

**HUNTER VALLEY FLOOD MITIGATION AND
HUNTER VALLEY CONSERVATION TRUST
(AMENDMENT) ACT.**

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 52, 1968.

An Act to extend the circumstances in which riparian owners shall be entitled to have alternative works constructed or to be compensated following the carrying out of works of flood prevention or flood mitigation on the Hunter River; to re-define the boundaries of certain lands within the Hunter Valley Conservation Trust District; for these and other purposes to amend the Hunter Valley Flood Mitigation Act, 1956, the Hunter Valley Conservation Trust Act, 1950, the Government Guarantees Act, 1934, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 10th December, 1968.]

BE

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No. 52, 1968 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title
and
citation.

1. (1) This Act may be cited as the "Hunter Valley Flood Mitigation and Hunter Valley Conservation Trust (Amendment) Act, 1968".

(2) The Hunter Valley Flood Mitigation Act, 1956, as subsequently amended and as amended by this Act, may be cited as the Hunter Valley Flood Mitigation Act, 1956–1968.

(3) The Hunter Valley Conservation Trust Act, 1950, as subsequently amended and as amended by this Act, may be cited as the Hunter Valley Conservation Trust Act, 1950–1968.

(4) The Government Guarantees Act, 1934, as subsequently amended and as amended by this Act, may be cited as the Government Guarantees Act, 1934–1968.

Amendment of Act No. 10, 1956. **2.** (1) The Hunter Valley Flood Mitigation Act, 1956, as subsequently amended, is amended—

Sec. 31.
(Works of
river
diversion
causing
deprivation
of riparian
rights.)

(a) by inserting in subsection one of section thirty-one after the word "River" where secondly occurring the words "or by reason of the carrying out by the Constructing Authority of any other work on any land, the operation of any pumping plant is, in the opinion of the Constructing Authority, rendered impossible or impracticable";

(b)

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- (b) by inserting next after the same subsection the No. 52, 1968
following new subsection :—

(1A) In subsection one of this section, “other
work” means—

- (a) a work to which this Act extends, not being
a work of river diversion, that results in
changes in the bed of the River, intended
by the Constructing Authority to be of a
permanent nature; or
 - (b) a work of river diversion that results in
any land that had a frontage to the former
course of the River having a reduced
frontage to the River.
- (c) by inserting in subsection four of the same section
after the words “river diversion” the words “or
other work referred to in subsection one of this
section”.

(2) The amendments made by subsection one of this
section apply whether or not the other work referred to in
those amendments was commenced or carried out before or
after the commencement of this Act.

3. (1) The Hunter Valley Conservation Trust Act, 1950, Amendment
of Act No.
34, 1950.
as subsequently amended, is amended—

- (a) by omitting from paragraph (b) of subsection two Sec. 6.
of section six the words “such officers” and by (Officers
inserting in lieu thereof the words “the Secretary ^{and} employees.)
and such officers”;

(b)

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No. 52, 1968
Schedule.

(b) by omitting Part 2 of the Schedule and by inserting in lieu thereof the following Part :—

PART 2.

Commencing on the foreshore of the South Pacific Ocean at the south-eastern corner of portion 8 parish of Stockton county of Gloucester thence generally south-westerly by that foreshore the generally north-western side of the northern breakwater of Port Hunter to the eastern extremity of that breakwater a line to the eastern extremity of the southern breakwater of aforesaid Port Hunter the south-eastern side of that breakwater and the foreshore of the South Pacific Ocean aforesaid to its intersection with the south-easterly prolongation of the south-western side of Ordnance Street City of Newcastle thence north-westerly by that prolongation part of that side thence south-westerly by the south-eastern side of Reserve Road thence southerly by part of the eastern side of Terrace Street to the north-easterly prolongation of the south-eastern side of Cliff Street thence generally south-westerly by that prolongation that side a line to the easternmost extremity of the south-eastern side of Memorial Drive that side of that drive and its prolongation to its intersection with a line along the middle of Kilgour Avenue that line of that avenue southerly to the top of the cliff facing the said South Pacific Ocean that top of that cliff south-westerly to its intersection with a line along the middle of Ocean Street thence westerly and generally south-westerly by lines along the middle of Ocean Street and Berner Street to the northerly prolongation of the western boundary of lot 19 section J of the Merewether Estate that prolongation that boundary the north-western boundary of lot 27 said section J the prolongation of that boundary south-westerly to its intersection with a line along the middle of Coane Street that line of that street westerly to the eastern side of Watkins Street a line along that side of that street southerly to its intersection with a line along the north-western side of John Parade a line westerly to the north-western corner of lot A shown on Miscellaneous Plan of Subdivision (O.S.) registered number 8933 the eastern boundary of that lot the eastern boundary of lot B shown on that plan the eastern boundaries of lots 10A, 10, 11, 12, 13, 14, 15, 15A of section 8 of said Estate a line along the southern boundary of said lot 15A westerly to the western side of Frederick Street a line along that side of that street southerly to its intersection with a line along the north-eastern side of Ridge Street a line to the easternmost corner of lot 172 section 8 of said Estate the south-eastern and south-western boundaries of that lot the south-eastern and south-western boundaries of lot 28 section 8A of said Estate a line to the easternmost corner of lot 35 section 8A said Estate the south-eastern and part of the south-western boundary of that lot a line along the north-western boundary of that part of lot 56

section

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section 8A said Estate comprised in conveyance Registered Book 2704 No. 52, 1968 No. 737 to the middle of Curry Street thence by a line along the middle of that street to its intersection with the north-easterly prolongation of the south-eastern side of Lloyd Street that prolongation and that side of that street to its intersection with a line along the middle of Scenic Highway that line of that highway westerly to its intersection with a line along the middle of Lake Macquarie Road that line of that road south-westerly to its intersection with a line along the middle of the Pacific Highway that line of that highway south-westerly to its intersection with a line along the middle of State Highway No. 23 that line of that highway north-westerly and northerly to its intersection with a line along the middle of Main Road 223 that line of that main road westerly to its intersection with a line along the middle of Wallsend Road that line of that road north-westerly to its intersection with a line along the middle of Reservoir Road that line of that road north-westerly to its intersection with a line along the middle of Lake Road that line of that road north-easterly to its intersection with the south-easterly prolongation of the easternmost south-western boundary of the 4 acres of land shown on Miscellaneous Plan of Subdivision (R.P.) registered number 46975 that prolongation the south-western boundaries of that land and a line north-westerly to the south-eastern corner of portion 20 parish of Teralba county of Northumberland the southern and western boundaries of that portion a line to the south-eastern corner of portion 6 parish of Hexham county of Northumberland part of the eastern boundary of that portion to a point 52 chains north of that corner a line east to the middle of Ironbark Creek a line along the middle of that creek north-easterly to its intersection with the northerly prolongation of the easternmost western boundary of portion 96 parish of Newcastle county of Northumberland that prolongation northerly to its intersection with a line along the middle of the South Channel of the Hunter River that line of that channel a line along the middle of Platts Channel and a line along the middle of said South Channel of the Hunter River south-easterly to its intersection with the south-westerly prolongation of a line along the middle of the North Channel of said Hunter River that prolongation and that line northerly to its intersection with the westerly prolongation of the southern boundary of portion 8 parish of Stockton county of Gloucester aforesaid and by that prolongation and that boundary to the point of commencement.

(2) The amendment—

- (a) made by paragraph (a) of subsection one of this section shall be deemed to have commenced on the eighth day of December, one thousand nine hundred and fifty; and

(b)

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- No. 52, 1968 (b) made by paragraph (b) of that subsection shall be deemed to have commenced on the twenty-fifth day of September, one thousand nine hundred and sixty-seven.

Amendment of Act No. 57, 1934.
Sec. 3.
(Authority for Treasurer to guarantee certain overdraft accounts.)

4. The Government Guarantees Act, 1934, as subsequently amended, is amended by inserting next after subsection (5D) of section three the following new subsection :—

(5E) It shall be lawful for the Treasurer with the approval of the Governor to execute a guarantee in favour of any bank in respect of the overdraft account with the bank of the Hunter Valley Conservation Trust.

KING