

South Australia

Natural Resources Management (General) Variation Regulations 2015

under the *Natural Resources Management Act 2004*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Natural Resources Management (General) Variation Regulations 2015*.

2—Commencement

These regulations 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 *Natural Resources Management (General) Regulations 2005*

4—Variation of regulation 14A—Water affecting activities—section 127(5a)

Regulation 14A—after subregulation (2) insert:

- (3) A person is exempt from the operation of paragraph (b) of section 127(5a) of the Act if the water allocation plan for the relevant water resource provides, in any specified circumstance or situation, that no site use approval is required in respect of the water or surface water (as the case may be).

5—Insertion of regulations 20AAA and 20AA

After regulation 20 insert:

20AAA—Cancellation of water resource works approval—prescribed scheme (section 163 of Act)

- (1) Subject to this regulation, the Minister may cancel a water resource works approval—
 - (a) if works within the ambit of the approval are not constructed or substantially completed over a period of 2 years from the date of issue of the water resource works approval; or
 - (b) if works within the ambit of the approval are not used because the works have been removed and have not, within 1 year of the date of the removal, been replaced by the construction of similar works; or
 - (c) on the application of the holder of a water resource works approval—if works within the ambit of the approval are not used, or used to any significant degree, over a continuous period of 1 year or more; or
 - (d) if—
 - (i) over a continuous period of 5 years or more, works within the ambit of the approval have not been used, or used to any significant degree; and
 - (ii) after consulting with the holder of the approval, the Minister considers that the works will not be used, or used to any significant degree, in the future in the manner specified in the approval.
- (2) The Minister must, at least 1 month before cancelling a water resource works approval under subregulation (1)(a) or (b), notify the holder of the water resource works approval of the Minister's intention to cancel the water resource works approval.

- (3) The Minister must not cancel a water resource works approval under this regulation if it appears to the Minister that the cancellation would have an unreasonable impact on a water resource or other form of natural resource.

**20AA—Cancellation of site use approval—prescribed scheme
(section 164E of Act)**

- (1) Subject to subregulation (2), the Minister may cancel a site use approval in the following circumstances:
- (a) on the application of the holder of a site use approval;
 - (b) if, as a result of the provisions of a relevant water allocation plan, the Minister considers that the site use approval is no longer required;
 - (c) if the Minister considers it necessary or appropriate to cancel the site use approval as a result of a division of land, or the acquisition of land by an agency or instrumentality of the Crown or a council;
 - (d) if—
 - (i) there has been no water use of the kind specified in the site use approval for at least 5 years; and
 - (ii) after consulting with the holder of the site use approval, the Minister considers that the purpose or purposes for which the site use approval was granted will not be carried out at that place in the future.
- (2) The Minister must not cancel a site use approval under this regulation if it appears to the Minister that the cancellation would have an unreasonable impact on a water resource or other form of natural resource.

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 11 November 2015

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