R.W. CORKERY & CO. SUBMISSION RE. INTEGRATED MINING POLICY

Introduction

The following comments have been compiled by the professional personnel within R.W. Corkery & Co. Pty Limited for consideration during the finalisation of the Integrated Mining Policy suite of documents. A range of comments are also included from a number of Specialist Consultants that RWC has worked closely with over many years. In some cases, these consultants may separately provide their own submissions regarding these policy documents.

This submission presents comments on three documents, namely:

i) the Overview of the Integrated Mining Policy;

ii) the Mine Application Guideline; and

iii) Standard SEARs.

Overview of the Integrated Mining Policy

a) RWC supports the aims of the policy, particularly the improvement of efficiency of assessment. We have often experienced considerable inefficiencies with the Approvals Process over many years and welcome the commitment to improve the Approvals Process.

b) The objective to improve coordination and cooperation between Government Agencies is supported – we have experienced some agencies providing commentary, etc. on matters outside their statutory responsibilities which only serve to delay the process. We have also experienced difficulties with different agencies providing conflicting or inconsistent requirements with limited apparent interest in the agencies to resolve these inconsistencies.

c) It is recognised the Biodiversity Offset Policy is in its transitional implementation period and forms one of the policies in the overall suite of policy documents. However, the policy needs to be confined to moderate to large projects and not those disturbing small areas of native vegetation that is not endangered. This requirement and the bureaucracy and legal fees, etc. that are related to it are unhelpful in supporting the development of smaller mines and quarries throughout regional NSW. I hasten to add that consideration of native vegetation that is endangered should still attract a biodiversity offset. The improvement of this policy in the manner suggested would reduce costs of development and reduce the professional and bureaucratic time involved for so little gain. Please, please consider this improvement, and preferably retrospectively.

Mine Application Guideline

1. Coverage of Extractive Industry/Metalliferous Mining

Whilst the front cover of the guideline refers to extractive industry, there is little mention or recognition of extractive industries throughout the document. Referring to "extractive industry" as "mining" is not appropriate and is not consistent with the EP&A Act. It is also noted that the guideline is clearly coal-focused with little reference to metalliferous mining in particular and mining and extractive industries in less populated areas more generally. This approach only makes it far more onerous for smaller mines and quarries (that are just above threshold levels for SSD) to satisfy the nominated requirements. The "one size fits all" approach needs to be reviewed with text reflecting flexibility in implementing the guideline.

It is respectfully requested that greater reference is made to extractive industries and metalliferous mining throughout the guideline with recognition of where differences in requirements would be appropriate.

2. Project-specific -v- Standard SEARs

It is perhaps not appropriate that reference is made to "project-specific" in the document referred to as "Standard SEARs". Whilst this may be an objective, our experience in recent years is that "standard" SEARs are issued as matter of course irrespective of the level of information provided a at the time at which they are requested. Whilst it is understood that the Standard SEARs will be relied upon as a starting point, careful consideration needs to be given by the agencies involved whether or not the SEARs given are standard or project-specific, particularly if all issues are nominated as "key issues". Agencies should also be mindful of the significant costs that "standard" SEARs can impose on a project that may not require the level of detail requested. These costs can run into the many hundreds of thousands of dollars, e.g. preparation of a groundwater model where a project would clearly not have an impact on groundwater.

3. Preferred Mine Designs

It is disturbing to see the introduction of the term "Preferred Mine Designs" in the Policy. In proposing this terminology, no recognition is given to the fact that mine designs are developed in an iterative manner throughout the preparation of an EIS, and that that iterative process does not stop with finalisation of the EIS. The location and design of many mine components are established in conjunction with surface water, noise and other environmental inputs and invariably there is an optimal (or indeed only one feasible) location for that component, i.e. "the proposed design". It is acknowledged that options exist for some components of a mine or quarry and these are best addressed in the options or alternatives considered in the EIS, however, to suggest that there is a "preferred mine design" is inaccurate. The term also implies that while the location of project components may be "preferred", agencies may impose different locations during the assessment process. It would be preferable that reference is made to "proposed mine design" and the retention of the requirement for the explanation of alternatives in designing components of the mine or quarry.

4. Preliminary Environmental Assessment

It is noted that it is proposed to return to the submission of a document entitled *Preliminary Environmental Assessment*. The need for such a comprehensive document at this stage of the Approvals Process is questioned in terms of the time and cost involved in its preparation and the fact that past experiences have confirmed that irrespective of the detail presented in a *Preliminary Environmental Assessment*, the Department has still issued requirements for an EIS/Environmental Assessment that invariably have been largely generic or "standard". It is respectfully suggested that the *Preliminary Environmental Assessment* should comprise a project summary as nominated in Table 1 of the Guideline together with relevant maps displaying the site location, local setting, land ownership and proximity of surrounding residences and indicative footprints of key mine/quarry components. This information package should be less than 10 pages and should not require an executive summary.

The adoption of this approach will indeed save considerable time and cost when seeking what are now proposed to be "standard" environmental assessment requirements.

We also note that the term *Preliminary Environmental Assessment* is associated with the now repealed Part 3A application process. We respectfully suggest that this document should be referred to as a "*Background Paper*" or "*Project Overview*" or similar.

5. Provision of Draft SEARs

We have experienced on numerous occasions the situation where either the SEARs or the requirements provided by other government agencies have nominated requirements that are either totally inappropriate or irrelevant to the proposal. It has often been difficult to remove such requirements and then have to justify why the particular requirement is not relevant. The retention of such requirements also leave open the possibility of legal challenge to any approval that may be granted, adding unnecessary uncertainty and potential costs and delays.

I would like to suggest that applicants for SSD developments have an opportunity to respond to DPE within seven days of receipt of the SEARs to redress any inappropriate/irrelevant requirements. This mechanism is similar to the mechanism already adopted by DPE for proposed approvals by the Secretary. .

6. Preliminary Environmental Assessment (PEA) and Environmental Impact Statement (EIS) Formats

One could be forgiven in considering the "Specific Requirements for SSD Mining Developments" (Pages 3 to 7) is a suggested/required Table of Contents for a PEA or EIS – in a similar vein to the prescriptive MOP Guidelines. I trust this is not the intent and that text can be included at the start of this text to confirm that the headings in this section are strictly to identify the type of information required and that the format of an EIS should be the responsibility of the EIS author and be "project specific". It is respectfully requested that "Mapping Requirements" are removed from the guideline. The prescriptive approach to mapping requests for MOPs is inappropriate for PEAs and EISs.

7. "Best in Class" and "Best Practice"

The reference to mining plant and whether it is "Best in Class" requires clarification. It is not appropriate to require an applicant to justify the particular mining plant (including mobile earthmoving plant?) that may be used, particularly if the assessments of the equipment operating demonstrates compliance with relevant criteria. For the purpose of determining environmental impacts (e.g. noise), we would respectfully suggest that it would be more appropriate that emission levels be identified to determine likely impacts and that it be left to the Applicant to determine how to achieve those emission levels. Prior experience is that prescriptive regulatory operational requirements stifle innovation and productivity and efficiency improvements.

8. Concluding Comment

It is noted that a number of the above comments equally apply to the Standard SEARs document.

Standard Secretary's Environmental Assessment Requirements (SEARs)

1. Focus on Significant Mining Developments

It is noted that the Standard SEARs are provided for "State Significant Mining Developments" and not extractive industries – is this an oversight or intentional? Extractive industry projects need to be recognised and not always bracketed within the mining industry.

2. Risk-based Approach to Environmental Issues

The standard SEARs document makes periodic references to environmental risks, residual risks and risks relating to safety, air quality and health, however, there is an absence of a risk-based approach to the range of environmental attributes that need to be addressed in an EIS. It remains most appropriate that the level of detail and coverage of environmental issues in an EIS reflect the potential environmental risk, e.g. we continue to find it frustrating to argue with government officers that we should not address matters relating to acid-sulphate soils in the Cobar region. By supporting an overall risk-based approach, the DPE (and all other Government Agencies) could then focus on the real key issues – not the shopping lists that has, at times, been the past practice.

3. Standard SEARS

The standard SEARs provided do not provide adequate flexibility for dealing with environmental issues which are either not relevant or of little relevance, e.g. mining well above a groundwater table – still requiring studies and justification, etc. of groundwater impacts, etc. It is requested that the standard SEARs regularly include a clause that allows applicants/consultants, with justification, to only address the issues that are relevant, and then only to the extent necessary.

4. Input from Other Government Agencies

Uncertainty exists about the manner in which DPE will address EIS requirements provided by local councils and agencies other than DPE, DRE and EPA, i.e. the focus of the Integrated Mining Policy. It would be preferable if DPE incorporated the requirements of the other agencies into the SEARs rather than attaching numerous pages of generic requirements, many of which are not relevant. This would remove much duplication and potential inconsistent approaches.

5. EIS Format and SEARs

As discussed in the commentary provided for the Guideline, it is important that the introduction to the Standard SEARs document explains that the coverage of issues in no way provides a format for an EIS.

6. Level of Detail in an EIS

It is disturbing that the terms "detail" and "detailed" are used regularly throughout the Policy when nominating information requirements for inclusion in an EIS. In many cases, the detail requested is more appropriately included in the relevant management plans that are to be prepared following the

issue of development consent, mining lease and EPL. Requesting information to be addressed that really does nothing to assist the determination process simply adds time and costs to the application process and a further disincentive to invest in NSW.

7. Need for a JORC Statement

It is recognised that for large coal mining and metalliferous developments, a resource/reserve statement prepared in accordance with the JORC Code is appropriate and is invariably readily available as a result of ASX reporting requirements. The document needs to acknowledge that for some State significant extractive industries and indeed a limited number of metalliferous mining projects (e.g. limestone mines), the preparation of a resource/reserves statement in accordance with JORC Code is unnecessary and indeed at times not possible.

Numerous footnotes are provided for technical references for each issue although it is noted that many references are not provided with a year. This should be remedied in the final document to make sure that all references used are the most recently produced or currently available. It is noted that the footnotes are often split across pages which is confusing – a formatting issue for the final document.

8. Economic Appraisal

The need for <u>all</u> SSD projects to prepare a comprehensive economic appraisal consistent with the NSW Government's *Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals* is excessive for a range of mining and extractive industry operations in regional NSW. It is respectfully requested that the text relating to economic appraisal is reviewed and the document recognises the "horses for courses" approach to the economic appraisal.

9. Consultation

The text relating to consultation appears somewhat brief and could be expanded to outline the expectations for consultation with government (local and State), neighbours, local community and other stakeholders.

10. Air Quality Issues

It is recognised that there has been considerable industry/consultant input to the requirements for the identification to air quality issues to be covered in EIS. The following specific issues are raised on the draft Standard SEARs.

i) There is little discussion/direction regarding the expectations regarding cumulative assessments with respect to air quality issues.

ii) The requirement to prepare a project "Air Quality Management Plan" at the EIS stage is totally inappropriate and bringing the level of detail (and associated costs and delays) forward unnecessarily – Please remove all references to management plans being prepared in conjunction with an EIS.

iii) The inclusion of NO_2 as a required pollutant for assessment is assumed to relate to emissions from blasting. Not all projects include blasting or are likely to generate NO_2 emissions. Perhaps the wording should be modified to "the Applicant should undertake an assessment of blast fumes (if applicable)" or something similar.

iv) With respect to the assessment of risk relating to environmental harm, human health and amenity, it would be preferable that it is clarified that a human health risk assessment is not required for every EIS.

v) It would be appropriate to review the statement "all stages of the proposal" when referring to assessing the risk given many mining proposals have numerous stages. It would be more appropriate to suggest the risk is assessed for the likely worst case stage(s).

vi) Why is it necessary to persist with the assessment of TSP given the annual PM_{10} criterion is more stringent. Let's move on!

vii) We are advised that the website reference to the Best Practice Report is incorrect and should read http://www.epa.nsw.gov.au/resources/air/KE1006953volumeI.pdf.

viii) It would be more appropriate in the discussions relating to results of dispersion modelling to avoid the reference to presenting the maximum predicted pollutant concentrations as these concentrations are invariably closest to the source. This entire paragraph would benefit from being re-worded.

ix) We are advised that it is not appropriate for cumulative 24-hour modelled results to be presented with isopleth plots – please consider revising the relevant text.

11. Noise Issues

The following specific issues are raised on the draft Standard SEARs.

i) We are advised that reference to the Voluntary Land and Acquisition and Mitigation Policy is noted on Page 4 under Regional Context, however, it is not referenced in the Noise and Vibration section (Page 14). It may be appropriate that this reference is included, particularly since the document is a key document when assigning noise criteria and, in particular, setting management and acquisition levels for a project. Furthermore, reference to private vacant land may also be beneficial.

ii) It is noted that there is no reference to the assessment of cumulative noise. Currently, there is no prescribed policy for the assessment of cumulative noise. Perhaps this could be reflected in the final document.

12. Surface Water / Soils

The following specific issues are raised on the draft Standard SEARs.

i) We are advised that there are no specific requirements or references relating to stream diversions.

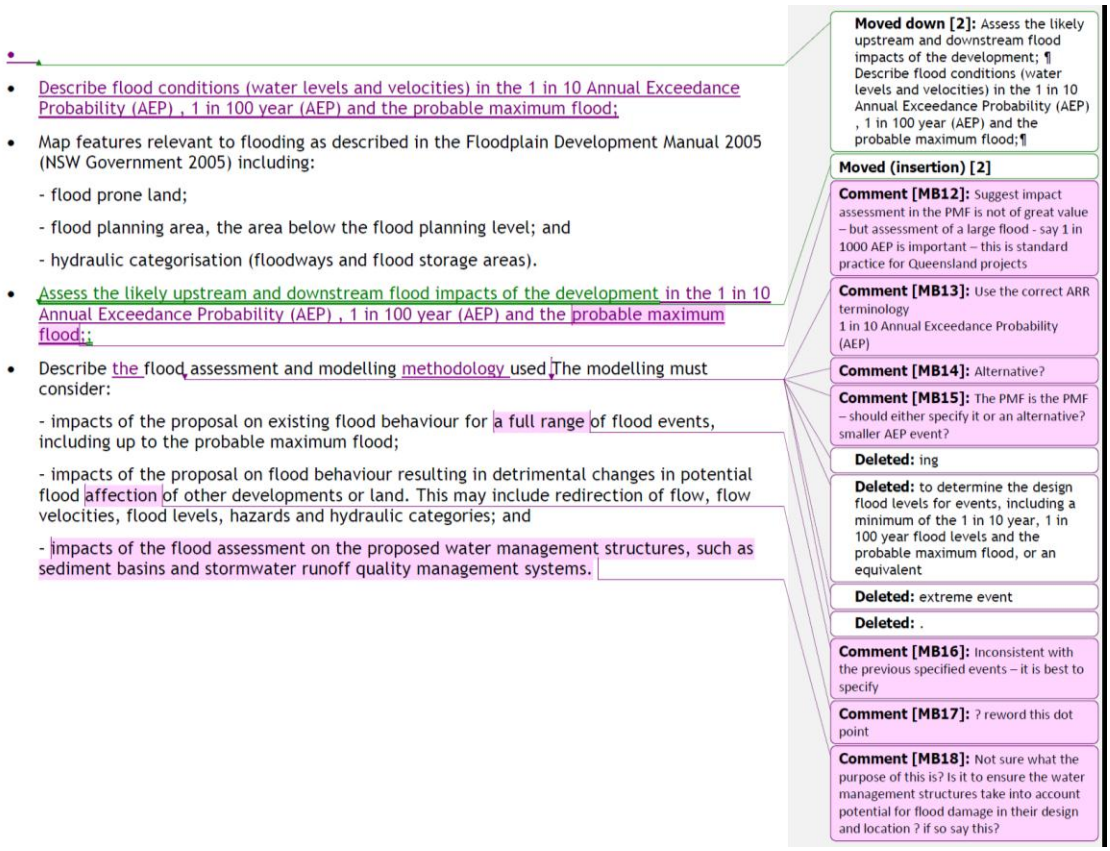
ii) The reference to "Assess the impacts of the (proposed) development on" would be better placed later in the section.

iii) The reference to "sediment-laden water from disturbed areas" and "saline/contaminated water from underground workings" should be re-worded to more appropriately relate to the heading "Assessment the Impacts of the Development on …".

iv) It would be more appropriate for the reference to "a detailed a consolidated site water balance" to be a separate bullet point in this section rather than being considered as a component of the proposed management.

v) The reference to "no new salt" may be better expressed in terms of "no increase in salt concentration or load". Notwithstanding the terminology, the overriding factor here should be that the key objective should be to satisfy the relevant water quality objectives and not just "no new salt". An increase of electrical conductivity from 600µS/cm to 700µS/cm, whilst an increase, should still be considered as acceptable given it satisfies the relevant water quality objective. The need for modelling salt stratification in final void lakes needs to be identified as a possible requirement, where relevant, and not an expectation for every EIS to include such a model.

vi) We are advised that the text relating to flooding could benefit substantially by being re-worded. The following text and comments have been provided by WRM Water & Environment.



vii) It would benefit the document if a clear explanation could be provided or reference provided to a document where "ambient water quality" is clearly explained. RWC and its consultants have experienced a range of difficulties with the interpretation of this term given there are so many variables. Perhaps the term should be replaced with "appropriate water quality".

viii) When referring to land and soils, it is preferable for a prediction to be made of the land and soil capability of the final landform after mining/extraction concludes.