

South Australia

Water Resources Variation Regulations 2004

under the *Water Resources Act 1997*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Water Resources Variation Regulations 2004*.

2—Commencement

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

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 *Water Resources Regulations 1997*

4—Insertion of regulation 13AB

After regulation 13A insert:

13AB—Prescription of commercial forestry activities under section 9(3)(f)

- (1) Subject to subregulation (3), establishing or expanding a commercial forest in an area referred to in subregulation (4) is prescribed as an activity under section 9(3)(f) of the Act.
 - (2) For the purposes of subregulation (1), the expansion of a commercial forest will be taken to include a situation where there is to be an increase—
 - (a) in the land that is to be planted with trees for the purposes of a commercial forest; or
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- (b) in the number of trees per hectare for the purposes of a commercial forest.
- (3) Subregulation (1) does not apply where—
 - (a) the commercial forest is situated, or to be situated, on a farm; and
 - (b) the total area of the commercial forest does not exceed, or will not exceed, 10% of the total area of land within the farm that is available for farm purposes.
- (4) The following are the areas for the purposes of subregulation (1):
 - (a) the whole of the area of the District Council of Grant;
 - (b) the whole of the area of The District Council of Robe;
 - (c) the whole of the area of the Wattle Range Council;
 - (d) that part of the area of the Naracoorte Lucindale Council comprising the Hundreds of Fox, Coles, Townsend, Conmurra, Joyce, Spence, Robertson, Naracoorte, Jessie and Joanna;
 - (e) that part of the area of the Kingston District Council comprising the Hundreds of Mount Benson and Bowaka.

- (5) In this regulation—

commercial forest means a forest plantation where the forest vegetation is grown or maintained so that it can be harvested or used for commercial purposes (including through the commercial exploitation of the carbon absorption capacity of the forest vegetation);

farm means a place being used solely or predominantly for the business of agriculture, pasturage, horticulture, viticulture, animal farming or any other business consisting of the cultivation of soils, the gathering in of crops or the rearing of livestock, other than where the sole or predominant use is commercial forestry.

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 3 June 2004

No 127 of 2004

MEC0032/04CSA