

27 May 2024

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Via email: [RTD.Consultation@dmirs.wa.gov.au](mailto:RTD.Consultation@dmirs.wa.gov.au)

**SUBJECT: DRAFT MINING DEVELOPMENT AND CLOSURE PROPOSAL GUIDELINE**

Dear Tyler

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide comments to the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) on the Draft Mining Development and Closure Proposal (MDCP) Guideline and draft Small Operations Proforma.

CCAA is the peak body for the heavy construction materials industry in Australia. Our members operate cement manufacturing and distribution facilities, concrete batching plants, hard rock quarries and sand and gravel extraction operations throughout the nation. CCAA membership produce the majority of Australia's cement, concrete & aggregates, and ranges from large global companies to SMEs and family operated businesses.

CCAA welcomes efforts to streamline administrative processes and reduce unnecessary red tape. CCAA also welcomes the engagement provided via the Industry Reference Group that offered initial feedback to DEMIRS in developing this draft.

CCAA **supports** the objectives of the MDCP Guideline as outlined in Page 4 of the draft document, especially how the information required will be targeted and proportionate to the nature, scale and type of activity being undertaken and the level of environmental risk posed by the activity.

CCAA makes the following detailed comments to improve the documents clarity, purpose, application and efficiency of process:

- General – the numbering for each of the issues covered by the MDCP should be consistent so that for each MDCP submitted to DEMIRS, the section number is the same, e.g., Section 1 - Description of Proposed Mining Operation, Section 2 – Legislative Framework, etc. Such a consistent template will help standardise the documents and assist with online submissions.
- Section 1.2 Pre-submission engagement – CCAA supports the principle of early engagement with DEMIRS, and the scoping document template is a useful guide to applicants to help focus the scoping meeting discussions with DEMIRS.
- Section 1.5 Small mining operations – CCAA supports the concept of a Small Mining Operations Proforma but the thresholds outlined are set too low so the form will only have limited application and not provide the intended streamlining of process to basic raw material applications. CCAA suggests the thresholds are changed to less than 10 ha in area and less than 5 m deep, provided all other approvals are in place such as clearing, for the process to be applicable to its members.

- Section 1.6 Amendments to information recorded on an Approvals Statement – Further clarity is required regarding the Approvals Statement when changes are made to the operation. CCAA considers that the new Approvals Statement should only change to incorporate the conditions relevant to the new aspects of the operation outlined in the new MDCP. The new Approvals Statement should then cover the whole operation, including the new conditions relevant to the changed operation as well as the previous, unchanged conditions.
- Section 3.2 – Activity Envelope – CCAA **recommends** that other regulatory agencies such as the EPA and DWER recognise the term Activity Envelope so that consistent terminology is used between the various Government agencies to reduce confusion.
- The Site Plan format will need to be flexible to consider how infrastructure such as mobile crushing plant, stockpiles, and laydown areas move over time as the quarry develops in a staged development process.
- Section 3.4 – Activity details – CCAA notes the requirement for more detail to be provided for mining voids. Keeping in mind the principle that the information required will be targeted and proportionate to the nature, scale and type of activity being undertaken and the level of environmental risk posed by the activity, CCAA **recommends** that the simple geology of basic raw material (BRM) operations should be recognised in the design detail required in the MDCP. This is in comparison to the more geologically more complex metalliferous mines that require a much higher drill density to enable reserve calculations and mining void details.
- Section 4 - Legislative framework – note the minor typo that should read *Aboriginal Heritage Act 1972*, not 1978.
- Section 4.1 - Mining operations assessed under Part IV of the *Environmental Protection Act 1986* – CCAA supports the efforts to reduce duplication of regulatory effort and for the MDCP to outline the factors being assessed by the Environmental Protection Authority (EPA) and that these factors will not need to be replicated in the MDCP. CCAA notes that Part IV assessment generally happens after the MDCP assessment and hence the Relevant Ministerial Condition column in Table 4 is unlikely to be able to be populated. This is an area where concurrent assessment would be reasonable rather than assessment in series, i.e., one after the other.
- Section 4.2 - Mining operations requiring a Native Vegetation Clearing Permit under Part V of the *Environmental Protection Act 1986* – CCAA notes the common duplication in the flora assessment under Part V of the EP Act and under the *Mining Act* and **recommends** that opportunities to reduce this duplication and further streamline this often-contentious aspect are implemented.
- Section 5 - Baseline data and analysis – It is especially important to reinforce the principle in this section that the information required will be targeted and proportionate to the nature, scale and type of activity being undertaken and the level of environmental risk posed by the activity.

- Section 5.1 - Environmental and social setting – It is suggested that a **brief** description of other baseline data sets such as the regional geological setting, regional flora and fauna systems and regional hydrology regime are also included in this section. This would enable the detail provided in Sections 5.2 – 5.5 to be placed in a proper context.
- Section 6 - Risk Assessment and Management – CCAA supports the risk assessment process in principle but suggests that Table 6 in Appendix 3 is too large, complex and cumbersome. This table needs to be split into two parts enabling the Risk Treatment and Environmental Outcome columns, where much of the detail is provided, to be presented concisely so that the table does not extend over numerous A3 sheets or endless Excel spreadsheets.
- Appendix 4 - DEMIRS standard environmental and closure outcomes – This provides a reasonable list of outcomes and should be linked to the earlier scoping and description of the proposed mining operation in Section 3 and the key environmental factors covered in the Risk Register to ensure all aspects are covered.

As briefly discussed during our meeting on 7 May'24, CCAA would like to pursue the opportunity presented by DEMIRS to develop a bespoke, industry specific, risk assessment and risk register for low risk BRM operations, e.g. rural quarry that is run only on a campaign basis as the local market demands.

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.

For further information please contact Roger Buckley, State Director Western Australia on Mobile: 0417 401797 or Email: [roger.buckley@cca.com.au](mailto:roger.buckley@cca.com.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Kilgariff', written in a cursive style.

MICHAEL KILGARIFF  
Chief Executive Officer