



Tabled, by leave,
MS Sheple
B.D. for.
13 3 124

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (SEA BED) MINING AND EXPLORATION) BILL 2024

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Environmental Planning and Assessment Amendment (Sea Bed) Mining and Exploration) Bill 2024 (**Bill**) proposes amendments to the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to prohibit sea bed and subsoil petroleum and mineral exploration, recovery and related development, to ensure that development for these purposes cannot be undertaken in NSW.

The Bill gives legislative effect to the *Offshore Exploration and Mining Policy* which was published in February 2022 and reflects the position of the NSW Government with regards to offshore exploration and mining.

Objectives: What is the policy's objective couched in terms of the public interest?

The NSW Government does not support offshore mineral, coal or petroleum exploration or mining for commercial purposes in NSW coastal waters due to the negative environmental impacts associated with these activities.

To provide certainty to the community and industry, it is in the public interest to prohibit these activities as proposed by the Bill.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The Government considers that the policy is best implemented by legislative amendment.

A State Environmental Planning Policy could also be used to achieve the policy intent of the Bill. However, the Bill was preferred as it will provide increased certainty as to the status of the prohibition, given a further Act of Parliament would be required to overturn the restriction.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Given the current status of offshore mining and exploration in NSW, it is considered that the Bill does not impose any appreciable cost or burden on the public or any group of the public. For this reason and given the Bill simply legislates the current Government policy on offshore mining and exploration, the relative merits of alternative options have not been analysed.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

If enacted, the provisions will commence on proclamation. This will provide the opportunity for any required regulations to be made under the provisions of the Bill.

The Bill inserts provisions into the EP&A Act, which is administered by the Minister for Planning and Public Spaces. Any regulations made under the provisions of the Bill will be made in consultation with the Minister administering the *Protection of the Environment Operations Act 1997*, being the Minister for the Environment and Minister for Climate Change.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Bill has been prepared by prepared by The Cabinet Office and the Parliamentary Counsel's Office in consultation with the Department of Regional NSW, the Department of Planning, Housing and Infrastructure and the Department of Climate Change, Energy, the Environment and Water.

The Bill was also developed with regard to the report of the Legislative Assembly Standing Committee on Environment and Planning report on the Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023.