



New South Wales

State Environmental Planning Policy (Resources and Energy) 2021

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*.

ROB STOKES, MP
Minister for Planning and Public Spaces

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State Environmental Planning Policy (Resources and Energy) 2021

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Environmental Planning and Assessment Act 1979

Chapter 1 Preliminary

1.1 Name of Policy

This Policy is *State Environmental Planning Policy (Resources and Energy) 2021*.

1.2 Commencement

This Policy commences on 1 March 2022 and is required to be published on the NSW legislation website.

1.3 Definitions

In this Policy—

the Act means the *Environmental Planning and Assessment Act 1979*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.

1.4 Transferred provisions

The *Interpretation Act 1987*, section 30A is taken to apply to the provisions transferred to this Policy on the commencement of this Policy in the same way as it applies to provisions transferred from a statutory rule to another statutory rule.

Note— The *Interpretation Act 1987*, section 30A provides—

- (a) the transfer of a provision does not affect the operation or meaning of the provision, and
- (b) a transferred provision is to be construed as if it had not been transferred.

Chapter 2 Mining, petroleum production and extractive industries

Editorial note— Schedule 8 transfers certain provisions of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 3 Extractive industries in Sydney area

Editorial note— Schedule 8 transfers certain provisions of *Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Schedules 1–7

Editorial note— Schedule 8 transfers certain Schedules from *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* and *Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)* to this Policy. The Schedules will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Schedule 8 Transfer of provisions

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

- (1) Transfer *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, Parts 1, 2, 3, 4AA and 4, other than clauses 1, 19 and 20A–22, to this Policy as Chapter 2, Parts 2.1–2.5.
- (2) Renumber the clauses in Chapter 2 as sections with decimal numbering, commencing with section 2.1.
- (3) Transfer *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, Schedules 1 and 2 to this Policy as Schedules 1 and 2.

2 Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)

- (1) Transfer *Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)*, clauses 2–11 and 14–20 to this Policy as Chapter 3.
- (2) Renumber the clauses in Chapter 3 as sections with decimal numbering, commencing with section 3.1.
- (3) Transfer *Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)*, Schedules 1–5 to this Policy as Schedules 3–7.

3 Consequential amendments

- (1) Update all cross-references and provision numbering below the section level in this Policy as required by the transfer of provisions to this Policy.
- (2) Omit each expression specified in Column 1 of the following table wherever occurring in this Policy, other than in Chapter 1 and this Schedule, including definitions, headings and notes and regardless of capitalisation.

Insert instead the expression specified opposite in Column 2, with appropriate capitalisation—

Column 1	Column 2
this Policy	this Chapter
the Policy	this Chapter
this plan	this Chapter
Aims of Policy	Aims of Chapter
Aim of Policy	Aim of Chapter
Aims of plan	Aims of Chapter
Land to which Policy applies	Land to which Chapter applies
Land to which plan applies	Land to which Chapter applies
clause	section
clauses	sections
subclause	subsection
subclauses	subsections

Note— Omit the expressions “clause”, “clauses”, “subclause” and “subclauses” only for a reference to clauses or subclauses of this Policy.

- (3) Despite subsection (2), a reference to “this Policy” or “this plan” in a Schedule of this Policy should be omitted and replaced with a reference to the relevant Chapter of this Policy.
- (4) Subsection (2) does not apply to provisions of a savings or transitional nature.

4 Repeal of environmental planning instruments

The following environmental planning instruments, as amended by this Schedule, are repealed—

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)

Note— Savings and transitional provisions in the instruments repealed by this section are not transferred to this Policy. They continue to have effect because of the *Interpretation Act 1987*, sections 5(6) and 30(2)(d).

5 Repeal of Schedule

This Schedule is repealed at the beginning of the day after this Policy commences.