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SPECIAL SUPPLEMENT

WATER ACT (DECLARATION THAT A WORK IS NOT A PART 8 CONTROLLED WORK) (No. 1) ORDER 2012

under the

Water Act 1912

I, GARRY HODSON, having delegated authority from the Water Administration Ministerial Corporation, pursuant to section 165A (2) (a) of the Water Act 1912, make the following Order.

Dated this 29th day of March 2012.

GARRY HODSON,
Executive Director, Licensing and Compliance
Signed for the Water Administration Ministerial Corporation
(by delegation)

Explanatory note

This Order is made pursuant to section 165A (2) (a) of the Water Act 1912. The object of this Order is to declare certain works constructed or proposed to be constructed on land or works situated on land that are modified, for the purposes only of complying with a direction given under the State Emergency Services Act 1989 or the State Emergency and Rescue Management Act 1989 in an emergency, not to be a controlled work for the purposes of the definition in section 165A of the Water Act 1912.

WATER ACT (DECLARATION THAT A WORK IS NOT A PART 8 CONTROLLED WORK) (No. 1) ORDER 2012

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1. Name of Order

This Order is the Water Act (Declaration that a work is not a Part 8 controlled work) (No. 1) Order 2012.

2. Commencement

This Order commences on the day on which it is published in the *NSW Government Gazette*.

3. Declaration

(1) A work that:

- (a) is constructed or proposed to be constructed, on land by any person for the purposes only of complying with a direction given under the State Emergency Service Act 1989 or the State Emergency and Rescue Management Act 1989 in an emergency (within the meaning of the latter Act), or
- (b) is situated on land and is modified by any person for the purposes only of complying with a direction given under the State Emergency Services Act 1989 or the State Emergency and Rescue Management Act 1989 in an emergency (within the meaning of the latter Act),

is declared not to be a controlled work for the purposes of section 165A (2) (a).

- (2) Subclause (1) (a) only applies if the work is removed within a period of three months from when it was constructed.
- (3) Subclause (1) (b) only applies if the work is restored to its pre-modified state, within a period of three months from the modification occurring.

Note: Under Part 8 of the Act only an occupier of land can apply for an approval to construct a controlled work. However, to comply with a direction under the State Emergency Service Act 1989 or the State Emergency and Rescue Management Act 1989, it may be necessary for a person other than the occupier of the land to construct a new controlled work or to modify an existing controlled work. Where a new controlled work is constructed or an existing controlled work is modified by a person for the purposes of complying with a direction, the work is taken not to be a controlled work provided the person removes the work or restores the work to its pre-modified state within three months as the case may be.