

Draft Mine Closure Completion Guideline
Department of Mines, Industry Regulation
and Safety
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Dear Mr Smith

ENVIRONMENTAL PROTECTION AUTHORITY SUBMISSION TO THE DEPARTMENT OF MINING, INDUSTRY REGULATION AND SAFETY'S DRAFT MINE CLOSURE COMPLETION GUIDELINE

Background

The Environmental Protection Authority (EPA) welcomes Department of Mines, Industry Regulation and Safety's (DMIRS) draft Mine Closure Completion Guideline.

Whilst it is understood that the guideline has been developed under the hierarchy of the *Mining Act 1978* and not the *Environmental Protection Act 1986* (EP Act), Part IV of the EP Act makes provisions for the EPA to undertake environmental impact assessment (EIA) of significant proposals and strategic proposals, including mining proposals where mine closure is a key issue. The EPA uses environmental principles, factors, and associated objectives as the basis for assessing whether a proposal can be implemented. When assessing mining (and other) proposals, the EPA employs a mitigation hierarchy that includes rehabilitation as a key consideration.

Mine Closure is assessed under a number of factors, including the Flora and Vegetation Factor, Terrestrial Fauna Factor, and Inland Waters. The EPA may recommend mine closure conditions in their assessment, compliance against which is assessed separately to DMIRS compliance.

Draft Mine Closure Completion Guideline

The EPA generally supports the draft Guideline. In accordance with the 'rehabilitate' element of the mitigation hierarchy, the EPA has particular interest in ensuring a successful completion outcome with regards to re-instating environmental values after unavoidable disturbance. We provide the following comments in this regard:

1. The EPA recommends that the Guideline makes more reference to additional supporting mine closure guidance that is available to proponents, including, but not limited to, DMIRS' *Mine Closure Plan Guidance*, *Statutory Guideline for Mine Closure Plans*, and other technical guidance documents (e.g. *Guide to departmental requirements for the management and closure of tailings*)

storage facilities (TSFs) and WABSI's 2019 A framework for developing mine site completion criteria in WA);

2. The EPA considers that there would be value in requiring the proponent to include site specific research and pilot experimental work (including any large scale field trials), in the Mine Closure Completion Report;
3. It is also noted that for mining proposals that have been referred to the EPA, consideration of relevant EP Act principles and EPA Factors and Objectives in the development of DMIRS approved Mine Closure Plans and Mine Closure Completion Reports would significantly assist to assure the EPA that mine closure could be regulated appropriately under the Mining Act and that duplication is not required under Part IV of the EP Act.

Importantly, the third point relates mainly to recent amendments of the EP Act that enable the EPA to take into account other statutory decision-making processes (such as mine closure plans) which can mitigate the potential impacts of a proposal on the environment. The EPA understands that conversations have already commenced between officers of the Department of Water and Environmental Regulation (DWER) and DMIRS to progress this issue, and would welcome further discussions during the finalisation and implementation of the Mine Closure Completion Guideline.

Conclusion

In summary, the EPA is supportive of DMIRS' draft Mine Closure Completion Guideline and believes that the incorporation of the comments above into the final guidance will further improve a proponent's awareness of the importance of delivering against environmental objectives at mine closure.

Yours Sincerely



Dr Matthew Tonts
CHAIR

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