

1995—No. 713

**WATER BOARD (CORPORATISATION) ACT 1994—
REGULATION**

(Relating to buildings, works and activities on certain catchment lands)

NEW SOUTH WALES



[Published in Gazette No. 149 of 8 December 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Water Board (Corporatisation) Act 1994, has been pleased to make the Regulation set forth hereunder.

CRAIG KNOWLES, M.P.,
Minister for Urban Affairs and Planning.

Commencement

1. This Regulation commences on 8 December 1995.

Amendments

2. The Sydney Water Corporation Limited (Catchment Management) Regulation 1995 is amended:

- (a) by omitting clause 6 and by inserting instead the following clause:

No interference with water

6. (1) A person must not dam, divert or take any water that:
 - (a) is water from which the Corporation draws its supply or that is available for supply by the Corporation; and
 - (b) is located in a special area or a controlled area.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

- (b) by omitting clause 7 (1) and by inserting instead the following subclauses:

(1) A person must not carry out any forestry operations that are likely to pollute or contaminate waters or land in a special area or a controlled area.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(1A) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

- (c) by omitting clause 8 (1) and by inserting instead the following subclauses:

(1) A person must not bring into or leave in a special area or a controlled area any pollutant or waste.

(1A) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

- (d) by omitting clause 8 (4) and (5);
(e) by omitting clause 9 (1) and by inserting instead the following subclauses:

(1) The owner or person in charge of any stock must ensure that the stock does not enter any Crown land, or Corporation land, in a special area or a controlled area.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(1A) A person does not commit an offence under subclause (1) if the Corporation has approved the entry of the stock to the land concerned.

- (f) by omitting Part 3, the heading to Part 4 and clauses 16–21 and by inserting instead the following Part heading and clauses:

**PART 3—ADDITIONAL REGULATION OF CONDUCT IN
PORTIONS OF CERTAIN SPECIAL AREAS AND IN
SPECIFIED SPECIAL AREAS**

Part 3 not exhaustive

13. This Part does not limit the operation of any other provision of this Regulation in the provision's application to any land referred to in this Part.

Meaning of “Schedule 1 land” and “Schedule 2 land”

14. In this Part:

- (a) a reference to Schedule 1 land is a reference to so much of the land identified in Schedule 1 as is not private land; and
- (b) a reference to Schedule 2 land is a reference to so much of the land identified in Schedule 2 as is not private land.

Entry on Schedule 1 land

15. A person must not enter or remain on any Schedule 1 land except:

- (a) with the Corporation’s consent; and
- (b) in compliance with any conditions of the consent.

Maximum penalty for an offence under paragraph (a): 100 penalty units in the case of a corporation, 10 penalty units in any other case.

Maximum penalty for an offence under paragraph (b): 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Note. It is not an offence under this Regulation to enter or remain on Schedule 2 land.

Gates to Schedule 1 land and Schedule 2 land not to be opened

16. (1) A person must not:

- (a) open any gate on or to Schedule 1 land or Schedule 2 land;
or
- (b) remove any barrier to entrance to Schedule 1 land or Schedule 2 land.

Maximum penalty for an offence under paragraph (a): 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Maximum penalty for an offence under paragraph (b): 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation’s consent and in accordance with any conditions of the consent.

No fishing on Schedule 1 land

17. A person must not fish in any water on Schedule 1 land.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Note. It is not an offence under this Regulation to fish in water on Schedule 2 land.

Certain conduct prohibited on Schedule 1 land and Schedule 2 land

18. (1) A person must not:

- (a) drive or ride any vehicle or lead or aide any animal onto or on Schedule 1 land or Schedule 2 land; or
- (b) bring onto or have in the person's possession on Schedule 1 land or Schedule 2 land any plant or part of a plant, or any animal, that is not native to the special area concerned; or
- (c) bring onto or have in the person's possession on Schedule 1 land or Schedule 2 land any firearm or other prohibited weapon (within the meaning of the National Parks and Wildlife Act 1974) unless the person is a police officer acting in connection with the performance of that person's duties as such an officer; or
- (d) land any aircraft (including an ultra-light aircraft, hang-glider and balloon) on Schedule 1 land or Schedule 2 land; or
- (e) sell or offer for sale any goods on or by any public road on Schedule 1 land or Schedule 2 land.

Maximum penalty for an offence under paragraph (a), (b), (c) or (d): 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Maximum penalty for an offence under paragraph (e): 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

Use of water on Schedule 1 land and Schedule 2 land

19. (1) A person must not:

- (a) swim in water on Schedule 1 land; or
- (b) use any boat or other water-borne craft on water on Schedule 1 land or Schedule 2 land; or

- (c) wash in water on Schedule 1 land or Schedule 2 land; or
- (d) cause any animal, animal matter, plant or plant matter to enter or remain in water on Schedule 1 land or Schedule 2 land.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

(3) Despite subclause (1), a person may:

- (a) use, on water on Schedule 2 land, any boat or other water-borne craft that is propelled solely by human or natural power; and
- (b) take from water on Schedule 2 land such amount of water as is necessary for the person's use (including use for the purpose of washing) while on that land.

Note. It is not an offence under this Regulation to swim in water on Schedule 2 land.

No camping on Schedule 1 land

20. (1) A person must not camp on Schedule 1 land.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

Note. It is not an offence under this Regulation to camp on Schedule 2 land.

Lighting of fires on Schedule 1 land

21. (1) A person must not light a fire on any Schedule 1 land unless the fire is lit in a portable stove or a public fireplace.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(2) A person does not commit an offence under this clause in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

Lighting of fires on Schedule 2 land

21A. (1) If any part of Schedule 2 land has been declared under section 8 of the Wilderness Act 1987 to be a wilderness area and there is in force:

- (a) any provision of that Act (or of regulations made under that Act) relating to the lighting of fires in wilderness areas; or
- (b) any wilderness protection agreement (within the meaning of that Act) or conservation agreement (within the meaning of the National Parks and Wildlife Act 1974) that contains terms relating to the lighting of fires in the wilderness area concerned,

a person must not light a fire in the wilderness area unless the fire is lit in accordance with the relevant provisions and terms.

(2) A person must not light a fire on any Schedule 2 land:

- (a) that has not been declared under section 8 of the Wilderness Act 1987 to be a wilderness area; or
- (b) that has been so declared, but in respect of which there is not in force any provision or term referred to in subclause (1),

unless the fire is lit in accordance with the provisions of the National Parks and Wildlife Act 1974 (and the regulations made under that Act) relating to the lighting of fires on land reserved or dedicated under that Act.

Maximum penalty (subclauses (1) and (2)): 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(3) This clause applies to Schedule 2 land whether or not the land has been dedicated or reserved under the National Parks and Wildlife Act 1974.

(4) A person does not commit an offence under this clause in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

- (g) by omitting clauses 23 and 24 and by inserting instead the following clauses:

Pesticides and pest control on Schedule 1 land and Schedule 2 land

23. (1) A person must not:

- (a) bring onto, or use or keep on, Schedule 1 land or Schedule 2 land any pesticide or herbicide; or
- (b) take steps to control or eradicate by the use of pesticides or herbicides any feral animal, animal pest or noxious weed on Schedule 1 land or Schedule 2 land.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

No interference with flora or fauna on Schedule 1 land and Schedule 2 land

24. (1) A person must not:

- (a) damage any tree or part of a tree on Schedule 1 land or Schedule 2 land or remove any tree or part of a tree from such land; or
- (b) damage or pick any plant or part of a plant on Schedule 1 land or Schedule 2 land or remove any plant or part of a plant from such land; or
- (c) remove any rock, soil, sand, stone or similar substance from Schedule 1 land or Schedule 2 land; or
- (d) destroy, capture, injure, annoy or interfere with any animal, or interfere with the habitat of any animal, on Schedule 1 land or Schedule 2 land.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

(3) In this clause, “**plant**” includes a shrub.

- (h) by omitting from the heading to clause 25 the matter “Part 4 land” and by inserting instead the matter “Schedule 1 land or Schedule 2 land”;
- (i) by omitting clause 25 (3) and by inserting instead the following subclauses:

(3) A person must not, on land to which this clause applies, maintain, use or erect any structures for any intensive animal feed lot, intensive poultry operation, trout farm or other concentrated agricultural activity identified by the Corporation by publication of a notice in the Gazette as a hazard to water to be supplied by the Corporation.

Maximum penalty (subclauses (2) and (3)): 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(4) A person does not commit an offence under this clause in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

- (j) by omitting the heading “**PART 5—MISCELLANEOUS**” and by inserting instead the heading “**PART 4—MISCELLANEOUS**”;
- (k) by inserting after clause 26 the following clause:

Corporation’s consent

26A. (1) The consent of the Corporation may be granted in any one or more of the following ways:

- (a) by means of a written statement;
 - (b) by means of a sign or notice displayed on the land or part of the land to which the sign or notice relates;
 - (c) in the form of a licence, permit, approval or other form of authorisation.
- (2) Such a consent may be given:
- (a) either generally or in a particular case; and
 - (b) either unconditionally or subject to conditions.
- (1) by omitting from the heading to Schedule 1 the matter “Cll. 13, 16, 22 and 25” and by inserting instead the matter “Cll. 13–25”;
 - (m) by omitting paragraph (a) under the matter “Special Areas” in Schedule 1;
 - (n) by inserting after the matter relating to Controlled Areas in Schedule 1 the following matter:

Excluded land

So much of the land listed in this Schedule as consists of a part of the township of Nattai Village, Yerrinbool, Woodford or Medlow Bath (being the land identified as such on the map marked “Schedule 1 Areas” or “Prospect Reservoir—Schedule Area” deposited at the office of the Corporation) is taken to be excluded from this Schedule.

- (o) by omitting from the heading to Schedule 2 the matter “Cll. 16, 20, 22 and 25” and by inserting instead the matter “Cll. 13, 14, 16, 18, 19 and 21–25”.
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EXPLANATORY NOTE

This Regulation makes the following changes to the Sydney Water Corporation Limited (Catchment Management) Regulation 1995:

- (a) it recasts the form of certain offence provisions (clauses 6, 7 (1), 8 (1), 9 (1), 23, 24 and 25 (3)) without making any change to the offences concerned—clause 2 (a)–(c), (e), (g) and (i);
- (b) it repeals and remakes clauses 13–21 of the Regulation so as to remove the controls imposed on certain activities (such as bushwalking, camping and swimming) in parts of certain “special areas” (within the meaning of the Water Board (Corporatisation) Act 1994)—clause 2 (f);
- (c) it repeals a provision empowering Sydney Water Corporation Limited to require the owner of land in a special area or a “controlled area” (within the meaning of the Water Board (Corporatisation) Act 1994) to remove any building or works on the land if the Corporation has reasonable grounds for believing that their removal is necessary to prevent or minimise pollution of water to be supplied by the Corporation—clause 2 (d);
- (d) it inserts a new clause 26A, which relates to the Corporation’s granting of consent to the carrying out of various activities in special areas and controlled areas—clause 2 (k);
- (e) it amends Schedule 1 (which identifies land for the purpose of regulating conduct on it)—clause 2 (m) and (n);
- (f) it makes consequential amendments—clause 2 (h), (j), (l) and (o).

This Regulation is made under the Water Board (Corporatisation) Act 1994, in particular sections 85 (Regulations concerning special areas), 89 (Regulations concerning controlled areas) and 106 (the general regulation-making power).
