State Environmental Planning Policy (Resources and Energy) 2021

This document provides information about the new Resources and Energy SEPP, which is part of the NSW SEPP consolidation project.

State environmental planning policies (SEPPs) have been consolidated to align with theme-based focus areas to make the planning system more accessible and user-friendly.

Overview

The *State Environmental Planning Policy (Resources and Energy) 2021* (Resources and Energy SEPP) consolidates and repeals the provisions of the following 2 SEPPs:

1. *SEPP (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP)
2. *Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995)* (Extractive Industries SREP)

These changes are part of a broader administrative consolidation of SEPPs. Planning Circular PS–21-007 gives an overview of all changes made as part of the SEPP consolidation initiative.

Key changes

No policy changes have been made and the SEPP consolidation does not change the legal effect of the existing SEPPs, with section 30A of the *Interpretation Act 1987* applying to the transferred provisions. The SEPP consolidation is administrative. It has been undertaken in accordance with section 3.22 of the *Environmental Planning and Assessment Act 1979*.

The Resources and Energy SEPP*:*

- transfers most existing provisions from the 2 SEPPs being consolidated into chapters 2 and 3 of the Resources and Energy SEPP. Chapter 1 contains the preliminary information and commencement details
- repeals the 2 SEPPs being consolidated*.*

Benefits of these changes

Aligning SEPPs with the planning principles focus areas

The SEPP changes are part of a package of reforms to consolidate 45 existing SEPPs into 11 new SEPPs based on the following themed focus areas:

- housing
- transport and infrastructure
- primary production
- biodiversity and conservation
- resilience and hazards
- industry and employment

- resources and energy
- planning systems.

Simplifying the planning system

The SEPP consolidation builds on previous work to simplify, consolidate and reduce the number of SEPPs. The consolidation reflects the NSW Government's commitment to reduce the complexity of the NSW planning system. The reforms will simplify and improve the effectiveness and usability of current policies by reducing the number of separate planning instruments.

Provisions of the Resources and Energy SEPP

The Resources and Energy SEPP incorporates provisions from the two SEPPs being consolidated as follows:

- 'Chapter 2 – Mining, petroleum production and extractive industries' contains planning provisions from the Mining SEPP for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.
- 'Chapter 3 – Extractive industries in Sydney area' contains planning provisions from the Extractive Industries SREP, which aims to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land that contains extractive material of regional significance.

Commencement and impacts

The Resources and Energy SEPP begin on 1 March 2022 and the 2 SEPPs being consolidated will be repealed on the same day.

References in planning legislation and policies to the 2 SEPPs being consolidated will be taken as references to the equivalent provisions in the Resources and Energy SEPP.

Provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged. These changes should not impact development applications. The Resources and Energy SEPP should be used for new development and rezoning applications.

Savings and transitional provisions from the consolidated SEPPs will not be transferred to the Resources and Energy SEPP. However, all savings and transitional provisions of the repealed SEPPs continue to have effect due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.