

South Australia

# **Development (River Murray) Variation Regulations 2003**

under the *Development Act 1993*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Development (River Murray) Variation Regulations 2003*.

### **2—Commencement**

These regulations come into operation on the day on which the *River Murray Act 2003* comes into operation.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Development Regulations 1993*

### 4—Insertion of regulation 27A

After regulation 27 insert:

#### 27A—Special provision relating to River Murray

- (1) If an application for the consent or approval of a proposed development must be referred under Schedule 8 to the Minister for the time being administering the *River Murray Act 2003*, that Minister—
  - (a) must, in considering the application, take into account any matter raised by another Minister or other authority responsible for, or involved in, the administration of a related operational Act and provided to that Minister within a period specified by that Minister; and
  - (b) may, in providing a response to the relevant authority under section 37 of the Act, make that response on the basis of a matter referred to in paragraph (a).
- (2) For the purposes of Schedule 8—
  - (a) a reference to—
    - (i) the *River Murray Floodplain Area*; or
    - (ii) the *River Murray Tributaries Area*,is a reference to the River Murray Protection Area so designated under the *River Murray Act 2003*; and
  - (b) a reference to the River Murray system is a reference to the River Murray system within the meaning of the *River Murray Act 2003*; and
  - (c) native vegetation will be taken to be cleared if it is cleared within the meaning of the *Native Vegetation Act 1991*.
- (3) In this regulation—

***related operational Act*** means a related operational Act under the *River Murray Act 2003*.

### 5—Variation of Schedule 2

Schedule 2, after clause 6—insert:

- 6A(1) Without derogating from the operation of any other clause, the construction, installation or placement of any infrastructure for—
  - (a) the taking of water from any part of the River Murray system within the River Murray Floodplain Area; or
  - (b) the draining or depositing of any water or other substance or material into any part of the River Murray system within the River Murray Floodplain Area,

other than where the infrastructure is to be used for domestic purposes within a prescribed zone that applies for the purposes of item 19 of Schedule 8.

- (2) For the purposes of subclause (1), a reference to the River Murray Floodplain Area is a reference to the River Murray Protection Area so designated under the *River Murray Act 2003*.

- (3) In subclause (1)—

*infrastructure* has the same meaning as in the *River Murray Act 2003*;

*River Murray system* has the same meaning as in the *River Murray Act 2003*.

## 6—Variation of Schedule 5

Schedule 5, after clause 7—insert:

### 8—Referrals with respect to River Murray Protection Areas

- (1) This clause applies with respect to an application that involves a development that must be referred to the Minister for the time being administering the *River Murray Act 2003* under item 19 or 20 of Schedule 8.
- (2) An application to which this clause applies must be accompanied by—
- (a) a site plan, drawn to a scale of not less than 1:500, showing—
- (i) the boundaries and dimensions of the site; and
  - (ii) the location of the proposed development and, as relevant, any place on the site where an activity specified in the relevant item under Schedule 8 is to be carried out; and
  - (iii) any significant topographical features (including the contours of the land and any creek or flood plain); and
  - (iv) the approximate location of any native vegetation; and
  - (v) the method of drainage, including drainage management, and the direction of flow of any stormwater, and the location and nature of any works or services that are proposed to be installed or used in connection with the management of water (including stormwater); and
  - (vi) the location and nature of any proposed or existing effluent disposal facilities that are to be used in connection with the development and are not to be connected to disposal or treatment services; and

- (vii) the location and method of construction of any proposed access track or road which is to give access to any waterfront (if any); and
    - (viii) the approximate north point; and
  - (b) a plan or description of the surrounding area that identifies or describes—
    - (i) the land uses of adjacent land; and
    - (ii) the location of any watercourse, wetland, dam or other form of surface water within 500 metres of a boundary of the site; and
  - (c) a detailed description of the activities to be undertaken on the site, and information on each of the following (insofar as may be relevant):
    - (i) methods to be used to minimise potential impacts on the River Murray;
    - (ii) arrangements for the storage, treatment, disposal or re-use of waste, stormwater or sewage;
    - (iii) the excavations, earthworks or embankments to be undertaken or created for the purposes of the development, and how soil erosion will be prevented.
- (3) In this clause—

*native vegetation* has the same meaning as in the *Native Vegetation Act 1991*;

*River Murray* has the same meaning as in the *River Murray Act 2003*.

### **9—Referrals with respect to the use of River Murray water within the Murray-Darling Basin**

- (1) This clause applies in respect of an application that involves a development that must be referred to the Minister for the time being administering the *River Murray Act 2003* under item 21 of Schedule 8.
- (2) An application to which this clause applies must be accompanied by—
  - (a) a site plan, drawn to a scale of not less than 1:500, showing—
    - (i) the boundaries and dimensions of the site; and
    - (ii) the location of any proposed or existing pumpsheds, pipes or other infrastructure for irrigation or drainage; and
    - (iii) the location and size of any proposed or existing dams or bores; and

- (iv) the location on the site where the water is proposed to be used or applied; and
- (v) the approximate north point; and
- (b) detailed information on each of the following:
  - (i) the estimated water allocation requirements for the relevant development; and
  - (ii) the source or sources from which it is proposed that the water required for the purposes of the relevant development will be obtained; and
  - (iii) the capability of the soil on the site to sustain the proposed development; and
  - (iv) the location of any place (whether or not on the site) from where water is proposed to be extracted.

### **7—Variation of Schedule 6**

- (1) Schedule 6, item 1(5)—strike out component (5) and substitute:
  - (5) If the application must be referred to a body prescribed under Schedule 8 for the purposes of section 37 of the Act—
    - (a) except where paragraph (b) applies, for each body to which the application must be referred—a Referral Fee \$64
    - (b) for a referral under item 19, 20 or 21 \$150
- (2) Schedule 6, item 1—after paragraph (d) of the passage commencing "For the purposes of this item" insert:
  - (e) if an application must be referred to the same body under more than one item in Schedule 8, only one fee is payable under component (5) with respect to the referral to that particular body.

### **8—Variation of Schedule 7**

- (1) Schedule 7, clause 2(b)—delete "component (5)" and substitute:
  - component (5)(a)
- (2) Schedule 7, clause 2—after paragraph (b) insert:
  - (ba) pay to the Minister for the time being administering the *River Murray Act 2003* the total amount of fees received by the council during that quarter under component (5)(b) of item 1 of Schedule 6 on account of referrals of applications to that Minister under Schedule 8 where the council is the relevant authority, less \$25.60 with respect to each fee paid under that component; and

- (3) Schedule 7, clause 3(b)—delete paragraph (b) and substitute:
- (b) except where paragraph (c) applies, pay to any body prescribed under Schedule 8 for the purposes of section 37 of the Act 60 per cent of fees paid under component (5)(a) of item 1 of Schedule 6 received by the Development Assessment Commission during the quarter on account of referrals of applications by the Development Assessment Commission to that body under Schedule 8; and
  - (c) in respect of any fee received by the Development Assessment Commission under component (5)(b) of item 1 of Schedule 6 on account of referrals of applications to the Minister for the time being administering the *River Murray Act 2003* during the quarter on account of referrals of applications to that Minister under Schedule 8, pay to that Minister the total amount of those fees, less \$25.60 with respect to each fee paid under that component

## 9—Variation of Schedule 8

- (1) Schedule 8, clause 1—after subclause (2) insert:
- (3) For the purposes of item 19, the prescribed zones are as follows (insofar as any relevant area falls within the River Murray Floodplain Area):

Name of council	Relevant township or rural city	Prescribed zones <sup>1</sup>
Renmark Paringa Council		
	Renmark	Community Zone Town Centre Zone District Business Zone Country Living Zone Marina Commercial Zone Residential (Waterfront) Zone Residential 1 Zone Residential 2 Zone Local Centre Zone General Industry Zone
	Paringa	District Business Zone Commercial (Bulk Handling) Zone
	Calperum	Country Living Zone
The Berri Barmera Council		
	Berri	District Centre Zone Commercial Zone

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<b>Name of council</b>	<b>Relevant township or rural city</b>	<b>Prescribed zones<sup>1</sup></b>
	Barmera	Town Centre Zone Residential Zone Public Purpose Zone
	Cobdogla	Country Township Zone
	Loveday	Country Township Zone
<b>District Council of Loxton Waikerie</b>		
	Loxton	Town Centre Zone Industry Zone Residential Zone
	Waikerie	Town Centre Zone Residential Zone Industry Zone
<b>Mid Murray Council</b>		
	Cadell	Service Centre Zone
	Mannum	Business Zone Residential Zone Recreation Zone
<b>Rural City of Murray Bridge</b>		
	Mypolonga	Country Township Zone
	Woods Point	Country Township Zone
	Jervois	Country Township Zone
	Wellington	Country Township Zone
	Murray Bridge	Local Centre Zone Light Industry Zone General Industry Zone Residential Zone
<b>The Coorong District Council</b>		
	Salt Creek	Settlement Zone
	Meningie	Residential Zone Town Centre Zone Commercial Industry Zone
<b>Alexandrina Council</b>		
	Goolwa	Residential Zone Residential (Goolwa) Zone Rural Fringe Zone

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<b>Name of council</b>	<b>Relevant township or rural city</b>	<b>Prescribed zones<sup>1</sup></b>
	Hindmarsh Island	Residential Marina (Hindmarsh Island) Zone Country Living (Hindmarsh Island) Zone
	Clayton	Country Township Zone
	Milang	Local Centre Zone Residential (Milang) Zone
	Langhorne Creek	Country Township Zone Industry Zone

**Note—**

- 1 A reference to a zone is a reference to the zone as delineated in the relevant Development Plan.

- (4) For the purposes of item 20, the prescribed zones are as follows (insofar as any relevant area falls within the River Murray Tributaries Area):

<b>Name of council</b>	<b>Relevant township</b>	<b>Prescribed zones<sup>1</sup></b>
Alexandrina Council		
	Finniss	Country Township Zone Rural Living (Strathalbyn) Zone
	Mount Compass	Town Centre (Mount Compass) Zone Rural Living Zone Residential (Mount Compass) Zone Country Living Zone General Farming Zone Rural (Deferred Urban) Zone Landscape Zone
	Ashbourne	Country Township Zone Horticulture Zone
	Woodchester	Country Township Zone



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<b>Name of council</b>	<b>Relevant township</b>	<b>Prescribed zones <sup>1</sup></b>
	Strathalbyn	Landscape Zone Rural Living (Strathalbyn) Zone Residential (Strathalbyn) Zone Residential (Golf Course) Zone Future Urban Zone District Centre Zone Industry Zone Agistment Zone
Mid Murray Council	Cambrai	Country Township Zone
	Palmer	Service Centre Zone
	Tungkillo	Service Centre Zone Rural Living Zone
	Angus Valley	Settlement Zone
	Sanderson	Settlement Zone
The District Council of Mount Barker	Harrogate	Residential Zone
	Macclesfield	Local Centre Zone Residential Zone Industrial/ Commercial Zone Deferred Urban Zone
	Meadows	Local Centre Zone Residential Zone Industrial/ Commercial Zone Deferred Urban Zone

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<b>Name of council</b>	<b>Relevant township</b>	<b>Prescribed zones <sup>1</sup></b>
	Mount Barker	Regional Town Centre Zone Local Centre Zone Residential Zone Public Purpose Zone Rural Living Zone Landscape Zone Deferred Urban Zone Industry Zone Industry/ Commercial Zone
	Littlehampton	Neighbourhood Centre Zone Local Centre Zone Residential Zone Landscape Zone Deferred Urban Zone Rural Living Zone Industry/ Commercial Zone Public Purpose Zone
	Nairne	Neighbourhood Centre Zone Residential Zone Rural Living Zone Industry/Commercial Zone Public Purpose Zone
	Brukung	Residential Zone Public Purpose Zone
	Kanmantoo	Local Centre Zone Residential Zone General Industry Zone
	Callington	General Industry Zone Industry/Commercial Zone Local Centre Zone Residential Zone

Name of council	Relevant township	Prescribed zones <sup>1</sup>
Rural City of Murray Bridge	Callington	Rural Living Zone
		Country Township Zone
The Barossa Council	Eden Valley	Country Township Zone
		Rural Living (1) Zone
	Springton	Country Township Zone

**Note—**

1 A reference to a zone is a reference to the zone as delineated in the relevant Development Plan.

- (2) Schedule 8, item 1, column 1—after subparagraph (c) insert:
  - (d) development within a River Murray Protection Area under the *River Murray Act 2003*
- (3) Schedule 8, item 5(1), column 1—after "under the *Heritage Act 1993*" insert:  
or in a River Murray Protection Area under the *River Murray Act 2003*
- (4) Schedule 8, item 10, column 4—delete "Regard" and substitute:
  - (a) For development within a River Murray Protection Area under the *River Murray Act 2003*—Direction
  - (b) In any other case—Regard
- (5) Schedule 8, item 12, column 1—after "of that Act" insert:  
, other than development within a River Murray Protection Area under the *River Murray Act 2003*
- (6) Schedule 8, item 12A, column 1—after "Development" insert:  
, other than development within a River Murray Protection Area under the *River Murray Act 2003*,
- (7) Schedule 8, item 17(1), column 1—after "*Historic Shipwrecks Act 1981*" insert:  
, other than development within the River Murray Floodplain Area
- (8) Schedule 8—after item 18 insert the following items under the relevant headings (which headings appear in italics in the following table for reference purposes only):

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<i>Development</i>	<i>Body</i>	<i>Period</i>	<i>Conditions</i>
<b>19—Development within the River Murray Floodplain Area</b>			
Development within the River Murray Floodplain Area where—	Minister for the time being administering the <i>River Murray Act 2003</i>	Eight weeks	Direction
(a) the development is on coastal land other than development within the ambit of paragraph (a), (b), or (c) of column 1 of that item; or			
(b) the development directly affects a State heritage place, or development which in the opinion of the relevant authority materially affects the context within which a State heritage place is situated, other than development to be undertaken in accordance with a Heritage Agreement under the <i>State Heritage Act 1993</i> ; or			
(c) the development is to be undertaken within 500 metres of a historic shipwreck or historic relic within the meaning of the <i>Historic Shipwrecks Act 1981</i> ; or			
(d) the development comprises or includes an activity for which a permit would be required under section 9(3)(d), (3)(f) or (4)(a) of the <i>Water Resources Act 1997</i> if it were not for the operation of section 12(1)(d) of that Act (on the basis that the referral required by virtue of this paragraph is a referral contemplated by section 12(3)(a) of the <i>Water Resources Act 1997</i> ); or			
(e) the development involves, or is for the purposes of, any of the following activities:			
(i) horticulture;			
(ii) activities requiring irrigation, other than irrigation used for domestic purposes;			
(iii) aquaculture;			
(iv) industry, other than where the development is to be undertaken within a prescribed zone under clause 1(3);			

<i>Development</i>	<i>Body</i>	<i>Period</i>	<i>Conditions</i>
(v)	intensive animal keeping;		
(vi)	horse keeping;		
(vii)	commercial forestry; or		
(f)	the development is within the ambit of clause 6A of Schedule 2; or		
(g)	the development involves the construction of a building, other than where the development—		
(i)	is for domestic purposes within a prescribed zone under clause 1(3), and does not involve the construction of a wharf, jetty, boatshed, pumpshed or other similar structure, or of any form of infrastructure, in a watercourse or other water resource that forms part of the River Murray system, or on a bank or shore within 5 metres of the edge of a watercourse or other water resource that forms part of the River Murray system; or		
(ii)	is within the ambit of clause 1(b), 6, 7, 9, 10 or 14(a) of Schedule 4; or		
(iii)	is the construction of a fence not exceeding 2 metres in height; or		
(iv)	is the construction of a carport, verandah, balcony, porch or other similar structure attached or to be attached to a building; or		
(h)	the development involves the division of an allotment or allotments and is of a kind described as <i>non-complying</i> development under the relevant Development Plan; or		
(a)	the development involves the division of an allotment or allotments so as to result in an additional 4 or more allotments; or		
(j)	the development involves the creation of a new allotment where any part of the boundary of the allotment will have a frontage to a part of the River Murray system; or		
(k)	the development involves the clearance of native vegetation.		

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<i>Development</i>	<i>Body</i>	<i>Period</i>	<i>Conditions</i>
<b>20—Development within the River Murray Tributaries Area</b>			
Development within the River Murray Tributaries Area where—	Minister for the time being administering the <i>River Murray Act 2003</i>	Eight weeks	Direction
(a) the development directly affects a State heritage place, or development which in the opinion of the relevant authority materially affects the context within which a State heritage place is situated, other than development to be undertaken in accordance with a Heritage Agreement under the <i>State Heritage Act 1993</i> ; or			
(b) the development comprises or includes an activity for which a permit would be required under section 9(3)(d), (3)(f) or (4)(a) of the <i>Water Resources Act 1997</i> if it were not for the operation of section 12(1)(d) of that Act (on the basis that the referral required by virtue of this paragraph is a referral contemplated by section 12(3)(a) of the <i>Water Resources Act 1997</i> ); or			
(c) the development involves, or is for the purposes of, any of the following activities:			
(i) horticulture;			
(ii) activities requiring irrigation, other than irrigation for domestic purposes;			
(iii) aquaculture;			
(iv) intensive animal keeping;			
(v) horse keeping;			
(vi) commercial forestry; or			
(d) the development involves the division of an allotment or allotments and is of a kind described as <i>non-complying</i> under the relevant Development Plan; or			

<i>Development</i>	<i>Body</i>	<i>Period</i>	<i>Conditions</i>
(e) the development involves the division of an allotment or allotments so as to result in an additional 4 or more allotments; or			
(f) the development involves the creation of a new allotment where any part of the boundary of the allotment will have a frontage to part of the River Murray system; or			
(g) the development involves the clearance of native vegetation.			

**21—Certain activities within the Murray-Darling Basin**

Development that involves, or is for the purposes of, an activity specified for the purposes of this item where the development may require water to be taken from the River Murray within the meaning of the <i>River Murray Act 2003</i> under a water licence under the <i>Water Resources Act 1997</i> and applied to land within the Murray-Darling Basin.	Minister for the time being administering the <i>River Murray Act 2003</i>	Eight weeks	Direction
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A following activities are specified for the purposes of this item:

- (a) horticulture;
- (b) activities requiring irrigation, other than irrigation for domestic purposes;
- (c) aquaculture;
- (d) industry;
- (e) intensive animal keeping;
- (f) horse keeping;
- (g) commercial forestry.

## **10—Variation of Schedule 21**

- (1) Schedule 21, clause 1(1)—delete "with a total storage capacity exceeding 100 but not exceeding 1 000 cubic metres" and substitute:

with a total storage capacity—

- (a) in the case of facilitates within a River Murray Protection Area under the *River Murray Act 2003*—exceeding 1 but not exceeding 1 000 cubic metres;
- (b) in any other case—exceeding 100 but not exceeding 1 000 cubic metres.

- (2) Schedule 21, clause 1(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) works with—

- (i) in the case of works within a River Murray Protection Area under the *River Murray Act 2003*—a total processing capacity not exceeding 100 tonnes per year;
- (ii) in any other case—a total processing capacity exceeding 10 but not exceeding 100 tonnes per year,

involving either or both of the following operations:

- (iii) manufacture (through chemical reaction) of any inorganic chemical, including sulphuric acid, inorganic fertilisers, soap, sodium silicate, lime or other calcium compound;
- (iv) manufacture (through chemical reaction) or processing of any organic chemical or chemical product or petrochemical, including the separation of such materials into different products by distillation or other means; or

(b) works with—

- (i) in the case of works within a River Murray Protection Area under the *River Murray Act 2003*—a total processing capacity not exceeding 5 000 tonnes per year involving operations for salt production;
- (ii) in any other case—a total processing capacity exceeding 500 but not exceeding 5 000 tonnes per year involving operations for salt production.

- (3) Schedule 21, clause 1(3)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) at which petroleum products are stored in tanks with a total storage capacity—

- (i) in the case of tanks within a River Murray Protection Area under the *River Murray Act 2003*—exceeding 10 but not exceeding 2 000 cubic metres;
- (ii) in any other case—exceeding 100 but not exceeding 2 000 cubic metres; or



- (b) where petroleum products are produced, other than where the works or facilities are not within a River Murray Protection Area under the *River Murray Act 2003* and the production rate does not exceed 20 tonnes per hour.
- (4) Schedule 21, clause 2(4)—delete "being works with a total capacity for production of such products exceeding 10 but not exceeding 100 tonnes per year" and substitute:
  - being works—
    - (a) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a total capacity for production of such products not exceeding 100 tonnes per year; or
    - (b) that are outside such an area and have a total capacity for production of such products exceeding 10 but not exceeding 100 tonnes per year.
- (5) Schedule 21, clause 2(5)(a)—delete "being works producing not more than 5 kilolitres per day of effluent" and substitute:
  - other than where the works—
    - (i) are not within a River Murray Protection Area under the *River Murray Act 2003*; and
    - (ii) do not produce more than 5 kilolitres per day of effluent;
- (6) Schedule 21, clause 2(5)(b)—delete paragraph (b) and substitute:
  - (b) works for spray painting and powder coating, other than where the works—
    - (i) are not within a River Murray Protection Area under the *River Murray Act 2003*; and
    - (ii) do not have a capacity to use more than 100 litres per day of paint or 10 kilograms per day of dry powder.
- (7) Schedule 21, clause 4(3)—after "equivalent units per year" insert:
  - , or being any yards within a River Murray Protection Area under the *River Murray Act 2003* with throughput not exceeding 50 000 sheep equivalent units per year
- (8) Schedule 21, clause 5(1)—delete paragraphs (a) and (b) and substitute:
  - (a) works—
    - (i) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a rate of production not exceeding 100 tonnes per year of sheep, beef or pork meat or meat products; or
    - (ii) that are outside such an area and have a rate of production exceeding 50 but not exceeding 100 tonnes per year of sheep, beef or pork meat or meat products; or
  - (b) works—

- (i) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a rate of production not exceeding 200 tonnes per year of poultry or poultry meat products; or
  - (ii) that are outside such an area and have a rate of production exceeding 100 but not exceeding 200 tonnes per year of poultry or poultry meat products.
- (9) Schedule 21, clause 5(2)—delete "being works with a production capacity exceeding 500 but not exceeding 5 000 litres per day" and substitute:
  - being works—
    - (a) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a production capacity not exceeding 5 000 litres per day; or
    - (b) that are outside such an area and have a production capacity exceeding 500 but not exceeding 5 000 litres per day.
- (10) Schedule 21, clause 5(3)—delete "at a rate exceeding 20 tonnes per year" and substitute:
  - , other than where—
    - (a) the works are not within a River Murray Protection Area under the *River Murray Act 2003*; and
    - (b) the rate of production does not exceed 20 tonnes per year.
- (11) Schedule 21, clause 5(4)—delete "being works with a processing capacity exceeding 1 000 000 but not exceeding 5 000 000 litres per year" and substitute:
  - being works—
    - (a) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a processing capacity not exceeding 5 000 000 litres per year; or
    - (b) that are outside such an area and have a processing capacity exceeding 1 000 000 but not exceeding 5 000 000 litres per year.
- (12) Schedule 21, clause 5(5)(a) and (b)—delete paragraphs (a) and (b) and substitute:
  - (a) works for the processing of agricultural crop material by deep fat frying, roasting or drying through the application of heat with a processing capacity—
    - (i) in the case of works within a River Murray Protection Area under the *River Murray Act 2003*—not exceeding 30 kilograms per hour;
    - (ii) in any other case—exceeding 10 but not exceeding 30 kilograms per hour; or
  - (b) works—

- (i) that are within a River Murray Protection Area under the *River Murray Act 2003* and that generate not more than 10 000 000 litres of waste water per year, other than where the waste water is disposed to a sewer or septic tank effluent disposal system; or
  - (ii) that are outside such an area and that generate more than 2 000 000 but not more than 10 000 000 litres of waste water per year, other than where the waste water is disposed of to a sewer or septic tank effluent disposal system.
- (13) Schedule 21, clause 5(6)—delete "being works with a total capacity exceeding 25 but not exceeding 250 kilograms per hour" and substitute:
  - being works—
  - (a) that are within a River Murray Protection Area under the *River Murray Act 2003* and have a total processing capacity not exceeding 250 kilograms per hour; or
  - (b) that are outside such an area and have a total processing capacity exceeding 25 but not exceeding 250 kilograms per hour.
- (14) Schedule 21, clause 5(8)—delete "at which more than 50 but not more than 500 tonnes of grape or other produce are processed per year" and substitute:
  - at which—
  - (a) in the case of works within a River Murray Protection Area under the *River Murray Act 2003*—not more than 500 tonnes of grapes or other produce are processed per year;
  - (b) in any other case—more than 50 but not more than 500 tonnes of grapes or other produce are processed per year.
- (15) Schedule 21, clause 6(1)(a) and (b)—delete paragraphs (a) and (b) and substitute:
  - (a) any commercial storage facility at a rate—
    - (i) in the case of a facility within a River Murray Protection Area under the *River Murray Act 2003*—exceeding 10 tonnes per day;
    - (ii) in any other case—exceeding 100 tonnes per day; or
  - (b) any wharf or wharf side facility (including sea-port grain terminals), being facilities handling or capable of handling these materials at a rate—
    - (i) in the case of a facility within a River Murray Protection Area under the *River Murray Act 2003*—not exceeding 100 tonnes per day;
    - (ii) in any other case—exceeding 10 but not exceeding 100 tonnes per day.
- (16) Schedule 21, clause 6(2)(c)(i), (ii) and (iii)—delete "1 000 tonnes" wherever occurring and substituting in each case:
  - the prescribed amount

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- (17) Schedule 21, clause 6—after subclause (2) insert:
- (3) For the purposes of subclause (2)(c), the prescribed amount is—
    - (a) in the case of any processing within a River Murray Protection Area under the *River Murray Act 2003*—100 tonnes;
    - (b) in any other case—1 000 tonnes.
- (18) Schedule 21, clause 7(2)—delete "for more than 5 but not more than 50 powered vessels at any one time" and substitute:
- for—
- (a) in the case of a facility within a River Murray Protection Area under the *River Murray Act 2003*—more than 1 but not more than 50 vessels at any one time;
  - (b) in any other case—more than 5 but not more than 50 vessels at any one time.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 20 November 2003

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