

WATER ACT 1912—REGULATION

(Water (Part 8—General) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 116 of 22 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Water Act 1912, has been pleased to make the Regulation set forth hereunder.

KIM YEADON, M.P.,
Minister for Land and Water Conservation.

Citation

1. This Regulation may be cited as the Water (Part 8—General) Regulation 1995.

Commencement

2. This Regulation commences on 22 September 1995.

Definitions

3. (1) In this Regulation:

“the Act” means the Water Act 1912.

(2) In this Regulation, a reference to a form is a reference to a Form set out in Schedule 1.

Controlled works

4. For the purposes of paragraph (a) (ii) of the definition of “controlled work” in section 165 (1) of the Act, the following are prescribed works:

Railways (together with associated bridges and railway works) that are vested in the State Rail Authority.

Roads (together with associated bridges and roadworks) that are vested in a council or in the Roads and Traffic Authority.

Applications for approval to construct works

5. (1) For the purposes of section 167 (1) (a) of the Act, the prescribed form of application is Form 1.

(2) For the purposes of section 167 (1) (b) (i) of the Act, the prescribed fee to accompany an application is \$182.

(3) For the purposes of section 167 (1) (b) (ii) of the Act, the prescribed particulars to accompany an application are:

- (a) such specifications of the dimensions and design of the work (which may be specified by means of plans); and
- (b) such specifications of the construction materials for the work; and
- (c) such topographical details of the location of the work (which may be specified by means of a contour map),

as the Ministerial Corporation determines in respect of the work, having regard to its location, nature and purpose.

Publication of notice of applications

6. For the purposes of section 169 (c) of the Act, the prescribed particulars to be included in a notice are:

- (a) the location of the work; and
- (b) the nature and purpose of the work.

Applications for renewal of approvals

7. (1) For the purposes of section 176 (1) (a) of the Act, the prescribed form of application is Form 2.

(2) For the purposes of section 176 (1) (b) of the Act, the prescribed fee to accompany an application is \$182.

Form of approvals

8. (1) For the purposes of section 175 (d) of the Act, the prescribed form of an approval is Form 3.

(2) For the purposes of section 176 (9) (d) of the Act, the prescribed form of a renewed approval is Form 4.

Refund of application fees

9. The Ministerial Corporation may refund the whole or part of an application fee if the application is withdrawn before determination or if the Corporation considers that a refund is appropriate.

SCHEDULE 1—FORMS

Form 1

(Cl. 5 (1))

WATERACT 1912

(Section 167 (1) (a))

APPLICATION FOR APPROVAL OF CONTROLLED WORK

Name(s) of applicant(s):

Surname Given name

Surname Given name

Address for service of notices

Location of work

River/Lake/Flood Plain

Description of nature and purpose of work

I/we declare:

(a) that the whole of the work is situated/proposed to be constructed on the abovementioned land; and

(b) that I am/we are the occupier(s) of the whole of that land.

I/we enclose:

(a) a plan of the abovementioned land indicating the boundaries of the land and the site of the work; and

(b) the prescribed fee of \$.....

.....

.....

(Signature(s) of applicant(s))

Date

Form 2

(Cl. 7 (1))

WATER ACT 1912

(Section 176 (1) (a))

APPLICATION FOR RENEWAL OF APPROVAL OF CONTROLLED WORK

APPROVAL NUMBER:
FOR RENEWAL FROM:
TO:
FEE PAYABLE:

Name(s) of applicant(s):

Surname Given name

Surname Given name

Address for service of notices

Location of work

River/Lake/Flood Plain

Description of nature and purpose of work

I/we declare:

- (a) that the whole of the work is situated on the abovementioned land; and
- (b) that I am/we are the occupier(s) of the whole of that land; and
- (c) that the work has not been enlarged, extended or modified since the approval for the work was last granted/renewed.

I/we enclose the prescribed fee of \$.... ..

.....

.....

(Signature(s) of applicant(s))

Date

Form 3

(Cl. 8 (1))

WATER ACT 1912

(Section 175 (d))

APPROVAL OF CONTROLLED WORK

APPROVAL NUMBER:

EFFECTIVE FROM:

EFFECTIVE TO:

FEE PAID:

Location of work

River/Lake/Flood Plain

Description of work

This approval is subject to the following conditions:

.....

.....

Signed:.....

1995—No. 580

Form 4

(Cl.8(12))

WATER ACT 1912

(Section 176 (9) (d))

RENEWAL OF APPROVAL OF CONTROLLED WORK

APPROVAL NUMBER:

EFFECTIVE FROM:

EFFECTIVE TO:

FEE PAID:

Location of work

River/Lake/Flood Plain

Description of work

This approval is subject to the following conditions:

.....
.....

Signed:

NOTES

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SCHEDULE 1—FORMS

EXPLANATORY NOTE

The object to this Regulation is to remake, without any major changes in substance, the provisions of the Water (Part 8) Regulations. These Regulations were repealed on 1 September 1995 by section 10 of the Subordinate Legislation Act 1989. Part 8 of the Water Act 1912 relates to the control of certain works on river banks and flood plains. The new Regulation deals with the following matters:

- (a) prescribing railway and road works as not being controlled works for the purposes of Part 8 of the Act (clause 4);
- (b) the procedures for making and dealing with applications for approvals and renewals of approvals of controlled works (clauses 5–9);
- (c) other minor, consequential or ancillary matters (clauses 1–3).

This Regulation is made under Part 8 of the Water Act 1912, including section 185 (the general regulation making power).

This Regulation comprises or relates to matters of a machinery nature.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
