

Strategic Cropping Land Bill 2011

Amendments agreed to during Consideration

1 **Clause 6 (Exclusions from this Act)**

Page 18, line 21, '(ii)'—

omit, insert—

'(iii)'.

2 **Clause 41 (Who is an *eligible person*)**

Page 36, line 21, 'tenure'—

omit, insert—

'resource authority'.

3 **Clause 55 (Public notice of application)**

Page 42, line 22, '44'—

omit, insert—

'48'.

4 **After clause 89**

Page 59, after line 24—

insert—

'89A Power to prescribe particular concurrence agency application fees

'A regulation may prescribe the application fee for the Minister, chief executive or Coordinator-General as a concurrence agency under IDAS for a development application for the development.

Notes—

- 1 For the requirement to pay the fee, see the Planning Act, section 272(1)(c)(i).
- 2 For the concurrence agency roles, see the *Sustainable Planning Regulation 2009*, schedule 7, table 3, items 27 to 30.’.

5 After clause 112

Page 71, after line 18—

insert—

‘Part 5 Resource activities complying with standard conditions code

‘Division 1 Preliminary

‘112A Application of pt 5

- ‘(1) This part applies for a resource activity on SCL or potential SCL if the carrying out of the activity under an environmental authority or resource authority complies with the standard conditions code.
- ‘(2) However, this part does not apply for a resource authority for which an SCL protection decision is required to be made under part 4 for the issuing of an environmental authority for the resource activity.
- ‘(3) To remove any doubt, it is declared that this part applies for an environmental authority or resource authority application even if—
 - (a) when the application was made, the land was not SCL or potential SCL; but
 - (b) the land becomes SCL or potential SCL before the authority is granted.

‘112B SCL compliance certificate required before environmental authority can be issued

‘An environmental authority for the resource activity can not be issued until an SCL compliance certificate is given for the environmental authority and the resource authority for the resource activity.

‘Division 2 Applying for SCL compliance certificate

‘112C Who may apply

‘A person who has applied, or may apply, for an environmental authority or resource authority for the resource activity may apply for a certificate (an *SCL compliance certificate*) for the resource activity.

‘112D Requirements for application

- ‘(1) The application must—
- (a) be made to the chief executive in the approved form; and
 - (b) describe the land on which the activity is to be carried out, and state the real property description of each lot that forms it; and
 - (c) describe the resource activity; and
 - (d) be accompanied by the fee prescribed under a regulation; and
 - (e) include, or be accompanied by, any other information prescribed under a regulation.
- ‘(2) Also, sections 84 and 85 apply for making the application as if—
- (a) the application were a development application for the land; and

- (b) the footprint of the development under section 85 includes infrastructure or proposed infrastructure relating to the resource activity.

‘112E Giving of SCL compliance certificate

‘If the chief executive is satisfied the application complies with section 112D, the chief executive must give the person the SCL compliance certificate before, or at the same time as, the environmental authority is issued.

‘Division 3 Application of standard conditions code

‘112F Standard conditions code applies to particular authority

- ‘(1) This section applies if a resource activity under an environmental authority or resource authority is carried out in compliance with the standard conditions code.
- ‘(2) The conditions under the standard conditions code for carrying out the resource activity are taken to be conditions of the environmental authority or resource authority.
- ‘(3) If there is any inconsistency between the standard conditions code and another condition of, or imposed on, the environmental authority or resource authority, the standard conditions code prevails to the extent of the inconsistency.’.

6 Clause 143 (Payments from fund)

Page 87, line 20, ‘productivity principles’—
omit, insert—
‘productivity principle’.

7 Clause 192 (Application of div 1)

Page 114, line 22, ‘power’—

omit, insert—

‘powers’.

8 Clause 249 (Remotely sensed image reports)

Page 146, lines 27 to 29—

omit, insert—

‘(3) In this section—’.

9 Clause 281 (Existing mining lease and EP or MDL forming a contiguous area)

Page 160, lines 22 to 28—

omit, insert—

‘(b) on or before 23 August 2012—

- (i) a mining lease application is or was made for any of the area of the EP or MDL; and
- (ii) a certificate of application is or was issued for the mining lease application; and

(c) on 23 August 2010, the applicant was—

- (i) the holder of the mining lease and also—
 - (A) the holder of the EP or MDL; or
 - (B) a party to a joint venture or partnership agreement with the holder of the EP or MDL about resource activities for the proposed mining lease the subject of the application; or
 - (C) a subsidiary of the holder of the EP or MDL, as defined under the Corporations Act, section 46; or
- (ii) the holder of the EP or MDL and also—
 - (A) a party to a joint venture or partnership agreement with the holder of the mining lease; or

(B) a subsidiary of the holder of the mining lease.’.

10 Clause 291 (Insertion of new sch 13A)

Page 166, line 4, ‘any of’—
omit.

11 Clause 292 (Amendment of sch 26 (Dictionary))

Page 166, lines 23 to 26—
omit, insert—

“*footprint*, for a provision about development, means the portion of the relevant lot covered by—’.

12 Clause 292 (Amendment of sch 26 (Dictionary))

Page 167, after line 7—
insert—

‘*permanent impact*, on SCL or potential SCL, see the SCL Act, section 14(1).’.

13 Schedule 1 (Zonal criteria for original zones)

Page 175, line 13, ‘3cmol/kg’—
omit, insert—
‘3cmol/kg’.

14 Schedule 2 (Dictionary)

Page 183, line 21, ‘(b)’—
omit, insert—
‘(a)’.

15 Schedule 2 (Dictionary)

Page 187, lines 26 and 27—

omit, insert—

‘minimum size, for land or a part of land, see section 62.’

16 Schedule 2 (Dictionary)

Page 189, line 26—

omit, insert—

‘(h) for land that, under a resource Act, is in the area of a resource authority under that Act—the holder of the resource authority;’

17 Schedule 2 (Dictionary)

Page 193, after line 5—

insert—

‘SCL compliance certificate see section 112C.’

18 Schedule 2 (Dictionary)

Page 194, lines 15 to 19—

omit.