



Executive Director
Resources and Industry Policy
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001
Electronically: online submission form

21st July 2015

Dear Sir / Madam,

Re: Repeal of clause 12AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Cotton Australia (CA) welcomes the opportunity to comment on the repeal of clause 12AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (hereafter referred to as the Mining SEPP).

Cotton Australia is the key representative body for Australia's cotton growing industry. The cotton industry is a small but integral part of the Australian economy, worth over \$1.25 billion in export earnings in the 2014–15 season, and employing on average 10,000 people. The industry's vision is: *Australian cotton, carefully grown, naturally world's best.*

Cotton Australia is highly supportive of the removal of clause 12AA of the Mining Sepp. Clause 12AA stated that:

(1) In determining an application for consent for development for the purposes of mining, the consent authority must consider the significance of the resource that is the subject of the application, having regard to:

(a) the economic benefits, both to the State and the region in which the development is proposed to be carried out, of developing the resource, and

(b) any advice by the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services as to the relative significance of the resource in comparison with other mineral resources across the State.

(2) The following matters are (without limitation) taken to be relevant for the purposes of subclause (1) (a):

(a) employment generation,

(b) expenditure, including capital investment,

(c) the payment of royalties to the State.

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(3) The Director-General of the Department of Trade and Investment, Regional Infrastructure and Services is, in providing advice under subclause (1) (b), to have regard to such matters as that Director-General considers relevant, including (without limitation):

- (a) the size, quality and availability of the resource that is the subject of the application, and*
- (b) the proximity and access of the land to which the application relates to existing or proposed infrastructure, and*
- (c) the relationship of the resource to any existing mine, and*
- (d) whether other industries or projects are dependent on the development of the resource.*

(4) In determining whether to grant consent to the proposed development, the significance of the resource is to be the consent authority's principal consideration under this Part.

(5) Accordingly, the weight to be given by the consent authority to any other matter for consideration under this Part is to be proportionate to the importance of that other matter in comparison with the significance of the resource.

(6) To avoid doubt, the obligations of a consent authority under this clause extend to any application to modify a development consent.

Cotton Australia believes this placed an unwarranted emphasis on the economic value of the mining resource. This may have encouraged distortion of the economic potential of a mining development proposal given that the economic value was the principal consideration for development approval. We believe that ensuring appropriate consideration is given to social and environmental impacts of mining, petroleum and extractive industries is vital to the assessment process.

We are encouraged by the current changes to mining and petroleum policies in New South Wales which we hope will deliver improved transparency and accountability within the assessment and approval process. Cotton Australia maintains that the protection of land and water resources is paramount for the sustainability of agricultural production in our State.

Should you have any questions please do not hesitate to contact me on 02 9669 5222 or felicitym@cotton.org.au.

Kind regards,

Felicity Muller
Policy Officer