



RIVER MURRAY ACT 2003 REFERRALS

In Brief

The *River Murray Act 2003* (the Act) came into operation on 24 November 2003. The Act aims to protect, restore and enhance the River and its natural resources (including water, soil, ecosystems and heritage associated with the River). It also aims to ensure that the River and natural resources are used and managed in a sustainable way, in order to support environmental, social and economic values.

One way in which the Act helps to protect and restore the River is through a system of 'referral'.

Under the referral system, the Minister for Water and the River Murray has the power to place conditions on applications for certain types of development.

How will I know if I need the Minister's approval?

If you want to undertake activity for which you need a development approval from Council, and that activity or development is to be undertaken in or near the River, it is possible that the Council will first have to refer your application to the Minister for Water and the River Murray.

You do not need to make the referral to the Minister yourself, Council will do this for you, however a compulsory referral fee of \$406.00 will be payable.

At present the referral system applies to certain applications made under the *Development Act 1993* (eg building, subdivision and other forms of development - the specific types of development that need to be referred are set out in the *Development Regulations 2008*) where the activity or development would take place in the River itself, or within a River Murray Protection Area (RMPA).

Where are the River Murray Protection Areas?

Two River Murray Protection Areas have been established by Regulation: the **River Murray Floodplain Area** and the **River Murray Tributaries Area** (see map).

What can the Minister do when an application is referred?

When an application is referred, the Minister has the power to direct that conditions be imposed on the activity or development so that the River is protected. Where the impact on the River would be significant, and cannot be offset by conditions, the Minister can direct that the application be refused.

The Council must comply with the Minister's directions.

You can appeal against a condition imposed at the Minister's direction, or against a refusal of the application if the category of development under which you applied (as per the *Development Act 1993*) includes appeal rights.

The intention of the referral system is to protect the River from the adverse impacts of activities.

Additional information required by Council for referral to the Minister.

1. An additional \$406.00 referral fee.
2. A site plan, drawn to scale of not less than 1:500 showing:
 - The boundaries and dimensions of the site;
 - 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 of the Development Act 1993 is to be carried out;
 - Any significant topographical features (including the contours of the land and any creek or floodplain);
 - The approximate location of any native vegetation;
 - 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);
 - 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;
 - The location and method of any proposed access track or road which is to give access to any waterfront (if any);
 - The approximate North point.
3. A plan or description of the surrounding area that identifies or describes:
 - The land uses of adjacent land;
 - The location of any watercourse, wetland, dam or other form of surface water within 500 metres of a boundary of a site.
4. A detailed description of the activities to be undertaken on the site, and information on each of the following (insofar as may be relevant):
 - Methods to be used to minimise potential impacts on the River Murray;
 - Arrangements for the storage, treatment, disposal or re-use of waste, stormwater or sewage;

The excavations, earthworks, or embankments to be undertaken or created for the purposes of the development, and how soil erosion will be prevented.

The referral process can take up to eight weeks, in addition to Council's own processing time frames. It is therefore in the best interest of the applicant to have the above details forwarded to Council as soon as possible.

For further information contact the Development and Environmental Services Section of the Mid Murray Council on (08) 8564 6020.