



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**

**GUIDELINES**

# DRAFT

# Programme of Work Guidance

To assist in the preparation of Programmes of Work

Version 0.1

December 2022

## Document Hierarchy for mine closure plans under the *Mining Act 1978*

Legislation	<i>Mining Act 1978</i>
Statutory Documents	
Policy	Environmental Regulatory Strategy Environmental Objectives Policy for Mining
Guidelines	<b>This Document</b>
Procedures	Environmental Applications Administrative Procedures

## Version History

Version	Date	Changes
0.1	2022	Draft for consultation

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## **PURPOSE**

The purpose of this document is to provide transparency on the information requirements of a programme of work (PoW) application under the *Mining Act 1978* (Mining Act) and to assist applicants in preparing PoW applications.

## **SCOPE**

This guidance document applies to exploration activities regulated under the Mining Act.

Exploration or prospecting activities using ground disturbing equipment requires an approved PoW, as per sections 46, 63, 70H, and 82 of the Mining Act.

The Mining Act requires that a PoW is lodged in the prescribed manner and approved by the Minister (or a prescribed official) prior to an explorer or prospector conducting any ground disturbing activities with mechanised equipment. The prescribed manner is the submission of a PoW application to DMIRS. Please see the DMIRS [website](#) for additional information regarding lodgement of PoWs.

The [Environmental Applications Administrative Procedures](#) provide details regarding the procedures for screening and assessing environmental applications, as well as any constraints on acceptance of applications.

## **1. PREPARING A PROGRAMME OF WORK**

There are two ways to submit a PoW application:

### **1. Programme of Work Spatial (PoW-S)**

The PoW Spatial lodgement system allows you to digitise or upload your activities directly into the system and provides site-specific feedback if you intersect any land of interest. The lodgement questions are also tailored to your activities and the types of land your application intersects. You can then adjust and optimise your application before submission, resulting in a streamlined application and assessment process.

### **2. Programme of Work Prospecting (PoW-P)**

The fastest method for submitting a PoW for prospecting applications is via the PoW Spatial lodgement system, however, a PoW-P Application form can be downloaded from the DMIRS [website](#) and submitted either over the counter at any DMIRS office, or electronically.

#### **1.1. REVIEWING TENEMENT CONDITIONS**

Prior to submission of a PoW, applicants should review tenement conditions in order to understand the relevant requirements and obligations. PoW applications that appear to not comply with relevant tenement conditions will likely result in DMIRS seeking further information or resubmission of the application with necessary amendments to demonstrate compliance with conditions.

Tenement conditions are listed in DMIRS' [Mineral Titles Online \(MTO\) system](#) and the PoW-S lodgement system.

#### **1.2. LAND ACCESS**

##### **1.2.1. POWS ON TENEMENTS HELD BY A THIRD PARTY**

For PoWs that are not submitted by the tenement holder, are submitted by a consultant on behalf of the applicant or includes tenements held by multiple tenement holders, the applicant must obtain authorisation from all tenement holders prior to submission. The PoW must indicate that authorisation from all tenement holders has been granted.

##### **1.2.2. PASTORAL AND GENERAL LEASES**

When exploring on a pastoral lease, applicants must take all reasonable and practical steps to notify the pastoralist about where they plan on operating and for how long.

Applicants can obtain the address, telephone and fax numbers and email address of pastoralists by contacting any of the DMIRS Mining Registrar offices.

Explorers should proactively communicate with pastoralists so that the legal rights of both mineral and grazing activities are preserved. Explorers should abide by instructions about water supply for stock, biosecurity protocols, firearms and dogs. Campsites should be kept clean, wear and tear on roads and tracks minimised, and fences and gates not damaged.

Explorers may be liable for compensation for any damage caused to a pastoralist's infrastructure, such as fences or roads.

The PoW application must include details of the notification to the pastoralist, including contact method and date.

If a non-pastoral Crown lease is intersected (e.g. a General Lease), the purpose of the lease should be noted in the PoW application and any relevant permissions be provided.

Under section 20(5) of the Mining Act, written consent of the occupier is required for exploration on any Crown land, that is:

- (a) for the time being under crop, or which is situated within 100 m thereof;
- (b) used as or situated within 100 m of a yard, stockyard, garden, cultivated field, orchard, vineyard, plantation, airstrip or airfield;
- (c) situated within 100 m of any land that is in actual occupation and on which a house or other substantial building is erected;
- (d) the site of or situated within 100 m of any cemetery or burial ground;
- (e) land the subject of a pastoral lease within the meaning of the *Land Administration Act 1997* which is the site of, or is situated within 400 m of the outer edge of, any water works, race, dam, well or bore, not being an excavation previously made and used for mining purposes by a person other than a lessee of that pastoral lease.

A PoW proposing activities on land referenced in section 20(5) of the Mining Act may be approved, however operations cannot commence until consent from the relevant land occupier has been obtained.

### 1.2.3. RESERVES

There are many types of reserves which may intersect a Mining Act tenement. Some may require access permits or agreements, while others may require advice or approval from government agencies other than DMIRS, and/or Ministerial consent prior to the commencement of exploration activities.

Applicants should review available GIS databases (e.g. Tengraph, EARS Online spatial system, etc.) to determine whether any reserves are intersected by proposed works, and whether any permits, agreements, Ministerial consent, or other approvals are required before a PoW can be lodged, approved, and/or activities can commence (see DMIRS [Environmental Applications Administrative Procedures](#) for further information as to when parallel processing can occur).

The presence of a reserve is usually referenced in tenement conditions; however for various reasons this is not always the case. If the reserve falls under the definition of section 24, 24A or 25 of the Mining Act, no activities can occur within that reserve unless the relevant consent as set out in sections 24, 24A, 25 or 25A of the Mining Act has been obtained. As per DMIRS Applications Administrative Procedures, where a PoW is submitted in these areas and the relevant consent has not yet been granted, DMIRS will conduct a parallel assessment but withhold a decision on the PoW until consent has been granted.

### 1.2.4. COMMONWEALTH LAND

In some instances, a Mining Act tenement may intersect Commonwealth land, which is land vested to or held by the Commonwealth, or land which the Commonwealth holds a freehold or leasehold interest in.

If the Commonwealth land falls under the definition of section 24, 24A, 25 or 25A of the Mining Act, no activities can occur within that Commonwealth land unless the relevant consent as set out in sections 24, 24A, 25 or 25A of the Mining Act has been obtained.

### 1.2.5. HERITAGE SITES

A search of the Register of Aboriginal Sites for Lodged and Registered sites is required as part of the submission of a PoW. As per DMIRS [Applications Administrative Procedures](#), where the area overlaps an Aboriginal heritage site, DMIRS will conduct parallel assessment, but withhold a decision on applications until evidence of consultation with the Department of Planning, Lands and Heritage (DPLH) has been provided.

Further information on DMIRS' approach to considering Aboriginal heritage matters can be found [here](#).

### 1.2.6. PRIVATE LAND

Granted Mining Act tenements which occupy areas also covered by private/freehold land do not necessarily give the right to conduct mining activities on the surface of that land. Before a PoW application is lodged on privately owned land, surface rights must be obtained.

As per DMIRS [Applications Administrative Procedures](#), where an application intersects privately owned land and surface rights have not been obtained, the application will not be accepted.

More information about private land provision can be found on the DMIRS [website](#).

### 1.2.7. MINERAL RIGHTS

Private land granted pre 1899 may be considered 'minerals to owner' where the mineral rights are owned by the landowner and not the Crown (except for gold, silver and precious metals).

Given this, where proposed works intersect freehold/private land, and target a mineral other than gold, silver, or precious minerals, DMIRS requires evidence of mineral rights for the affected freehold/private land. Before DMIRS can progress the PoW, the applicant will be required to confirm that either the land title was granted on or after 1 January 1899, or that the proponent has obtained Mineral Rights for the proposed drilling that intersects freehold/private land. More information on minerals right can be found on the DMIRS [website](#).

### 1.2.8. ROADS, RAILWAYS, PIPELINES, AND FILE NOTATION AREAS

Roads, railways, pipelines and other such infrastructure can have exclusion areas (corridors) around them in which mining activities are restricted to ensure safety and the integrity of the infrastructure. Tenement conditions should be checked to determine if there are any further approvals or consent required prior to the commencement of activities.

DMIRS approval does not constitute authority to conduct works on a road, road verge or road reserve as protected under the *Land Administration Act 1997*. Should works be proposed for road/railway reserves, the Shire or owner/holder of the road/railway reserve will need to be consulted and consent to explore on these areas must be demonstrated.

File Notation Areas (FNA) are shown on the Tengraph system and refer to any proposed land transactions, alienations from the Crown, or other proposed changes in land use. Often these denote an area which is the subject of a future development or project, such as a proposed railway corridor. Conditions may or may not exist on a tenement in relation to an FNA. If proposed exploration or prospecting activities fall within the boundary of an FNA, it is advisable to contact [Resource Tenure Division](#) to determine whether any further restrictions apply.

### 1.2.9. INDIGENOUS LAND USE AGREEMENTS

A number of Indigenous Land Use Agreements (ILUA) have been executed between the State Government and various Native Title groups. As part of these agreements with the Government, all mining tenements within the ILUA areas will have a Heritage Agreement condition placed on the tenement. This condition requires that tenement holders must enter into a Heritage Agreement with the relevant ILUA group before any rights of the tenement can be exercised.

If the tenement is located within an ILUA area and a Heritage Agreement is required by tenement conditions, a statutory declaration must be provided as evidence that the tenement holder has entered into a Heritage Agreement with the relevant ILUA group, prior to submission of a PoW. If a Statutory Declaration has not been submitted prior to the Lodgement of the PoW, the PoW will be refused in accordance with the [Environmental Applications Administrative Procedures](#).

More information on ILUAs can be found on the DMIRS [website](#).

## 1.3. LIAISON WITH OTHER AGENCIES

Where proposed activities intersect environmental sensitivities, DMIRS may seek advice from other agencies in accordance with relevant Administrative Agreements.

### 1.3.1. ENVIRONMENTAL PROTECTION AUTHORITY

Consultation between DMIRS and the Environmental Protection Authority (EPA) may be triggered where PoWs are considered environmentally significant when applying the EPA's significance test (consideration of significance). Consultation may be triggered where PoWs meet any of the following criteria (subject to DMIRS applying the EPA's significance test):

Activities are located within Environmentally Sensitive Areas including:

- Within 500 m of World Heritage Property.
- Within 500 m of a Bush Forever site.
- Within 500 m of a Threatened Ecological Community.
- Within 500 m of defined wetlands (as defined in Environmental Protection (Environmentally Sensitive Areas) Notice 2005).
- Within 50 m of an area containing rare flora.
- Any area covered by an Environmental Protection Policy.
- Within 500 m of a declared/proposed State Conservation Estate, including National Park, Nature Reserve, Conservation Park, or State Forest and Timber Reserves.
- Within a public drinking water source area (PDWSA).
- Hydraulic fracture stimulation exploration and production / development activities.
- Any area previously or currently subject to formal assessment by the EPA.

Further information regarding liaison between DMIRS and the EPA on PoW assessments can be found in the [Administrative Agreement between DMIRS and DWER](#).

### 1.3.2. DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

DMIRS will seek advice from the Department of Water and Environmental Regulation (DWER) where proposals intersect a Primary Water Resource Management (WRM) area. These include:

- Public Drinking Water Source Areas (PDWSA)
- Clearing Control Catchments
- High value waterways
- Waterway Management Areas

DMIRS will also seek advice from DWER where proposals intersect a Secondary WRM area and the proposed activity is likely to have a negative impact on that WRM area.

Further information regarding referral of applications to DWER, and definitions of Primary and Secondary WRM areas can be found in the [Administrative Agreement between DMIRS and DWER](#).

### 1.3.3. DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS

DMIRS will seek advice from the Department of Biodiversity, Conservation and Attractions (DBCA) where the application will directly or indirectly impact, or has the potential to impact threatened flora or fauna, or threatened ecological communities.

DMIRS may seek advice for applications that will significantly impact, or have the potential to significantly impact priority flora or fauna, priority ecological communities (PECs), or Ramsar-listed wetlands. Further information regarding referral of applications to DBCA can be found in the [Administrative Agreement between DMIRS and DBCA](#).

### 1.3.4. DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER

Where applications intersect with Matters of National Environmental Significant, applicants should liaise with the federal Department of Climate Change, Energy, the Environment and Water to determine if an application is likely to have a significant impact on a matter protected under the *Environment Protection and Biodiversity Conservation Act 1999*.

## 1.4. ENVIRONMENT

### 1.4.1. CLEARING OF NATIVE VEGETATION

Under Section 51A of the *Environmental Protection Act 1986*, the definition of clearing includes any act or activity that causes:

- The killing or destruction of; or
- The severing of trunks or stems of; or
- Any other substantial damage to;
- Some or all of the native vegetation in an area.

When this is considered, even driving over vegetation (including grasses and regrowth) could be considered clearing.

Under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, clearing that is the result of carrying out low impact mining activities and prospecting or exploration under an authority granted under the Mining Act (e.g. a PoW) are exempt from requiring a Native Vegetation Clearing Permit.

This exemption does not apply to clearing of native vegetation in Environmentally Sensitive Areas (ESAs), which are areas of native vegetation that are specially protected due to their landscape, vegetation, or wildlife values. It is an offence to clear native vegetation within an ESA without a clearing permit. More information regarding ESAs can be found [here](#).

If clearing of native vegetation is proposed and the clearing is not eligible for an exemption, then a clearing permit will be required. Further information on applying for a clearing permit can be found [here](#).

### 1.4.2. DIEBACK MANAGEMENT

If proposed activities are within a dieback risk zone, DMIRS will require submission of an acceptable Dieback Management. All exploration activities must then comply with the commitments made in the management plan. Where a DMP is required, it must include:

- A map showing any known dieback infested areas. If a dieback survey of the area has not been undertaken by qualified personnel, then all native vegetation must be considered at risk.
- Commitments that:
  - Work will only be undertaken in dry soil conditions (dry soil conditions are defined as conditions where the ground is too dry for soil to adhere to vehicle parts or shoes).
  - Vehicles and drilling equipment will be washed down or brushed prior to entry and exit to the proposed exploration site, and Clean on Entry Points will be located away from surface water features and sensitive areas.
  - All exploration staff and drillers will be inducted and training will be provided in relation to the management of dieback must be made.

Further information on dieback management can be found [here](#).

### 1.4.3. ENVIRONMENTAL MANAGEMENT AND REHABILITATION

It is DMIRS expectation that the relevant environmental management and rehabilitation commitments in the PoW application be committed to. Where an answer of 'no' has been selected, adequate justification must be provided, otherwise this will trigger a request for further information.

Failing to rehabilitate within required timeframes constitutes a breach of tenement conditions, therefore, DMIRS recommends that companies establish a register or system to track approvals and progress towards meeting rehabilitation requirements, as well as maintain spatial data set tracking disturbed and rehabilitated areas. DMIRS is proposing to introduce a new tenement condition requiring tenement holders to record all rehabilitation activities that have been conducted, and provided these records to DMIRS upon request.

As a guide, useful rehabilitation data to track includes:

- Tenement
- PoW number
- Date of approval
- PoW purpose (e.g. tracks, drill pads, sumps)

- Date disturbance commenced
- Disturbance date (most recent)
- Disturbance area approved (ha)
- Area disturbed (ha).
- # drill holes approved
- # drill holes completed
- Date rehabilitation commenced
- Rehabilitation completed (ha)
- Date rehabilitation completed
- Rehabilitation activities undertaken e.g. holes plugged, collars cut, scarifying and topsoil respread
- Shape files of actual disturbance
- Shape files of rehabilitation

For further guidance on rehabilitation expectations and proposed new tenement conditions see DRAFT Exploration and Prospecting Rehabilitation Guidance.

### **1.5. FIBROUS AND RADIOACTIVE MATERIALS**

If the proposed activities are likely to intersect with fibrous or radioactive materials, further details regarding the activities and commitments relevant to environmental and safety management will be requested.

A relevant material management plan that has been developed in accordance with DMIRS Mines Safety requirements must be formulated and made available to DMIRS upon request.

More information on [fibrous materials](#) and [radioactive materials](#) can be found on DMIRS website.

### **1.6. COVER LETTERS AND SUPPORTING DOCUMENTS**

In some cases, it may be necessary to provide further information to fully explain the proposed activities or convey the necessary information for an efficient assessment of the application. The PoW Spatial system includes a 'notes' function, where additional, relevant information can be included.

Where this information cannot be adequately presented in the PoW submission, a cover letter should be attached to the PoW submission which briefly describes the proposal and provides any additional information which will assist in the assessment of the PoW. A cover letter can also be used to provide more detailed information about the receiving environment (i.e. flora and fauna).

Cover letters should be limited to matters where additional information is required as cover letters containing extraneous details may delay assessments.

### **1.7. MANAGEMENT PLANS AND BASELINE SURVEYS**

Where the proposed works intersect sensitive environmental features or conservation significant species, or where significant environmental impacts resulting from the proposed activities are possible, DMIRS may request additional information or commitments from the applicant to manage environmental impact. In some instances this may require the development of a Conservation Management Plan or Exploration Environmental Management Plan

DMIRS may also request biological surveys detailing the presence of conservation significant species, locations of these species and potential impacts of the PoW. Surveys provided should be relevant to the application area and current enough that impacts of the PoW can be accurately assessed. Where a survey is provided, the PoW should include a summary of the survey and implications for the PoW, as well as management strategies to be implemented to reduce impacts.

Potential environmental triggers for management plans and/or biological surveys include:

- Priority or Threatened Ecological Communities (PECs, TECs);
- Isolated habitats / short-range endemics (e.g. isolated ridges);
- Conservation significant flora or fauna;
- Significant infill drilling, regardless of known sensitivities;
- High cumulative disturbance.

Where a Conservation Management Plan/Exploration Environmental Management Plan or biological survey has been provided previously with another PoW, applicants can reference the Registration ID of the previous PoW in the application, rather than providing the documents again.

## **2. POST-APPROVAL**

Once approved, no amendments can be made to a PoW. Any alterations or expansion of approved activities requires a new PoW application to be lodged and approved.

### **2.1. EXTENSIONS OF TIME TO COMPLETE WORKS**

PoWs are approved for a period of four years from the date of approval. In certain circumstances an extension to this timeframe may be permissible. To obtain an extension of time to complete works beyond the four year period, a written request must be sent to DMIRS prior to the PoW expiry date. This written request should include:

- The relevant PoW Registration ID number(s);
- A sufficient justification for the extension;
- Confirmation that all drill holes have been temporarily plugged (if applicable);
- Clear description of the aspects of the PoW to which the extension applies (e.g. 50% of approved activities been conducted and an extension is requested to complete the remaining 50%, etc.);
- Procedures to be implemented to ensure the area is appropriately managed during the extension (e.g. procedures to ensure holes remain plugged at the surface, regular inspections of disturbances, etc.);
- A revised timeframe in which the works will be completed (e.g. a specific date, an additional one year, etc.);
- Maps which clearly show the location and total area of disturbance to which the extension request applies; and
- A commitment to rehabilitate all other disturbed areas.

### **2.2. EXTENSIONS OF TIME TO COMPLETE REHABILITATION**

Tenement conditions imposed on all Mining Act tenements require that rehabilitation be completed within specified timeframes.

In certain circumstances an extension to these timeframes may be permissible. All extensions must be approved in writing by DMIRS. For information on requesting extensions of time to complete rehabilitation, see section 3 of Exploration and Prospecting Rehabilitation Guidance.

Government of Western Australia

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

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