



New South Wales

# **Environmental Planning and Assessment Amendment (Mining and Petroleum Development) Regulation 2014**

under the

**Environmental Planning and Assessment Act 1979**

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

## **Explanatory note**

The object of this Regulation is to amend the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* to make it clear that requirements relating to the gateway process for mining and petroleum development on strategic agricultural lands do not apply to certain additional pending requests for the modification of approved projects and applications for development consent or the modification of development consent.

The amendments made to the Act and Regulation are consistent with the amendments made to comparable transitional provisions in *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* by *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 78A (9) and 157 (the general regulation-making power) and clause 10 of Schedule 6A to that Act

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### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Mining and Petroleum Development) Regulation 2014*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Environmental Planning and Assessment Act 1979 No 203**

### **[1]      Schedule 6A Transitional arrangements—repeal of Part 3A**

Omit “However, in any such case, the Minister or Director-General in dealing with the request or application may seek the advice of the Mining and Petroleum Gateway Panel.” from clause 20 (10).

### **[2]      Schedule 6A, clause 20**

Insert after clause 20 (10):

- (10A) In addition to subclause (10), this clause does not apply to or with respect to a request or application if:
  - (a) the land to which the request or application relates was not shown (whether in whole or in part) on the Strategic Agricultural Land Map before 28 January 2014, and
  - (b) the request or application was made, but not determined, on or before 3 October 2013.
- (10B) However, the Minister or the Director-General, in dealing with a request or application referred to in subclause (10) or (10A), may seek the advice of the Gateway Panel.

## **Schedule 2      Amendment of Environmental Planning and Assessment Regulation 2000**

### **[1]    Clause 50A Special provisions relating to development applications relating to mining or petroleum development on strategic agricultural land**

Insert after clause 50A (3):

- (3A) In addition to subclause (3), this clause does not apply to or with respect to a development application if:
  - (a) the land to which the application relates was not shown (whether in whole or in part) on the Strategic Agricultural Land Map before 28 January 2014, and
  - (b) the relevant environmental assessment requirements under Part 2 of Schedule 2 of this Regulation for the development were notified by the Director-General on or before 3 October 2013.
- (3B) However, the Minister or the Director-General, in dealing with an application referred to in subclause (3) or (3A), may seek the advice of the Gateway Panel.

### **[2]    Clause 119A Special provisions relating to applications under section 96 (2) relating to strategic agricultural land**

Insert after clause 119A (5):

- (5A) In addition to subclause (5), this clause does not apply to or with respect to an application under section 96 (2) of the Act if:
  - (a) the land to which the application relates was not shown (whether in whole or in part) on the Strategic Agricultural Land Map before 28 January 2014, and
  - (b) the application was made, but not determined, on or before 3 October 2013.
- (5B) However, the Minister or the Director-General, in dealing with an application referred to in subclause (5) or (5A), may seek the advice of the Gateway Panel.