

South Australia

## **National Parks and Wildlife (Lake Hawdon South Conservation Park—Mining Rights) Proclamation 2010**

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, constituted as a conservation park under section 30(1) of the *National Parks and Wildlife Act 1972* and assigned the name *Lake Hawdon South Conservation Park*.
- 2 It is intended that, by this proclamation, certain existing and future rights of entry, prospecting, exploration or mining be preserved in relation to the land constituting the conservation park.
- 3 It is also intended, in the case of future rights, that the exercise of those rights be restricted to the land that lies below the surface of the park, with no work permitted on the park surface and any necessary subsurface exploration or access undertaken in a manner (eg from adjacent land) that does not require such work.

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### **1—Short title**

This proclamation may be cited as the *National Parks and Wildlife (Lake Hawdon South Conservation Park—Mining Rights) Proclamation 2010*.

### **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 and Geothermal Energy Act 2000* is committed.

### **4—Existing rights to continue**

Subject to clause 6, existing rights of entry, prospecting, exploration or mining under the *Petroleum and Geothermal Energy Act 2000* may continue to be exercised in respect of the land described in Schedule 1.

## 5—New rights may be acquired

Rights of entry, prospecting, exploration or mining may, with the approval of the Mining Minister and the Environment Minister, be acquired pursuant to the *Petroleum and Geothermal Energy Act 2000* in respect of the land described in Schedule 1 and may, subject to clause 7, be exercised in respect of that land.

## 6—Conditions for exercise of existing rights

A person in whom rights of entry, prospecting, exploration or mining existing immediately before the making of this proclamation are vested pursuant to the *Petroleum and Geothermal Energy Act 2000* 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 and Geothermal Energy 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 as so approved;
- (b) if any work to be carried out in relation to the land in the exercise of those rights has not previously been authorised (whether by inclusion in an approved statement of environmental objectives referred to in paragraph (a) or otherwise), the person must give at least 3 months notice of that proposed work to the Mining Minister and the Environment Minister and supply each Minister with such information in relation 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,(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 clause, 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, upon 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 that 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 its vegetation and wildlife) on completion of the work to the satisfaction of the Environment Minister.

### **7—Conditions for exercise of acquired rights**

A person in whom rights of entry, prospecting, exploration or mining acquired after the making of this proclamation are vested pursuant to the *Petroleum and Geothermal Energy Act 2000* must not exercise those rights in respect of the land described in Schedule 1 unless the person complies with the following conditions:

- (a) no work may be carried out on the surface of the land in the exercise of those rights;
- (b) 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 and Geothermal Energy 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 as so approved;
- (c) if any work to be carried out in relation to the land in the exercise of those rights has not previously been authorised (whether by inclusion in an approved statement of environmental objectives referred to in paragraph (b) or otherwise), the person must give at least 3 months notice of that proposed work to the Mining Minister and the Environment Minister and supply each Minister with such information in relation to the proposed work as the Minister may require;
- (d) 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) prohibiting or restricting access to any specified part 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 (b)), the person must comply with those directions in carrying out the work;
- (e) 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;
- (f) in addition to complying with the other requirements of this clause, 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, upon 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 that work;
- (g) if no direction has been given by the Mining Minister and the Environment Minister under paragraph (d)(iii), the person must (in addition to complying with any approved statement of environmental objectives referred to in paragraph (b)) rehabilitate the land (including its vegetation and wildlife) on completion of the work to the satisfaction of the Environment Minister.

## **8—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 7(d); or
- (b) the Environment Minister does not approve a statement of environmental objectives under clause 6(a) or 7(b),

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

- (c) grant or refuse the necessary approval under clause 5; or
- (d) give a direction in writing under clause 6(c) or 7(d); or
- (e) grant or refuse the necessary approval under clause 6(a) or 7(b).

## **Schedule 1—Description of land**

Sections 177 and 178, Hundred of Bray, County of Robe.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 18 February 2010

EHCS10/0013