



New South Wales

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

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is 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.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

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

Schedule 1 inserts proposed Schedule 10 into the *Environmental Planning and Assessment Act 1979*.

Proposed Schedule 10, section 1 contains interpretative provisions.

Proposed Schedule 10, section 2 prohibits a person from carrying out—

- (a) sea bed petroleum exploration or recovery, or sea bed mineral exploration or recovery, in the coastal waters of the State, or
- (b) other development within the State for the purposes of sea bed petroleum exploration or recovery or sea bed mineral exploration or recovery.

The prohibition does not apply to coastal protection works and certain dredging.

The proposed section also makes it clear that development subject to the prohibition is prohibited development for the purposes of the *Environmental Planning and Assessment Act 1979*, for example Part 4 (Development assessment and consent).

Proposed Schedule 10, section 3 enables regulations to be made to exempt the following from the prohibition—

- (a) specified sea bed mineral exploration or recovery,
- (b) specified development for the purposes of sea bed petroleum exploration or recovery or sea bed mineral exploration or recovery.

This is a Henry VIII provision.

The Minister for Planning and Public Spaces, being the Minister administering the *Environmental Planning and Assessment Act 1979*, must consult with the Minister for the Environment before recommending the making of an exemption regulation.

Proposed Schedule 10, section 4 provides that certain authorisations under the *Offshore Minerals Act 1999* and the *Petroleum (Offshore) Act 1982* must not be granted or renewed if the authorisation relates to development prohibited under the proposed schedule.