

09 July 2015

## **Integrated Mining Policy – Mine Application Guideline –Rio Tinto Submission**

Rio Tinto welcomes the opportunity to comment on the Department of Planning and Environment's (DPE) draft Mining Application Guideline (MAG) dated May 2015 as part of the Integrated Mining Policy. The Planning system is much more than legislation, and the development of the Integrated Mining Policy, including the MAG, is an important step in providing a strategic upfront high level policy framework assisting proponents, DPE, other agencies and the public navigating and understanding the system in a consistent manner.

We provide the following high-level comments on the draft:

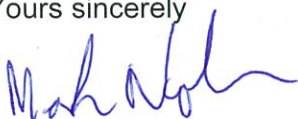
- The naming of the MAG, would suggest the making of an application is considered. However the process of making an application is not included and the focus of the guideline is the submission of a preliminary environmental assessment (PEA). Suggest some guidance on the process of making an application should be considered.
- Our view is the guideline has been drafted in the context of large greenfield mining operations and does not adequately provide for the extension or modification of existing brownfield operations. Mining is a dynamic landuse with complex and varied interactions with other infrastructure and extends over decades. The MAG needs to address the fundamental nature of these types of development and provide flexibility for modifications and extensions to brownfield operations. In addition, some of the language used in the drafting of the MAG requires further consideration as it is as in some instances it suggests pre-determined outcomes. For example, the statement about appropriate separation distances. This needs to be limited just to greenfields sites. If people move next to a mine this is not possible for a brownfield expansion.
- The MAG statement that the PEA is further developed and expanded on in the Environmental Impact Statement (EIS) and needs to be clarified in terms of how SEARs need to be amended if the project evolves from the PEA.
- The MAG also suggests under the mine planning process section that "The project needs to be outlined in its entirety". This may be considered unlawful and it is up to the applicant what it applies for and not always possible at the application and PEA stage.
- The Integrated Mining Policy includes the draft Standard Secretary's Environment Assessment Requirements (SEARs) currently on exhibition as well as the MAG. The intent of the standard SEARs is to guide the preparation of an Environmental Impact Statement (EIS). The MAG includes guidance on preparing an EIS which creates duplication with the draft Standard SEARs. The purpose of the MAG requires further clarity and we suggest it is limited to the preparation of application documents, request for SEARs accompanied by a PEA, with all matters regarding the preparation of an EIS be left to the draft Standard SEARs.

- There is no compulsion under current legislation or regulation to prepare a PEA in order to receive SEARs. Equally, not all applications, for example a small modification to water management infrastructure within an existing brownfield operation, warrant the preparation of a PEA. We suggest there needs to be some form of risk based scoping framework provided in the guideline on whether or not a PEA is required.
- The MAG suggests that a PEA must include much detailed information. Some of this information is unnecessary and/or inappropriate for a preliminary document such as a PEA that's purpose is to inform the DPE's preparation of the SEARs. For example, a PEA should not need to describe potential future mine expansions, the request for this information needs further clarification as it is very broad as it is stated. A PEA should be a briefing document describing the proposal (including conceptual mine design if part of the proposal), the applicant and a detailed EIS risk assessment for the purpose of identifying the key aspects for investigations as part of the EIS. The risk assessment should identify potential environmental, social and economic impacts of the proposal and rank them according to their likelihood or occurrence and the potential consequences of the impact. A risk based PEA would allow DPE to prepare SEARs with appropriate, proportional levels of assessment for mining developments commensurate with the level of impacts of the proposed development or modification.
- Due to the significant length of assessment time for state significant development, a PEA is typically produced and submitted when a project is in preliminary or feasibility stage. The MAG suggests detailed information is required in a PEA which would not be available until detailed technical assessments have been completed. For example the Table 1 – Project Summary for use at PEA and EIS stages includes the water supply and balance to be provided which would not be readily available until the surface water assessment has been completed. Providing this level of detail at PEA stage creates unnecessary duplication of matters addressed in the EIS and does not provide any additional value to a PEA, which fundamental role is to support the request for SEARs.

The Rio Tinto Project Approvals team have vast experience in the planning approvals process, for both large scale mining extensions and smaller modifications to brownfields operations. We would be very interested in providing further feedback to DPE on drafting and implementation of the Integrated Mining Policy. Alternatively, there would be value in an Industry reference working group to examine any propose or current legislation, policy and provide feedback based on implementation practice and experience. A similar reference group currently exists for the Upper Hunter Strategic Assessment.

If the DPE requires clarification, please do not hesitate to contact Trudie Larnach, Specialist - Projects Approvals on 045803881.

Yours sincerely



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