

South Australia

Natural Resources Management (Peake, Roby and Sherlock Prescribed Wells Area—Reduction of Water Access Entitlements) Regulations 2010

under the *Natural Resources Management Act 2004*

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Preamble

- 1 Wells situated in the Peake, Roby and Sherlock Prescribed Wells Area and future wells drilled in that Area were declared to be prescribed wells by the *Natural Resources Management (Peake, Roby and Sherlock Prescribed Wells Area) Regulations 2005*.

Note—

Those regulations came into operation on 27 October 2005—see *Gazette 27.10.2005 p3836*.

- 2 Pursuant to the *Natural Resources Management (Peake, Roby and Sherlock Prescribed Wells Area) Regulations 2005*, the prescribed period in relation to the Peake, Roby and Sherlock Prescribed Wells Area ended on 27 October 2008.
 - 3 The prescribed period having ended, the Minister is of the opinion that the aggregate of water access entitlements assigned to existing users under section 164N(1) and (2) of the Act exceeds the capacity of the resource.
 - 4 It is now appropriate to make regulations setting out a scheme for the reduction of water access entitlements of certain existing users in the Peake, Roby and Sherlock Prescribed Wells Area.
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1—Short title

These regulations may be cited as the *Natural Resources Management (Peake, Roby and Sherlock Prescribed Wells Area—Reduction of Water Access Entitlements) Regulations 2010*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

- (1) In these regulations—

Act means the *Natural Resources Management Act 2004*;

Peake, Roby and Sherlock Prescribed Wells Area has the same meaning as in the *Natural Resources Management (Peake, Roby and Sherlock Prescribed Wells Area) Regulations 2005*;

reasonable requirements—the reasonable requirements of an existing user will be taken to be an amount of water determined by the Minister to be the reasonable requirements of the existing user for the purposes of these regulations.

- (2) For the purposes of these regulations, underground water is taken from the Confined Aquifer if it is taken from a well within the Extraction Management Zone of the Peake, Roby and Sherlock Prescribed Wells Area.

Note—

The Extraction Management Zone of the Peake, Roby and Sherlock Prescribed Wells Area is set out in Deposit No 20 of 2009 in the General Registry Office.

4—Scheme for reduction of water access entitlements for certain existing users

- (1) This regulation applies to a water access entitlement assigned to an existing user under section 164N of the Act in the Peake, Roby and Sherlock Prescribed Wells Area that authorises the existing user to take underground water from the Confined Aquifer (other than a water access entitlement in respect of water taken to supply the township of Peake and its oval, or water taken to supply water to a feed lot).
- (2) For the purposes of section 164N(3)(b) of the Act, the Minister may reduce a water access entitlement to which this regulation applies such that the amount of underground water that may be taken under the water access entitlement is reduced to an amount equal to the reasonable requirements of the existing user less a percentage determined by the Minister for the purposes of this subregulation.
- (3) In determining a percentage for the purposes of subregulation (2), the Minister—
- must take into account the need to reduce the aggregate of water access entitlements assigned under section 164N of the Act in the Peake, Roby and Sherlock Prescribed Wells Area so that the capacity of the resource is not exceeded; and
 - may take into account any other factor the Minister thinks relevant to his or her determination.

- (4) Without limiting subregulation (2), the Minister may, in reducing a water access entitlement under section 164N(3)(b) of the Act—
- (a) make an order specifying the amount of water that may be taken from a particular well or wells; or
 - (b) make any ancillary order the Minister thinks appropriate.
- (5) A person who contravenes an order under subregulation (4) is guilty of an offence.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$5 000.

Expiation fee: \$315.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2010	258	<i>Gazette 9.12.2010 p5610</i>	9.12.2010: r 2