



New South Wales

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Air and Noise Impacts) 2018

under the

Environmental Planning and Assessment Act 1979

His 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*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Air and Noise Impacts) 2018

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Air and Noise Impacts) 2018*.

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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 12AB Non-discretionary development standards for mining

Omit “acceptable noise levels, as determined in accordance with Table 2.1 of the Industrial Noise Policy” from clause 12AB (3).

Insert instead “recommended amenity noise levels, as determined in accordance with Table 2.2 of the Noise Policy for Industry”.

[2] Clause 12AB (4)

Omit clause 12AB (4). Insert instead:

(4) Cumulative air quality level

The development does not result in a cumulative annual average level greater than 25 $\mu\text{g}/\text{m}^3$ of PM_{10} or 8 $\mu\text{g}/\text{m}^3$ of $\text{PM}_{2.5}$ for private dwellings.

[3] Clause 12AB (9)

Omit the definition of *Industrial Noise Policy*.

[4] Clause 12AB (9)

Insert the following definitions in alphabetical order:

Noise Policy for Industry means the document entitled *Noise Policy for Industry* published by the Environment Protection Authority and in force as at the commencement of this clause.

PM_{2.5} means particulate matter less than 2.5 μm in aerodynamic equivalent diameter.

[5] Clause 12A Consideration of voluntary land acquisition and mitigation policy

Omit the definition of *the voluntary land acquisition and mitigation policy* from clause 12A (1).

Insert instead:

voluntary land acquisition and mitigation policy means the *Voluntary Land Acquisition and Mitigation Policy* approved by the Minister and published in the Gazette on the date on which *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Air and Noise Impacts) 2018* is published on the NSW legislation website.

[6] Clause 17B Assessment of development applications

Omit “Minister for Primary Industries” wherever occurring.

Insert instead “Minister for Regional Water”.

[7] Clause 17G Referral of applications

Omit “Minister for Primary Industries” wherever occurring.

Insert instead “Minister for Regional Water”.

[8] Clause 23

Insert after clause 22:

23 Savings and transitional—air and noise impacts

Clause 12AB, as amended by *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Air and Noise Impacts) 2018*, extends to any development applications made, but not finally determined, before the commencement of that amendment.