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SUBMISSION: DRAFT CHANGE TO MINING POLICY (PROPOSED REPEAL OF CLAUSE 12AA OF THE MINING SEPP)

CMOC-Northparkes Mines strongly opposes the proposed repeal of the 'resource significance' provisions in clause 12AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP).

CMOC-Northparkes Mines opposes the proposed repeal for the following reasons:

1. The decision is unwarranted and is not supported by the correct policy rationale. In our opinion, economic considerations **do not** override all other considerations in mining project assessments.
2. It will have a detrimental effect on employment and investment. With the resultant effect on business confidence, NSW faces a real concern of sovereign risk.
3. Such a decision will only further dampen investor confidence in NSW, which is now the second least desirable State for mining investment in Australia.
4. The resource significance provisions play an important role in ensuring a robust and open assessment of the economic significance of mining projects. A repeal of Clause 12AA will remove any statutory requirements in the planning legislation to consider the regional and state significance and economic benefits of mining. This will be detrimental to all sections of the community.
5. Clause 12AA was introduced by the NSW Government in 2013 to introduce balance to the assessment process to ensure these important factors were considered. This balance will be lost, the process will not be fulsome and uncertainty will result.

CMOC-Northparkes Mines supports the NSWMC recommendations, which are:

- Clause 12AA must not be repealed. The true effect of the provisions has been misrepresented and the Government has not provided the justification as to why the reasons it was originally implemented are no longer relevant.
- An alternative to retaining the clause in its entirety would be to only remove subclauses (4) and (5), which require the significance of the resource to be the 'principal consideration' under Part 3 of the Mining SEPP. This alternative amendment would address unwarranted perceptions that economic factors are the 'principal' consideration in mining project assessments, while at the same time maintaining an appropriate balance between economic, environmental and social factors. We strongly recommend that the NSW Government adopt this alternative amendment.
- Any proposed amendment must contain transitional arrangements to ensure it is not retrospective and does not impact existing applications. This will facilitate a smooth transition to any amended Mining SEPP.



CMOC-Northparkes Mines is committed to a century of mining, together with our community. For this to occur, we need a strong and stable industry supported by confident investment and future growth.

The proposed repeal of Clause 12AA will introduce uncertainty and affect the overall attractiveness and long-term viability of our broader industry, including future investment.

It will not be good for us. It will not be good for our employees. It will not be good for our community. It will not be good for our owners. It will not be good for NSW.

CMOC-Northparkes Mines does not support this proposed change.

Stefanie Loader

A handwritten signature in blue ink, appearing to read 'Stefanie Loader'.

Managing Director

17 July 2015