

21 August 2026

To: WA ENVIRONMENTAL PROTECTION AGENCY (EPA)

Re: Monitoring Environmental Outcomes and Preparing Environmental Management Plans

Introduction

The Environmental Protection Authority (EPA) is consulting on the draft *Integrated Guidance: Monitoring Environmental Guidance (Monitoring Guidelines)* and draft revised *Instructions: Preparing Environmental Management Plans (EMP Instructions)* for proposals assessed under Part IV of the *Environmental Protection Act 1986*. They are two supporting and interrelated documents.

The EPA Advises that the new monitoring guideline establishes clear expectations for designing monitoring programs, particularly where outcome-based conditions do not require an EMP, while also encouraging early consideration of monitoring from the proposal stage. The EMP Instructions complement this by strengthening outcome-based environmental management within EMPs through clearer performance frameworks, adaptive management, and improved guidance.

About AMEC

AMEC is a national industry association representing over 550 member companies across Australia, with over half invested in Western Australia (WA). Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value.

Mineral exploration and mining make a critical contribution to Australia's economy, directly employing over 314,000 people. In 2025-26, the industry generated \$383 billion in resource exports, invested \$3.95 billion in exploration expenditure to discover future mines (2025), and collectively paid over \$59.4 billion in royalties and taxes.

Monitoring Environmental Outcomes

The draft *Integrated Guidance: Monitoring environmental outcomes* (Monitoring Guidelines) is a new document that has been developed. The EPA states that the Monitoring Guidelines establish clear expectations for designing monitoring programs, particularly where outcome-based conditions do not require an EMP, while also encouraging early consideration of monitoring from the proposal stage.

The emphasis of the Monitoring Guideline in linking monitoring to environmental outcomes, impact pathways and risk is supported. However, there are concerns that some aspects of the Monitoring Guideline could create unnecessary regulatory uncertainty.

In particular, the Monitoring Guideline does not explicitly state whether existing approved Environmental Management Plans (EMP's), Compliance Assessment Plans (CAPs) and monitoring programs will be expected to align with the new guidance. The Monitoring Guidelines state that it intends to align monitoring proposed during assessment with monitoring required to demonstrate compliance with approved Ministerial Statement conditions. There is a risk that the Monitoring Guideline could be interpreted as creating a new expectation that existing approved monitoring programs must be retrospectively amended to comply with the new approach, even where those programs were approved under the regulatory framework applicable at the time.

The Monitoring Guidelines recognise that Before-After-Control-Impact (BACI) monitoring may not always be feasible, stating that alternative approaches may be used where robust baseline data and suitable reference sites cannot be established. The "Monitoring design and methods" at 3.1 (page 11) could identify circumstances where BACI may not be practicable and provide examples of alternative approaches, to make the guidance clearer.

The Monitoring Guideline requires proponents to demonstrate secure, long-term access to all selected monitoring sites, including sites outside the proposal area, and that sites can be safely and reliably accessed throughout the monitoring program. This objective is understandable; however, proponents cannot necessarily control access to land outside their tenure. Access to the land may also be affected by road conditions, flooding, and other circumstances outside the proponents' control.

Section 5 "Adaptive management and continuous improvement" (page 14) of the Monitoring Guidelines, does not provide a sufficiently clear distinction between adaptive management and changes requiring formal approval. This creates a risk that relatively minor or administrative changes to monitoring programs could require formal approval, reducing the flexibility that adaptive management is intended to provide. The Monitoring Guidelines should clearly distinguish between routine adaptive changes which can be made within the scope of an approved monitoring program (changes in monitoring frequency, changes to sampling timing) and substantive changes which would require formal approval (threshold or performance standard).

Environmental Management Plans (EMP)

The revisions of the draft Instructions: Preparing Environmental Management Plans (EMP Instructions) is being undertaken due to industry feedback that the EMP process is long and results in multiple requests for information. The EMP Instructions provide useful clarification of the EPA's expectation for the preparation, monitoring, and reporting of EMP's. There are some aspects that could benefit from further clarification to ensure certainty for proponents.

The draft guidelines states that proponents must outline how environmental outcomes can be achieved, however, it does not clearly explain how an exceedance of a trigger or threshold criteria that is attributable to external pressures will be considered when determining compliance status. An exceedance of a trigger or threshold criterion does not necessarily demonstrate that a proponent has failed to implement its EMP or caused the environmental change in question.

For example, an environmental indicator may exceed a trigger or threshold as a result of regional environmental change, activities of other users, etc. The EMP Instructions should clearly articulate

how such circumstances will be considered when determining whether there has been a failure to achieve an environmental outcome or a compliance breach.

The EMP Instructions should clearly distinguish between substantive changes to the environmental commitments or regulatory controls contained in the approved EMPs, and administrative changes that do not alter an approved environmental outcome, trigger to threshold.

As currently drafted, the requirements to implement the approved EMP in full (section 1.2, page 1), together with the inclusion of attachments as enforceable documents (section 2.1, page 2) could be interpreted as preventing implementation of minor administrative updates (e.g., changes to document identifiers, organisational roles, or references) until formal approval of a revised EMP has been obtained. The EMP Instructions could clarify the circumstances in which formal approval will be required.

Section 2.5 “Objectives and management actions (objective-based management” on page 4 requires management actions to identify what will be done, by whom and when, and to include auditable timeframes. However, the objective-based template (page 13) does not include a specific column for responsibility or action timeframe.

Consistent terminology in the Appendixes should be used. Appendix A refers to a “Document control table”, while Appendix B refers to a “Document attributes table”. These appear to be referring to the same table but use different terminology.

Recommendations

The development of *Integrated Guidance: Monitoring environmental outcomes* document is supported. Specific document recommendations can be found below.

Draft Integrated Guidance: Monitoring Environmental Guidance

- The Monitoring Guideline should explicitly state whether it applies only to prospective new monitoring programs;
- In Section 3.1 of the Monitoring Guideline could identify circumstances where BACI may not be practicable and provide examples of alternative approaches;
- The requirement that proponents demonstrate secure, long-term access to all selected monitoring sites could be reframed to “require proponents to demonstrate that they have made reasonable efforts to secure and maintain access”; and
- The Monitoring Guideline should clearly distinguish between routine adaptive changes which can be made within the scope of an approved monitoring program and substantive changes which would require formal approval.

Draft Instructions: Preparing Environmental Management Plans

- The EMP Instructions should clearly articulate how exceedance of a trigger or threshold criteria will be considered when determining whether there has been a failure to achieve an environmental outcome or a compliance breach;

- Clarification required as to when updates require formal regulatory approval and those that may be managed through normal internal document control; and
- Consistent terminology to be used in the document, and appendixes to be aligned.

Final Remarks

AMEC welcomes the opportunity to consult on these two draft documents on Monitoring Environmental Outcomes and Preparing Environmental Management Plans.

If appropriate, we are happy to discuss further with the Department.

For further information contact:

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