

52.08

31/07/2018
VC148

EARTH AND ENERGY RESOURCES INDUSTRY

Purpose

To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.

To ensure that mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction are not prohibited land uses.

To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

52.08-1

08/08/2012
VC87

Permit requirement

A permit is required to use and develop land for earth and energy resources industry unless the table to this clause specifically states that a permit is not required.

Table of exemptions

No permit is required to use or develop land for earth and energy resources industry if the following conditions are met:

Mineral exploration	Complies with Section 43(3) of the Mineral Resources (Sustainable Development) Act 1990.
Mineral extraction	Complies with Section 42(7) or Section 42A Mineral Resources (Sustainable Development) Act 1990; or Complies with Section 47A of the Electricity Industry Act 1993.
Stone exploration	Must not be costeaning or bulk sampling.
Stone extraction	Complies with Section 77T of the Mineral Resources (Sustainable Development) Act 1990.
Greenhouse gas sequestration exploration	Complies with Section 189 of the Greenhouse Gas Geological Sequestration Act 2008.
Greenhouse gas sequestration	Complies with Section 191 of the Geological Sequestration Act 2008.
Geothermal energy exploration	Complies with the Geothermal Energy Resources Act 2005.
Geothermal energy extraction	Complies with Section 62 of the Geothermal Energy Resources Act 2005.
Petroleum exploration	Complies with Section 118 of the Petroleum Act 1998.
Petroleum extraction	Complies with Section 120 of the Petroleum Act 1998.

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Application requirements for mineral extraction

An application to use and develop land for mineral extraction must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.

- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.
- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.

52.08-3 Referral requirements for mineral extraction

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Before deciding on any applications to use and develop land for mineral extraction the Responsible Authority must refer the application to the referral authorities specified under section 55 of the Planning and Environment Act 1987.

Unless the referral authority is the Roads Corporation, the referral requirements of Clause 52.08-2 do not apply to an application to use and develop land for mineral extraction if a copy of the work plan or a variation to an approved work plan was previously referred to the referral authority listed in Clause 66 under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.