



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*.

PRU GOWARD, MP  
Minister for Planning

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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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 modifies the project or development consent 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 so authorised 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.

**[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.