



Department of **Mines,**
Petroleum and Exploration

Policy

Small mining operations

August 2025

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Document Hierarchy

Legislation	Mining Act 1978 Mining Regulations 1981
Policy	Environmental Objectives Policy for Mining This document
Guidelines	Guideline for preparing Mining Development and Closure Proposals
Procedures	Environmental Application Administrative Procedures

Version history

Version	Date	Changes
1.0	2025	Initial publication of the Policy – Small mining operations

Purpose

The purpose of this document is to identify key elements of the environmental regulatory framework under the *Mining Act 1978* (Mining Act) relevant to small mining operators. This policy only applies to mining operations and does not address prospecting or exploration.

Objectives

The Department of Mines, Petroleum and Exploration (DMPE) is responsible for regulating mineral exploration and development activities in Western Australia (WA) under the Mining Act. Small mining operators are a key part of the resources sector in WA, facilitating exploration and providing economic benefit to regional areas. The objective of this policy is to clearly outline DMPE's expectations of the environmental regulatory requirements that apply to small mining operations under the Mining Act.

This document recognises the relatively low risk posed by these activities in general circumstances and reduces some of the regulatory and financial burden to support this sector while ensuring small mining operations are conducted in a responsible manner.

Scope

For the purpose of this policy, DMPE considers a small mining operation to be:

- Scraping and detecting.
- Dry blowing.
- Wet and dry gravity separation activities.
- The following activities for a total footprint for the mining operation of 10 hectares (ha) or less:
 - Mining excavations (such as pits, costeans, quarries, shafts, winzes, harvesting, dredging), leaching operations (such as Carbon-in-Pulp (CIP), Carbon-in-Leach (CIL), vat leach, and heap leach), - tailings treatment operations, crushing and screening, and any other appropriate mining or extraction activities.
 - Any construction activities incidental or conducive to the activities above including plant, tailings storage facilities and overburden stockpiles.

DMPE generally considers that a small mining operation does not involve the mining of uranium, mineral sands, or rare earth elements.

Where an operation does not meet the above criteria, approval to be classified as a small mining operation may be given by DMPE on a case-by-case basis. This approval must be received in writing.

Policy

1. Applications for small mining operations

An application for a small mining operation can be undertaken using the Mining Development and Closure Proposal for Small Mining Operations form (MDCP Small Operations form).

The MDCP Small Operations form is the approved form pursuant to section 103AN(3)(b) of the *Mining Act 1978* for the submission of a MDCP for small mining operations. It has been designed to meet the requirements of 103AN(3)(d) and (e) of the Mining Act, and therefore all sections must be completed in order it to constitute a valid MDCP.

The form has been designed to meet the requirements of the Mining Act and Mining Regulations 1981 in relation to a mining development and closure proposal, while ensuring the information requirements are commensurate to the nature and scale of a small mining operation. The form can be used in instances where a mining operation is consistent with the above criteria or DMPE has agreed to classify an operation as a small operation.

The MDCP Small Operations form **cannot** be used as a mechanism to seek approval for amendments or extensions to sites or projects that are **not** considered small mining operations.

2. Approval of small mining operations

Following assessment of activities proposed in a MDCP Small Operations form, an Approvals Statement will be issued which will define the scope and limits of approved mining operations and contain the relevant conditions applicable to the operation. Tenement holders will be provided a draft Approvals Statement for review prior to formal issuing by DMPE.

The Approvals Statement will contain:

- an approval given to an activity proposed in a mining development and closure proposal;
- any information relevant to the nature and extent of the activity in the proposal;
- any conditions attached to the approval;
- the closure outcomes included in a mining development and closure proposal; and
- the date by which a mine closure plan must be lodged (*if required*).

For small mining operations, the conditions recorded on an Approvals Statement will be consistent with the environmental and closure outcomes contained within the MDCP Small Operations form. For reference, these conditions and closure outcomes are provided in **Attachment 1**. The outcomes imposed on a small mining operation will be dependent on the nature and scale of activities, acknowledging that not all outcomes are relevant to a particular small mining operation.

Depending on the nature and risk of an operation, DMPE reserves the right to impose additional conditions on an Approvals Statement if required.

3. Reporting requirements

Environmental reports

Due to the nature, scale, and generally low risk of small mining operations, DMPE's intention is that small mining operations will have reduced environmental reporting obligations. The existing obligation for all tenement holders to report disturbance data to DMPE in annual Mining Rehabilitation Fund (MRF) reports may be considered sufficient for small mining operations (determined on a case-by-case basis), however DMPE reserves the right to request a more detailed environmental report dependent on the level of risk.

Mine closure plans

DMPE considers the closure risks associated with small mining operations to be low and as such can be managed through standard rehabilitation practices. DMPE's intention is that the mine closure planning framework applicable to these operations will be proportionate to the complexity and risk of the rehabilitation required.

The MDCP Small Operations form has been designed to capture relevant closure information at the project approval stage, meaning that ongoing, stand-alone mine closure plans are not required for small mining operations in most circumstances. DMPE reserves the right to require a mine closure plan for small mining operations, however will only do so in circumstances where the small mining operation poses increased risks to the successful closure of the operations.

Progress towards rehabilitating and closing small mining operations will be captured through environmental reporting requirements, such as reporting under the *Mining Rehabilitation Fund Act 2012* or requested environmental reports.

Attachment 1: Environmental and closure outcomes for small mining operations

Environmental outcomes:

Where reasonably practicable the development and operation of the mining activities will be undertaken to meet the following environmental outcomes:

- Topsoil and vegetation to be removed ahead of mining operations and appropriately stockpiled for later respreading or immediately respread as rehabilitation progresses.
- All reasonable and practicable measures will be taken to prevent the spread of dieback and weeds.
- Lined storage dams and excavations will be fitted with appropriate fauna egress points to ensure that any fauna does not become entrapped.
- All rubbish and waste will be appropriately managed and disposed.
- All reasonable measures will be taken to ensure all hydrocarbons, environmentally hazardous chemicals, process water, and other environmentally hazardous substances or waste are stored and managed in a manner to prevent discharges to the environment.
- All hydrocarbon spills or chemical spills will be contained and cleaned up within a timely manner.
- Clearing of large, mature trees will be avoided, where practicable.
- All activities to be undertaken so as to avoid or minimise damage, disturbance or contamination of waterways, including their beds and banks, and riparian, and other water dependent vegetation.
- The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing native vegetation and natural landform.
- The tenement holder taking all reasonable and practicable measures to prevent or minimise the generation of dust from mining operations.

For scrape and detecting and dry blowing operations:

- Scrape and detecting and dry blowing areas are to be progressively rehabilitated so that no more than two hectares will be open (meaning disturbed without rehabilitation works being completed) at any one time.

For tailings storage, heap leach, and/or vat leach facilities:

- The tenement holder directing stormwater runoff away from areas adjacent to tailings storage, vat leach, or heap leach facilities to minimise the potential for pollution or contamination of stormwater, or erosion of the facility.
- All tailing storage, vat leach, or heap leach facilities being constructed and operated to prevent the pollution or contamination of the natural ground, surface water or underground waters.

For river sand mining:

- No materials shall be extracted from below the bed load zone of the river.

Closure outcomes:

Where reasonably practicable rehabilitation and closure of the mining activities will be undertaken to meet the following closure outcomes:

- All mining related landforms and disturbances must be rehabilitated, in a progressive manner where practicable, to ensure they are safe, stable, non-polluting, integrated with the surrounding landscape and support self-sustaining, functional ecosystems or alternative agreed outcome to the satisfaction of the department.
- All excavations will be backfilled and/or closed to ensure they are stable and safe, to the satisfaction of the department.
- Placement of waste material must be such that the final footprint after rehabilitation will not be impacted upon by pit wall subsidence or be within the zone of pit instability to the satisfaction of the department.
- All waste materials, rubbish, plastic sample bags, abandoned equipment, and temporary buildings to be removed from the site prior to or at the termination of the operation.
- Any watercourses that are disturbed by mining operations will be restored, as far as practicable, to the pre-disturbance conditions.
- Any shafts that have been operated within the activity envelope will be covered, fenced, or otherwise made safe to the satisfaction of the department.
- All chemicals and hydrocarbons will be removed from site prior to or at the termination of the operation.

For heap leach and/or vat leach facilities:

- Upon discontinuation of use of heap leach or vat leach facilities, the lessee to appropriately flush each facility to ensure the absence of free cyanide within the facility.

Attachment 2: Definitions and acronyms

The terms used in the environmental and closure outcomes and MDCP Small Operations form should be considered in the context of the following definitions:

Term	Definition
Activity envelope	The spatial extent within which the mining activities will be located.
Approvals Statement	<p>As defined in Section 103AP of the <i>Mining Act 1978</i>.</p> <p>An Approvals Statement is a document that, in relation to a mining lease or a miscellaneous licence, records the following information:</p> <ul style="list-style-type: none"> • an approval given to an activity on land the subject of the mining lease or the miscellaneous licence proposed in a mining development and closure proposal; • any conditions attached to the approval; • any relevant information; • the closure outcomes included in a mining development and closure proposal relating to the mining lease or the miscellaneous licence; and • the date by which a mine closure plan for the land the subject of the mining lease or the miscellaneous licence must be lodged.
Bed load zone	Layer of material above the riverbed where sediment particles, primarily sands, and gravels are transported by rolling, sliding, or bouncing, rather than being fully suspended in the water column.
Closure Outcome	<p>As defined in Section 103AA of the <i>Mining Act 1978</i>.</p> <p>Closure outcomes mean:</p> <ul style="list-style-type: none"> • in relation to a mining development and closure proposal – the outcomes, objectives or goals to be achieved at the completion of the decommissioning of a proposed mine, and the rehabilitation of the land, the subject of a mining lease or a miscellaneous licence to which the mining development and closure proposal relates; and • in relation to a mine closure plan – the outcomes, objectives or goals to be achieved at the completion of the decommissioning of a mine, and the rehabilitation of the land, in respect of which a mining lease or a miscellaneous licence is granted.
Conservation significant vegetation	Threatened and priority flora, fauna and ecological communities, locally endemic, range extensions, unusual or new species or species with a restricted distribution.

Term	Definition
Consultation	A process that permits and promotes the two-way flow of ideas and information. Effective consultation is based on principles of openness, transparency, integrity, and mutual respect. Two-way communication is not just the issuance of letters or documents alone.
Contaminated	Contaminated, in relation to land, water, or a site, means having a substance present in or on that land, water, or site at above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment, or any environmental value (<i>Contaminated Sites Act 2003</i>).
DBCA	Department of Biodiversity Conservation and Attractions.
Design report	<p>The design report is a more complex and detailed report that presents an analysis of the background conditions and investigations undertaken when planning engineered landforms and structure, such as a tailings storage facility (TSF). The design report is expected to evaluate:</p> <ul style="list-style-type: none"> • variations in the surface and sub-surface profile, and their impact on physical and engineering properties; • specified design and operational parameters, including relevant tolerances and their impact on the integrity and performance of the landform/structure; • monitoring and inspection requirements; and • the proposed closure approach to be adopted. <p>For further guidance on design reports for TSFs refer to the DMPE Guide to the preparation of a design report for tailings storage facilities (TSFs) (2015).</p>
Detrimental impact	Causing harm or damage.
Disturbed	Area where vegetation has been cleared and/or topsoil (surface cover) removed.
DMPE	Department of Mines, Petroleum and Exploration.
DMPE Environmental Objectives	The related environmental objective for each environmental factor is the desired goal that, if met, will indicate that the proposed activities are not expected to have a significant impact on that factor of the environment. DMPE objectives are identified in the Environmental Objectives Policy for Mining.
DWER	Department of Water and Environmental Regulation.

Term	Definition
Ecosystem	Means a dynamic complex of ecological communities and the non-living chemical and physical parts of their environment interacting as a functional unit.
Environment	As defined in the Mining Regulations 1981.
Environmental factor	A part of the environment that may be impacted by a mining activity.
Environmental outcome	As defined in the Mining Regulations 1981.
Environmental value	A beneficial use and/or an ecosystem health condition.
Geotechnical stability	Refers to the condition where the rates of change of parameters specific to geotechnical properties meet agreed criteria.
Groundwater	Water held underground in the soil or in pores and crevices in rock.
Growth media	Material identified as capable of supporting vegetation establishment.
Habitat	The area and resources used by a particular organism.
Impact	Interaction of an aspect of an activity with an environmental factor.
Introduced fauna	Non-native fauna species.
Key stakeholder	As defined in the Mining Regulations 1981.
Level of risk	Magnitude of a risk or combination of risks, expressed in terms of the combination of consequence and likelihood.
Life of mine	Determination of the number of years a site will mine and process ore based on various input conditions, including economic, environmental, and business considerations.
Localised/local	The activity envelope plus adjacent study areas associated with the mining operation.
Maintain	To keep in existence or continuance, preserve, retain, or to keep in a specified state, position, etc.
Mine Closure Plan (MCP)	A document defined under section 103AA, 103AN and 103AR to 103AT of the <i>Mining Act 1978</i> .
Mining Development and Closure Proposal (MDCP)	As defined in the <i>Mining Act 1978</i> .

Term	Definition
Mining Operations	<p>As defined in Section 8 of the <i>Mining Act 1978</i>.</p> <p>Mining operations means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted combusted or refined or dealt with for the purpose of obtaining any mineral or processed mineral resource therefrom whether it has been previously disturbed or not and includes –</p> <ul style="list-style-type: none"> • the removal of overburden by mechanical or other means and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; • operations by means of which salt or other evaporites may be harvested; • operations by means of which mineral is recovered from the sea or a natural water supply; and • operations by means of which a processed mineral resource is produced and recovered; and the doing of all acts incident or conducive to any such operation or purposes.
Open disturbance	Land which has been disturbed for mining activities where rehabilitation work (to meet agreed closure outcomes) has not yet been completed.
Permanent	Irreversible changes to environment caused by the mining operation.
Post mining land use (PMLU)	Term used to describe a land use that occurs after the cessation of mining operations.
Potential zone of instability (PZol)	The potential area of ground that can be disturbed by the failure of the open pit walls over the long-term.
Problematic materials	Materials that have the potential to detrimentally impact on humans and the environment and require careful and appropriate management (e.g. Potential Acid Forming (PAF) materials, metalliferous materials, radioactive materials, asbestiform materials, dispersive materials, etc.).
Processed materials	Waste materials generated from the on-site processing of ores.
Receptor	A biophysical entity which may be impacted by an aspect of the mining operation.
Regional	The broader terrestrial area within which the mining operation occurs.

Term	Definition
Rehabilitation	<p>The return of disturbed land to a safe, stable, non-polluting/non-contaminating landform in an ecologically sustainable manner that is productive and/or self-sustaining, consistent with the agreed post-mining land use.</p> <p>Rehabilitation can also include studies, trials, and monitoring of trial performance that demonstrate the closure option for the site is achievable or closes knowledge gaps.</p>
Risk	<p>The chance of something happening that will have an impact on objectives. It is measured in terms of consequences, and their likelihood of occurrence.</p>
Safe	<p>A condition where the risk of adverse effects to people, livestock, other fauna, and the environment in general has been reduced to a level acceptable to all stakeholders.</p>
Sensitive Receptors	<p>Sensitive receptors are environmental features that may have an increased sensitivity to contaminants.</p> <p>Examples may include:</p> <ul style="list-style-type: none"> • Threatened Ecological Communities. • Priority Ecological Communities. • Public Drinking Water Source Protection areas <p>With regards to water resources that are sensitive receptors, reference should be made to the Water Quality Protection Note (WQPN) 4: <i>'Sensitive water resources, for inclusion and definition of a sensitive water receptor'</i>.</p>
Significant water diversion or management structure	<p>Defined as significant infrastructure associated with the diversion, capture and/or transport of water flows (e.g. diversion bunds higher than 5m above the natural surface, seawalls and/or groundwater curtains).</p>

Term	Definition
Small mining operation	<p>A small mining operation is defined as:</p> <ul style="list-style-type: none"> • Scraping and detecting. • Dry blowing. • Wet and dry gravity separation activities. • The following activities for a total footprint for the mining operation of 10 hectares (ha) or less: <ul style="list-style-type: none"> – Mining excavations (such as pits, costeans, quarries, shafts, winzes, harvesting, and dredging), leaching operations (such as Carbon-in-Pulp (CIP), Carbon-in-Leach (CIL), vat leach, and heap leach), tailings treatment operations, crushing and screening, and any other appropriate mining or extraction activities. – Any construction activities incidental or conducive to the activities above including plant, tailings storage facilities, and overburden stockpiles. <p>DMPE generally considers that a small mining operation does not involve the mining of uranium, mineral sands, or rare earth elements.</p> <p>The mining development and closure proposal pro forma for small operations cannot be used as a mechanism to seek approval for amendments to sites or projects that are not considered small mining operations.</p>
Stable	A condition where the rates of change of specified parameters meet agreed criteria.
Surface water	Water that collects on the surface of the ground. May be pooled on the surface or composed lakes, creeks, and rivers.
Tailings Storage Facility (TSF)	An area used to store and consolidate processed materials (known as tailings).
Target Ecosystem	The specific biological community or environment that is to be achieved.
Waste rock landform	Areas associated with the storage of unprocessed subsurface or waste rock material resulting from a mining operation.
Weeds	Plants that establish and persist in a natural ecosystem where they did not previously exist. Weeds may, or may not, have detectable environmental or economic impact.

Government of Western Australia

Department of Mines, Petroleum and Exploration

8.30am – 4.30pm

Mineral House, 100 Plain Street
East Perth, Western Australia 6004
Tel: +61 8 9222 3333
Fax: +61 8 9222 3862

Online

Website: www.dmpe.wa.gov.au
Email: REC.Consultation@dmpe.wa.gov.au

Mailing address

Locked Bag 100 Plain Street
East Perth 6892

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