

**AGRICULTURE**

AG301

SOIL AND LAND CONSERVATION ACT 1945  
SOIL AND LAND CONSERVATION AMENDMENT  
REGULATIONS 1992

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Soil and Land Conservation Amendment Regulations 1992*.

**Commencement**

2. These regulations shall come into operation on 1 May 1992.

**Principal regulations**

3. In these regulations the *Soil and Land Conservation Regulations 1984\** are referred to as the principal regulations.

[\* *Published in the Gazette of 15 June 1984 at p.1651.*  
*For amendments to 20 March 1992 see 1990 Index to Legislation of Western Australia, p.366 and Gazettes of 3 May, 4 October and 29 November 1991.*]

**Regulation 5 repealed and a regulation substituted**

4. Regulation 5 of the principal regulations is repealed and the following regulation is substituted —

**Notice of intention to drain or pump water**

“ 5. (1) When an owner or occupier of land proposes to drain or pump water from under the land surface because of the salinity of the land or the water and to discharge that water onto other land, into other water or into a watercourse, the owner or occupier shall, at least 90 days before the draining or pumping commences, notify the Commissioner in writing in the manner set forth in Form 1 in Schedule 4.

(2) An owner or occupier of land who gives notice to the Commissioner in accordance with subregulation (1) but fails to commence draining or pumping water within the period of 2 years from the date of the notice, is required, at least 90 days before he or she proposes to drain or pump water, to give notice, in accordance with subregulation (1), to the Commissioner for re-assessment.

(3) An owner or occupier who discharges water without having notified the Commissioner in accordance with subregulations (1) or (2) commits an offence.

Penalty: \$2 000.

(4) On receiving a notice under subregulation (1), the Commissioner shall send a copy of the notice to any Public Authority or district committee that is or may be concerned with the salinity of that other land or water.

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**Regulation 6 inserted**

5. After regulation 5 of the principal regulations the following regulation is inserted —

**Notice of intention to drain or pump water in the Peel-Harvey Catchment Area**

“ 6. (1) When an owner or occupier of land situated in the area set out in Figure 1 of Appendix 1 to the Statement of Planning Policy No. 2\* known as the Peel-Harvey Catchment Area proposes to drain or pump water from, on or under the land and to discharge that water onto other land, into other water or into a watercourse, whether within the area or outside the area, the owner or occupier shall, at least 90 days before draining or pumping commences, notify the Commissioner in writing in the manner set forth in Form 2 in Schedule 4.

(2) An owner or occupier of land who gives notice to the Commissioner in accordance with subregulation (1) but fails to commence draining or pumping water within the period of 2 years from the date of the notice, is required, at least 90 days before he or she proposes to drain or pump water, to give notice, in accordance with subregulation (1), to the Commissioner for re-assessment.

(3) An owner or occupier who discharges water without having notified the Commissioner in accordance with subregulations (1) or (2) commits an offence.

Penalty: \$2 000.

(4) On receiving a notice under subregulation (1), the Commissioner shall send a copy of the notice to any Public Authority or district committee that is or may be concerned with the condition of that other land or water.

[\* Prepared under section 5AA of the Town Planning and Development Act 1928 and published in the Gazette of 21 February 1992 at pp.947-955.] ”

**Schedule 4 repealed and a Schedule substituted**

6. Schedule 4 to the principal regulations is repealed and the following Schedule is substituted —

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**SCHEDULE 4**

**FORM 1**

(Reg. 5)

*SOIL AND LAND CONSERVATION ACT 1945*

*SOIL AND LAND CONSERVATION REGULATIONS 1984*

**NOTICE OF INTENTION TO DRAIN OR PUMP WATER FROM LAND UNDER REGULATION 5**

To: The Commissioner of Soil and Land Conservation  
Department of Agriculture  
Baron-Hay Court  
South Perth WA 6151

I ..... (full name, block letters)  
of ..... (postal address)  
propose to drain/pump water from about ..... hectares  
of land in the municipality of ..... ,  
being .....  
(the land's title description) and being .....  
km ..... (N,S,E or W) of .....

(siding or townsite) and to discharge the water .....  
.....  
(describe land, water, watercourse or lake onto or into which the  
water is to be discharged) as indicated on the plan below.

The draining/pumping will commence on or about .....  
..... and will continue for ..... (period).

I am the owner/occupier/owner and occupier\* of this land.

Signed ..... Date .....

\* Delete as appropriate.

Plan

(Show the direction of north, the land to be drained, the title  
description of the land and adjoining locations, any adjacent  
public roads and where the water is to be discharged.)

(SPACE FOR PLAN)

FORM 2

(Reg. 6)

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION REGULATIONS 1984

NOTICE OF INTENTION TO DRAIN OR  
PUMP WATER FROM LAND WITHIN THE  
PEEL-HARVEY CATCHMENT AREA

To: The Commissioner of Soil and Land Conservation  
Department of Agriculture  
Baron-Hay Court  
South Perth WA 6151

I ..... (full name, block letters)  
of ..... (postal address)  
propose to drain/pump water from about ..... hectares  
of land in the municipality of ..... ,  
being .....  
(the land's title description) and being .....  
km ..... (N,S,E or W) of .....  
(siding or townsite) and to discharge the water .....  
.....  
(describe land, water, watercourse or lake onto or into which the  
water is to be discharged) as indicated on the plan below.

The draining/pumping will commence on or about .....  
..... and will continue for ..... (period).

I am the owner/occupier/owner and occupier\* of this land.

Signed ..... Date .....

\* Delete as appropriate.

## Plan

(Show the direction of north, the land to be drained, the title description of the land and adjoining locations, any adjacent public roads and where the water is to be discharged.)

(SPACE FOR PLAN)

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By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

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