



New South Wales

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2019

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*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

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Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2019*.

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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 17K

Omit the clause. Insert instead—

17K Duration of gateway certificates

A gateway certificate remains current until—

- (a) the day that is 5 years after the day on which the certificate was issued (or an earlier day specified in the certificate), or
- (b) if the certificate accompanies a development application made in respect of a proposed mining or petroleum development—that application is finally determined.

[2] Clause 24

Insert after clause 23—

24 Savings and transitional—Gateway certificates

- (1) Clause 17K, as substituted by the amending SEPP, extends to a gateway certificate that was current immediately before that substitution.
- (2) A gateway certificate that accompanied a development application made before the substitution of clause 17K by the amending SEPP and ceased to be current before the application was finally determined is taken to be a current gateway certificate until that application is finally determined.
- (3) In this clause—
amending SEPP means the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2019*.

[3] Schedule 1 Prohibited development

Insert at the end of Schedule 1—

Open cut mining within the area identified as “Land where open-cut mining is prohibited” on the map named State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007—Map 5—Bulga.