



New South Wales

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2009

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* in accordance with the recommendation made by the Minister for Planning. (S09/01054-1)

KRISTINA KENEALLY, 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 2009*.

2 Commencement

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

3 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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 3 Interpretation

Insert in alphabetical order in clause 3 (2):

open cut mining means mining carried out on, and by excavating, the earth's surface but does not include underground mining.

[2] Clause 3 (2)

Omit the definition of *underground mining*. Insert instead:

underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

[3] Clause 7 Development permissible with consent

Omit "at surface level" from clause 7 (1) (b).