



New South Wales

Mining Amendment (Development Consent) Act 2013 No 88

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Mining Amendment (Development Consent) Act 2013 No 88

Act No 88, 2013

An Act to amend the *Mining Act 1992* with respect to development consents for activities under mining leases. [Assented to 13 November 2013]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Mining Amendment (Development Consent) Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Mining Act 1992 No 29

[1] Section 65 Development consents under the Environmental Planning and Assessment Act 1979

Omit section 65 (1) and (2). Insert instead:

- (1) The Minister must not grant a mining lease over land if development consent is required for activities to be carried out under the lease unless an appropriate development consent is in force in respect of the carrying out of those activities on the land.
- (2) Nothing in this Act permits an activity, for which development consent is required, to be carried out without the consent being obtained in accordance with the *Environmental Planning and Assessment Act 1979*.

[2] Schedule 6 Savings, transitional and other provisions

Insert with appropriate Part and clause numbers at the end of the Schedule:

Part Provisions consequent on enactment of Mining Amendment (Development Consent) Act 2013

Existing mining leases

- (1) This clause applies to a mining lease granted before the commencement of the *Mining Amendment (Development Consent) Act 2013* for which an appropriate development consent was required under section 65.
- (2) If a development consent was in force in relation to land over which the mining lease was granted when the lease was granted and the development consent related to any of the activities permitted under the lease by this Act, the grant of the mining lease is taken to comply, and to always have complied, with the requirements of section 65.
- (3) To avoid doubt and without limiting subclause (2), a development consent related to a mining purpose permitted under a mining lease granted in respect of a mineral or minerals is sufficient for the purposes of that subclause even if the development consent is not for the mining of a mineral or minerals.
- (4) This clause applies to a mining lease even if the mining lease is or has been found to be invalid because of a contravention of the requirements of section 65.

[Second reading speech made in—

Legislative Assembly on 30 October 2013

Legislative Council on 30 October 2013]