

Draft change to mining policy



Planning & Environment

Frequently Asked Questions

July 2015

What is the Mining SEPP?

- The *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, also known as the Mining SEPP, sets the framework for the assessment and development of the State's mineral and energy resources under the planning system. The Mining SEPP applies to major mining, petroleum (including coal seam gas) and extractive industries like concrete and other minerals used in construction.
- It outlines rules for where mining can occur and what issues should be considered in the assessment of the development application. It also sets out where certain mining, petroleum and extractive industries activity cannot take place.

What changes to the Mining SEPP are being proposed?

- The draft SEPP, if made, will repeal clause 12AA of the Mining SEPP.
- Clause 12AA was introduced in November 2013 to require the consent authority to consider the relative significance of the resource and the economic benefits of developing the resource, both to the State and the region in which the development is proposed to be carried out. The clause also provides that the significance of the resource is to be the consent authority's principal consideration under Part 3 of the Mining SEPP.
- The draft SEPP proposes to remove a provision that guides economic considerations and makes the significance of the resource the principal consideration under the Mining SEPP when determining a mining application.
- The consent authority will still be required to consider a range of factors in assessing a development application under the Mining SEPP and the *Environmental Planning and Assessment Act 1979*. This includes relevant social, environmental and economic impacts of the development.

Why is this change being proposed?

- The resource significance provisions in the Mining SEPP have created community and stakeholder concern that the social and environmental impacts of a proposal are not being adequately considered or given appropriate weighting by the Department of Planning and Environment or the Planning Assessment Commission.
- In order to build community confidence in the rigour of the assessment process, it is proposed that the Mining SEPP be amended to remove the economic significance of the resource as the principal consideration of the consent authority.
- Removing Clause 12AA provides a balanced framework for decision makers to assess the likely impacts of mining developments.

Will other areas of the Mining SEPP be reviewed?

- The Government is announcing this potential change as an important first step in reviewing the Mining SEPP.

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- There will be further discussions with the community and stakeholders about other aspects of the Mining SEPP later this year.

Where can I see and comment on the draft Mining SEPP amendment?

- You can view the draft amendment to the Mining SEPP at:
 - www.planning.nsw.gov.au/onexhibition
 - the Department of Planning and Environment's Sydney CBD office, 23-33 Bridge Street, Sydney.
- You can make a submission by:
 - responding online at www.planning.nsw.gov.au/onexhibition
 - writing to the Executive Director, Resources and Industry Policy, Department of Planning and Environment, GPO Box 39, Sydney, NSW 2001.
- Submissions are invited up to Tuesday, 21 July 2015.
- All submissions will be made public in line with the Department of Planning and Environment's objective to promote an open and transparent planning system. If you would like the Department to delete your personal information before publication, please make this clear in your submission.
- Before making a submission, please read our privacy statement at www.planning.nsw.gov.au/privacy.

How can I get more information on the amendment to the Mining SEPP?

- Visit www.planning.nsw.gov.au/onexhibition
- Call our Information Centre on 1300 305 695. If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email us at: information@planning.nsw.gov.au

How will my feedback be used?

- All feedback will be carefully considered by the Department of Planning and Environment's Resource Policy team to inform a decision regarding the proposed amendment.