

**DRAFT**

**Table 1: Applicable Legislation**

Issue	Legislation	Sections	Proposed MPL	Existing Mine	Comments
<b>Local Council Legislation</b>					
Local Planning	Barossa Council Development Plan	Extractive Industry Zone	✓	✓	Objectives 2 and 3 require the protection of watercourses and visual amenity. Environmental impacts are to be minimised.
<b>State Government Legislation</b>					
Aboriginal heritage	<i>Aboriginal Heritage Act 1988</i>	-	✓	✓	No registered indigenous cultural heritage sites or objects were identified by the Cultural Heritage search as occurring within the project areas. It must be noted that this search is for registered sites only and does not preclude the potential for indigenous sites and objects to exist in the project area.
Air Quality	<i>Environment Protection Policy (Air Quality) 1994</i>	Schedule 1	✓	✓	Must not release pollutants beyond the maximum pollutant levels set in Schedule 1. Schedule 1 lists maximum pollutant levels and the location of test points for monitoring.
Blasting	<i>Occupational Health, Safety and Welfare Regulations 1995</i>	Part 5 – Division 5.12	✓	✓	Part 5 – Divisions 5.12 details requirements for mine sites including; blasting procedure, blasting licenses and the storage of blasting explosives.
	<i>Mining Act 1971</i>	Part 8	✓		Requirements for MPL
	AS2187 2006	-	✓	✓	Details appropriate use and storage of

# DRAFT

Issue	Legislation	Sections	Proposed MPL	Existing Mine	Comments
					dangerous goods and explosives.
Electricity	<i>Electricity Act 1996</i>	Part 6	✓	✓	Safety and technical issues are outlined in Part 6. Part 6 details who can carry out work on electricity infrastructure and connections, and ensuring the safety of electrical equipment.
Heritage	<i>Heritage Places Act 1993</i>		✓	✓	Register for State heritage places
Health and Safety	<i>Occupational Health, Safety and Welfare Act 1986</i>	Parts 3 and 4	✓	✓	Part 3 outlines the OH&S duties for employers and workers. Duties include: providing a safe workplace, safe work practices, adequate facilities (e.g. toilets) and sufficient training to ensure safety from injury and minimise risks to health. Part 4 details the appointment of health and safety representatives for employees and the establishment of health and safety commissions.
	<i>Occupational Health, Safety and Welfare Regulations 1995</i>	Parts 1, 2, 3, Part 5-Division 5.12, Part 6 and Schedule 1	✓	✓	Part 1 details the general OH&S requirements of the legislation. Part 2 outlines the employers requirements to supply the following: safe site access, changing and eating areas, toilets, washing facilities, drinking water, seating and

# DRAFT

Issue	Legislation	Sections	Proposed MPL	Existing Mine	Comments
					<p>either a first aid room or rest area. Standards for education, lighting, fire prevention, traffic control, emergency facilities and procedures and work space areas are also provided. Personal protection equipment (PPE) must be supplied and personnel trained in their proper use and maintenance.</p> <p>Part 3 details requirements for the protection of employees from plant. Part 5 – Divisions 5.12 details requirements for mine sites including; site management, blasting and blasting licenses and diesel exhausts.</p> <p>Part 6 covers health and safety committees, training and administration requirements, while Schedule 1 provides a summary of employer and worker requirements and responsibilities.</p>
Mining	<i>Mining Act 1971</i>	Parts 6, 8 and 11B (Mining Lease), Part 8 (Miscellaneous Purposes Lease), Part 11B (Private Mines)	✓	✓	Outlines details such as the nature of the lease, terms of renewal and suspension or cancellation of the lease for the following three mining types: Mining Lease (see Part 6), Miscellaneous Purposes Lease (see Part 8) and Private Mines (see Part 11B).
Noise	<i>Environment Protection</i>	Part 1.5, Division 1	✓	✓	Indicative noise values for industry are provided.

**DRAFT**

Issue	Legislation	Sections	Proposed MPL	Existing Mine	Comments
	<i>Policy (Noise) Policy 2007</i>	(section 21 and 23)			Acceptable times for construction noise are also outlined.
	<i>Occupational Health, Safety and Welfare Regulations 1995</i>	Part 2-Division 2.10	✓	✓	Details maximum daily noise exposure standards. Engineering noise controls must be applied where practicable and personal hearing protection provided. Employers must also monitor noise levels and ensure that PPE is used correctly.
Roads	<i>Road Traffic Act 1961</i>	Part 2	✓	✓	Part 2 details the duties of drivers and passengers to other road users, vehicle standards, mass and loading guidelines
Railways	<i>Rail Safety Act 2007</i>	Parts 4 and 8		✓	Parts 4 and 8 detail general liability and safety.
Soil erosion	<i>Natural Resources Management Act 2004</i>	Ch2-Parts 1 and 2	✓		Soil is protected as a natural resource by State and Regional NRM Plans. Soil conservation and the minimisation of soil erosion is a statutory duty according to Parts 1 and 2 of Chapter 2.
Site Contamination	<i>Environment Protection Act 1993</i>	5B, 10A	✓		Outlines liability for contamination and protocol for site remediation and audits. Section 10A-Divisions 1 to 4 (covering liability and auditing) will come into operation February 2009.
Vegetation	<i>Native Vegetation Act 1991</i>	Parts 4 and 5, Schedule 1	✓		Parts 4 and 5 detail revegetation and vegetation clearing requirements. Schedule 1 outlines the principles for native vegetation clearing.

# DRAFT

Issue	Legislation	Sections	Proposed MPL	Existing Mine	Comments
Waste Management	<i>Environment Protection Policy (Waste Management) 1994</i>	Part 6	✓	✓	The transportation of waste requires that all reasonable steps have been taken to contain and secure the waste.
Water Quality	<i>Environment Protection Policy (Water Quality) 2003</i>	Parts 4 and 5, Division 1, Schedules 1, 2, 3, 4 and 5	✓	✓	Management and control of point and diffuse source pollution, stormwater management and general obligations. Schedules detail pollutants, water quality criteria and discharge limits.
Water Resources	<i>Natural Resources Management Act 2004</i>	Ch7	✓	✓	Water licensing and allocation is detailed within Chapter 7.
<b>Australian Commonwealth Government Legislation</b>					
European heritage	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Ch 2 – Part 3	✓	✓	A European heritage search has been requested.
Matters of National Environmental Significance (NES)	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Ch2 – Part 3	✓	✓	Search of Protected Matters Database is required to determine legislative requirements.
Air quality, noise, water quality, hazardous wastes, recycling, site contamination	<i>National Environment Protection Council Act - NEPM Standards</i>	NEPM Standards	✓	✓	Individual policies outlining procedures for a range of issues, including; air quality, noise, ambient air quality, site contamination assessment, diesel vehicle emissions and pollutants. These guidelines should all be consulted.