

South Australia

Development (Mining Production Tenements) Variation Regulations 2009

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Mining Production Tenements) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on the day on which the *Petroleum (Miscellaneous) Amendment Act 2009* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Development Regulations 2008*

4—Variation of regulation 84—Mining production tenements

Regulation 84—after subregulation (1) insert:

- (1a) Pursuant to section 75(2) of the Act, the appropriate Authority must refer a proposed statement of environmental objectives under the *Petroleum and Geothermal Energy Act 2000* to the Minister for advice if an area to which the statement of environmental objectives would apply is within a part of the State described in Schedule 20, other than in a regional reserve under the *National Parks and Wildlife Act 1972*.

- (1b) However, in a case arising under the *Petroleum and Geothermal Energy Act 2000*, subregulations (1) and (1a) operate subject to the following qualifications:
- (a) the appropriate Authority may determine not to refer an application for a mining production tenement to the Minister under subregulation (1)(a) if a proposed statement of environmental objectives that covers the activities to be undertaken under the tenement has already been, or is to be, referred to the Minister under this regulation;
 - (b) the appropriate Authority may determine not to provide an application for a mining production tenement to a council for the purposes of subregulation (1)(b) and accordingly not to refer such an application to the Minister under that subregulation if a proposed statement of environmental objectives that covers the activities to be undertaken under the tenement has already been, or is to be, referred to the council by the appropriate Authority for consultation purposes;
 - (c) the appropriate Authority may determine not to refer a proposed statement of environmental objectives to the Minister under subregulation (1a) if any mining production tenement that is to be covered by the statement of environmental objectives has already been, or is to be, referred to the Minister under this regulation.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 1 October 2009

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