Environmental Approvals – Panel Session
South Australia’s Perspectives

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SUSTAINABLE DEVELOPMENT CONFERENCE
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South Australia’s Department of State Development (DSD) recognizes that the mineral sector requires predictable procedures for access to land, security of exploration and mining tenure and regulatory processes, in order to commit to the high investment risks in mineral exploration, new mine development and life-of-mine operations.

South Australia has established a lead agency framework for assessment, approval and regulation of exploration and mining through the Mining Act which integrates the primary environmental assessments and approvals process and is supported through a unique one-window-to-government case management system for major mining projects.
Exploration and mining companies also need to achieve social acceptance to operate from the community as part of establishing effective long term working relationships with all stakeholders.

Communities also need confidence in the Governments regulatory processes and environmental controls as well as confidence in industry’s environmental and social performance.

DSD strongly supports constructive engagement between explorers and mining operators and the community through proactive community and industry forums and also through transparent processes including public release of applications, regulatory assessments and decisions reports.
South Australia’s one-stop-shop case management approach is widely considered one of the nation’s best systems for Government support to new mining projects.

SA Government case managers are appointed as a single point of contact for all large scale mining projects and all uranium mining developments to guide, coordinate and streamline the engagement of the mine developer with State and Federal Regulators.
South Australia’s Mining Regulatory Framework

- **Industry needs** – predictable procedures for access to land, security of exploration and/or mining tenure and predictable regulatory processes

- **Community needs** – confidence in the Government’s regulatory processes and environmental controls and also confidence in industry’s environmental performance and commitment to developing mutually acceptable environmental outcomes

**Mining regulatory approach based on key principles and features:**
- Outcomes based (not prescriptive based)
- Fair and equitable
- Timely decisions
- Transparent
- Predictable
- Practical
- Flexible
- Efficient
- Inclusive
South Australia’s Mining Regulatory Framework
Outcomes/Performance approach to Regulation

- Application of **recognised industry and national standards**
- A **whole-of-mine-life** approach
- **Balanced assessment** of the economic, social and environmental impacts
- **Risk-based approach** to determine what impacts must be managed
- **Performance-based** criteria focusing on outcomes rather than inputs
- **Minimisation of liability** for both government and the community
- **Clear accountability** for the explorer or miner to achieve community and government expectations
- **Efficient Collaboration** with other government agencies to achieve streamlined approvals, engaging their expertise and authority where required
- Ensuring **compliance** through best practice strategies, which may include enforcement actions, that ensure explorers and miners consistently achieve agreed outcomes
Mining Act 1971

- Legislation provides rights to explore for, and extract mineral resources including uranium
- Mineral tenure for exploration and mining
- Landholder rights with regard to access to land
- Incorporates South Australia’s own Native Title scheme (parallels Native Title Act)
- Environmental Impact Assessment for exploration & mining
- Approval decisions & conditioning founded on risk-based & rigorous science
- Compliance and enforcement
- Royalties
How the Mining Act views “Environment”

Includes:

- Land, air, water, soil
- Plants & animals
- Social, Cultural and heritage features
- Visual amenity
- Economic and other land uses
Environmental Protection and Biodiversity Conservation Act - EPBC Bilateral with South Australia

- New uranium mines trigger the Commonwealth EPBC Act under the “nuclear action” trigger
- The SA Mining Lease assessment process has been accredited by the Commonwealth under the EPBC Act
- EPBC Referrals are still made to Commonwealth
- If the action is “Controlled”, then SA Mining Act processes can be used for assessment (including uranium mining proposals)
  - The Commonwealth Minister will still make the decision to “Approve” or otherwise
Content prescribed by the Mining Act and Regulations - must include:

- Economic, Social & Environmental benefits
- Environmental impact assessment
- Results of community engagement
- Measures to manage impacts
- Proposed environmental outcomes (level of impact)
- Draft criteria for measuring achievement of the outcomes

Key considerations in a mining lease application assessment - evidence demonstrating:

- There is a reasonable prospect that a mineral resource can be “effectively & efficiently mined”?
- All potential environmental impacts have been identified?
- The proposed level of impact (environmental outcome) is acceptable given the economic and social benefits?
- The proposed control strategies will achieve an acceptable level of impact?
Program for Environmental Protection And Rehabilitation – PEPR
Construction – Life of Mine Operation - Closure

Content prescribed by the Mining Act and Regulations - PEPR must include:

• Environmental Outcomes (level of impact)
• Measures for achieving the Outcomes
• Measurement Criteria & Monitoring Plans
• Results of consultation
• Program for construction – life of mine operation – progressive rehabilitation - closure

Key considerations in a PEPR assessment

• Does the evidence provided in the application demonstrate the:
  – Effectiveness of the measures for ensuring no exceedance of the approved level of impact?
  – Effectiveness of proposed measurement criteria in measuring the approved level of impact?
Transparent regulation and public reporting

An open and transparent regulatory framework is critical to stakeholder confidence in the uranium mining sector and stakeholder trust in the regulator.

- Mining Lease Proposals, Assessment Reports, Approved Programs, Annual Compliance Reports and Incident Reporting are all made publically available.
Transparency – Demonstrating Active Compliance and Enforcement through Annual Mining Regulation Report

- 552 Site Inspections

- 1% 2% 3% 11% 29% 54%
DSD Mine Approval Targets

- Mining Lease Determination – 6 Month
- Mining Operational Approvals (PEPR) - 3 Month
- Effective alignment of State & Commonwealth processes
The Pillars of Success for Mining Developers

Industry, State and Commonwealth Government provision of an environment conducive to ‘sustainable’ mining investment
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<th>Zero or negative participation</th>
<th>Views government as a barrier.</th>
<th>Active participation</th>
<th>Thorough, transparent interaction</th>
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<td>No engagement. Linkage to poor company performance risking the opportunity to exploit the resource, jeopardising other regional projects &amp; the reputation of the industry.</td>
<td>Doing things ‘the hard way’. Company must be coerced to do the bare minimum to be able to progress.</td>
<td>Company participation yields clarity and insight into government process; some discussion on project strategy in relation to areas of shared interest.</td>
<td>Company proactively builds relationship with government to inform strategies for achieving company imperatives in approvals and operation.</td>
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South Australian Mining Approvals
Seeking the best of all outcomes

Successful mining lease application, all environmental risks identified, assessed and effectively managed through approval conditions, environmental outcomes and measurement criteria strictly regulated and open consultation on social and economic impacts and benefits.

Independent regulator welcomes public scrutiny through transparent process and timely release of all information on assessment, decision making, approvals, conditions and forward program for life of mine regulation – leading to public acknowledgement of balanced approach.

Mining Developer actively welcomes community and public scrutiny through open and active engagement and partnership building with landholders, local and regional communities leading to community acceptance, sustainable jobs and positive benefits for the region and the State.
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