

South Australia

Water Resources (Barossa Prescribed Water Resources Area) Regulations 2005

under the *Water Resources Act 1997*

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Legislative history

Preamble

- 1 A proclamation was made pursuant to section 33(1) and (2) of the *Water Resources Act 1990* (the **1990 Act**) (see *Gazette 14.5.1992 p1389*) in respect of an area of the State delineated and shown on GRO Plan No 327/1992 (the **Barossa area**) declaring—
 - (a) the North Para River, and its tributaries, within the Barossa area to be proclaimed watercourses; and
 - (b) all wells situated within the Barossa area to be proclaimed wells; and
 - (c) all wells drilled in the Barossa area after the making of the proclamation to be proclaimed wells.
- 2 The proclamation referred to in clause 1 came into operation on 1 July 1992.
- 3 Regulations were made pursuant to section 8 of the *Water Resources Act 1997* (the **current Act**) (see the *Water Resources (Surface Water Prescribed Area—Barossa) Regulations 1998*, *Gazette 17.12.1998 p1994*) declaring the Barossa area to be a surface water prescribed area.
- 4 Schedule 3, clause 2 of the current Act provides that—

- (a) a proclamation under section 33(1) or (2) of the 1990 Act in force immediately before the commencement of the current Act continues in force as though it were a regulation under section 8(1) of the current Act; and
- (b) a proclamation referred to in paragraph (a)—
 - (i) may be varied or revoked by regulation as though it were a regulation under section 8(1) of the current Act; and
 - (ii) in the case of a proclamation declaring a well, will, unless varied by regulation, be taken to exclude the operation of section 7(5).

5 It is now appropriate to make regulations that will have the effect—

- (a) of continuing the declaration of proclaimed watercourses and proclaimed wells in the Barossa area (and making provision for future wells in that area) (under the current Act to be designated as prescribed watercourses and prescribed wells);
 - (b) of declaring prescribed watercourses in an additional area;
 - (c) of declaring an additional surface water prescribed area (and the establishment and prescribed periods for that additional area);
 - (d) of adding the additional area to the current Barossa area and naming the whole of the area as the Barossa Prescribed Water Resources Area (in keeping with practices under the current Act);
 - (e) by not excluding the operation of section 7(5) of the current Act to the Barossa Prescribed Water Resources Area—of allowing occupiers of land situated in that area to take water to use for domestic purposes or watering stock (other than stock subject to intensive farming).
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1—Short title

These regulations may be cited as the *Water Resources (Barossa Prescribed Water Resources Area) Regulations 2005*.

2—Commencement

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

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Water Resources Act 1997*;

Barossa Prescribed Water Resources Area means—

- (a) the area delineated and shown on GRO Plan No 327/1992 (the *Barossa area*);
- (b) the area delineated and shown on GRO Plan No 128/2004 (the *Greenock Creek catchment area*);

revoked regulations means the *Water Resources (Surface Water Prescribed Area—Barossa) Regulations 1998* revoked by Schedule 1.

4—Barossa Prescribed Water Resources Area declarations

- (1) Pursuant to section 8(1) of the Act—
 - (a) the North Para River, and its tributaries, within the Barossa area are declared to be prescribed watercourses¹; and
 - (b) wells situated in the Barossa area and wells drilled in that area after the commencement of these regulations are declared to be prescribed wells¹; and
 - (c) all watercourses in the Greenock Creek catchment area are declared to be prescribed watercourses.
- (2) Pursuant to section 8(2) of the Act, the Barossa Prescribed Water Resources Area is declared to be a surface water prescribed area.
- (3) The operation of section 7(5) of the Act is not excluded in relation to the Barossa Prescribed Water Resources Area.

Note—

- 1 See the proclamation referred to in clause 1 of the preamble.

5—Establishment and prescribed periods for Greenock Creek catchment area

- (1) The establishment period¹ for the Greenock Creek catchment area commenced on 18 February 1999 and ended at the commencement of the prescribed period (20 May 2004).
- (2) The prescribed period² for the Greenock Creek catchment area commenced on 20 May 2004 and will end 3 years from the day on which these regulations come into operation.

Notes—

- 1 The establishment period for that part of the Barossa Prescribed Water Resources Area that is the Barossa area commenced on 5 December 1991 and ended at the commencement of the prescribed period (18 December 1997) (see regulation 4 of the revoked regulations).
- 2 The prescribed period for that part of the Barossa Prescribed Water Resources Area that is the Barossa area commenced on 18 December 1997 and ended on 31 December 1999 (see regulation 4 of the revoked regulations).

Schedule 1—Revocation

1—Revocation of proclamation

The proclamation referred to in clause 1 of the preamble is revoked.

2—Revocation of regulations

The *Water Resources (Surface Water Prescribed Area—Barossa) Regulations 1998* are revoked.

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
2005	34	<i>Gazette 19.5.2005 p1295</i>	19.5.2005: r 2