>Greater clarity is needed on the procedure for these reforms.</p>	<p>In developing the draft Guidance for Preparing a MDCP, DEMIRS has included a subheading under each content requirement section, which clearly articulates what will be required in the event where there is a change to an activity or amendment to an existing operation. This will ensure that even minor amendment to an existing operation meet the requirements of the Mining Act which states <i>"It is a condition of every mining lease that an activity must not be done by the lessee on land the subject of the mining lease unless the activity is proposed in a mining development and closure proposal"</i>.</p> <p>Noting that an Approvals Statement will function as a single source of truth for all approved mining operations, any amendments to an operation will be reflected in an updated Approvals Statement. Given this, when preparing a revised MCP, proponents will be able to rely on the Approvals Statement as an accurate record of all approved mining activities.</p>
100.	CME	<p>The process for expansion and/or alteration of the Approvals Statement requires additional clarity. Firstly, definition of what constitutes a minor or major update will be important to ensure that definitions are broad enough to avoid adding to administrative burden, while being clearly defined to provide certainty of process. Avoiding a situation whereby the classification of minor and major is subjective is considered important.</p> <p>Additional information is required regarding the process for an update to an MDCP. Particularly to ensure clarity on compliance if the update is to result in new conditions in the Approvals Statement.</p> <p>Clarity is needed to ensure that any new conditions applied as a result of an update do not create compliance risks with regards to past works. Will new conditions have a commencement date to provide certainty on compliance manners and avoid any risk of retrospective conditioning?</p> <p>CME recommends that the DMIRS provide greater clarity on definitions and the process for making amendments as well as advising how this interacts with the Approvals Statement, compliance obligations and MCP iterations.</p> <p>Further CME recommends that the DMIRS develop a list of approved minor update activities or criteria utilising an</p>	<p>For clarity, where amendments to approved activities are required, a new standalone MDCP will be required which addresses only the new/amended activities (DEMIRS acknowledges that this section should have used the word "new MDCP" as opposed to "revised MDCP"). Should the new MDCP be approved, the Approvals Statement will be updated accordingly to reflect the amendments and/or new activities.</p> <p>In developing the draft Guidance for Preparing a MDCP, DEMIRS has included a subheading under each content requirement section, which clearly articulates what will be required in the event where there is a change to an activity or amendment to an existing operation. This will ensure that even minor amendment to an existing operation meet the requirements of the Mining Act which states <i>"It is a condition of every mining lease that an activity must not be done by the lessee on land the subject of the mining lease unless the activity is proposed in a mining development and closure proposal"</i>.</p> <p>In developing the process for updating Approvals Statements, DEMIRS will ensure retrospective conditioning is avoided.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>approved endorsed list of low-risk activities for all MDCPs. This would assist to avoid unnecessary submissions for minor activities that could create burden for the department and proponents. This list could be incorporated into a proponents Approvals Statement</p>	
101.	Mine Earth	Will and updated MDCP require all studies to be written up or just the new studies relevant to the particular change?	<p>MDCPs will function as standalone, targeted application documents that only captures information required for assessment of a proposed activity (i.e. each time a new activity is proposed, a new MDCP will be submitted, as opposed to continually updating one MDCP).</p> <p>Given this, it is expected that only studies relevant to the change and/or new activities will be required.</p>
102.	Mine Earth	What is the gap you are anticipating between the approval of the MDCP and the submission of the first MCP?	Review dates for MCPs will be set on a case-by-case basis and will have consideration for factors such as life of mine remaining, project status etc.
103.	Roy Hill	The Department should develop a guidance document that defines the process for an amendment to an approval statement; including whether an amendment application will need to include information that may not have changed from the original MDCP application e.g., baseline environmental data.	<p>For clarity, minor amendments to an Approvals Statement will still be progressed by a MDCP.</p> <p>In developing the draft Guidance for Preparing a MDCP, DEMIRS has included a subheading under each content requirement section, which clearly articulates what will be required in the event where there is a change to an activity or amendment to an existing operation. This will ensure that even minor amendment to an existing operation meet the requirements of the Mining Act which states <i>"It is a condition of every mining lease that an activity must not be done by the lessee on land the subject of the mining lease unless the activity is proposed in a mining development and closure proposal"</i>.</p>
104.	Roy Hill	The Department needs to ensure an amendment to an approval statement is a smaller application focusing on the change being requested and only require the MCP to be submitted if there is a substantial change to an outcome, objective, or goal. This would reduce the size of the documents and the requirement to review previously assessed information by DMIRS officers.	
105.	Roy Hill	Define how DMIRS expect their proposal where a revised MDCP is required for expansions and alterations to operations and where alternative approaches for minor amendments and/or small operations may be developed alongside, to work in practice, e.g., revising an MDCP for an operation where the current operations were originally approved by an MDCP but more recently modified by minor amendment(s).	
MDCP FOR SMALL OPERATIONS			
106.	AMEC	AMEC welcomes a future consultation on the template for a MDCP for small operations.	Comment noted.

Ref #	Stakeholder	Comment	DEMIRS Response
107.	CME	<p>CME welcomes clarification on the following questions:</p> <ol style="list-style-type: none"> 1. How does this process transition should a 'small' operation expand and move into the 'large' operation category? 2. Can a proponent use this pathway for a minor project change rather than need to amend an existing MDCP? Or if there are various smaller operations that may form part of a larger project hub? <p>CME recommends that DMIRS provide greater clarity on Small Operations and the framework that will guide proponents in lodging their MDCP's.</p>	<ol style="list-style-type: none"> 1. Where an operation expands and no longer fits the definition of 'small operation', future activities will need to be applied for using the standard MDCP format. 2. The MDCP template for small operations will only be available to those operations which meet DEMIRS' definition of small operation.
MINE CLOSURE PLANS			
108.	AMEC	<p>The requirement to prepare a targeted planning document for closure (MCP) appears contrary to the stated intent of reducing duplication and creating efficiencies in assessment processes and approval document preparation. AMEC notes that the Mining Act still requires a Mining Closure Plan.</p> <p>Once a MDCP has been prepared, why is it necessary to subsequently prepare a new document having all the same sections as the MDCP but only addressing the closure aspects? There is no legislative requirement to do so. It would be more efficient to simply continue to update the MDCP. Closure is inextricably linked to mining development but having these aspects addressed in separate documents is inefficient, counterintuitive, and clearly runs against the intent of these reforms.</p> <p>Closure information becomes more comprehensive over time but can still be concisely contained in the one document. In this way, the baseline data and analysis would be supplemented with additional studies and investigations to fill knowledge gaps and there is a progressive and logical flow of information that isn't scattered across multiple documents.</p> <p>The Approvals Statement is intended to be the single point of reference, even if there are multiple MDCPs and version after version of the MCP. The Approvals Statement has merit from a compliance perspective, but the detail sitting behind it remains important for proponents and operators tasked with implementing the approval.</p>	<p>It is intended that a MDCP will function as a targeted application document that only captures information required for assessment of proposed activities.</p> <p>A MDCP will reduce regulatory duplication by replacing the existing requirement for submission of both a Mining Proposal and Mine Closure Plan at the project approval stage and removing the duplicate sections that currently exist across both of these documents. As DEMIRS is a key regulator of rehabilitation and mine closure, a MDCP will need to include details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage.</p> <p>As closure it an iterative process that continually evolves over time as more information is acquired through monitoring, continued stakeholder engagement and progressive rehabilitation, standalone MCP are still required to demonstrate a tenement holders progress towards closure.</p> <p>This approach of a targeted application document (MDCP) and an ongoing targeted planning document for closure (MCP) will ensure the appropriate information is being provided at each stage of the mine life and is fit for purpose.</p> <p>Following development of the MDCP framework, DEMIRS will review the content requirement of standalone MCPs to ensure there is alignment between both document and duplication is reduced as far as practicable.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
109.	CCIWA	<p>The ongoing requirement for a stand-alone Mine Closure Plan (MCP) in the Mining Act 1978 and the inclusion of Closure information into the MDCP document is regulatory duplication.</p> <p>If the regulatory intent is to increase efficiency and reduce duplication, the Department must ensure that further duplication is not created unintentionally, particularly, with respect to mine closure. If the necessary closure details were included within the new MDCP for example, then this should remove the requirement for a stand-alone MCP. The Approvals Statement could still specify MDCP review dates set on a case-by-case basis as it would with the current proposed MCP process.</p>	
110.	CCWA	<p>While the MDCP will consider changing criteria based on new information, there are no explicit provisions for the review of mine closure plans. CCWA seeks improved mechanisms for public review and stakeholder engagement on any MCP changes.</p>	<p>The Approvals Statement will include the date by which a revised MCP must be lodged. Whilst there is no provision in the Mining Act for public review of a MCP, DEMIRS' assessment of MCP includes an assessment of stakeholder engagement undertaken in order to ensure stakeholders have been consulted with on closure matters.</p>
111.	CME	<p>CME welcomes additional clarity on the following questions:</p> <ol style="list-style-type: none"> 1. Will the 2020 MCP guidelines and guidance remain in place or is the DMIRS proposing that this guidance be updated as well? Further industry consultation is required once the Department clarifies the approach. 2. How is the DMIRS proposing to deal with a submitted MDCP when a site has already been assessed under Part IV of the Environmental Protection Act 1986 and a minor change is included in the MDCP but is not yet captured in the MCP? <p>Greater clarity is sought to ensure there is no inconsistency between processes that operate under different regulatory processes and that run parallel.</p>	<p>The <i>Mining Amendment Act 2022</i> removes the need for statutory guidelines for the form and content of a MCP.</p> <p>Following development of the MDCP framework, DEMIRS will review the content requirement of standalone MCPs to ensure there is alignment between both document and duplication is reduced as far as practicable. It is envisioned that updated guidance on the development of MCPs will be developed, noting that stakeholder feedback will be sought for any new guidance drafted.</p> <p>The draft Guidance for Preparing a MDCP contains specific guidance on the information requirements for projects that have been assessed under part IV of the <i>Environmental Protection Act 1986</i> to ensure that duplication between the two regulatory frameworks is reduced as much as practicable.</p>
112.	CME	<p>CME is concerned regarding the last paragraph in this section - "Any changes to MCP content requirements will be considered following establishment of the MDCP content requirements." Although not stated, it could be implied that existing MCP's may be subject to retrospective changes.</p>	<p>Content requirements of standalone MCP may need to be revised following development of the MDCP framework, to ensure there is alignment between both document and duplication is reduced as far as practicable.</p> <p>Should the content requirements of MCPs be revised, existing approved MCPs will not be subject to retrospective changes.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>CME recommends additional wording be added to clarify that existing MCP's would not be subject to retrospective amendment.</p>	
113.	CME	<p>Greater clarity is required to outline how the DMIRS sees the MCP functioning under this new process, noting the reference to it being more of a planning document however there is significant process uncertainty. CME recommends that the DMIRS provide greater clarity on how this process is intended to work and commit to further consultation with industry in design of the revised MCP.</p>	<p>It is intended that a MDCP will function as a targeted application document that only captures information required for assessment of a proposed mining operation, noting that as DEMIRS is a key regulator of rehabilitation and mine closure, a MDCP will need to include details on mine closure in order to ensure closure has been appropriately considered at the mining approval stage.</p> <p>The MCP will then function as an ongoing targeted planning document for closure that is reviewed and submitted to DEMIRS at regular intervals to demonstrate progress towards successful closure (noting that the intervals at which MCPs are submitted will be set on a case by case basis and will have consideration for factors such as life of mine remaining, project status).</p>
114.	CME	<p>Further CME seeks clarity about whether an update to an MCP triggers an update to an MDCP and/or Approvals Statement (or vice versa). CME is concerned with the prospect of duplication noting both documents address closure in some form, particularly noting the regular updates that may occur with either document.</p> <p>CME recommends that the DMIRS provide greater clarity on the demarcation between the documents with regards to closure and how the DMIRS will reduce risk for inconsistency and compliance risk.</p>	<p>MDCPs will function as standalone documents, meaning that once approved, if additional mining activities are proposed, a new MDCP will be submitted to DEMIRS (i.e. they are not a document that is continually updated). Given this, updates to a MCP will not trigger an update to a MDCP.</p> <p>If updates to closure outcomes are required, approval will need to be sought for these via a new MDCP, after which, the Approvals Statement will be updated to reflect the most up to date closure outcomes. The MCP then functions as the planning document which demonstrates a site's progress towards closure.</p>
115.	EIANZ	<p>There is a lack of clarity around how MCPs will be managed. EIANZ appreciate the separation of the MDCP to be an impact assessment and approval document, while the MCP will be a planning and review document. However, it is not currently clear how the submission of an MCP will be timed compared to the MDCP submission.</p>	<p>Following approval of a MDCP, the Approvals Statement will record the date at which the MCP is due. This date will be set on a case by case basis and will have consideration for factors such as life of mine, project status etc).</p>
116.	Roy Hill	<p>In relation to the Mining Amendment Act 2022 and the definitions in section 103AA of closure outcomes which clearly state: "the outcomes, objectives or goals to be achieved at the completion of the decommissioning of a proposed mine, and the rehabilitation of the land"</p> <p>As the closure definition for MDCP and MCP are the same, Roy Hill submits DMIRS adopt the following as a streamlined approach: –</p>	<p>Comment noted. The draft Guidance for Preparing a MDCP has attempted to more clearly define the relationship between MDCPs and MCPs in order to reduce duplication between the two.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		<ul style="list-style-type: none"> - The closure outcomes, objectives or goals defined in the standalone MCP are considered part of the MDCP rather than closure outcomes, objectives, or goals. - where an amendment to an MDCP is required, a revised MCP should only be required where the change is substantially different to the approved closure outcomes, objectives, or goals. - Where changes to outcomes, objectives, or goals of a standalone MCP are not substantially different, the MCP is updated in the three yearly review or in the next MDCP amendment (if required) whichever is sooner. - Where the life of mine is within five years of closure, changes to the MCP outcomes, objectives, or goals be submitted to approve changes before changes can be implemented. 	
APPROVALS STATEMENT			
117.	AMEC	<p>AMEC supports the intent of the Approvals statement. The provision of examples is welcomed as it certainly helps clarify how it will work.</p> <p>This document will be extremely important for companies with multiple operations. A question from Industry has been about the pace of adoption anticipated, and particularly what support will be provided transition. Further detail of the process of how the approvals statement will be drafted and assessed is needed.</p>	<p>Support noted.</p> <p>An Approvals Statement will be issued once a MDCP has been assessed and approved (for clarity, an Approvals Statement itself is not assessed). Procedural fairness will ensure that tenement holders are given the opportunity to review a draft Approvals Statement prior to it being issued.</p>
118.	CME	<p>Section 7 states that to afford procedural fairness, tenement holders will be provided with the opportunity to review their Approval Statement prior to being issued. Does this process entitle a proponent to request a change to a proposed condition?</p> <p>CME recommends that the DMIRS provide clarity of purpose and process for the review and provide guidance on the ability for conditions to be discussed if a proponents requests alteration.</p>	<p>Tenement holders will have the opportunity to review and discuss all matters recorded on the Approvals Statement, including proposed conditions.</p>
119.	CME	<p>It is noted that the Approval Statement will be made publicly available. To what extent is this document subject to public review? Can other parties lodge an appeal?</p>	<p>The <i>Mining Amendment Act 2022</i> does not contain any provisions to enable the lodgement of an appeal against an Approvals Statement.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		CME recommends that the DMIRS provide this clarity as part of the broader guidance requested above	
120.	CME	<p>Noting that closure is iterative and will change over the life of the operation further clarity is requested on how detailed closure conditions included in the Approvals Statement will be? This could create increased administrative burden for proponents and regulator if changes via updated MCP's create a chain reaction of updates to MDCP's and Approvals Statement.</p> <p>CME recommends that the DMIRS maps out this process to ensure administrative efficiency prior to finalising processes. Further CME also recommends that conditions as related to closure avoid prescriptiveness noting closure outcomes and planning will change over time and will be reflected through revised MCP's.</p>	<p>DEMIRS recognises that closure is an iterative process and closure outcomes/criteria may be refined over time.</p> <p>If updates to closure outcomes are required, approval will need to be sought for these via a new MDCP, after which, the Approvals Statement will be updated to reflect the most up to date closure outcomes. The MCP then functions as the planning document which demonstrates a site's progress towards closure.</p>
121.	EIANZ	Having an Approvals Statement will provide a more direct line between the approval and compliance. Which should lead to greater transparency for all parties including the community.	Comment noted.
122.	Roy Hill	<p>Incorporate the Minister/delegate approvals timeframes into the overall timeframe for the MDCP, which if no change should be a target of 30 days.</p> <p>Define timeframes for the approval statement to be granted from the time DMIRS completes its assessment.</p>	It is intended that the issue of an Approvals Statement will be included in DEMIRS' target timeframe for MDCPs.
123.	Roy Hill	Adopt a consultation process similar to DWER and the EPA and define a consultation period for the draft decision report and approval statement conditions.	The <i>Mining Amendment Act 2022</i> does not contain an appeals provision for the review of an Approvals Statement, however, procedural fairness procedures will ensure that proponents are given the opportunity to review and provide comment prior to issuing of the Approvals Statement..
INFORMATION RECORDED ON AN APPROVALS STATEMENT			
124.	AMEC	The discussion paper cites that the 'Approvals statement will define the scope and limits of activities approved'. There is concern amongst some in Industry as to how this interpretation will occur. AMEC welcomes that there is acknowledgement of procedural fairness, however, ask that there is a pathway detailed of how to manage any dispute on the Department's interpretation.	<p>It is envisioned that the 'scope and limits' of activities approved will relate to matters such as spatial locality of mining operations, activity areas and nature and extent of activities (i.e. design/protocols for high-risk matters), which will be informed by information provided in the MDCP.</p> <p>Applicants will be provided with a draft version of the Approvals Statement and applicants will have the opportunity to discuss matters included in the statement with DEMIRS prior to it being formally issued.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		The collation of Approvals is not an opportunity for the reassessment, reconfiguration or narrowing, of past approvals given.	DEMIRS will continue to consider and review the process that will be followed with consolidating previous approvals into an Approvals Statement to ensure previous approvals are not subject to retrospective changes.
OTHER MATTERS			
125.	AMEC	<p>The initial consolidation of a mining proposal and MCP will be an enormous task, particularly for entities with multiple mines. This needs to be considered and an extended transition period provided to allow companies to successfully adopt this reform.</p> <p>The discussion paper does not outline proposed statutory timeframes for assessment of the new MDCP and Approval Statement Process. Details on how long DMIRS anticipates the review and approval of these documents is needed.</p>	<p>DEMIRS does not have statutory timeframes for assessments of mining applications, rather it utilises target timeframes to monitor and report on approval performance for key approval processes.</p> <p>DEMIRS is envisioning that the target timeframe for assessment of a MDCP will be consistent with the existing target of 80% of applications determined within 30 business days.</p>
126.	AMEC	<p>AMEC asks that the development of the MDCP and Approval statement does not follow the traditional DMIRS consultation model. Usually, the next step is that the Department weighs the commentary provided, redrafts sections and then publishes a final document.</p> <p>As AMEC's submission outlines, we consider there needs to be a fundamental reconsideration of what aspects DMIRS regulates and that this presents an opportunity for the WA State Government to achieve the outcomes set under StreamlineWA.</p>	Comment noted. In order to ensure the MDCP Framework is workable and achieves the intended benefits for industry, Government and the wider community, DEMIRS convened an industry reference group to assist with the codesign of the MDCP framework and associated guidance material.
127.	CCIWA	The discussion paper does not outline any statutory timeframes for assessment of the new MDCP and Approval Statement Process to demonstrate regulatory efficiency.	<p>DEMIRS does not have statutory timeframes for assessments of mining applications, rather it utilises target timeframes to monitor and report on approval performance for key approval processes.</p> <p>DEMIRS is envisioning that the target timeframe for assessment of a MDCP will be consistent with the existing target of 80% of applications determined within 30 business days.</p>
128.	CCIWA	<p>For WA to remain a world class and competitive resource province, the State Government needs to be continually focused on improving the way it regulates. We support ongoing efforts to identify roadblocks, reduce regulatory and administrative duplication, and its focus on streamlining approvals. That said, more can be achieved, as proliferating regulation, more complexity and increasing costs of compliance remain an ongoing frustration for our members.</p> <p>We suggest there are opportunities to support these overarching aims, for example, by developing clear and consistent operating</p>	<p>Comments noted.</p> <p>Following consultation on the MDCP Discussion Paper, DEMIRS has developed draft Guidance for Preparing a MDCP to support applicants in developing a MDCP for stakeholder consultation. This will be accompanied by internal training and guidance documents for assessing officers, to ensure consistency in assessments and decision making.</p> <p>In addition to the above, the Department's digital transformation strategy (Resources Online) will also deliver significant value to applicants when lodging a MDCP by facilitating spatial enabled lodgements and the ability for the</p>

Ref #	Stakeholder	Comment	DEMIRS Response
		<p>procedures. This would deliver value to both proponents and assessing officers, and address the delays associated with multiple requests for further information. We also recommend that the government explore opportunities to better communicate and coordinate within departments, across approval agencies, and with the Commonwealth, particularly with respect to any upcoming environmental reform.</p> <p>As Australia is not able to compete effectively with other large investment jurisdictions, such as the US with its <i>Inflation Reduction Act 2022</i>, Australia's regulatory and legislative frameworks need to be attractive to support new and ongoing investment.</p>	<p>lodgement system to provide live on screen prompts. The extended spatial capabilities of Resources Online will reduce the frequency of on hold events by providing application guidance and validation at the lodgement stage, and allowing for easier information and data sharing when referring an application to another agency.</p>
129.	CCWA	<p>CCWA presents the following recommendations in support of its submission.</p> <ul style="list-style-type: none"> • There should be improved clarity for closure monitoring and maintenance, including for environmental conditions, stakeholder engagement and public review, and for the ongoing care and maintenance and responsibility for pollution. • The merging of operational and closure environmental requirements for administrative ease must not come at the expense of robust environmental review mechanisms at the different stages of a proposal. • There is a need for greater clarity for the financial provisioning for mine closures. • Stakeholder engagement should be offered by the regulator for all new proposals. • Stakeholder review must apply to all stages of a proposal, including for mine closure plans. • Mechanisms for stakeholder engagement with proponents must be publicly transparent to promote the highest standards of engagement and feedback. • Environmental Factor Biodiversity should explicitly include genetic diversity as a critical measure of ecosystem value. 	<p>DEMIRS thanks CCWA for its feedback and has responded these matters in detail in the relevant sections above.</p>

Ref #	Stakeholder	Comment	DEMIRS Response
130.	EIANZ	Acknowledging the Discussion Paper describes processes for alterations and amendments to MDCPs, there are some concerns around the transition process for existing operations, and whether there will be a transition period for minor amendments to existing Mining Proposals.	Comment noted. Additional information on transition and implementation of the MDCP framework has been developed as part of release of the draft Guidance for Preparing a MDCP.
131.	EIANZ	The implementation of the MDCP and Approvals Statement will require clear guidelines that can be consistently interpreted and applied. EIANZ would welcome the opportunity to provide feedback on future guidelines.	Following consultation on the MDCP Discussion Paper, DEMIRS has developed draft Guidance for Preparing a MDCP to support applicants in developing a MDCP for stakeholder consultation. This will be accompanied by internal training and guidance documents for assessing officers, to ensure consistency in assessments and decision making.
132.	EIANZ	Of key importance to the transition to MDCPs, including the Approvals Statement and standardised risk assessment, will be training of staff within DMIRS and ongoing collaboration between DMIRS, environmental practitioners, and industry.	
133.	EIANZ	The EIANZ WA Division is pleased to make comments on Discussion Paper and the concept of MDCPs. EIANZ is focused on ensuring the transition to the development of MDCPs and issuing of Approvals Statements provides a streamlined assessment pathway, with clear and consistent outcomes. Please consider our feedback regarding the Discussion Paper as you further refine the MDCP and Approvals Statement model and guidance material.	DEMIRS thanks EIANZ for its feedback.
134.	Mine Earth	Thank you for the opportunity to comment on the discussion paper, we would be happy to discuss further if required.	DEMIRS thanks Mine Earth for its feedback.
135.	Roy Hill	DMIRS provide a detailed timeline for how the department intends to roll out the MDCP over the 10-year transitional period, in particular stating: <ul style="list-style-type: none"> The Statutory Guidelines for Mining Proposals, March 2020 continue to apply during the transition period and in the absence of MDCP guidance documents. 	Once the MDCP amendments commence, the Statutory Guidelines for Mining Proposals and Mine Closure Plans will cease to apply. Rather, the high level requirements of MDCPs will be prescribed in regulations, and DEMIRS will have comprehensive guidance documents to support applicants in developing a MDCP. DEMIRS has developed draft Guidance for Preparing a MDCP to support applicants in developing a MDCP for stakeholder consultation.
136.	Roy Hill	The MDCP guideline should clearly define the target timeframes for: <ul style="list-style-type: none"> Assessment of an MDCP (target timeframe currently within 30 business days for Mining Proposal); Assessment of MCP (target timeframe currently within 60 business days). Minister/Delegate approval statement (can be incorporated into MDCP target timeframe of 30 days). 	DEMIRS is envisioning that the target timeframe for assessment of a MDCP will be consistent with the existing target of 80% of applications determined within 30 business days. Similarly, there is currently no intention to amend the target timeframe for assessment of MCPs.
137.	Roy Hill	We acknowledge the Government's intent to create a simpler and more efficient mining approvals process. Roy Hill is supportive of the MDCP and Approvals Statement, however, is of the view that	DEMIRS thanks Roy Hill for its feedback.

Ref #	Stakeholder	Comment	DEMIRS Response
		the changes have not been ambitious enough to create real reductions in regulatory duplication and streamline the Mining Act administration process.	

Government of Western Australia

**Department of Energy, Mines, Industry Regulation
and Safety**

8.30am – 4.30pm

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