

## FACT SHEET

# Exploration Reforms – Activity Approvals

March 2016

The Mining and Petroleum Legislation Amendment (Harmonisation) Act 2015 begins on 1 March 2016. The Act amends the Mining Act 1992 and the Petroleum (Onshore) Act 1991.

## Changes to Activity Approvals

Before the beginning of the harmonisation of the two Acts, the obligation to obtain an Activity Approval to carry out certain exploration activities was a condition of title. The obligation to obtain an Activity Approval is in the legislation from 1 March 2016. A further obligation in the legislation is that the holder must comply with any Activity Approval.

## What happens to existing Activity Approval conditions and existing Activity Approvals?

The new legislative requirement for Activity Approvals replaces the existing Activity Approval conditions of title.

Any Activity Approvals granted before 1 March 2016 remain valid. Any new Activity Approvals sought after 1 March fall under the new legislation.

## What happens to applications for Activity Approvals before 1 March 2016?

Applications for Activity Approvals that are not dealt with before the start of the new legislation will be dealt with in accordance with the new legislation.

## What if my title refers to the old category 1, 2 and 3 prospecting operations?

Regardless of what your title instrument states, you can only undertake certain exploration activities without approval from 1 March 2016. These activities are identified as exempt development under the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP).

### Key points

- Activity Approvals a legislative requirement
- Existing Activity Approvals remain valid

Under the Mining SEPP the following low intensity exploration activities are exempt development, provided they are of minimal environmental impact:

- geological mapping and airborne surveying
- sampling and coring using hand-held equipment
- geophysical (but not seismic) surveying and downhole logging
- accessing of areas by vehicle that does not involve the construction of an access way, such as a track or road.

These activities can only be undertaken without approval provided they are on land that:

- is not within an environmentally sensitive area of state significance, or
- is within a state conservation area, but is not otherwise on land referred to in section 3 of the Mining SEPP as being an environmentally sensitive area of state significance.

All other exploration activities require further approval before they can be carried out. These exploration activities are identified under the new legislation as 'assessable prospecting operations'.

**Note:** Before exploration activities can commence, a land access arrangement must be in place.

PUB16/73

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