



New South Wales

# Hunter Water Corporation Limited (Special Areas) Regulation 1997

under the

Hunter Water Board (Corporatisation) Act 1991

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Hunter Water Board (Corporatisation) Act 1991*.

KIM YEADON, M.P.,

Minister for Land and Water Conservation

## Explanatory note

The object of this Regulation is to repeal and remake such of the provisions of the *Hunter Water Board (Special Areas) Regulation 1989* as are of continuing utility. The new Regulation deals with the following matters:

- (a) the regulation of activities within special areas generally (Part 2),
- (b) the regulation of activities within the Chichester and Grahamstown Catchment Areas (Part 3),
- (c) the regulation of activities within the Nelson's Bay and Tomago Sandbeds Catchment Areas (Part 4),
- (d) the regulation of activities in the Williams River Catchment Area (Part 3),
- (e) other minor, consequential or ancillary matters (Parts 1 and 6).

This Regulation is made under the *Hunter Water Board (Corporatisation) Act 1991*, including section 70 (the general regulation making power) and sections 55 and 57.

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

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Part 1             Preliminary

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## **Hunter Water Corporation Limited (Special Areas) Regulation 1997**

### **Part 1        Preliminary**

#### **1    Name of Regulation**

This Regulation is the *Hunter Water Corporation Limited (Special Areas) Regulation 1997*.

#### **2    Commencement**

This Regulation commences on 1 September 1997.

#### **3    Definitions**

In this Regulation:

***Chichester Catchment Area*** means the area described in a proclamation under the Hunter District Water and Sewerage Act 1892 published in Gazette No 153 of 5 December 1924 at page 5461, being the land shown by hatched edging on the map in Schedule 1.

***Grahamstown Catchment Area*** means the area described in the following instruments:

- (a) a proclamation under the Hunter District Water Sewerage and Drainage Act 1938 published in Gazette No 98 of 11 October 1963 at pages 2984 and 2985,
- (b) a proclamation under the Hunter District Water Sewerage and Drainage Act 1938 published in Gazette No 112 of 8 November 1963 at pages 3324 and 3325,

being the land shown by hatched edging on the map in Schedule 2 and the land shown by hatched edging on the map in Schedule 5.

Nelson's Bay Catchment Area means the area described in the following instruments:

- (a) a proclamation under the *Hunter District Water Sewerage and Drainage Act 1938* published in Gazette No 2 of 7 January 1949 at pages 10 and 11,
- (b) a proclamation under the *Hunter District Water Sewerage and Drainage Act 1938* published in Gazette No 106 of 1 November 1963 at pages 3 189 and 3 190,
- (c) a proclamation under the *Water Supply Authorities Act 1987* published in Gazette No 159 of 21 October 1988 at page 5485,

being the land shown by hatched edging on the map in Schedule 3.

*Tomago Sandbeds Catchment Area* means the area described in the following instruments:

- (a) a proclamation under the Hunter District Water Sewerage and Drainage Act 1938 published in Gazette No 89 of 11 July 1941 at pages 2482 and 2483,
- (b) a proclamation under the Hunter District Water Sewerage and Drainage Act 1938 published in Gazette No 100 of 28 September 1945 at page 1703,
- (c) a proclamation under the Hunter District Water Sewerage and Drainage Act 1938 published in Gazette No 31 of 21 March 1958 at page 734,
- (d) a proclamation under the Hunter District Water Sewerage and Drainage Act 1938 published in Gazette No 91 of 25 August 1961 at page 2559,

being the land shown by hatched edging on the map in Schedule 4.

*Williams River Catchment Area* means the land described in the proclamation referred to in paragraph (b) of the definition of Grahamstown Catchment Area, being the land shown by hatched edging on the map in Schedule 5.

*the Act* means the Hunter Water Board (Corporatisation) Act 1991.

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Part 1             Preliminary

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### **4 Application of Regulation**

This Regulation applies to the following catchment areas, each of which is taken to be a special area by virtue of section 53 (3) of the Act:

- (a) Chichester Catchment Area,
- (b) Grahamstown Catchment Area (including the Williams River Catchment Area),
- (c) Nelson's Bay Catchment Area,
- (d) Tomago Sandbeds Catchment Area.

### **5 Notes**

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

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## Part 2 Special areas generally

### 6 Application of Part

This Part applies to the Chichester, Grahamstown, Nelson's Bay and Tomago Sandbeds Catchment Areas, but does not apply to the Williams River Catchment Area.

### 7 Agriculture

- (1) A person must not erect, maintain or use any building or structure in connection with the keeping of livestock or poultry on land within 30 metres of any lake, river, stream or watercourse in a special area.

Maximum penalty: 100 penalty units (in the case of a corporation) and 70 penalty units (in any other case).

- (2) A person must not engage in any intensive agricultural pursuit in a special area.

Maximum penalty: 100 penalty units (in the case of a corporation) and 70 penalty units (in any other case).

- (3) This clause does not apply to anything that is done in accordance with:

- (a) an approval given by the Director-General, or
- (b) a development consent in force under the *Environmental Planning and Assessment Act 1979*, or
- (c) a licence or pollution control approval in force under the *Pollution Control Act 1970*.

- (4) In this clause:

*intensive agricultural pursuit* means the use of land for agricultural purposes which include market gardening, mushroom growing, fruit growing, flower growing, viticulture, milking in a shed designed for that purpose, aquaculture or intensive animal husbandry, but does not include the use of an animal boarding or training establishment or any cultivation or husbandry carried out mainly for the personal enjoyment or consumption of its produce by the owner or occupier of the land.

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Part 2 Special areas generally

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intensive animal husbandry means a building or place used for the commercial breeding, boarding or nurturing, by a feeding method other than natural grazing, of livestock or poultry, and includes:

- (a) feed lots containing more than 5 cattle, and
- (b) piggeries containing more than 5 pigs, and
- (c) poultry farming establishments containing more than 20 birds.

### 8 Sewage disposal

- (1) A person must not install, maintain or use any sewage collection, treatment or disposal system in a special area.

Maximum penalty: 100 penalty units (in the case of a corporation) and 70 penalty units (in any other case).

- (2) This clause does not apply to anything that is done in accordance with:
  - (a) such standards as may from time to time be determined by the Director-General, or
  - (b) a licence or pollution control approval in force under the *Pollution Control Act 1970*.



## Part 3 Chichester and Grahamstown Catchment Areas

### 9 Application of Part

This Part applies to the Chichester and Grahamstown Catchment Areas, but does not apply to the Williams River Catchment Area.

### 10 Water activities in the Chichester and Grahamstown Storage Reservoirs

A person must not:

- (a) enter, bathe, swim, fish or use a boat or any other water craft in the Chichester or Grahamstown Storage Reservoirs, or
- (b) allow any other person, or any animal in the person's control, to enter, bathe or swim in either of those reservoirs, or
- (c) allow any other person to fish or use a boat or any other water craft in either of those reservoirs,

otherwise than in accordance with an approval given by the Director-General.

Maximum penalty: 200 penalty units (in the case of a corporation) and 100 penalty units (in any other case).

### 11 Waste products and pollutants

- (1) A person must not bring into the Grahamstown Catchment Area, or leave in that Area, any waste or other substance which, if placed on or in any waters, would pollute the waters.

Maximum penalty: 200 penalty units (in the case of a corporation) and 100 penalty units (in any other case).

- (2) This clause does not apply to land within the township of Medowie or to land that is used solely for residential purposes.

- (3) In this clause:

pollute, in relation to any waters, has the same meaning as it has in the *Clean Waters Act 1970*.

**waste** has the same meaning as it has in the *Waste Minimisation and Management Act 1995*.

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Clause 12 Hunter Water Corporation Limited (Special Areas) Regulation 1997

Part 4 Nelson's Bay and Tomago Sandbeds Catchment Areas

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## **Part 4 Nelson's Bay and Tomago Sandbeds Catchment Areas**

### **12 Application of Part**

This Part applies to the Nelson's Bay and Tomago Sandbeds Catchment Areas.

### **13 Extractive industries**

- (1) A person must not engage in any extractive industry in the Nelson's Bay or Tomago Sandbeds Catchment Area otherwise than in accordance with an approval given by the Director-General.

Maximum penalty: 200 penalty units (in the case of a corporation) and 100 penalty units (in any other case).

- (2) An approval under this clause may be given subject to conditions with respect to charges or payments for the abstraction of water under the approval.
- (3) A permit that was in force under Part 4 of the Hunter Water Board (Special Areas) Regulation 1989 immediately before the commencement of this clause is taken to be an approval under this clause, and may be amended or revoked accordingly.
- (4) In this clause, *extractive industry* includes mining and the abstraction of water from an underground source.

## **Part 5 Williams River Catchment Area**

### **14 Application of Part**

This Part applies to the Williams River Catchment Area.

### **15 Water activities near the Seaham Weir in the Williams River**

A person must not:

- (a) use a boat or any other water craft in the Williams River,  
or
- (b) allow any other person to use a boat or any other water craft in the Williams River,

within 2.5 kilometres upstream, or 0.5 kilometres downstream, of the Seaham Weir, otherwise than in accordance with an approval given by the Director-General.

Maximum penalty: 260 penalty units (in the case of a corporation) and 100 penalty units (in any other case).

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Clause 16 Hunter Water Corporation Limited (Special Areas) Regulation 1997

Part 6 Miscellaneous

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## Part 6 Miscellaneous

### 16 Approvals given by Director-General

- (1) An approval given by the Director-General for the purposes of this Regulation is to be in writing, may be given unconditionally or subject to conditions and may be varied or revoked by the Director-General (by written notice served on the holder of the approval) at any time and for any reason.
- (2) In exercising any function with respect to the giving, variation or revocation of an approval in connection with any special area, the Director-General must have primary regard to the need to prevent water in the special area from becoming polluted or contaminated.

### 17 Notices by public agencies: section 55

For the purposes of section 55 (1) of the Act, the notice to be given to the Director-General:

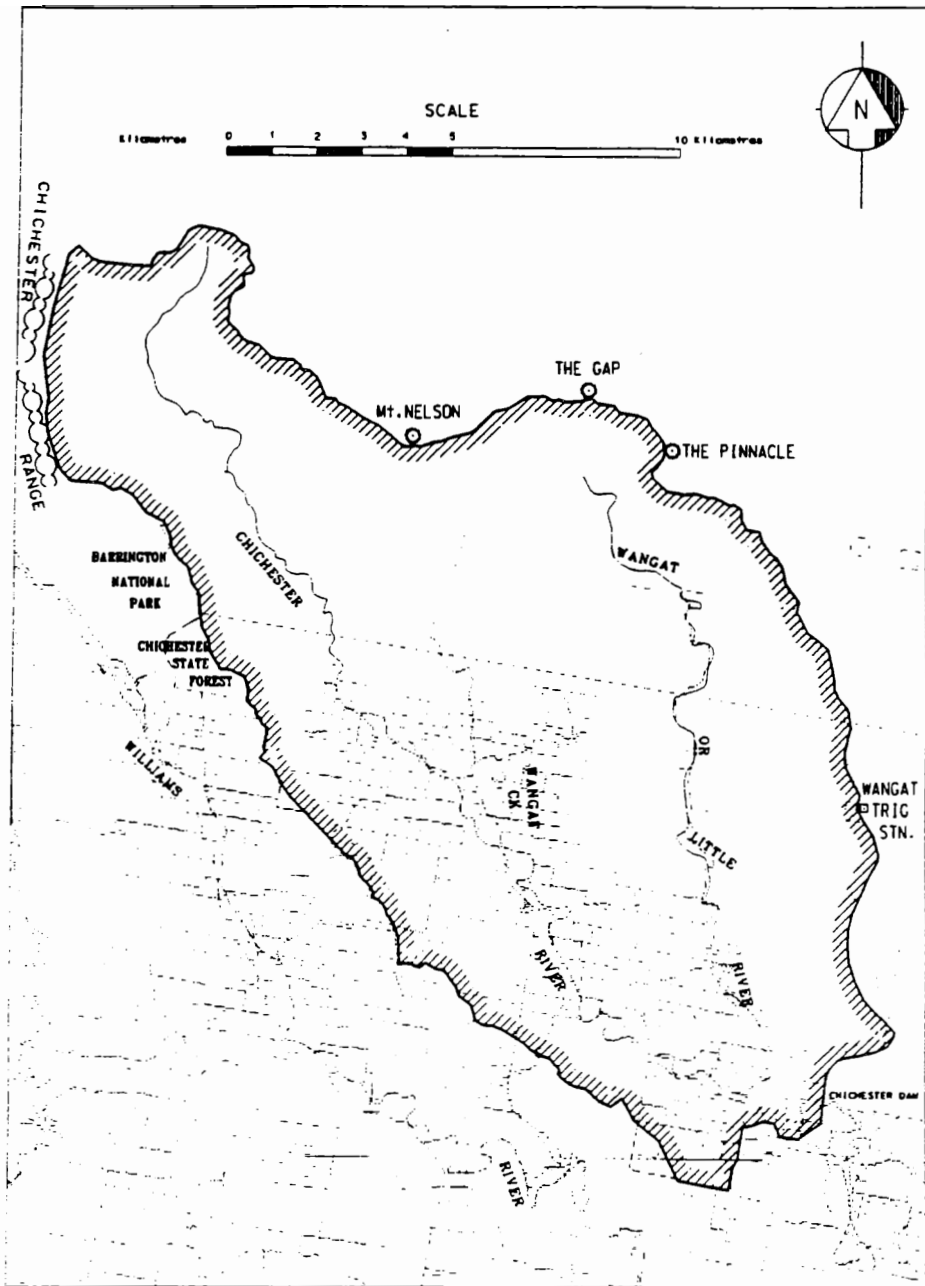
- (a) must be in writing, and
- (b) must be served on the Director-General, either by post or by lodging it at an office of the Department of Land and Water Conservation, and
- (c) must contain a full description of the proposed activity and a statement of the objectives of the proposed activity.

### 18 Repeal

- (1) The *Hunter Water Board (Special Areas) Regulation 1989* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Hunter Water Board (Special Areas) Regulation 1989*, had effect under that Regulation continues to have effect under this Regulation.

**Schedule 1 Chichester Catchment Area**

(Clause 3)



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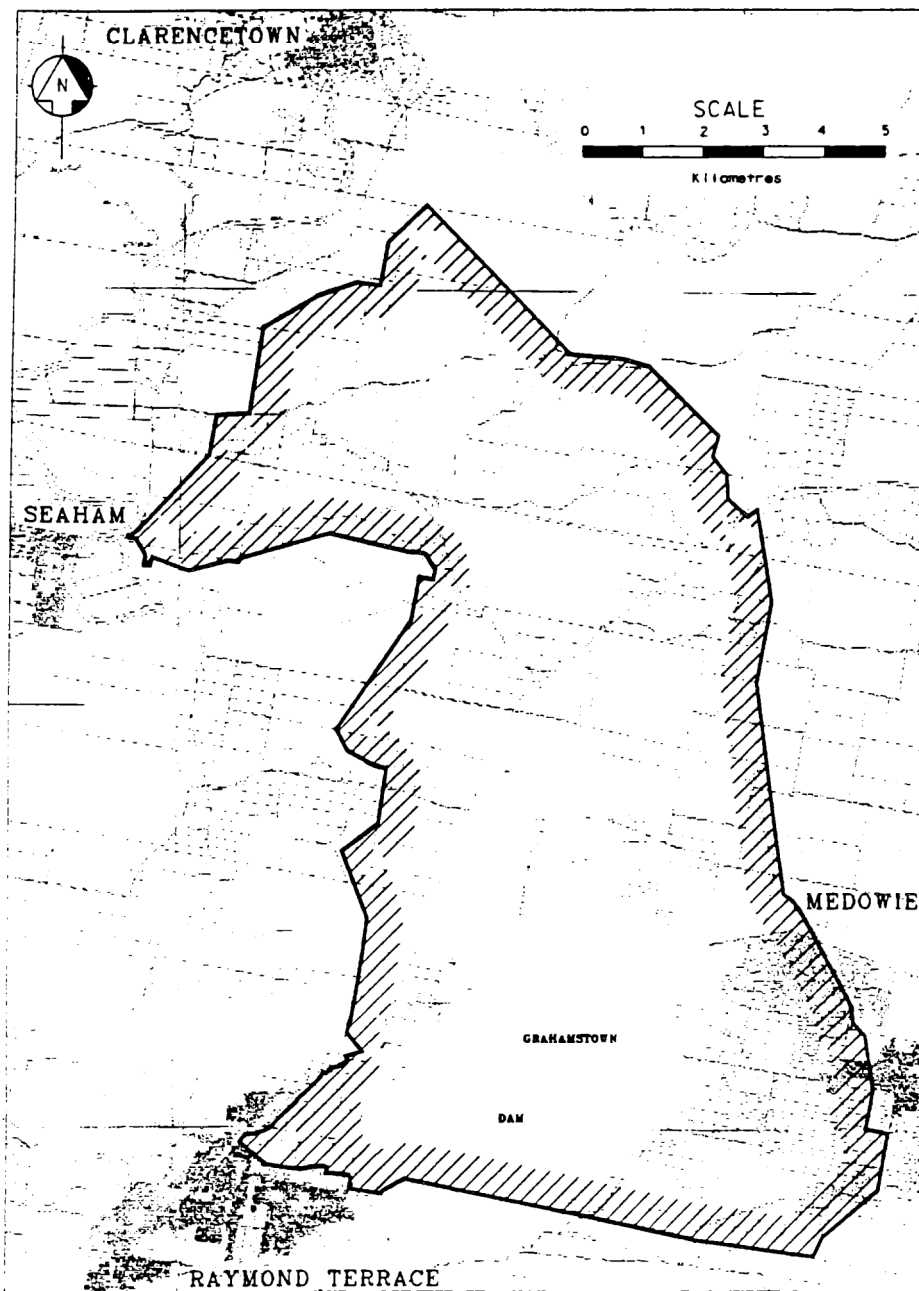
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Schedule 2 Grahamstown Catchment Area

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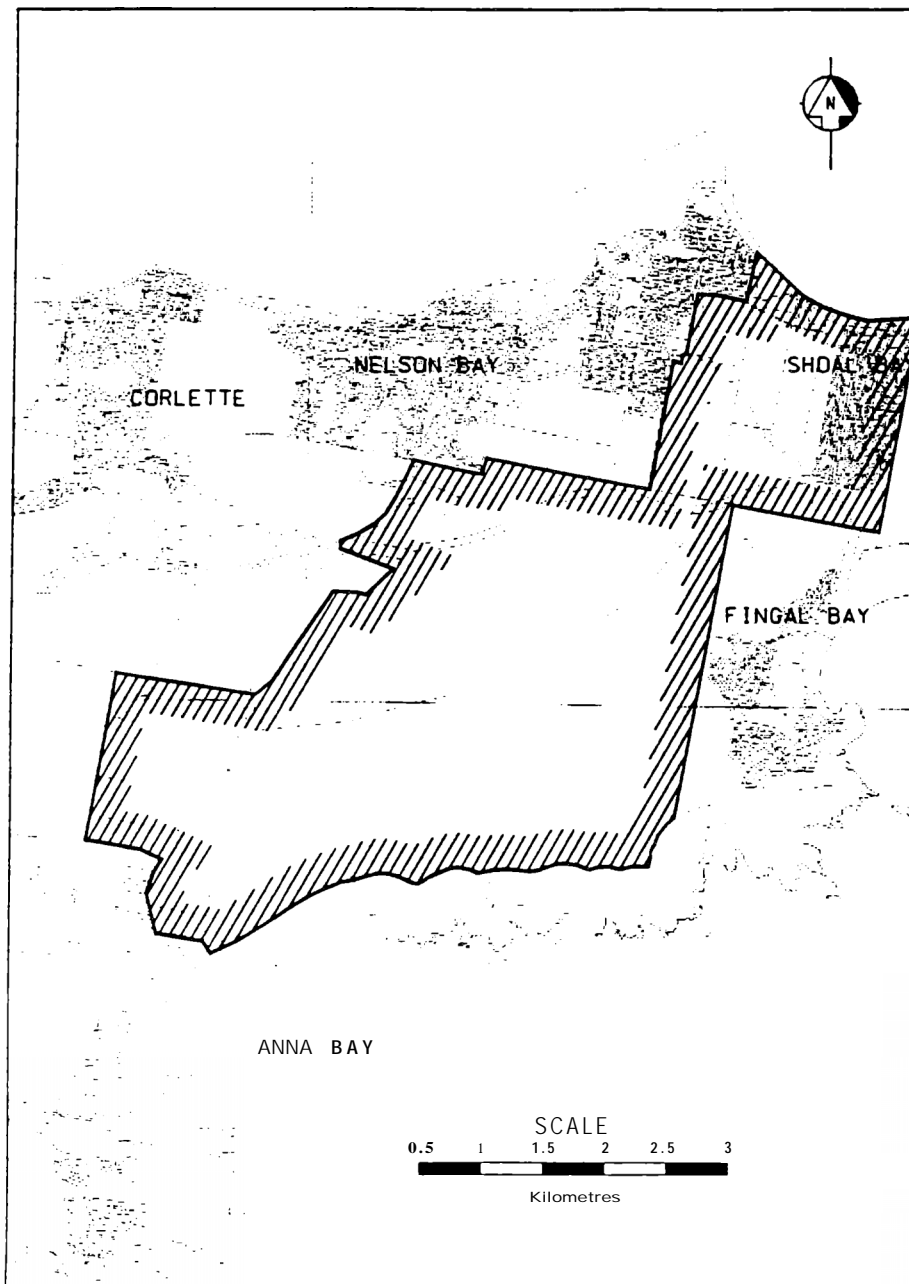
## Schedule 2 Grahamstown Catchment Area

(Clause 3)



**Schedule 3 Nelson's Bay Catchment Area**

(Clause 3)



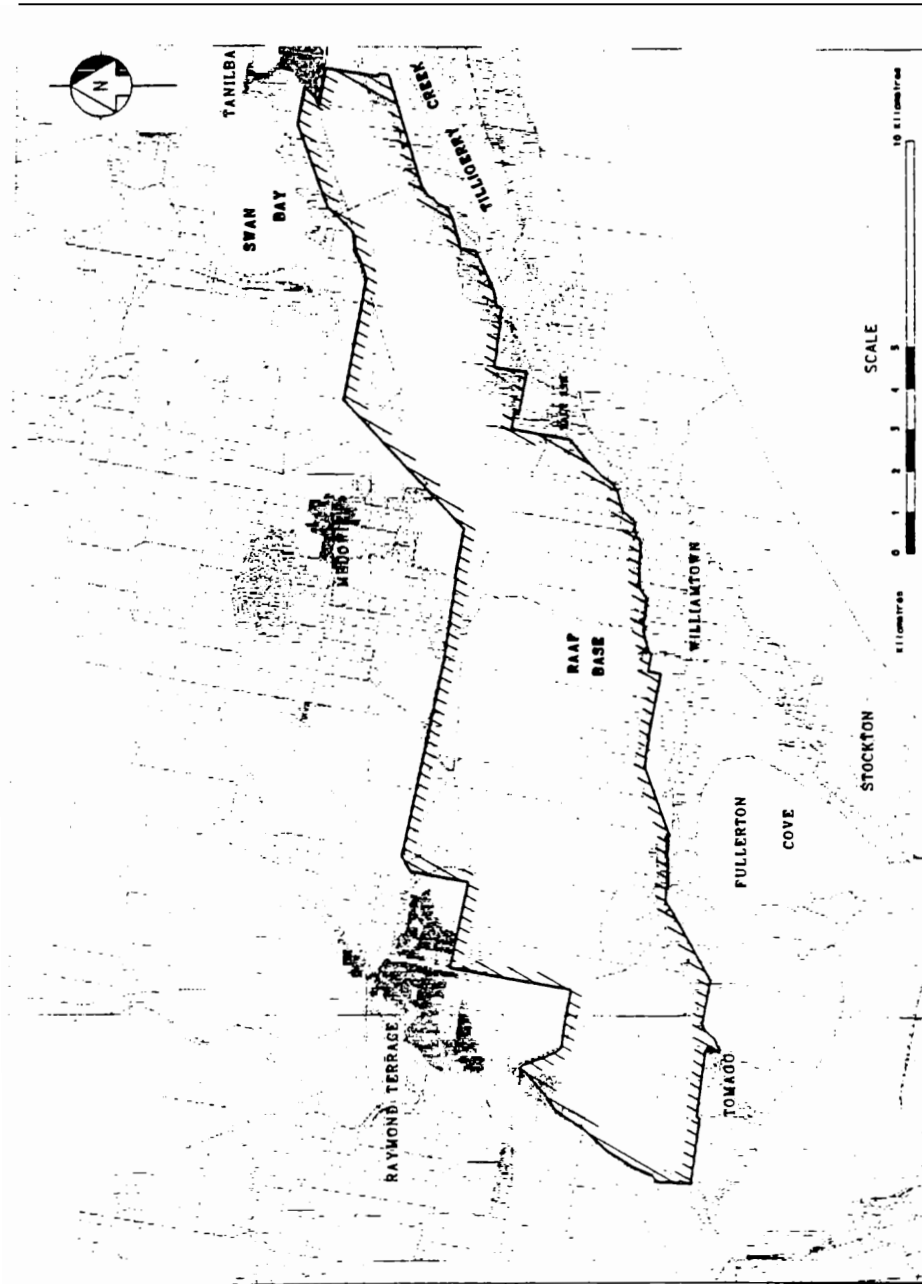
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Schedule 4 Tomago Sandbeds Catchment Area

## Schedule 4 Tomago Sandbeds Catchment Area

(Clause 3)





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**Schedule 5 Williams River Catchment Area**

(Clause 3)

