

Growing our Energy and Mining Sector  
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### **Hills Face Mining proposal/s for the Planning and Design Code.**

There once was the argument between the Mining Act 1971-1976 and the Planning and Development Act 1966- 1975.

That a mining lease must be worked immediately after being granted, while the Planning and Development Act requires that a lease cannot be worked without approval for land use change. A change in land use triggers development application and consent in my view is subject to approval by the State Commission Assessment Panel.

In a number of “sensitive” areas (defined in the Mining Production Tenement Regulations of the Planning Act 1982) and following Acts since updated, refers to the Minister responsible for Mining and Energy, no doubt, must forward applications to the Minister for Planning “for advice”. This advice must be accepted or a compromise referred to as Complying Changes – Planning and Design Code (P.13) PDI Act 2016, (Part 5 Division 2) sought between the Ministers and special approval with agreement.

The boundary within the H.F.Z. to which a mining lease is now under assessment needs to be excluded from the greater parent H.F.Z., because of the orientation or topographical situation is not generally visible from the Adelaide Plains.

To meet criteria for development consent is the visual impact reduced to persons outside the mining property by vegetated screens and it fits in with desired character of the area. Careful use of the topography and design of the top quarry bench can often be extremely useful.

The total area used for quarrying is less than .5% and future development only increases that area by negligible amounts.

There was concerns in the past that draft Supplementary Development Plans were to remove quarrying activities from the Hills Face Zone. Generally quarries must continue to exist within the zone because the lack of economic viability of any alternative proposal. The geological characteristics of a mineral deposit cannot be moved and must be extracted where it lies. Future extensions to mines and quarries need to be assessed by their individual merits.

## Recommendation

I submit that future adjustments to the boundary of the H.F.Z. be rezoned Mineral Extraction Zone for mineral claims and would not detract from the purpose for which the zone was created. Where a future mineral claim does not contribute to the HFZ then there needs to be a change to a sub zone application. By interpretation of the P.D.I. Act 2016, I mention the following extract with relevance to the matter;

***Part 12—Mining—special provisions*** (P.D.I. Act 2016) P1.

*(Sub Heading) 160—Mining tenements to be referred in certain cases to Minister*  
and

***75—Complying changes—Planning and Design Code*** (PDI Act 2016) P.13.

*(1) The Minister may, after seeking the advice of the Commission, initiate or agree to an amendment to the Planning and Design Code under this section if—*

*(a) the amendment comprises a change to—*

*(i) the boundary of a zone or subzone;*

*2. An amendment under sub section (1) must be the subject of consultation under the Community Engagement Charter.*

## Conclusion

I question current H.F.Z. planning policy on the grounds where extractive industry needs to be rezoned in recognition of its use. In consideration upon the merits to the mineral claim application, it qualifies as mineral land and is within 3 nautical miles of the seaward side of the low water mark. It also needs assigned by the Valuer - General for its future land use code to reflect it's intended land use.

So it should be clear under the PDI Act that provisions of the parent zone in this case H.F.Z. are proposed to be modified by a sub zone.

A recent D.P.A., (Development Plan Amendment), report proposal released by public notification published recently states: **“This seeks to make zoning consistent with the intended uses of the land”**.

No doubt, potential adverse effects on the environment in regards to noise, dust, and ground vibrations etc. must meet regulations.

## Future outlook

The Minister for Mining in my view, after viewing the credentials of either E.I.S. or a P.E.P.R., would naturally refer a future mining proposal of environmental sensitive areas to the Minister for Planning and declare a D.P.A. subject to the State Planning Commission granting consent. If future mining proposal/s meet the criteria for a zone amendments then the relevant council would therefore be required to amend their Development Plan.

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