

09 July 2015

Integrated Mining Policy – Standard Secretary’s Environmental Assessment Requirements (SEARs) –Rio Tinto Submission

Rio Tinto welcomes the opportunity to comment on the Department of Planning and Environment’s (DPE) draft Standard SEARs dated May 2015 as part of the Integrated Mining Policy. The standard SEARs require significant review; the drafting requires streamlining and more thought on the interactions with other Integrated Mining Policy documents and other government agency policy needs consideration. The Planning system is much more than legislation, and the development of the Integrated Mining Policy, including the Standard SEARs, is an important step in providing a strategic upfront high level policy framework assisting proponents, the public, DPE and other agencies navigating the system in a consistent manner.

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

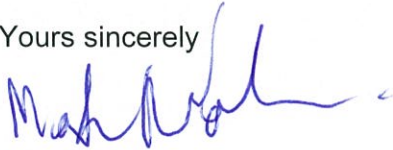
- The Integrated Mining Policy includes the Mining Application Guideline (MAG) as well as the draft Standard SEARs. The intent of the standard SEARs is to guide the preparation of an Environmental Impact Statement (EIS). The MAG includes guidance on preparing an EIS which creates duplication with the 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. The interaction between the two policy documents needs further consideration and clarification.
- Our view is the standard SEARs 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 standard SEARs needs to address the fundamental nature of these types of development and provide flexibility for modifications and extensions to brownfield operations.
- The draft Standard SEARs is lacking a process framework. The Introduction provides some guidance on how the standard SEARs would be expected to apply to the majority of new mining applications in NSW however it does not suggest the methodology of which aspects would and would not apply to certain projects. The interaction with the MAG could be improved to provide a process framework. For example, a proponent submits a request for SEARs accompanied by a risk based PEA in accordance with the MAG. The DPE would review the PEA and develop project specific SEARs based on risk using the standard SEARs. This would provide clear indication to proponents of brownfield extension or modifications that environmental aspects that have no change from that approved or low risk of change in impact would require no or less assessment as part of an EIS. This would provide a standard process for the application of additional or removing of irrelevant requirements.

- The drafting of the standard SEARs is complex, cumbersome and the level of detail required is inconsistent across environmental aspects. For some environmental aspects, the Standard SEARs also require very detailed information that would be more appropriate as part of a management plan or monitoring program.
- The document involves duplication with many existing policies and guidelines when it should be a policy and guideline 'roadmap' providing clear indication of which policy or guideline applies to which assessment area. For the standard SEARs to be of value to all stakeholders, including the public and proponents, all applicable policies and guidelines should be articulated by this document

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 for the. This working group would examine current legislation, policy and provide feedback. 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



Mark Nolan
Principal Advisor – Project Approvals