

Passed by both Houses



New South Wales

Environmental Planning and Assessment Amendment (Sea Bed Mining and Exploration) Bill 2024

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Environmental Planning and Assessment Amendment (Sea Bed Mining and Exploration) Bill 2024

Act No _____, 2024

An Act to amend the *Environmental Planning and Assessment Act 1979* to prohibit the carrying out of sea bed petroleum and mineral exploration and recovery and related development; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Environmental Planning and Assessment Amendment (Sea Bed Mining and Exploration) Act 2024*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 10

Insert after Schedule 9—

Schedule 10 Sea bed petroleum and minerals development

1 Interpretation

- (1) In this schedule—
coastal waters of the State has the same meaning as in the *Interpretation Act 1987*, section 58.
exploration, for petroleum or a mineral, includes an activity that is directly related to the exploration for petroleum or the mineral.
mineral has the same meaning as in the *Offshore Minerals Act 1999*.
petroleum has the same meaning as in the *Petroleum (Offshore) Act 1982*.
recovery, of petroleum or a mineral, includes an activity that is directly related to the recovery of petroleum or the mineral.
sea bed includes subsoil beneath the sea bed.
- (2) Despite subsection (1), the exploration for, or recovery of, a mineral does not include the exploration for, or the recovery of, the mineral from the sea bed that is carried out by means of underground mining from land in the State if the exploration, or recovery, is carried out in accordance with the *Mining Act 1992*.

2 Sea bed petroleum and mineral exploration and recovery and related development prohibited

- (1) A person must not carry out—
- sea bed petroleum exploration or recovery, or sea bed mineral exploration or recovery, in the coastal waters of the State, or
 - other development within the State for the purposes of sea bed petroleum exploration or recovery or sea bed mineral exploration or recovery.
- Maximum penalty—Tier 1 monetary penalty.
- (2) Subsection (1) does not apply to the following—
- coastal protection works within the meaning of the *Coastal Management Act 2016*,
 - dredging that does not require an authorisation of a kind referred to in section 4(1)(a) or (b).
- (3) In subsection (1)(b), a reference to sea bed petroleum exploration or recovery, or sea bed mineral exploration or recovery, is a reference to sea bed petroleum exploration or recovery, or sea bed mineral exploration or recovery, whether within the coastal waters of the State or elsewhere.
- (4) This section has effect despite any provision of this Act or another law, other than section 3.
- (5) Development prohibited under this schedule is prohibited development for the purposes of this Act.

3 Exemption regulations

- (1) The regulations may exempt the following from the prohibition in section 2(1)—
 - (a) specified sea bed mineral exploration or recovery,
 - (b) specified development for the purposes of sea bed mineral exploration or recovery.
- (2) Before recommending the making of a regulation under this section, the Minister must obtain the concurrence of the Minister administering the *Protection of the Environment Operations Act 1997*.
- (3) In this section—
mineral does not include coal and oil shale.

4 Grant and renewal of certain related authorisations prohibited

- (1) A Minister must not grant or renew an authorisation of the following kind if the authorisation relates to development prohibited under this schedule—
 - (a) the following under the *Offshore Minerals Act 1999*—
 - (i) a licence,
 - (ii) a special purpose consent,
 - (b) the following under the *Petroleum (Offshore) Act 1982*—
 - (i) a permit under the Act, Part 4, Division 2 for exploration in the coastal waters of the State,
 - (ii) a licence under the Act, Part 4, Division 3 for the recovery of petroleum from the coastal waters of the State,
 - (iii) a pipeline licence under the Act, Part 4, Division 4 for the construction, wholly or partly within the coastal waters of the State, of a pipeline to be used in connection with the recovery of petroleum,
 - (iv) a lease,
 - (v) an access authority,
 - (vi) a special prospecting authority.
- (2) A reference in subsection (1) to a Minister in relation to an Act means the Minister within the meaning of the Act.