



New South Wales

Water Management (Water Supply Authorities) Amendment Regulation 2005

under the

Water Management Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources

Explanatory note

The object of this Regulation is to amend the *Water Management (Water Supply Authorities) Regulation 2004* to incorporate certain provisions of the *Water Management (Upper Parramatta River Catchment Trust) Regulation 2000* which is repealed by this Regulation.

The new provisions relate to the Upper Parramatta River Catchment Trust (*the Trust*), specifically:

- (a) the area of operations of the Trust, and
- (b) the application of service charges and other charges and levies, and
- (c) the declaration of land to be a flood plain or river management area and appeals against such a declaration, and
- (d) savings and transitional provisions, and
- (e) other matters of a minor or consequential nature.

This Regulation is made under the *Water Management Act 2000*, including sections 289, 313, 314, 322 and section 400 (the general regulation-making power).

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Water Management (Water Supply Authorities) Amendment Regulation
Clause 1 2005

**Water Management (Water Supply Authorities)
Amendment Regulation 2005**

under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (Water Supply Authorities) Amendment Regulation 2005*.

2 Amendment of Water Management (Water Supply Authorities) Regulation 2004

The *Water Management (Water Supply Authorities) Regulation 2004* is amended as set out in Schedule 1.

3 Repeal of Water Management (Upper Parramatta River Catchment Trust) Regulation 2000

The *Water Management (Upper Parramatta River Catchment Trust) Regulation 2000* is repealed.

Schedule 1 Amendments

(Clause 2)

[1] Clause 7B

Insert after clause 7A:

7B Upper Parramatta River Catchment Trust

- (1) The Upper Parramatta River Catchment Trust's area of operations is the Area shown bounded by a red line on the map numbered 45/1203 deposited in the office of the Department of Infrastructure, Planning and Natural Resources at Parramatta, not including the area shown bounded by a red line on the map marked "Upper Parramatta River Catchment Trust—Excluded Area" deposited in that office.
- (2) The Upper Parramatta River Catchment Trust has and may exercise all the functions of a water supply authority other than functions relating to the supply of water, the provision of sewerage services and the disposal of trade waste and waste water.
- (3) The Upper Parramatta River Catchment Trust is exempt from clauses 9–11 and 116–119.

[2] Clause 83 Application

Insert after clause 83 (d1):

- (d2) Upper Parramatta River Catchment Trust (except clauses 87, 90 and 99),

[3] Clause 86 Classification of land

Insert at the end of clause 86:

- (2) Subclause (1) (c) and (d) do not apply with respect to the Upper Parramatta River Catchment Trust.

[4] Clause 87A

Insert after clause 87:

87A Basis of levying service charges—Upper Parramatta River Catchment Trust

For the purposes of section 314 of the Act, the Upper Parramatta River Catchment Trust may only levy service charges according to either or both of the following bases:

- (a) a flat rate for all land of a particular classification,

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Schedule 1 Amendments

- (b) the area of the land on which the service charge is being levied.

[5] Part 7 Finance generally

Insert after Division 3:

Division 3A Flood plain and river management area

99A Notice of flood plain or river management area

- (1) The Upper Parramatta River Catchment Trust must keep in its office a map of any flood plain or river management area within its area of operations.
- (2) The Upper Parramatta River Catchment Trust must make the map available for inspection at reasonable times during its ordinary office hours.
- (3) The Upper Parramatta River Catchment Trust must publish in at least one newspaper circulating in the flood plain or river management area, as the case may be, a notice to the effect that:
 - (a) the land concerned has been declared to be a flood plain or a river management area, and
 - (b) a map of the flood plain or river management area may be inspected at a specified place or specified places, and
 - (c) flood mitigation service charges or river management service charges, as the case may be, are to be levied on the land in the flood plain or river management area within a specified time, and
 - (d) an objection to the inclusion of an owners land in the flood plain or river management area may be lodged with the Upper Parramatta River Catchment Trust but only on the ground:
 - (i) in the case of land within a flood plain—that the land does not benefit from the flood mitigation services proposed to be undertaken, or
 - (ii) in the case of the land within a river management area—that the surface run-off water from the land does not drain into other land within the area, and
 - (e) an objection must be in writing and must be lodged with the Upper Parramatta River Catchment 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 Upper Parramatta River Catchment 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.
- (4) The Upper Parramatta River Catchment Trust must:
- (a) appoint a person (other than a person subject to the direction or control of the Upper Parramatta Catchment Trust) as an adjudicator on objections relating to the flood plain or river management area, and
 - (b) refer all duly 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 Upper Parramatta Catchment Area Trust, notice of the determination of the adjudicator on the objection.

[6] Clause 120 Repeals, savings and transitional provisions

Insert at the end of clause 120 (2) (f):

, or

- (g) the *Water Management (Upper Parramatta River Catchment Trust) Regulation 2000*,