



New South Wales

# Hunter Valley Flood Mitigation Regulation 1997

under the

Hunter Valley Flood Mitigation Act 1956

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Hunter Valley Flood Mitigation Act 1956*.

KIM YEADON, MP.,

Minister for Land and Water Conservation

## Explanatory note

The object of this Regulation is to repeal and remake, without any major modifications, the provisions of the *Hunter Valley Flood Mitigation Regulation 1992*. The new Regulation deals with the following matters:

- (a) prescribing land that is taken to form part of the Hunter Valley for the purposes of the *Hunter Valley Flood Mitigation Act 1956*,
- (b) prescribing those portions of the Hunter Valley in respect of which the Minister for Public Works and Services is to be the constructing authority under that Act,
- (c) prescribing particulars to be included in the Statement of particulars of a program of works for the purposes of section 40 (4) of that Act,
- (d) prescribing particulars to be included in the statement of costs and maintenance for the purposes of section 43 (2) of that Act.

This Regulation is made under the *Hunter Valley Flood Mitigation Act 1956*, including section 58 (the general regulation making power) and various other provisions referred to in the Regulation.

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

**1997 No 442**

Hunter Valley Flood Mitigation Regulation 1997

Contents

---

**Contents**

---

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Notes	3
5 Definition of "Hunter Valley" in section 2 (1) of the Act	3
6 Portions of Hunter Valley for which Minister for Public Works and Services is Constructing Authority	3
7 Statement of particulars of program of works	4
8 Statement of cost of maintenance and compensation	5
9 Repeal	5

---

## Hunter Valley Flood Mitigation Regulation 1997

### 1 Name of Regulation

This Regulation is the *Hunter Valley Flood Mitigation Regulation 1997*.

### 2 Commencement

This Regulation commences on 1 September 1997.

### 3 Definitions

In this Regulation:

*Departmental Plan* means the plan marked “DWR Plan No 20/2551”, a copy of which is deposited in the Parramatta office of the Department of Land and Water Conservation.

*the Act* means the *Hunter Valley Flood Mitigation Act 1956*.

### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

### 5 Definition of “Hunter Valley” in section 2 (1) of the Act

The land shown by cross-hatched edging on the Departmental Plan is prescribed for the purposes of the definition of *Hunter Valley* in section 2 (1) of the Act.

### 6 Portions of Hunter Valley for which Minister for Public Works and Services is Constructing Authority

The portions of the Hunter Valley in respect of which the Minister for Public Works and Services is to be the Constructing Authority as referred to in section 2 (2) (a) of the Act are the portions shown by hatched or cross-hatched edging on the Departmental Plan.

---

## 7 Statement of particulars of program of works

The additional particulars to be set forth in a statement under section 40 (4) of the Act are as follows:

- (a) an estimate of the cost to be incurred during the financial year to which the statement relates in respect of each work included in the program of works referred to in section 40 (3) of the Act,
- (b) an estimate of the amount of any compensation payable or likely to become payable during that financial year as a consequence of the undertaking of each such work,
- (c) an estimate of the cost of maintenance work in respect of works previously completed that the Constructing Authority considers should be carried out during that financial year,
- (d) an estimate of the amount of any compensation (other than compensation in respect of the works referred to in paragraph (a)) payable or to become payable by the Constructing Authority during that financial year,
- (e) an estimate of the amount of any contribution likely to be made by the Constructing Authority during that financial year under section 39 (4) of the Act,
- (f) the percentage of the cost of the construction, carrying out and maintenance of any of the works referred to in paragraph (a), and of the amount of compensation payable or likely to become payable by the Constructing Authority as a consequence of the construction, carrying out and maintenance of such work, that a council will be required to contribute under section 38 of the Act,
- (g) an estimate of the amount of any payments that a council will be required to make during that financial year under section 42 (4) of the Act,
- (h) an estimate of the amount of any contribution that is likely to be received during that financial year under section 39 (2) of the Act from a Department of the Government, statutory body or council in respect of any work referred to in paragraph (a),

- (i) the amount (if any) of any payment made by the Trust under section 40 (1) of the Act during the previous financial year that remained unexpended at the close of that year.

### **8 Statement of cost of maintenance and compensation**

The additional particulars to be set forth in a statement under section 43 (2) of the Act are as follows:

- (a) an estimate of the cost of any maintenance that the Constructing Authority considers should be undertaken during the financial year to which the statement relates in respect of each work referred to in section 43 (1) of the Act,
- (b) an estimate of the amount of any compensation likely to become payable during that financial year by the Constructing Authority as a consequence of any such maintenance,
- (c) an estimate of the amount of Compensation payable or likely to become payable during that financial year by the Constructing Authority as a consequence of any maintenance of each work referred to in paragraph (a) carried out during any previous financial year,
- (d) the percentage that, under section 38 of the Act, the Constructing Authority has determined that the council should contribute to the cost of any such maintenance and compensation,
- (e) the amount (if any) of any payment made by the council under section 43 (1) of the Act during any previous financial year that remained unexpended at the close of the immediately preceding financial year.

### **9 Repeal**

- (1) The *Hunter Valley Flood Mitigation Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Hunter Valley Flood Mitigation Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.