

Submission Re : Draft Amendment NSW Mining SEPP.

Port Waratah Coal Services wishes to submit the following comments for consideration:

In assessing major resource projects, Port Waratah Coal Services supports the principle of a balanced consideration of social, environmental, and economic impact and benefits of a project, as well as acknowledging the significance of the resource.

Port Waratah strongly believes that the assessment of major resource projects must equally consider the significance of the resource and the economic benefits of the project, along with a project's social and environmental impacts.

The proposed amendment to the NSW State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) contains the removal of the provision for making the significance of the resource the principal consideration under the Mining SEPP.

Port Waratah's understanding of the proposed amendment will not only remove Clause 12AA (4) (the principle consideration clause), but also the proposed amendment includes repealing the general requirement under Clause 12AA (1) to consider the resource significance or economic benefit.

Despite this, the provisions of the 2007 Mining SEPP expressly require consideration of the following:

1. the compatibility of a proposed mine with other existing or approved land uses;
2. the impact on water resources, threatened species and biodiversity, and;
3. the greenhouse gas emissions of the project.

These existing provisions arguably create a relative imbalance between environmental, social and economic considerations under the policy.

In terms of economic benefit of a development, Port Waratah acknowledges that this will continue to remain a relevant consideration when assessing a development application under Section 79C of the EPA Act 1979 (NSW). However, we are concerned that the proposed amendment will clearly and significantly reduce the weight given to economic consideration in the assessment of mining projects. Once again, this creates an unreasonable imbalance in the assessment process.

The amendment if made would also bring to an end the requirement for the consent authority to seek advice from NSW Trade and Investment regarding the relative significance of a resource in comparison to other resources within the State. This contributes to the creation of an unreasonable imbalance in the assessment process.

It is our opinion the proposed amendment is likely to elevate the relative importance of environmental and social considerations and sideline the resource significance as a relative consideration in assessing a development application. For those reasons we are unable to support the proposed amendment.

Considering the above comments, Port Waratah strongly requests that the significance of the resource and fairly weighted economic considerations remain as vital elements in the effective assessment of development projects under the State Environmental Planning Policy 2007 (Mining SEPP).

Regards

Terry Tynan

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