



New South Wales

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014

under the

Environmental Planning and Assessment Act 1979

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

Minister for Planning

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014*.

2 Commencement

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

3 Maps

The maps adopted by *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

4 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

[1] Clause 7 Development permissible with consent

Insert after clause 7 (2):

- (2A) For the purposes of subclause (2) (f) (iii), the distance from a set of 5 or fewer wells to any other petroleum well is to be measured from the geometric centre of the set of wells.

[2] Clause 20 Savings and transitional—coal seam gas development in certain exclusion zones

Insert after clause 20 (1A):

- (1B) Clause 9A does not prohibit the carrying out of coal seam gas development if:
 - (a) the development is authorised by either of the following:
 - (i) an approval to modify a transitional Part 3A project of a kind referred to in subclause (1A) (a),
 - (ii) a modification of a development consent for development of a kind referred to in subclause (1A) (b), and
 - (b) the Minister or consent authority who gives the approval or consent to the modification is satisfied that the coal seam gas development authorised by the modification is of minimal environmental impact, and
 - (c) any development so authorised that involves the drilling or operation of a petroleum well relates to a well that was approved as at 3 October 2013 as part of development of a kind referred to in subclause (1A) (a) or (b) and does not result in any increase in the depth or lateral extent of the well, and
 - (d) the carrying out of the development complies with the conditions of the modified approval or the conditions of the modified development consent.
- (1C) To avoid doubt, subclause (1B) (c) does not apply to the drilling or operation of a petroleum well that was not approved as referred to in subclause (1B) even if that well is, or is to be, located within the drill site area of a petroleum well that was approved as referred to in subclause (1B) (c).

[3] Clause 21 Savings and transitional—mining and petroleum development on strategic agricultural land

Insert after clause 21 (1):

- (1A) In addition to subclause (1), Part 4AA of this Policy does not apply to or with respect to an application for development consent under Part 4 of the Act that involves mining or petroleum development within the meaning of Part 4AA 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 to the *Environmental Planning and Assessment Regulation 2000* for the development were notified by the Director-General on or before 3 October 2013.

draft

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

[4] Clause 21 (2)

Omit “any such application”.

Insert instead “an application referred to in subclause (1) or (1A)”.

Schedule 2 Amendment of State Environmental Planning Policy (State and Regional Development) 2011

Schedule 1 State significant development—general

Insert after clause 6 (2):

- (2A) For the purposes of subclause (2) (c), the distance from a set of 5 or fewer wells to any other petroleum well is to be measured from the geometric centre of the set of wells.