



PLANNING SYSTEM

State environmental planning policies

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Amendment to the Mining SEPP regarding underground mining

The purpose of this circular is to advise councils and the public of an amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

Introduction

On 11 September 2009, State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2009 was published making changes to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (the Mining SEPP).

The Mining SEPP has been amended to provide a revised definition for 'underground mining' and introduce a definition for 'open-cut mining'.

Definition of underground mining

The definition of underground mining has now been amended to expressly include the following surface works: drill holes, gas and water drainage works and surface rehabilitation works.

These works are considered essential to the operation of underground mines and, because of the nature of underground mining, require the same permissibility provisions as other underground mining activities.

The revised definition for **underground mining** under the Mining SEPP now reads as follows:

- (a) *(mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and*
- (b) *shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface)*

but does not include open cut mining.

The amendment has been made to remove any uncertainty about whether such works can be undertaken under the Mining SEPP as part of an underground mining operation.

Definition of open cut mining

A definition for open cut mining has also been included in the Mining SEPP to clarify the existing position that open cut mining is not a form of underground mining.

The definition of **open cut mining** is as follows:

mining carried out on, and by excavating, the earth's surface but does not include underground mining.

Open cut mining and underground mining are regulated differently in terms of where the developments are permitted (see clauses 7 and 9 of the Mining SEPP). The SEPP amendment does not change these provisions.

Further information

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (as amended) is available on the NSW legislation website at <http://www.legislation.nsw.gov.au>.

Note: This and other Department of Planning circulars are published on the web at <http://www.planning.nsw.gov.au/PlanningSystem/Circularsandguidelines/PlanningSystemCirculars/tabid/81/Default.aspx>.

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