



New South Wales

Mining Amendment (Transitional) Regulation 2014

under the

Mining Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

ANTHONY ROBERTS, MP
Minister for Resources and Energy

Explanatory note

The object of this Regulation is to make further provision for transitional arrangements in respect of the application of section 380AA of the *Mining Act 1992* to applications for development consent or modification of development consent in cases where the applicant was granted consent, before the commencement of that section, to the making of an application for an authority.

This Regulation is made under the *Mining Act 1992*, including section 388 (the general regulation-making power) and clause 1 of Schedule 6.

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1 Name of Regulation

This Regulation is the *Mining Amendment (Transitional) Regulation 2014*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Mining Regulation 2010

Schedule 12 Savings and transitional provisions

Insert at the end of the Schedule:

Part 5 Provisions consequent on enactment of Mining and Petroleum Legislation Amendment Act 2014

16 Operation of section 380AA (Restrictions on planning applications for coal mining)—transitional consents for authorities

- (1) For the purposes of section 380AA of the Act, a person who holds a transitional consent is deemed to be the holder of the authority that the transitional consent permits the person to apply for.
- (2) A person who has applied for an authority pursuant to a transitional consent is still considered to hold the transitional consent while the application for the authority is pending.
- (3) A development application made or purporting to have been made before the commencement of this clause that would have been validly made had this clause been in force at that time is taken to have been validly made (despite section 380AA of the Act).

- (4) In this clause:

development application means an application for development consent or modification of development consent.

transitional consent means a consent of the Minister under section 13, 33 or 51 of the Act to the making of an application for an authority in respect of coal, given before the commencement of section 380AA of the Act.