



PARLIAMENT OF NEW SOUTH WALES  
LEGISLATIVE ASSEMBLY

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The Executive Director  
Resources and Industry Policy  
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**SUBMISSION: STATE ENVIRONMENTAL PLANNING POLICY (MINING,  
PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) AMENDMENT  
(SIGNIFICANCE OF RESOURCE) 2015**

I write in support of the proposed amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, otherwise known as the Mining SEPP. This amendment will remove the provision that makes the significance of the resource, including its economic benefits, the principal consideration in the determination of mining applications.

This provision, Clause 12AA of the Mining SEPP, was introduced in 2013, after what I believed to be an unreasonably short period of two weeks for community consultation. The proposed change was announced and put on exhibition during a parliamentary recess when many State Members were on leave and had no opportunity to make proper representations or bring the matter before Parliament.

I expressed concerns at the time to the then Minister for Planning and Infrastructure, the Honourable Brad Hazzard, about the inadequate period of consultation for a change that represented a significant policy shift and had aroused a high level of concern among constituents.

In correspondence to the Minister I made particular mention of my concern about the implications of Clause 12AA to consideration of the contentious Wallarah 2 mining project, which was at that time in my electorate. (Following electoral boundary redistribution, it is now in the electorate of Wyong.)

Those concerns appear to have been borne out in comments made by the Planning Assessment Commission (PAC) in its subsequent review of the Wallarah 2 application. The Commission said Clause 12AA did not "*sit comfortably*" with its task under Section 79C of the Environmental Planning and Assessment Act 1979, which specifically requires it as the consent authority to consider public interest.

The PAC found the benefits of the Wallarah 2 proposal put forward by the proponent were not credible, and said far greater quality control was required over inclusion in assessment reports of untested claimed benefits. It also found fault with the lack of clear definition of the term 'principal consideration'.

Clause 12AA has likewise caused concern among communities in mining areas, who fear that important health, environmental and social impacts of future mining developments and expansions will be overlooked in favour of economic considerations. It has been a significant concern for the people of the village of Bulga in the Hunter Valley, whose protracted battle against the expansion of Rio Tinto's Warkworth open-cut coal mine is believed to have been the trigger for the introduction of Clause 12AA in 2013.

With the Warkworth mine expansion under review by the Planning Assessment Commission, it is imperative the proposed repeal of Clause 12AA takes place quickly, so the community of Bulga and all concerned citizens in NSW can have confidence the consent authority will give proper weighting to all factors when making its final ruling on the Warkworth application.

The Planning Minister indicated when announcing the proposed repeal of Clause 12AA that the draft amendment would reinforce the legislative requirement for decision-makers to take a balanced view of all impacts of a mining development.

As an advocate for responsible mining, I support this amendment to the Mining SEPP.

Yours sincerely



Greg Piper, MP

**Member for Lake Macquarie**