

South Australia

Upper South East Dryland Salinity and Flood Management Regulations 2002

under the *Upper South East Dryland Salinity and Flood Management Act 2002*

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Legislative history

1—Short title

These regulations may be cited as the *Upper South East Dryland Salinity and Flood Management Regulations 2002*.

3—Interpretation

In these regulations—

Act means the *Upper South East Dryland Salinity and Flood Management Act 2002*.

4—Upper South East

For the purposes of the Act, the Upper South East consists of the area or areas described in Schedule 1 of these regulations.

5—Establishment of Project scheme

- (1) Pursuant to section 4(1) of the Act, the Project scheme referred to in subregulation (2) is established to further the objects of the Act.

- (2) The Project scheme consists of the following:
- (a) the Upper South East Project lodged as Deposit No. 481 of 2002 in the General Registry Office (except to the extent that the effect of that document is modified by or inconsistent with the document referred to in paragraph (b)); and
 - (b) the Notice of Intention for Stage 3 of Upper South East Dryland Salinity and Flood Management Plan (prepared under the *Environmental Protection (Impact of Proposals) Act 1974*) lodged as Deposit No. 486 of 2002 in the General Registry Office; and
 - (ba) the project scheme as described in the documents lodged as Deposit No. 461 of 2004 and Deposit No. 32 of 2007 in the General Registry Office as at 22 November 2007; and
 - (bb) the project scheme as described in the document lodged as Deposit No. 31 of 2009 in the General Registry Office as at 25 August 2009 (and described as *REFLOWS*); and
 - (c) the Project works scheme described in Schedule 2 of these regulations.

6—Project Area

For the purposes of section 4(3) of the Act, the Project Area consists of the area or areas described in the revised Rack Plan 895 lodged in the Surveyor-General's Office at Adelaide, as at 4 September 2009.

7—Applications for warrants (section 10 of the Act)

- (1) The grounds of an application for a warrant made personally must be verified by affidavit.
- (2) An application for a warrant cannot be made by telephone unless in the opinion of the applicant a warrant is urgently required and there is not enough time to make the application personally.
- (3) If an application for a warrant is made by telephone—
 - (a) the applicant must inform the magistrate of the applicant's name and identify himself or herself as an authorised officer, and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant is an authorised officer; and
 - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought; and
 - (c) if it appears to the magistrate from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
 - (d) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant; and

- (e) the warrant is taken to have been issued, and comes into force, when signed by the magistrate; and
 - (f) the magistrate must inform the applicant of the terms of the warrant; and
 - (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c).
- (4) A magistrate by whom a warrant is issued must file the warrant, or a copy of the warrant, and the affidavit verifying the grounds on which the application for the warrant was made, in the Magistrates Court.

8—Public authorities and relevant interests (section 12 of the Act)

- (1) The following bodies are brought within the ambit of the definition of **public authority** in section 12 of the Act:
- (a) ANP Sea Gas SPV2 Pty Ltd (ACN 099 332 368);
 - (b) ANP Sea Gas SPV3 Pty Ltd (ACN 099 332 395);
 - (c) Distribution Lessor Corporation;
 - (d) Electranet Pty Ltd;
 - (e) ETSA Corporation;
 - (f) OE Sea Gas SPV2 Pty Ltd (ACN 095 483 453);
 - (g) OE Sea Gas SPV3 Pty Ltd (ACN 095 483 462);
 - (h) South East Australia Gas Pty Ltd (ACN 096 437 900);
 - (i) Transmission Lessor Corporation;
 - (j) TXU Sea Gas SPV1 Pty Ltd (ACN 095 483 444);
 - (k) TXU Sea Gas SPV2 Pty Ltd (ACN 099 332 331).
- (2) A lease, or an underlease, conferring a right in the nature of an easement in favour of a public authority is excluded from the definition of **relevant interest** in section 12 of the Act.

9—Application Fee

For the purposes of section 19(3) of the Act, a fee of \$143.80 is prescribed.

Schedule 1—The Upper South East

That part of the State constituted by the following Hundreds:

Archibald

Beeamma

Binnun

Bowaka

Cannawigara

Colebatch

Coles
Conmurra
Coombe
Duffield
Field
Geegeela
Glen Roy
Glyde
Hynam
Jessie
Joanna
Joyce
Lacepede
Laffer
Landseer
Lochaber
Makin
Marcollat
McCallum
McNamara
Messent
Minecrow
Mount Benson
Murrabinna
Naracoorte
Neville
Parsons
Peacock
Pendleton
Petherick
Richards
Robertson
Ross
Santo
Senior

Shaugh
Spence
Stirling
Tatiara
Townsend
Wells
Willalooka
Wirrega
Woolumbool

Schedule 2—Project works scheme

- 1 The schedule for the engineering and construction aspects (described in the documents referred to in Part B of Schedule 1 of the Act) of the Project works scheme is as follows:

Item	Project Works	Date
1	Complete construction of Rosemary Downs Drain	May 2007
2	Complete construction of Didicoolum Drain	August 2007
3	Complete minor works, fencing and modification to Ballater East, Tilley Swamp and Water Valley drains	August 2007
4	Complete construction of East Avenue Drain	June 2008
5	Complete construction of Bald Hill, Wimpinmerit and Bakers Range drains	December 2009

2—Tilley Swamp Risk Management

This part of the Project will commence in December 2002, and be completed in December 2006, and consists of ongoing measures including the following:

- development of risk assessment for use of Tilley Swamp as a buffer to hold excess water for release in conjunction with Morella Basin;
- provision of complementary wetland management to the Upper South East wetland complex and the southern lagoon of the Coorong;
- the utilisation of Tilley Swamp Watercourse as a high quality brackish wetland ecosystem.

3—Upper South East Wetland Types and their ecological requirements

This part of the project, to be commenced in December 2002 and concluded in December 2006, will consist of the gathering of data, testing and monitoring, including in relation to the following:

- the use of indigenous native species for reclamation of salt affected areas;
- the definition of wetland floristic plant communities, and preparation of categories for wetland definition based on character species;

- the optimum wetting and drying frequencies and duration, and salinity levels, for wetlands;
- the flooding and drought tolerances of the most sensitive plant and invertebrate species.

4—Watercourse Renovation

This part of the Project, known as the watercourse restoration project, will provide wetland habitat for aquatic species, refuge for waterbirds and assist in the protection and regeneration of riparian vegetation through measures including:

- the protection of representative wetland types; and
- the undertaking of rehabilitation works; and
- the carrying-out of wetland inventories and monitoring.

The watercourse restoration project will commence in December 2002.

5—Regional Revegetation Targets

This part of the Project promotes recharge control methods, and provide technical and planning support to landholders. Preliminary investigations suggest that a further 70 000 hectares of deep-rooted perennial pasture will be required to be planted.

This part of the Project will commence in December 2002, and conclude in December 2006, and consist of gathering baseline data at strategic sites within the Project Area.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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 and variations

New entries appear in bold.

Year	No	Reference	Commencement
2002	233	<i>Gazette 19.12.2002 p4816</i>	19.12.2002: r 2
2005	137	<i>Gazette 16.6.2005 p1831</i>	16.6.2005: r 2
2007	57	<i>Gazette 10.5.2007 p1982</i>	10.5.2007: r 2
2008	2	<i>Gazette 17.1.2008 p268</i>	17.1.2008: r 2
2008	265	<i>Gazette 25.9.2008 p4602</i>	25.9.2008: r 2
2009	271	<i>Gazette 26.11.2009 p5279</i>	26.11.2009: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>16.6.2005</i>
<i>r 5</i>		
<i>r 5(2)</i>	varied by 137/2005 r 4	16.6.2005
	varied by 2/2008 r 4	17.1.2008
	varied by 271/2009 r 4	26.11.2009
r 6	varied by 271/2009 r 5(1), (2)	26.11.2009
<i>r 10 before deletion by 265/2008</i>	<i>inserted by 137/2005 r 5</i>	<i>16.6.2005</i>
<i>r 10(3)</i>	<i>inserted by 57/2007 r 4</i>	<i>10.5.2007</i>
<i>r 10</i>	<i>deleted by 265/2008 Sch 1 cl 2</i>	<i>25.9.2008</i>
Sch 1	varied by 271/2009 r 6	26.11.2009
Sch 2		
<i>cl 1</i>	varied by 137/2005 r 6	16.6.2005
	substituted by 57/2007 r 5	10.5.2007

Historical versions

16.6.2005

10.5.2007

17.1.2008

25.9.2008