

Mining SEPP Amendment



Frequently Asked Questions

September 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 legal framework for the assessment and development of the State's mineral and energy resources. The framework relates to coal mining and other precious metals, petroleum extraction (including gas) and extractive industries (quarrying) for minerals used in construction.
- The Mining SEPP sets clear guidelines that explain how mining proposals will be assessed in NSW. It outlines rules for where mining, petroleum (gas) and extractive industry activities can occur and what issues should be considered in the assessment of development applications.

How has the Mining SEPP been amended?

- The Mining SEPP has been amended to repeal clause 12AA.
- 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.
- This provision has now been removed.
- This change only relates to mining, it does not relate to petroleum (gas) activities.

Why has this change occurred?

- The resource significance provisions in the Mining SEPP had created community and stakeholder concern that the social and environmental impacts of a proposal were not being adequately considered, or given appropriate weighting, by the Department of Planning and Environment or the Planning Assessment Commission.
- While in practice this was not the case, removing clause 12AA addresses the perceived bias and ensures a balanced framework for decision makers to assess the likely impacts of mining developments.
- The Environmental, social and economic impacts of mining development will continue to be assessed as required by s79c of the *Environmental Planning and Assessment Act 1979*.

Why are other matters in the SEPP not being amended?

- The Government is continuing to improve the way that mining and petroleum activities are regulated in NSW. While this amendment to the Mining SEPP is an important reform and the issuing of the review report allows the Government to meet its commitments under the SEPP, the Government is continuing to consult on how the Mining SEPP can be improved.
- The Government is also considering further options for resolving land use conflicts involving mining upfront at the strategic level, including through regional growth planning.

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What Consultation occurred on the SEPP?

- The draft SEPP was publically exhibited by the Department of Planning and Environment website from 7 July to 21 July 2015.
- More than 2400 submissions were received.

When will the change come into affect?

- The amended Mining SEPP will come into effect on the date of publication on the NSW Legislation website.

How can I get more information?

- Visit our website at: www.planning.nsw.gov.au
- 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