

South Australia

# Natural Resources Management (Eastern Mount Lofty Ranges—Longer-Term Water Conservation Measures) Regulations 2014

under section 169 of the *Natural Resources Management Act 2004*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Natural Resources Management (Eastern Mount Lofty Ranges—Longer-Term Water Conservation Measures) Regulations 2014*.

### 2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

### 3—Declaration—Longer-term measures

These regulations are declared to be made under section 169 of the Act for the purposes of taking action to provide for the better conservation, use or management of water in the Eastern Mount Lofty Ranges Water Resources Area (being *longer-term measures* under that section).

### 4—Interpretation

In these regulations—

*Act* means the *Natural Resources Management Act 2004*;

*designated dam* means a dam that is within the ambit of a notice published by the Minister under regulation 5;

*the Plan* means the water allocation plan that applies in relation to the prescribed area (for the prescribed water resources in that area);

*prescribed area* means the Eastern Mount Lofty Ranges Water Resources Area under the *Natural Resources Management (Eastern Mount Lofty Ranges—Prescribed Watercourses and Surface Water Prescribed Area) Regulations 2005*.

## 5—Designated dams

- (1) The Minister may, by notice in the Gazette, designate a prescribed dam as a designated dam for the purposes of these regulations.
- (2) The Minister may, by further notice in the Gazette, vary or revoke a notice under subregulation (1).
- (3) In this regulation—

*prescribed dam* means a dam—

  - (a) that is located within the prescribed area; and
  - (b) that has a capacity equal to or exceeding 5 megalitres; and
  - (c) in relation to which a water allocation under the Act is not required in order to take water.

## 6—Measures for the better conservation, use or management of water

- (1) Subject to subregulation (2), an owner of land on which a designated dam is situated—
  - (a) must ensure, with respect to the land, that any water present in a surface water flow path or watercourse at or below the threshold flow rate—
    - (i) is not taken or diverted; or
    - (ii) if taken or diverted, re-enters the same surface water flow path or watercourse (as the case may be) at a point downstream from the place where it was taken or diverted and in a condition that is not of poorer quality than the water that was taken or diverted; and
  - (b) in connection with the requirements of paragraph (a), must comply with any notice served on the owner by the Minister under subregulation (2).
- (2) The Minister may, after consultation with an owner of land on which a designated dam is situated, by notice served on the owner—
  - (a) specify—
    - (i) action to be taken by the owner (including by making modifications to the designated dam or by undertaking other works on the land or in relation to the dam) to ensure that the owner achieves compliance with subregulation (1)(a); and
    - (ii) specify the time within which such action must be taken; or
  - (b) specify or approve a scheme in substitution for the requirements of subregulation (1)(a) on conditions determined by the Minister in order to contribute to achieving the relevant environmental water provision objectives under the Plan.
- (3) For the purposes of this regulation, the *threshold flow rate* is the threshold flow rate that applies in relation to the place where the relevant designated dam is situated under principle 55 set out in Part 5 of the Plan.

## **7—Expiration**

These regulations will expire at the expiration of 5 years from the day on which they come into operation.

## 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](http://www.legislation.sa.gov.au).

### Expiry of regulations

The *Natural Resources Management (Eastern Mount Lofty Ranges—Longer-Term Water Conservation Measures) Regulations 2014* will expire on 11.1.2020: see r 7.

### Principal regulations

Year	No	Reference	Commencement
2014	237	<i>Gazette 11.9.2014 p4338</i>	11.1.2015: r 2