

1992—No. 157

WATER SUPPLY AUTHORITIES ACT 1987—REGULATION

(Relating to the provision of flood mitigation services by the Upper
Parramatta River Catchment Trust)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council,
and in pursuance of the Water Supply Authorities Act 1987, has been
pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY
Minister for Natural Resources.

Commencement

1. This Regulation commences on 1 July 1992.

Amendment of Water Supply Authorities (Areas of Operations) Regulation 1987

2. The Water Supply Authorities (Areas of Operations) Regulation 1987 is amended by omitting clause 5 and by inserting instead the following clause:

Functions of the Upper Parramatta River Catchment Trust

5. For the purposes of section 13 (2) of the Act, the Upper Parramatta River Catchment Trust has, and may exercise, the following functions only:

- (a) investigation, design, construction and maintenance of flood mitigation and trunk drainage works;
- (b) maintenance of streams, including the removal of debris, rubbish and litter from them;
- (c) providing advice:

- (d) improvement of the appearance of streams and drains;
- (e) improvement of water quality;
- (f) promotion of public awareness of, and carrying out research into, matters relating to river management.

Amendment of Water Supply Authorities (Upper Parramatta River Catchment Trust) Finance Regulation 1989

3. The Water Supply Authorities (Upper Parramatta River Catchment Trust) Finance Regulation 1989 is amended:

- (a) by omitting clause 2;
- (b) by inserting in clause 3 (1), in alphabetical order, the following definition:

“declared area” means a flood plain or a river management area;

- (c) by omitting the heading to Part 3 and by inserting instead the following heading:

PART 3—FLOOD PLAIN AND RIVER MANAGEMENT AREA

- (d) by omitting clause 12 and by inserting instead the following clause:

Notice of declared area

12. (1) The Trust must keep in its office a map of any declared area within the area of operations of the Trust.

(2) The Trust must make the map available for inspection at reasonable times during its ordinary office hours.

(3) The Trust must publish in at least 1 newspaper circulating in the declared area a notice to the effect that:

- (a) the area has been declared to be a flood plain or river management area, as the case may be; and
- (b) a map of the area may be inspected at a specified place or specified places; and
- (c) flood plain service charges or river management service charges, as the case may be, are to be levied on land in the area within a specified time; and
- (d) an objection to the inclusion of an owner’s land in the area may be lodged with the Trust, but only on the ground:
 - in the case of land within a flood plain, that the land does not benefit from any flood mitigation services to be undertaken; or

- in the case of land within a river management area, that the surface or run-off water from the land does not drain onto any other land within the area; and
 - (e) an objection must be in writing and must be lodged with the Trust before a specified day (being a date that is not earlier than 14 days after the publication of the notice); and
 - (f) an objection will be referred by the Trust to an adjudicator for determination: and
 - (g) an objector is not entitled to appear, or be represented, before the adjudicator without being required by the adjudicator to do so; and
 - (h) an appeal against the decision of the adjudicator may be made in accordance with clause 13 to a specified Local Court (being the Local Court that, in the opinion of the Trust, is most conveniently situated in relation to the area).
- (4) The Trust must:
- (a) appoint a person (other than a person subject to the direction or control of the Trust) as an adjudicator on objections relating to the declared area: and
 - (b) refer all lodged objections to the adjudicator: and
 - (c) serve personally or by post on each objector, at the address of the objector last known to the Trust, notice of the decision of the adjudicator on the objection.
- (e) by omitting from clause 13 (1) the words “the river management” and by inserting instead the words “a declared”;
- (f) by omitting from clause 13 (3), (6), (7) and (8) the words “river management” wherever occurring and by inserting instead the word “declared”;
- (g) by omitting clause 13 (9) and by inserting instead the following subclause:
- (9) The provisions of clause 12 (1) and (2) extend to any map altered under this clause.
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EXPLANATORY NOTE

The purposes of this Regulation are:

- (a) to amend the Water Supply Authorities (Areas of Operations) Regulation 1987 so as to extend the functions of the Upper Parramatta River Catchment Trust to include the provision of flood mitigation services; and

1992—No. 157

- (b) to amend the Water Supply Authorities (Upper Parramatta River Catchment Trust) Finance Regulation 1989 as a consequence of the extension of the Trust's functions as referred to in paragraph (a).
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