



New South Wales

# Mining Amendment (Development Consent) Bill 2013

## Explanatory note

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

## Overview of Bill

The object of this Bill to amend the *Mining Act 1992* to clarify the requirement for appropriate development consents for activities carried out under mining leases.

## 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 on the date of assent to the proposed Act.

## Schedule 1 Amendment of Mining Act 1992 No 29

**Schedule 1 [1]** amends the requirement for there to be an appropriate development consent (which may include approvals under the former Part 3A and Part 5.1 of the *Environmental Planning and Assessment Act 1979*) before a mining lease is granted. The requirement will apply if a development consent is required for carrying out activities to be carried out under the lease on land to which the lease applies and does not require there to be a link between the category of mining lease and the nature of the development consent. The amendment also makes it clear that nothing in the *Mining Act 1992* permits an activity to be carried out under a mining lease without any required development consent under the *Environmental Planning and Assessment Act 1979*.

**Schedule 1 [2]** provides that a mining lease granted before the commencement of the proposed Act is taken to comply, and to have always complied, with the requirement for there to be an appropriate development consent before the mining lease was granted if there was a development

consent relating to any of the activities permitted under the lease when the lease was granted. The provision will also apply to a mining lease found to be invalid if the ground of invalidity was a failure to comply with the requirement for an existing development consent and there was an existing development consent applicable to a permitted activity under the mining lease.