

1 March 2023

Department of Mines, Industry Regulation and Safety
REC.Consultation@dmirs.wa.gov.au



Environment Institute
of Australia and
New Zealand Inc.

Dear Sir / Madam

RE: Draft Programme of Work (PoW) Guidance, Exploration Rehabilitation Guidance and Eligible Mining Activity Framework Consultations

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 feedback on the draft Programme of Work (PoW) Guidance, Exploration Rehabilitation Guidance and Eligible Mining Activity Framework Consultations.

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.

We forward this submission on behalf of the WA EIANZ members. The WA Division currently has approximately 200 members while the Institute has over 2,100 members across Australia and New Zealand in a range of technical disciplines including certified environmental practitioners (CEnVP), ecological consultants, environmental advocates and environmental impact specialists working in government, industry and the community.

Again, we thank DMIRS for the opportunity to be engaged in feedback on this amendment.

Yours sincerely

A handwritten signature in black ink that reads "Belinda Bastow".

Belinda Bastow
President
EIANZ – WA Division

Introduction

Role of the EIANZ

The EIANZ, as the leading membership based professional organisation for environmental practitioners in Australia and New Zealand, is an advocate for good practice environmental management. The Institute supports environmental practitioners and promotes independent and interdisciplinary discussion on environmental issues. The Institute also advocates environmental knowledge and awareness, advancing ethical and competent good practice environmental management.

A Certified Environmental Practitioner Scheme (www.cenvp.org) is also in place to assess and certify competent experienced environmental practitioners working in government, industry and the community. This includes specialist competencies such as Impact Assessment, Ecology and Contaminated Lands.

The EIANZ is an advocate for environmental assessment, management and monitoring investigations and reports being certified by suitably qualified and experienced persons for the completeness and scientific rigor of the documents. One of the ways of recognising a suitably qualified practitioner is through their membership of, and certification by, an organisation that holds practitioners accountable to a code of ethics and professional conduct, such as the EIANZ.

The EIANZ is a not-for-profit, charitable organisation incorporated in Victoria, and a registerable Australian body under the Corporation Act 2001 (Cwth), allowing it to operate in all Australian jurisdictions.

General Observations

Feedback from EIANZ is focused on whether proposed amendments will facilitate improved environmental outcomes.

EIANZ is supportive of the development and publication of the Programme of Work (PoW) and Exploration Rehabilitation Guidelines. Having guidelines outside of the online PoW application system can encourage explorers to complete the required studies and assessments ahead of lodgment. It is also useful for the broader community, as it enables them to have a greater understanding of what is expected by the department and can work to support better environmental outcomes by holding companies accountable.

Further feedback on each of the three documents released for consultation is provided below.

Draft Programme of Work Guidelines

Our comments on the draft PoW guidelines include:

- We suggest including a link or appending the PoW spatial guidance document (REC-EC-239D Rev 7).
- In relation to Aboriginal Heritage, we suggest:
 - o Referring to the transition from the *Aboriginal Heritage Act 1972* to the *Aboriginal Cultural Heritage Act 2021*, with links included to the new Act.
 - o Clarifying if the department will require proof if the proposed activities are exempt under the new *Aboriginal Cultural Heritage Act 2021* or require the provision of evidence that a permit has been obtained or a Cultural Heritage Management Plan has been approved in accordance with the Act.
- Regarding clearing of native vegetation:
 - o The word 'could' in the statement '*When this is considered, even driving over vegetation (including grasses and regrowth) could be considered clearing*' is ambiguous. Suggest instead '*repeated driving over vegetation in one location, where vegetation and root stock are clearly damaged, is considered clearing*'.

- 'Area disturbed' needs to clearly state that the disturbance includes windrows, riling, steep terrain pad windrows/base and veg stockpiles. Many explorers assume it is only the 'workable' area (pad, track etc) that the approved dimensions apply to and do not take into account the whole disturbance footprint.
- Regarding dieback management (section 1.4.2), fibrous and radioactive materials (section 1.5) and management plans and baseline surveys:
 - Suggest providing a checklist, standard template or include examples to which the Department want certain plans/procedures (eg. Dieback Management Plan or plans for fibrous and radioactive management)
 - Some explorers are not aware what these standard management plan should look like, and providing guidance would assist companies with capturing the 'correct' information.
- Management plans and baseline surveys:
 - Regarding the statement '*Where the proposed works intersect sensitive environmental features or conservation significant species, or where significant environmental impacts resulting from the proposed activities are possible*', we suggest significant environmental impacts are defined. Does this take into account cumulative impacts? This needs to be better defined so that companies can anticipate the requirement for biological survey.
 - Please define what is meant by 'current enough' with regards to biological surveys for conservation significant species. Suggest that this should be linked to the requirements established in the WA EPA technical guidance for flora and vegetation and fauna surveys.
- Suggest including the following in the useful rehabilitation data to track:
 - pad dimensions approved
 - sump dimensions approved
 - track width approved
 - pad dimensions cleared
 - sump dimensions cleared
 - track width cleared
- There is no mention of Excess Tonnage In the first document. There is only a brief mention of hillside drilling. Both of these are significant activities.

Draft Exploration and Prospecting Rehabilitation Guidance

Our comments on this draft guidance include:

- Please clarify how DMIRS will approve a written request for an extension to undertake rehabilitation prior to the rehabilitation due date.
- Please provide clarification on circumstances where extensions will or will not be approved.
- EIANZ supports monitoring of rehabilitation to determine the success of rehabilitation. However, auditing and monitoring of every drillhole may not be feasible, in particular as tracks will have been rehabilitated and it is not practical or may cause damage to rehabilitation to attempt to audit all drillholes.

Draft Eligible Mining Activity Framework

Our comments on this framework include:

- Suggest clarifying whether the maximum size of activity refers to the areas disturbed, or the spatial area application polygon.
- Suggest clarifying whether the EMA can or cannot be spatially split up on the one tenement, ensuring that collectively these areas do not exceed 2ha.

Conclusion

The EIANZ WA Division is pleased to make comments on the draft Programme of Work (PoW) Guidance, Exploration Rehabilitation Guidance and Eligible Mining Activity Framework Consultations.

If you have any further queries regarding the above matters, please contact Belinda Bastow, President EIANZ WA Division on wa@eianz.org.