



## 4 LEGISLATIVE FRAMEWORK

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### 4.1 Introduction

This chapter provides an overview of the environmental approvals require for the Proposal. A list of the relevant environmental legislation, regulations, conventions, treaties, policies, guidelines and code of practices that are relevant to the implementation of the Prposal are provided.

The key environmental approvals for the Proposal includes Part IV approval under the EP Act and approval under the EPBC Act. Sections of the EP Act that are relevant to the Proposal are detailed in Table 4-1.

The PER must address the requirements set out in the ESD, Section 10.2.4 of the EPA's *Environmental Impact Assessment (Part IV Divisions 1 and 2), Administrative Procedures 2012* and Schedule 4 to the EPBC Regulations).

### 4.2 Environmental Protection Act 1986

The EP Act and its subsidiary legislation provides for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment. The EPA is tasked with assessment of proposals to ensure environmental protection and to prevent, control and abate pollution and environmental harm.

### 4.3 Environment Protection Biodiversity Conservation Act 1999

The EPBC Act is administered by the Commonwealth DoEE. As described in Section 3.4, the Commonwealth Minister for the Environment has agreed that the Proposal can be assessed under the terms of the Bilateral Agreement between the Commonwealth Government and WA. As a result, a single environmental assessment process would be completed under Part IV of the EP Act.

The EPBC Act regulates activities to protect and manage MNES. The EPBC Act has several objectives:

- Provide for the protection of the environment, especially MNES.
- Conserve Australian biodiversity.
- Provide a streamlined national environmental assessment and approvals process.
- Enhance the protection and management of important natural and cultural places.
- Control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife.
- Promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources.
- Recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity.



- Promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

Approval from the Australian Minister for the Environment (or delegate) is being sought under Section 133 of the EPBC Act. This process is described in detail in Section 3.4. Subject to approval of the Proposal under Part IV of the EP Act, other construction and operation related approvals would also be sought.



**Table 4-1 Key legislation relevant to the approval of the proposed Sandy Ridge Facility**

Legislation	Approval	Decision Making Authority
<b>EP Act (Section 45)</b>	Statement that a Proposal may be implemented under Section 45.	Western Australian Minister for Environment; Heritage.
<b>EPBC Act (Section 133)</b>	Approval for the Proposal under Section 133.	Australian Minister for the Environment (or delegate).
<b>Mining Act 1978 (WA)</b>	<ul style="list-style-type: none"> <li>• Mining lease under Section 71.</li> <li>• Grant of a general purpose lease in favour of Tellus under Section 86.</li> <li>• Miscellaneous licences under Section 91.</li> <li>• Mining Proposal and Mine Closure Plan under Section 82A (2).</li> </ul>	Western Australian Minister Department of Mines and Petroleum.
<b>Land Administration Act 1997</b>	Land administration and land tenure.	<p>The <i>Land Administration Act 1997</i> (WA) (LAA) governs the disposition and management of Crown land in WA. Among other things, the LAA outlines the processes relating to Crown leases and reserves, Crown easements and compulsory land acquisition.</p> <p>The waste storage or permanent isolation aspect of the Proposal would operate on land that is currently unallocated Crown land and accordingly, would require tenure that is granted pursuant to the LAA (namely a Crown lease or reserve and Crown easements). This would in turn require the compulsory acquisition of rights and interests in the affected areas to the extent necessary to enable the grant of the Crown lease and Crown easements.</p> <p>Primarily, and in combination with the requirements of the <i>Native Title Act 1993</i> (Cth) the compulsory acquisition of native title rights and interests would be required except to the extent that native title has already been extinguished in those areas. The approvals required under the LAA</p>



Legislation	Approval	Decision Making Authority
		comprise an order that interests in land may be taken under Section 165 of the LAA, various steps, notices and orders under the compulsory acquisition processes in Parts 9 and 10 of the LAA to enable the taking of the relevant interests and the grant of the Crown lease and Crown easements.
<b>EP Act (WA) – Part V</b>	Works Approval (under Section 54) and Licence (under Section 57) for the construction and operation of kaolin processing plant.	Department of Environment Regulation.
<b>EP Act (WA) – Part V</b>	Works Approval (under Section 54) and Licence (under Section 57) for the construction and operation of waste repository (Class V/IV) and Class II landfill.	Department of Environment Regulation.
<b>Native Title Act 1993</b>	Aboriginal land interests because native title processes would need to be followed for the valid grant of tenure.	The <i>Native Title Act 1993</i> (Cth) regulates the recognition and protection of native title and, among other things, specifies the procedures to be complied with for certain future acts which may affect native title, including the valid grant of tenure. Unless native title rights and interests in the relevant area have already been extinguished, there would be processes to be followed by the DMP and the Department of Lands under the <i>Native Title Act 1993</i> (Cth) in order to validly grant tenure to the proponent.
<b>Radiation Safety Act 1975 (WA)</b>	Registration (under Section 28)/Disposal Permit (under Section 34).	Radiological Council of Western Australia.
<b>Nuclear Non-Proliferation (Safeguards) Act 1987</b>	Permit to possess nuclear material <sup>13</sup> under Section 13.	Australian Safeguards and Non-Proliferation Office within the Department of Foreign Affairs and Trade.
<b>Mines Safety and Inspection Regulations 1995 (WA)</b>	Radiation Management Plan under Part 16.	DMP.
<b>Rights in Water and Irrigation Act 1914 (WA)</b>	Licence to Take Water under Section 5C.	Department of Water

<sup>13</sup> The Facility will not accept depleted uranium, enriched uranium, low enriched uranium, high enriched uranium, Uranium-233 or plutonium, but would accept natural uranium and thorium. See Glossary for further definition of these words.



Legislation	Approval	Decision Making Authority
<b><i>Dangerous Goods Safety Act 2004 (WA) and Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 (WA)</i></b>	Dangerous Goods Site Licence under Part 4.	DMP.
<b><i>Planning and Development Act 2005 (WA) and Building Act 2011 (WA)</i></b>	Development approval under Section 162. Building permits for construction of buildings under Part 2.	Shire of Coolgardie.
<b><i>Mines Safety and Inspection Regulations 1995 (WA)</i></b>	Project management plan under Regulation 3.13.	DMP.

\* Department of Mines and Petroleum



## 4.4 Other legislation

Other Commonwealth and State legislation that may be applicable to the Proposal is listed in Table 4-2. The proponent has lodged applications for miscellaneous and general purpose licences as well as an outline Mining Plan. In addition, a licence to accept low level radioactive waste has also been progressed. Future licences and/or permits include vegetation clearance and water abstraction from the Carina mine pit. However, other agencies are constrained from approving the proposal until the Western Australian Minister for Environment has made his decision.



Table 4-2 Other relevant legislation

Legislation	Application	Decision Making Authority
<b>Commonwealth legislation</b>		
<i>Australian Radiation Protection and Nuclear Safety Act 1998</i>	Regulation (under Part 5) and inspection (under Part 7) of the Facility.	ARPANSA.
<i>National Greenhouse and Energy Reporting Act 2007</i>	Potential reporting requirements in relation to greenhouse gas emissions, energy production and energy consumption.	Clean Energy Regulator.
<i>Nuclear Non-Proliferation (Safeguards) Act 1987</i>	Report of inventory of nuclear material as required by the Permit.	Australian Safeguards and Non-proliferation Office within the Department of Foreign Affairs and Trade.
<b>Western Australian legislation</b>		
<i>Aboriginal Heritage Act 1972</i>	Protection of archaeological and ethnographic heritage sites.	Minister for Aboriginal Affairs.
<i>Biosecurity and Agriculture Management Act 2007</i>	The control of declared pests.	Department of Agriculture and Food.
<i>Bush Fires Act 1954</i>	Wild fire control.	Department of Fire and Emergency Services.
<i>Contaminated Sites Act 2003 and the Contaminated Sites Regulations 2006 (WA)</i>	Management of pollution.	Department of Environment Regulation.
<i>Environmental Protection Act 1986</i> and regulations: <ul style="list-style-type: none"> <li>• Environmental Protection (Controlled Waste) Regulations 1997</li> <li>• Environmental Protection (Noise) Regulations 1997</li> <li>• Environmental Protection (Rural Landfill) Regulations 2002</li> </ul>	Management of controlled waste, noise, pollution control, maintenance and closure of Class II landfill.	Department of Environment Regulation
<i>Food Act 2008</i>	Public health as it relates to providing food.	Department of Health.
<i>Health Act 1911</i>	Public health as it relates to waste management.	Department of Health.



Legislation	Application	Decision Making Authority
<i>Local Government Act 1995</i>	Development approvals and management/community issues/resources/facilities.	Western Australian Local Government Association/Shire of Coolgardie.
<i>Nuclear Activities Regulation Act 1978</i>	Prohibits the storage, handling, disposal or transportation of any prescribed substance.	Radiological Council of Western Australia.
<i>Nuclear Waste Storage and Transportation (Prohibition) Act 1999</i>	Prohibits the storage, disposal or transportation of certain nuclear material.	Minister for Health.
<i>Occupational Safety and Health Act 1984</i>	Occupational health and safety.	Department of Commerce.
<i>Radiation Safety Act 1975</i> and Radiation Safety (General) Regulations 1983, Radiation Safety (Qualifications) Regulations 1980	Radiation safety approvals. Prohibits the disposal of solid radioactive waste by near-surface disposal unless the disposal, the disposal Facility and the disposal site comply with the requirements of the appropriate code of practice.	Radiological Council of Western Australia.
<i>Soil and Land Conservation Act 1945</i>	Protection of soil resources.	Department of Agriculture and Food.
<i>Wildlife Conservation Act 1950</i>	Protection of threatened, rare or endangered species.	Department of Parks and Wildlife.



#### 4.4.1 Proposal relationship to the *Nuclear Waste Storage and Transportation (Prohibition) Act 1999*

In 1999 Pangea Resources, a United Kingdom based company, identified Australia as a potential location for a deep geological repository to store high level waste and spent fuel from nuclear power production (WNA, 2015b). In response to Pangea Resources' proposal, WA introduced the *Nuclear Waste Storage and Transportation (Prohibition) Act 1999*. The objects of this Act are to protect the health, welfare and safety of the people of WA and to protect the environment in which they dwell by prohibiting the establishment of a nuclear waste storage Facility in the state, the use of any place in the state for the storage or disposal of nuclear waste, and the transportation in the state of nuclear waste.

The definition of nuclear waste in this Act is:

*Nuclear waste means material –*

- a) *that is or contains a radioactive substance; and*
- b) *that –*
  - a. *is a waste of a nuclear plant;*
  - b. *results from the testing, use or decommissioning of nuclear weapons.*

The definition excludes radioactive waste, such as that which might be generated by mining or the oil and gas industry, that is naturally occurring uranium and thorium.

The proponent's Proposal differs from Pangea Resources' in two key areas:

- The proponent is proposing to accept LLW, and has no intention of accepting nuclear waste or nuclear material at the Facility. Pangea Resources proposed to accept nuclear waste (high level waste and spent fuel).
- A near surface repository is proposed (within 30 m of the ground surface), whereas Pangea Resources was proposing a deep geological repository (500 m below the ground surface).

The WA legislation definition of nuclear waste differs from the definition provided in the EPBC Act and EPBC Regulations. Under Australian legislation, the Facility is deemed a 'nuclear action' because it proposes to accept radioactive waste with activity concentrations greater than prescribed levels. While not accepting nuclear waste, the label 'nuclear' is applied because it is proposed to accept NORMs, medical radioisotopes or commercial and domestic radioactive equipment that may meet or exceed the threshold concentrations and activities prescribed in Schedule 2 Part 2 of the Australian Radiation Protection and Nuclear Safety Regulations 1999 (Cth). This exceedance of threshold concentrations automatically triggers the 'nuclear action'; however, the material to be accepted is still within the definition of LLW. More information on the 'nuclear action' is provided in Section 11.2.



## 4.5 International conventions and treaties

### 4.5.1 London Protocol

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, or the 'London Convention', was one of the first global conventions to protect the marine environment from human activities (International Maritime Organisation [IMO], 2015). In 1996, the London Protocol was agreed by Parties to the Convention to further modernise the Convention and, eventually, replace it (IMO, 2015). Under the London Protocol all dumping of wastes is prohibited, except for possibly acceptable wastes on the so-called 'reverse list'. The reverse list includes dredged material, sewage sludge, fish wastes, vessels and platforms, inert inorganic geological material (e.g. mining wastes), bulky items primarily comprising iron, steel and concrete, and carbon dioxide streams from carbon dioxide capture processes for sequestration. The Protocol was adopted in 2006. There are currently 45 Parties to the Protocol, including Australia (IMO, 2015).

The convention is implemented in Australia under the EPBC Act and the *Environment Protection (Sea Dumping) Act 1981* and Environmental Protection (Sea Dumping) Regulations 1983. The Act applies to all vessels, aircraft and platforms in Australian waters and to all Australian vessels and aircrafts in any part of the sea. Australian waters mean:

- a) *the territorial sea of Australia and any sea that is on the landward side of the territorial sea of Australia, other than any part of the sea that is within the limits of a State or of the Northern Territory; or*
- b) *the territorial sea of an external Territory and any sea that is on the landward side of that territorial sea; or*
- c) *the exclusive economic zone adjacent to the coast of Australia or the coast of an external Territory; or*
- d) *any other area of sea that is above the continental shelf of Australia or above the continental shelf of an external Territory.*

*and includes any area of sea that is declared by the regulations to be included in Australian waters for the purposes of the Act.*

Wastes generated in Australian waters, for example NORMs are prohibited from being disposed of in Australian waters. The Proposal would provide a long-term storage solution for these wastes and aids Australia in complying with the spirit of the London Protocol.

### 4.5.2 Nuclear Non-Proliferation Treaty and Convention on the physical protection of nuclear material

The Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty) (NPT) and the non-proliferation safeguards system provided through the IAEA assist in limiting the spread of



nuclear weapons and contributing to international peace and security (Department of Foreign Affairs and Trade, 2015).

The Convention on the Physical Protection of Nuclear Material (CPPNM) is the only international legally binding undertaking in the area of physical protection of nuclear material. The convention establishes measures related to the prevention, detection and punishment of offenses relating to nuclear material (IAEA, 2015). The Convention was signed at Vienna and at New York on 3 March 1980.

The Australian Safeguards and Non-proliferation Office (ASNO) ensures that Australia's international obligations are met under the NPT, the safeguards agreement with the IAEA, the CPPNM and Australia's various bilateral safeguards agreements (of which there are currently 20).

The ASNO's requirements would be adhered to, ensuring the Proposal's waste acceptance does not breach any obligations for which ASNO is responsible for.

### **4.5.3 JAMBA, CAMBA and ROKAMBA and Bonn Convention**

Australia is party to the Japan–Australia (JAMBA), Republic of Korea–Australia (ROKAMBA), China–Australia (CAMBA) and the Bonn Convention (Convention of the Conservation of Migratory Species of Wild Animals) 1979 Migratory Bird Agreements. All migratory bird species listed in the annexes to these bilateral agreements are protected in Australia as MNES under the EPBC Act.

Environmental mitigation measures would be in place to safeguard migratory birds protected under international conventions.

## **4.6 Waste management policies**

### **4.6.1 National Waste Policy**

The *National Waste Policy: Less Waste, More Resources* (NWP) (DoE, 2015a), agreed by all Australian Environment Ministers in 2009, provides for a coherent, efficient and environmentally responsible approach to waste management in Australia. The policy provides waste management and resource recovery direction to 2020. The aims of the NWP are to:

- Avoid the generation of waste, reduce the amount of waste (including hazardous waste) for disposal.
- Manage waste as a resource.
- Ensure that waste treatment, disposal, recovery and re-use is undertaken in a safe, scientific and environmentally sound manner.
- Contribute to the reduction in greenhouse gas emissions, energy conservation and production, water efficiency and the productivity of the land.

The NWP includes hazardous wastes and substances in the municipal, commercial and industrial, construction and demolition waste streams and covers gaseous, liquid and solid wastes. Radioactive



waste is excluded. The policy sets directions in six key areas and identifies 16 priority strategies that would benefit from a national or coordinated approach. The strategies focus on (but are not limited to) sustainability, collaboration, reducing health and safety risks, better packaging management and classification of wastes, reduction in biodegradable wastes sent to landfill, services to remote and regional communities and responsibility to international obligations.

The Proposal would be developed with consideration of the NWP. If implemented, the Proposal would support the following key areas of the policy:

- **Improving the market** – efficient and effective Australian markets operate for waste and recovered resources, with local technology and innovation being sought after internationally.
- **Reducing hazard and risk** – reduction of potentially hazardous content of wastes with consistent, safe and accountable waste recovery, handling and disposal.
- **Tailoring solutions** – increased capacity in regional, remote and Indigenous communities to manage waste and recover and re-use resources.

#### 4.6.2 Western Australian Waste Strategy

The *Western Australian Waste Strategy: 'Creating the Right Environment'* (Western Australian Waste Authority, 2012) is the primary strategy for waste management and resource recovery in WA. The five objectives of the strategy are as follows:

- **Strategy objective 1** – initiate and maintain long-term planning for waste and recycling processing, and enable access to suitably located land with buffers sufficient to cater for the State's waste management needs.
- **Strategy objective 2** - enhance regulatory services to ensure consistent performance is achieved at landfills, transfer stations and processing facilities.
- **Strategy objective 3** - develop best practice guidelines, measures and reporting frameworks and promote their adoption.
- **Strategy objective 4** - use existing economic instruments to support the financial viability of actions that divert waste from landfill and recover it as a resource.
- **Strategy objective 5** - communicate messages for behaviour change and promote its adoption, and acknowledge the success of individuals and organisations that act in accordance with the aims and principles in the strategy and assist in its implementation.

If implemented, the Proposal would support the objectives of the WA Waste Strategy (particularly Strategy objective 1) by planning for the long-term storage and isolation of hazardous, intractable and LLW that cannot be recycled or recovered, to cater for WA's waste management needs.



### 4.6.3 Acceptance of interstate waste

There is no formal EPA policy in relation to the acceptance of waste from outside of WA. A restriction on the acceptance of waste from outside WA applies to the IWDF but this arises from a proponent commitment only.

## 4.7 Other policies relevant to the Proposal

A number of strategic plans have been prepared for the Goldfields-Esperance region. These plans are outlined below and include:

- *Goldfields-Esperance Strategic Development Plan 2011–2021* (Regional Development Australia Goldfields-Esperance, the Goldfield-Esperance Development Commission and the Goldfields Voluntary Regional Organisation of [Local Government] Councils, 2012).
- *Goldfields-Esperance Regional Planning Strategy* (Western Australian Planning Commission, 2000).
- *Goldfields-Esperance Regional Investment Blueprint* (Goldfields-Esperance Development Commission, 2016).
- *Goldfields-Esperance Workforce Development Plan 2013–2016* (Department of Training and Workforce Development, 2012).
- *Workforce Futures for the Goldfields-Esperance Region* (Department of Education and Training State Training Board, 2008).

The Proposal would positively contribute to several of the initiatives put forward within the above plans. It would result in significant social and economic benefits for the region including providing local employment opportunities, local training opportunities, Indigenous employment and training opportunities, local business support and encourage investment opportunities and regional development in the Goldfield-Esperance region.

### 4.7.1 Goldfields-Esperance Strategic Development Plan 2011–2021

The *Goldfields-Esperance Strategic Development Plan 2011–2021* is the product of an extensive collaboration between Regional Development Australia Goldfields-Esperance, the Goldfield-Esperance Development Commission and the Goldfields Voluntary Regional Organisation of (Local Government) Councils (July 2012). It establishes foundations for advancing long-term development in the region while identifying priority initiatives for the current decade.

The plan is built on addressing the needs of the region, which include meeting infrastructure needs, developing social infrastructure, addressing workforce requirements, addressing environmental challenges and diversifying the economic base. To address these needs, the critical aspirations for the region are:

- Effective and efficient infrastructure to meet regional demand.
- Attraction and retention of the required workforce.



- A quality of life that attracts and retains people in the region.
- Development of renewable energy sources for the future.
- Regional decisions to address regional challenges.

#### 4.7.2 Goldfields-Esperance Regional Planning Strategy

The *Goldfields-Esperance Regional Planning Strategy* developed by the Western Australian Planning Commission (July 2000) identifies land use needs and growth requirements for the Goldfields-Esperance region. The following represent the broad principles of the strategy:

- **Community principle:** To respond to social changes and facilitate the creation of vibrant, accessible, safe and self-reliant communities.
- **Infrastructure principle:** To facilitate strategic development by ensuring that land use, transport and public utilities are mutually supportive.
- **Environmental principle:** To protect and enhance the key natural and cultural assets of the region and deliver to all residents a high quality of life which is based on environmentally sustainable principles.
- **Economic principle:** To actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.
- **Regional development principle:** To assist in the development of the region by taking account of the regions' special assets and accommodating its individual requirements.

#### 4.7.3 Goldfields Esperance Regional Investment Blueprint

The *Goldfields Esperance Regional Investment Blueprint* prepared by the Goldfields-Esperance Development Commission (March 2016) is a roadmap for the future social and economic growth and prosperity of the region to 2050 (and beyond). The following regional priorities are outlined in the blueprint:

- Enhancing regional living (building healthy educated and inclusive communities, supporting skills development and employability, conserving our natural environment, and improving services in regional centres).
- Enabling infrastructure (expanding and improving infrastructure to move, transport and connect digitally as well as providing new energy sources and accessible reliable utilities).
- Fostering an innovative economy (focusing on investment, market development, creativity and innovation).

#### 4.7.4 Goldfields-Esperance Workforce Development Plan 2013–2016

The *Goldfields-Esperance Workforce Development Plan 2013–2016* was developed by the Department of Training and Workforce Development (2012). The plan aims to build, attract and



retain a skilled workforce to meet the economic needs of the Goldfields-Esperance region. The following represent the goals of the plan:

- **Strategic goal 1:** Increase participation in the workforce particularly among the underemployed and disengaged, mature aged workers, Aboriginal and Torres Strait Islander and other under-represented groups.
- **Strategic goal 2:** Supplement the WA workforce with skilled migrants to fill employment vacancies unable to be filled by the local workforce and address those factors which support a growing workforce.
- **Strategic goal 3:** Attract workers with the right skills to the WA workforce and retain them by offering access to rewarding employment and a diverse and vibrant community and environment to live in.
- **Strategic goal 4:** Provide flexible, responsible, and innovative education and training which enables people to develop and utilise the skills necessary for them to realise their potential and contribute to WA's prosperity.
- **Strategic goal 5:** Plan and coordinate a strategic WA Government response to workforce development issues in WA.

#### **4.7.5 Workforce futures for the Goldfields-Esperance Region**

The *Workforce Futures for the Goldfields-Esperance Region* was prepared by the Department of Education and Training State Training Board (2008) in a response to serious labour shortages across a range of sectors and occupational groups that threatened to constrain economic growth and prevent the region from fully meeting its potential. The project culminated in the preparation of a workforce plan. The plan focuses on three key themes:

- Attraction and retention of jobs.
- Education and training.
- Regional monitoring, evaluation and plan implementation.

### **4.8 Policy, guidelines and codes of practice**

Applicable guidelines and codes of practices that are relevant to environmental management of the proposal are outlined in Table 4-3.



Table 4-3 Relevant guidelines and codes of practice

Key Environmental Factor	Relevant policy, guidelines and codes of practice (see the ESD in Appendix A.1)
<p><b>Flora and vegetation</b></p>	<p><i>Relevant EPA policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Checklist for documents submitted for EIA on marine and terrestrial biodiversity.</i></li> <li>• <i>Position Statement 2: Environmental Protection of Native Vegetation in Western Australia, Perth, Western Australia (EPA, 2000).</i></li> <li>• <i>Position Statement 3: Terrestrial Biological Surveys as an Element of Biodiversity Protection, Perth, Western Australia (EPA, 2002).</i></li> <li>• <i>Guidance Statement No. 51: Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia June 2004, Perth, Western Australia (EPA, 2004a).</i></li> <li>• <i>Environmental Offsets Policy, Perth, Western Australia (Government of Western Australia, 2011).</i></li> <li>• <i>Environmental Offsets Guidelines, Perth, Western Australia (Government of Western Australia, 2014).</i></li> <li>• <i>Technical Guide – Flora and Vegetation Surveys for Environmental Impact Assessment (EPA and Department of Parks and Wildlife, 2015).</i></li> </ul> <p><i>Relevant Commonwealth policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (DSEWPAC*, 2012).</i></li> <li>• <i>Outcomes-based Conditions Policy Environment Protection and Biodiversity Conservation Act 1999 - Draft (Commonwealth of Australia, 2015).</i></li> </ul> <p><i>Technical guideline</i></p> <ul style="list-style-type: none"> <li>• <i>A review of existing Australian radionuclide activity concentration data in non-human biota inhabiting uranium mining environments. Technical Report 167 (ARPANSA, 2014a).</i></li> </ul>
<p><b>Terrestrial environmental quality</b></p>	<p><i>Relevant EPA policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Guidance for the Assessment of Environmental Factors. Rehabilitation of Terrestrial Ecosystems. No. 6 (EPA, 2006).</i></li> <li>• <i>Environmental Protection Bulletin No. 19 EPA involvement in mine closure (EPA, 2015b).</i></li> <li>• <i>Guidelines for Preparing Mine Closure Plans, Perth, Western Australia (EPA and DMP, 2015).</i></li> </ul>



Key Environmental Factor	Relevant policy, guidelines and codes of practice (see the ESD in Appendix A.1)
	<p><i>Relevant Commonwealth policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>National Waste Policy: Less Waste, More Resources</i> (Department of the Environment, Water, Heritage and the Arts, 2009).</li> <li>• <i>Outcomes-based Conditions Policy Environment Protection and Biodiversity Conservation Act 1999 – Draft</i> (Commonwealth of Australia, 2015).</li> </ul> <p><i>Technical guideline</i></p> <ul style="list-style-type: none"> <li>• <i>Leading practice sustainable development program for the mining industry</i> (DRET<sup>^</sup>, 2008).</li> </ul>
<b>Fauna</b>	<p><i>Relevant EPA policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>EPA Position Statement No. 3 Terrestrial Biological Surveys as an Element of Biodiversity Protection</i> (EPA, 2002).</li> <li>• <i>Guidance Statement No. 56 Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia June 2004</i> (EPA, 2004b).</li> <li>• <i>Guidance Statement No. 20 Sampling of Short Range Endemic Invertebrate Fauna for Environmental Impact Assessment</i> (EPA, 2009).</li> <li>• <i>Technical Guide – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment. Technical report of the Environmental Protection Authority and the Department of Environment and Conservation</i> (Hyder et al., 2010).</li> <li>• <i>Environmental Offsets Policy, Perth, Western Australia</i> (Government of Western Australia, 2011).</li> <li>• <i>Environmental Offsets Guidelines, Perth, Western Australia</i> (Government of Western Australia, 2014).</li> </ul> <p><i>Relevant Commonwealth policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i> (DSEWPAC, 2012).</li> <li>• <i>Guide for Radiation Protection of the Environment. RPS G-1</i> (ARPANSA, 2015).</li> <li>• <i>National Recovery Plan for Malleefowl <i>Leipoa ocellata</i></i> (Benshemesh, 2007).</li> <li>• <i>Survey Guidelines for Australia's Threatened Birds. EPBC Act survey guidelines 6.2</i> (Department of the Environment, Water, Heritage and the Arts, 2010).</li> <li>• <i>Outcomes-based Conditions Policy Environment Protection and Biodiversity Conservation Act 1999 – Draft</i> (Commonwealth of Australia, 2015).</li> </ul>



Key Environmental Factor	Relevant policy, guidelines and codes of practice (see the ESD in Appendix A.1)
<p><b>Inland waters environmental quality</b></p>	<p><i>Relevant EPA policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Guidance for the Assessment of Environmental Factors. Rehabilitation of Terrestrial Ecosystems. No. 6 (EPA, 2006).</i></li> <li>• <i>Guidelines for Preparing Mine Closure Plans, Perth, Western Australia (EPA and DMP, 2015).</i></li> <li>• <i>Environmental Protection Bulletin No. 19 EPA involvement in mine closure (EPA, 2015b).</i></li> </ul> <p><i>Relevant Commonwealth policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Outcomes-based Conditions Policy Environment Protection and Biodiversity Conservation Act 1999 – Draft (Commonwealth of Australia, 2015).</i></li> </ul>
<p><b>Human health</b></p>	<p><i>Relevant EPA policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Guidance Statement No. 55: Guidance for the assessment of environmental factors – Implementing best practice in proposals submitted to the environmental impact assessment process, Perth, Western Australia (EPA, 2003).</i></li> <li>• <i>Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses (EPA, 2005).</i></li> <li>• <i>Guidance for the Assessment of Environmental Factors. Rehabilitation of Terrestrial Ecosystems. No. 6 (EPA, 2006).</i></li> <li>• <i>Consideration of environmental impacts from noise (EAG13) (EPA, 2014a).</i></li> <li>• <i>Guidelines for Preparing Mine Closure Plans, Perth, Western Australia (EPA and DMP, 2015).</i></li> <li>• <i>Environmental Protection Bulletin No. 19 EPA involvement in mine closure (EPA, 2015b).</i></li> </ul> <p><i>Relevant Commonwealth policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Outcomes-based Conditions Policy Environment Protection and Biodiversity Conservation Act 1999 – Draft (Commonwealth of Australia, 2015).</i></li> <li>• <i>National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998 (as amended) (NEPC<sup>+</sup>, 1998a).</i></li> </ul> <p><i>National technical guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Code of Practice for the near-surface disposal of radioactive waste in Australia (NHMRC, 1992).</i></li> <li>• <i>Classification and Disposal of Radioactive Waste in Australia – Consideration of Criteria for Near Surface Burial in an Arid Area. Technical Report Series No. 152 (ARPANSA, 2010).</i></li> <li>• <i>Code for the Safe Transport of Radioactive Material. RPS C-2 (ARPANSA, 2014b).</i></li> </ul>



Key Environmental Factor	Relevant policy, guidelines and codes of practice (see the ESD in Appendix A.1)
	<ul style="list-style-type: none"> <li>• <i>Leading practice sustainable development program for the mining industry</i> (DRET, 2008).</li> <li>• <i>Australian Drinking Water Guidelines</i> (NHMRC, 2011 as amended 2016).</li> </ul> <p><i>State technical guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Landfill Waste Classification and Waste Definitions</i> (DEC, 1996 as amended 2009).</li> <li>• <i>Assessment and Management of Contaminated Sites</i> (DER~, 2014).</li> <li>• <i>Managing naturally occurring radioactive material (NORM) in mining and mineral processing - Guidelines:</i> <ul style="list-style-type: none"> <li>○ <i>NORM-4.1 Controlling dust strategies.</i></li> <li>○ <i>NORM-5 Dose assessment (DMP, 2010).</i></li> </ul> </li> <li>• <i>Guidance Note on Public Health Risk Management of Asbestiform Materials Associated with Mining</i> (Department of Health, 2013).</li> </ul>
<b>Heritage</b>	<p><i>Relevant EPA policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Guidance Statement No. 41 Assessment of Aboriginal Heritage</i> (EPA, 2004c).</li> </ul> <p><i>Relevant Commonwealth policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Outcomes-based Conditions Policy Environment Protection and Biodiversity Conservation Act 1999 – Draft</i> (Commonwealth of Australia, 2015).</li> </ul> <p><i>Relevant technical guideline</i></p> <ul style="list-style-type: none"> <li>• <i>Aboriginal Heritage – Due Diligence Guidelines. Version 3.0.</i> (DAA# and DPC&amp;, 2013).</li> </ul>
<b>Offsets</b>	<p><i>Relevant EPA policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Environmental Offsets Policy, Perth, Western Australia</i> (Government of Western Australia, 2011).</li> <li>• <i>Environmental Offsets Guidelines, Perth, Western Australia</i> (Government of Western Australia, 2014).</li> <li>• <i>Environmental Protection Bulletin No. 1 - Environmental offsets</i> (EPA, 2014b).</li> </ul> <p><i>Relevant Commonwealth policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i> (DSEWPAC, 2012).</li> </ul>



Key Environmental Factor	Relevant policy, guidelines and codes of practice (see the ESD in Appendix A.1)
	<ul style="list-style-type: none"> <li>• <i>Outcomes-based Conditions Policy Environment Protection and Biodiversity Conservation Act 1999 – Draft</i> (Commonwealth of Australia, 2015).</li> </ul>
<p><b>Rehabilitation and decommissioning</b></p>	<p><i>Relevant EPA policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Guidance for the Assessment of Environmental Factors. Rehabilitation of Terrestrial Ecosystems. No. 6</i> (EPA, 2006).</li> <li>• <i>Guidelines for Preparing Mine Closure Plans</i> (EPA and DMP, 2015).</li> <li>• <i>Environmental Protection Bulletin No. 19 EPA involvement in mine closure</i> (EPA, 2015b).</li> </ul> <p><i>Relevant Commonwealth policies and guidelines</i></p> <ul style="list-style-type: none"> <li>• <i>Outcomes-based Conditions Policy Environment Protection and Biodiversity Conservation Act 1999 - Draft</i> (Commonwealth of Australia, 2015).</li> </ul> <p><i>Relevant technical guideline</i></p> <ul style="list-style-type: none"> <li>• <i>Leading practice sustainable development program for the mining industry</i> (DRET, 2008).</li> </ul>

\* Department of Sustainability, Environment, Water, Population and Communities

^ Department of Resources Energy and Tourism

+National Environment Protection Council

~Department of Environment Regulation

# Department of Aboriginal Affairs

& Department of the Premier and Cabinet