

**Legislative Council—No 70**

As introduced and read a first time, 24 November 2010

South Australia

**Development (Principles of Development  
Control—Mining Operations—Flinders)  
Amendment Bill 2010**

A BILL FOR

An Act to amend the *Development Act 1993*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Development (Principles of Development Control—Mining Operations—Flinders) Amendment Act 2010*.

### **5 2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

### **3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **10 Part 2—Amendment of *Development Act 1993***

### **4—Amendment of section 75—Mining tenements to be referred in certain cases to Minister**

- (1) Section 75(1)—after the definition of "*designated mining matter*" insert:

15 *Environmental Class A Zone* means the area constituting the *Environmental Class A Zone* under the consolidated *Development Plan for Land Not Within a Council Area (Flinders)*, as in existence on 24 November 2010 (and as identified under subsection (8)).

- (2) Section 75(2)—after "that is required by" insert:  
subsection (2a) or by

(3) Section 75—after subsection (2) insert:

(2a) A designated mining matter must be referred to the Minister for advice if any of the operations to be conducted in pursuance of a mining production tenement would be within the Environmental Class A Zone.

(4) Section 75—after subsection (5) insert:

(5a) In addition (and without limiting subsection (5)), if any of the operations to be conducted in pursuance of the mining production tenement would be within the Environmental Class A Zone, the Minister must assess the proposed operations after taking into account the principle of development control under subsection (5b).

(5b) The principle of development control under this subsection is that no mining operations should be conducted in the Environmental Class A Zone except where—

(a) the deposits of minerals are of such paramount significance that all other environmental, heritage or conservation considerations may be overridden; and

(b) the exploitation of those deposits is in the National or State interest; and

(c) investigations have shown that alternative deposits are not available on other land in the locality outside the Environmental Class A Zone; and

(d) the operations to be carried out in pursuance of the tenement are to be subject to stringent safeguards to protect the landscape and natural environment.

(5c) If, after considering the principle of development control under subsection (5b) (and such other matters as the Minister thinks fit), the Minister determines (in his or her discretion) that an application for a mining production tenement should not be granted, the Minister may advise the appropriate Authority accordingly.

(5) Section 75(6)—after "subsection (5)" insert:

or (5c)

(6) Section 75(6)—after "public environmental report" insert:

and, if relevant, the principle of development control under subsection (5b)

(7) Section 75—after subsection (7) insert:

(8) The Minister must, as soon as practicable after the commencement of this subsection, by notice in the Gazette, publish a map or series of maps that identify the Environmental Class A Zone under this section.

## **Schedule 1—Transitional provision**

### **1—Transitional provision**

The amendments made to the *Development Act 1993* by this Act do not apply in relation to an application for a mining production tenement made under the *Mining Act 1971* before 24 November 2010.

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