

[Act 1996 No 27]



New South Wales

State Environmental Planning (Permissible Mining) Bill 1996

Explanatory note

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

Overview of Bill

The object of this Bill is to validate *State Environmental Planning Policy No 45—Permissibility of Mining*, and anything done or omitted in reliance on it. The text of the Policy is set out in Schedule 1 to the proposed Act.

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.

Clause 3 contains definitions of *Policy* (being *State Environmental Planning Policy No 45—Permissibility of Mining*) and *Principal Act* (being the *Environmental Planning and Assessment Act 1979*).

Clause 4 contains validations arising from the decision of the Land and Environment Court in *Rosemount Estates Pty Ltd and Iain Gavin Nairn Gidley-Baird v Minister for Urban Affairs and Planning and Bengalla Mining Company Pty Limited* on 6 March 1996. Clause 4 (1) validates the making and publication of the Policy. Clause 4 (2) validates anything done or omitted to be done pursuant to the Policy. Clause 4 (3) specifically validates the development consent granted by the Minister for Urban Affairs and Planning and referred to in that decision.

Schedule 1 contains the text of *State Environmental Planning Policy No 45—Permissibility of Mining*, published in Gazette No 94 of 4 August 1995.