

South Australia

## **National Parks and Wildlife (Torrens Island Conservation Park—Preservation of Rights) Proclamation 2005**

under section 43 of the *National Parks and Wildlife Act 1972*

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### **Preamble**

- 1 The Crown land described in Schedule 1 is, by another proclamation made on this day, added to the Torrens Island Conservation Park under section 29(3) of the *National Parks and Wildlife Act 1972*.
- 2 It is intended that, by this proclamation, certain existing and future pipeline rights and related rights of entry be preserved in relation to the land added to the conservation park.

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### **1—Short title**

This proclamation may be cited as the *National Parks and Wildlife (Torrens Island Conservation Park—Preservation of Rights) Proclamation 2005*.

### **2—Commencement**

This proclamation comes into operation on the day on which it is made.

### **3—Interpretation**

In this proclamation—

**Environment Minister** means the Minister to whom the administration of the *National Parks and Wildlife Act 1972* is committed;

**Mining Minister** means the Minister to whom the administration of the *Petroleum Act 2000* is committed;

**work** includes the operation of a transmission pipeline.

### **4—Existing rights to continue**

Subject to clause 6, existing rights relating to the construction or operation of a transmission pipeline, together with rights of entry for that purpose, under the *Petroleum Act 2000* may continue to be exercised in respect of the land described in Schedule 1.

## 5—New rights may be acquired

Rights relating to the construction or operation of a transmission pipeline, together with rights of entry for that purpose, may, with the approval of the Mining Minister and the Environment Minister, be acquired pursuant to the *Petroleum Act 2000* in respect of the land described in Schedule 1, and may, subject to clause 6, be exercised in respect of that land.

## 6—Conditions for exercise of rights

A person in whom rights referred to in clause 4 or 5 are vested pursuant to the *Petroleum Act 2000* (whether those rights were acquired before or after the making of this proclamation) must not exercise those rights in respect of the land described in Schedule 1 unless the person complies with the following conditions:

- (a) if work to be carried out in relation to the land in the exercise of those rights is a regulated activity within the meaning of the *Petroleum Act 2000*, the person must ensure that—
  - (i) the work is not carried out until a statement of environmental objectives in relation to the activity that has been approved under that Act has also been approved by the Environment Minister; and
  - (ii) the work is carried out in accordance with the statement so approved;
- (b) if work to be carried out in relation to the land in the exercise of those rights has not previously been authorised, the person must give at least 3 months notice of that proposed work to the Mining Minister and the Environment Minister and must supply each Minister with such information relating to the proposed work as the Minister may require;
- (c) if directions are agreed between the Mining Minister and the Environment Minister and given to the person in writing in relation to—
  - (i) carrying out work in relation to the land in a manner that minimises damage to the land (including the land's vegetation and wildlife) and the environment generally; or
  - (ii) preserving objects, structures or sites of historical, scientific or cultural interest; or
  - (iii) rehabilitating the land (including the land's vegetation and wildlife) on completion of the work; or
  - (iv) (where the work is being carried out in the exercise of rights acquired after the making of this proclamation) prohibiting or restricting access to any specified area of the land that the Ministers believe would suffer significant detriment as a result of carrying out the work,  
  
(being directions that do not reduce or otherwise detract from any requirement in respect of any of those matters contained in an approved statement of environmental objectives referred to in paragraph (a)), the person must comply with those directions in carrying out the work;
- (d) if a plan of management is in operation under section 38 of the *National Parks and Wildlife Act 1972* in respect of the land, the person must have regard to the provisions of the plan of management;

- (e) in addition to complying with the other requirements of this proclamation, the person—
  - (i) must take such steps as are reasonably necessary to ensure that objects, structures and sites of historical, scientific or cultural interest and the land's vegetation and wildlife are not unduly affected by any work; and
  - (ii) must maintain all work areas in a clean and tidy condition; and
  - (iii) must, on the completion of any work, obliterate or remove all installations and structures (other than installations and structures designated by the Mining Minister and the Environment Minister as suitable for retention) used exclusively for the purposes of the work;
- (f) if no direction has been given by the Mining Minister and the Environment Minister under paragraph (c)(iii), the person must (in addition to complying with any approved statement of environmental objectives referred to in paragraph (a)) rehabilitate the land (including the land's vegetation and wildlife) on completion of the work to the satisfaction of the Environment Minister.

### **7—Governor may give approvals, directions**

If—

- (a) the Mining Minister and the Environment Minister cannot agree as to whether—
  - (i) approval should be granted or refused under clause 5; or
  - (ii) a direction should be given under clause 6(c); or
- (b) the Environment Minister does not approve a statement of environmental objectives referred to in clause 6(a),

the Governor may, with the advice and consent of the Executive Council—

- (c) grant or refuse the necessary approval under clause 5 or clause 6(a); or
- (d) give a direction in writing under clause 6(c).

### **Schedule 1—Description of land**

Allotment 12 of DP 55734, Hundred of Port Adelaide, County of Adelaide;

Pieces 306 and 406 of DP 55734, Hundred of Port Adelaide, County of Adelaide.

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council

on 3 March 2005

EC05/0005CS