

1990 - No. 417

HUNTER WATER BOARD ACT 1988 - REGULATION

(Relating to certain actions affecting catchment areas
for the Hunter Water Board).

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Hunter Water Board Act 1988, has been pleased to make the Regulation set forth hereunder.

TIM MOORE
Minister for Environment.

Commencement

1. This Regulation commences on 14 July 1990.

Amendments

2. The Hunter Water Board (Special Areas) Regulation 1989 is amended:

(a) by inserting in clause 2 after the definition of "authorised person" the following definition:

"controlled special area" means a special area, or part of a special area, that is the property of the Board or is under its control or management;

(b) by omitting from clause 3 the word "This" and by inserting instead the words "Except to the extent that its operation is limited to a controlled special area, this";

- (c) by omitting from clause 5 the words “(other than privately owned land) in a” and by inserting instead the words “in a controlled”;
- (d) by omitting clause 6 and by inserting instead the following clause:

Certain conduct prohibited

- 6. (1) A person must not, in a controlled special area:
 - (a) destroy, capture, injure or annoy an animal; or
 - (b) interfere with an animal or interfere with the habitat of an animal; or
 - (c) bury a human or animal body.

Maximum penalty \$10,000 in the case of a corporation or \$5,000 in any other case.

- (2) A person must not:

- (a) damage a plant, or any part of a plant, growing in a controlled special area; or
- (b) remove a plant, or any part of a plant, from a controlled special area.

Maximum penalty \$10,000 in the case of a corporation or \$5,000 in any other case.

- (3) In this clause:

“**plant**” includes a shrub or tree.

- (e) by omitting from clause 8 the words “a special area.” and by inserting instead the following words:

a special area,

if to do so would pollute or contaminate, or cause a reasonable risk of polluting or contaminating, the water supply in the special area.

- (f) by inserting in clause 10 (1) after the words “cow yard,” the word “pigsty,”;
- (g) by inserting in clause 10) (2) after the words “feed lot,” the words “intensive pigsty,”;

(h) by inserting after clause 11 the following clause:

Alteration of building in special area

12. (1) The Board may serve on both the owner and the occupier of land within a special area a notice to the effect that, not earlier than 1 month after service of the notice, structural alterations specified in the notice are to be made to a building or other work on the land, subject to any approval required under any Act.

(2) Before serving a notice under subclause (1), the Board must have reasonable grounds for believing that the alterations specified in the notice are necessary to prevent or minimise pollution of water to be supplied by the Board.

(3) The notice must state:

- (a) the reasons for requiring the proposed alterations; and
- (b) that the proposed alterations, subject to any approval required under any Act:
 - will be made by the Board; or
 - may, by agreement with the Board and at an agreed cost to be met by the Board, be made by the owner of the building or other work; and
- (c) that the Board agrees to pay to the person served with the notice reasonable compensation for any damage suffered by the person and caused by the making of any alterations referred to in the notice; and
- (d) that, not later than 1 month after service of the notice, the person served may make written representations to the Board in relation to the proposed alterations.

(4) After serving a notice under subclause (1), and after considering any representations duly made in relation to the proposed alterations, the Board may

- (a) carry out, or agree with the owner for the carrying out of, the alterations specified in the notice or any of them; or
- (b) revoke the notice by a further notice served on the owner and the occupier of the land concerned.

(5) Action taken by the Board under subclause (4) (b) does not preclude the Board from serving a further notice under subclause (1) in relation to the same building or other work.

- (i) by inserting in clauses 15 (1) and 16 (1) before the word "special" wherever occurring the word "controlled";
- (j) by omitting clauses 15 (2) and 16 (2);
- (k) by omitting from clause 29 the words "a Schedule 2 area." and by inserting instead the following words:
 - a Schedule 2 area,if to do so would pollute or contaminate, or cause a reasonable risk of polluting or contaminating, the water supply in a special area.

EXPLANATORY NOTE

The special areas referred to in this Regulation are the areas proclaimed before 10 February 1989 as catchment areas for the former Hunter District Water Board and areas subsequently proclaimed for the Hunter Water Board as special areas.

The objects of this Regulation are:

- (a) to exclude from the operation of certain provisions of the Hunter Water Board (Special Areas) Regulation 1989 land in a special area that is not the property of the Board or under its control or management; and
- (b) to make further provision with respect to the pollution or contamination of the water supply in a special area; and
- (c) to include pigsties among the structures prohibited in a special area in certain circumstances; and
- (d) to enable the owner or occupier of land in a special area to make representations to the Board in relation to a requirement of the Board for structural alterations to a building or other work on the land; and
- (e) to require the Board to pay compensation for damage resulting from the making of any such alterations.
