

State Environmental Planning (Permissible Mining) Act 1996

As at 28 June 1996

Long Title

An Act to validate a State environmental planning policy regarding permissibility of mining.

1 Name of Act

This Act is the *State Environmental Planning (Permissible Mining) Act 1996*.

2 Commencement

This Act commences on the date of assent.

3 Definitions

In this Act:

Policy means the *State Environmental Planning Policy No 45--Permissibility of Mining*, a copy of which is set out in Schedule 1.

Principal Act means the *Environmental Planning and Assessment Act 1979*.

4 Validation

- (1) The Policy is validated, and is taken:
 - (a) to have been duly made in accordance with the Principal Act, and
 - (b) to have been duly published in accordance with the Principal Act on 4 August 1995, and
 - (c) to have commenced on 4 August 1995.
- (2) Without limiting subsection (1), anything done or omitted to be done on or after 4 August 1995 and before the commencement of this Act is as valid as it would have been had the Policy been in force when the thing was done or omitted.
- (3) Without limiting subsection (1) or (2), the development consent granted or purporting to have been granted by the Minister for Urban Affairs and Planning on 7 August 1995 in relation to Bengalla Mining Company Pty Limited is validated, with effect on and from that date.

Schedule 1 State Environmental Planning Policy No 45-- Permissibility of Mining

1 Citation

This Policy may be cited as *State Environmental Planning Policy No 45--Permissibility of Mining*.

2 Aims, objectives etc

- (1) This Policy aims:
 - (a) to promote the economic development of the State, and
 - (b) to facilitate the development of the State's natural resources, and
 - (c) to facilitate the development of significant export-earning industries for the State, and

- (d) to create significant employment opportunities within the State, and
- (e) to make provisions concerning:
 - (i) the circumstances in which mining may be permitted under environmental planning instruments, and
 - (ii) the determination of development applications for consent to carry out development for the purposes of mining.

(2) This Policy removes the effect of certain provisions in environmental planning instruments that might, in the absence of this Policy, be relevant to:

- (a) the determination of whether or not a proposed development for the purposes of mining is permissible with development consent (including provisions that might otherwise require a consent authority to be satisfied as to certain matters before determining that mining is permissible with development consent), and
- (b) the determination of development applications for consent to carry out development for the purposes of mining.

3 Definition

In this Policy:

mining includes a mine and any form of mining, including surface mining (whether by open cut or any other method) and underground mining.

4 Land to which this Policy applies

This Policy applies to the whole of the State.

5 Permissibility of mining

(1) If mining is permissible on land with development consent in accordance with an environmental planning instrument if provisions of the instrument are satisfied, mining is permissible on that land with development consent without those provisions having to be satisfied and those provisions have no effect in determining whether or not mining is permissible on that land or to the determination of a development application for consent to carry out development for the purposes of mining on that land.

(2) Without limiting subclause (1), if mining is permissible on land with development consent in accordance with an environmental planning instrument if the consent authority is satisfied as to certain matters specified in the instrument, mining is permissible on that land with development consent without the consent authority having to be satisfied as to those specified matters.

6 Relationship to other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, this Policy prevails to the extent of the inconsistency.

7 Development applications to which this Policy extends

This Policy extends to a development application made but not finally determined before the commencement of this Policy.

Historical notes

Table of Acts *State Environmental Planning (Permissible Mining) Act 1996 No 27* .
Assented to 21.6.1996. Date of commencement, assent, sec 2.