

1992—No. 496

**WATER SUPPLY AUTHORITIES ACT 1987—REGULATION**

(Water Supply Authorities (Broken Hill—Catchment Areas) Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Water Supply Authorities Act 1987, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE,  
Acting Minister for Natural Resources.

**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Water Supply Authorities (Broken Hill—Catchment Areas) Regulation 1992.

**Commencement**

2. This Regulation commences on 1st September, 1992.

**Definitions**

3. In this Regulation:

“**authorised person**” means:

- (a) an employee or other person acting on behalf of the Board;  
or
- (b) a police officer;

“**Board**” means the Broken Hill Water Board;

“**Board land**” means land owned by or vested in the Board;

**“catchment area”** means any one of the special (catchment) areas comprising the Stephens Creek, Umberumberka and Yancowinna Creek Catchment Areas, having boundaries as shown by broken lines with hatched border on the plan catalogued No. 381/85 and deposited in the Sydney office of the Department of Public Works;

**“Crown land”** has the same meaning as in the Crown Lands Act 1989;

**“herbicide”** means any substance that is capable of destroying plants or preventing the spread of plants;

**“pesticide”** has the same meaning as in the Pesticides Act 1978;

**“pollutant”** has the same meaning as in the Clean Waters Act 1970;

**“restricted area”** means any one of the following portions of land, as shown coloured pink on the map marked “Restricted Areas” deposited at the office of the Board:

(a) Stephens Creek Reservoir and the area of land surrounding the reservoir;

(b) Umberumberka Reservoir and the area of land surrounding the reservoir;

(c) Imperial Lake and the area of land surrounding the lake;

**“the Act”** means the Water Supply Authorities Act 1987;

**“wastes”** has the same meaning as in the Clean Waters Act 1970.

## PART 2—CATCHMENT AREAS

### **Destruction or removal of timber**

**4. (1)** A person must not, otherwise than in accordance with an approval granted by the Board, destroy, cut, damage or remove any tree or shrub in a catchment area.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

**(2)** This clause does not apply to land which is privately owned, nor does it affect the rights conferred on the holder of a licence granted under the Forestry Act 1916.

### **Destruction of property**

**5.** A person must not, otherwise than in accordance with an approval granted by the Board, remove, disturb, damage or deface any structure that is in a catchment area and is owned or controlled by the Board.

Maximum penalty: \$10,000 in the case of a corporation and \$1,000 in any other case.

**Control of pollution and disease**

6. (1) A person must not bring into or leave in a catchment area any pollutant or wastes.

(2) The owner or occupier of land in a catchment area must not erect, install or operate any sewage collection, treatment or disposal system on the land unless:

- (a) the system complies with any standards for such systems approved by the Board and notified to the person; and
- (b) the system is erected, installed and operated in compliance with any conditions imposed by the Board in respect of the system or of such systems in general.

(3) A person must comply with any direction given by the Board or an authorised person:

- (a) for the disposal of any pollutant or wastes in a catchment area, or of any other substance that is in a catchment area and that the Board considers may detrimentally affect any water in the area; or
- (b) for the removal of any such pollutant, wastes or other substance from a catchment area.

(4) A person (including a body corporate) who becomes aware that any person, animal or property in a catchment area is carrying, infected with or affected by any waterborne infectious disease must notify the Board of that fact within 24 hours after first becoming so aware.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

**Slaughtering**

7. (1) A person must not slaughter a beast in any manner or under any circumstances or conditions so as to pollute, or cause a reasonable risk of polluting, the water supply in a catchment area.

(2) A person who slaughters a beast in a catchment area must immediately:

- (a) collect all blood, offal and refuse products; and
- (b) deposit all blood, offal and refuse products in a receptacle made of metal or some other non-absorbent material; and
- (c) remove all blood, offal and refuse products from the catchment area and dispose of them in a manner that avoids pollution of the water supply in any catchment area.

(3) A person who slaughters a beast in a catchment area must, as soon as practicable after doing so, thoroughly wash and clean the premises where the slaughter took place.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

### **Stock control**

8. (1) The owner or person in charge of any stock must ensure that the stock does not enter any Crown land or Board land in a catchment area.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

(2) An authorised person may do any of the following if stock enters any such land:

- (a) drive the stock away, or remove the stock, from the land;
- (b) impound, sell, destroy or otherwise dispose of the stock.

(3) If an authorised person takes any such action:

- (a) the owner and person in charge of the stock are jointly and severally liable to the Board for all costs incurred by the Board as a result of the action taken; and
- (b) the Board may recover the amount of those costs from the owner or person in charge as a debt due to the Board.

### **Alteration of buildings**

9. (1) The Board may serve on both the owner and the occupier of land in a catchment area a notice to the effect that, not earlier than 1 month after service of the notice, structural alterations specified in the notice are to be made to a building or other work on the land, subject to any approval required under any Act.

(2) Before serving a notice under this clause, the Board must have reasonable grounds for believing that the alterations specified in the notice are necessary to prevent or minimise pollution of water to be supplied by the Board.

(3) The notice must state:

- (a) the reasons for requiring the proposed alterations; and
- (b) that the proposed alterations, subject to any approval required under any Act:
  - will be made by the Board; or

- may, by agreement with the Board and at an agreed cost to be met by the Board, be made by the owner of the building or other work; and
  - (c) that the Board agrees to pay to the person served with the notice reasonable compensation for any damage suffered by the person and caused by the making of any alterations referred to in the notice; and
  - (d) that, not later than 1 month after service of the notice, the person served may make written representations to the Board in relation to the proposed alterations.
- (4) After serving a notice under this clause, and after considering any representations duly made in relation to the proposed alterations, the Board:
- (a) may carry out, or agree with the owner for the carrying out of, the alterations specified in the notice or any of them; or
  - (b) may revoke the notice by a further notice served on the owner and on the occupier of the land concerned.
- (5) Action taken by the Board under subclause (4) (b) does not preclude the Board from serving a further notice under this clause in relation to the same building or other work.

### **Pesticides and pest control**

**10.** A person must not:

- (a) bring into, or use or keep in, a catchment area any pesticide, herbicide or other toxic material; or
- (b) take steps to control or eradicate by the use of pesticides, herbicides or other toxic materials any feral animal, animal pest or noxious weed in a catchment area.

Maximum penalty: \$10,000 in the case of a corporation and \$5,000 in any other case.

### **Animal husbandry**

**11. (1)** A person must not erect, maintain or use any cow yard, poultry house, pig sty, animal feed lot, stockyard or stable within 100 metres (or such greater distance as the Board may determine by notice published in the Gazette) of any stream, reservoir or water source in a catchment area.

**(2)** A person must not maintain, use or erect any structure in a catchment area:

- (a) for any intensive animal feed lot, any intensive poultry operation or any piggery operation; or

(b) for any other concentrated agricultural activity that the Board has identified to the person (by means of a written notice) as a hazard to water to be supplied by the Board, otherwise than in accordance with an approval granted by the Board.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

### **PART 3—RESTRICTED AREAS**

#### **Entry into areas**

**12.** A person must not enter or remain in a restricted area otherwise than in accordance with an approval granted by the Board.

Maximum penalty: \$10,000 in the case of a corporation and \$500 in any other case.

#### **Fishing**

**13.** A person must not fish in any water in a restricted area.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

#### **Fees and charges**

**14. (1)** The Board may from time to time determine the fees and charges payable in respect of the entry into a restricted area, for tours or for recreational purposes, of persons and vehicles.

**(2)** A person who is liable to pay fees or charges so determined may be denied entry unless they are paid on request by an authorised person.

#### **Prohibited conduct**

**15** A person must not, in a restricted area, do any of the following:

- (a) destroy, capture, injure or annoy an animal;
- (b) interfere with an animal or interfere with the habitat of an animal;
- (c) bury a human or animal body;
- (d) swim or wash in, or cause any animal, animal matter, plant or plant matter to enter or remain in, any water in the area;
- (e) drive, row, sail or paddle any boat or other waterborne craft on any water in the area;

(f) remove or damage a plant, shrub or tree growing in the area.

Maximum penalty: \$10,000 in the case of a corporation and \$5,000 in any other case.

### **Prohibited conduct unless approved**

**16.** A person must not:

- (a) drive or ride a vehicle or ride or lead an animal into or on a restricted area; or
- (b) bring into or have in the person's possession in a restricted area a firearm or prohibited weapon (within the meaning of the Firearms Act 1989 or the Prohibited Weapons Act 1989) unless the person is a police officer on duty; or
- (c) land an aircraft (including an ultra-light aircraft, hang-glider or balloon) on a restricted area; or
- (d) sell or offer for sale any goods on or by any public road in a restricted area,

otherwise than in accordance with an approval granted by the Board.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

### **Gates not to be opened**

**17. (1)** A person must not remove any barrier to entrance into any Crown land or Board land in a restricted area otherwise than in accordance with an approval granted by the Board.

Maximum penalty: \$10,000 in the case of a corporation and \$1,000 in any other case.

**(2)** A person must not open any gate to any Crown land or Board land in a restricted area otherwise than in accordance with an approval granted by the Board.

Maximum penalty: \$10,000 in the case of a corporation and \$1,000 in any other case.

### **Camping and picnicking**

**18. (1)** In this clause:

“**camp**” means reside temporarily, whether or not in a tent, caravan, cabin or other structure.

**(2)** The Board may reserve any portion of Crown land or Board land in a restricted area for camping or picnicking by means of signs displayed on or adjacent to the portion.

(3) The Board may impose conditions, including conditions requiring the payment of fees, subject to which a reserved portion of land may be used for camping or picnicking.

(4) A person must not camp or picnic on Crown land or Board land in a restricted area otherwise than:

- (a) on a portion reserved for that purpose; and
- (b) in accordance with any conditions subject to which the portion may be so used.

Maximum penalty: \$10,000 in the case of a corporation and \$1,000 in any other case.

### **Fires**

19. A person must not:

- (a) light a fire in a restricted area elsewhere than in a fireplace approved by the Board; or
- (b) do anything in a restricted area that may cause fire to spread elsewhere than in a fireplace approved by the Board.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

## **PART 4—MISCELLANEOUS**

### **False or misleading information**

20. A person must not, in purported compliance with a request for information made by an authorised person in the exercise of a function under the Act, give to the authorised person information that the person knows to be false or misleading in a material particular.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

### **Investigation of suspected contraventions**

21. (1) An authorised person who has reason to believe that a person in a catchment area has in his or her possession or control any matter or thing (in contravention, or because of a contravention or intended contravention, of this Regulation) may request the person:

- (a) to surrender the matter or thing into the authorised person's possession and control; or



(b) to make any vehicle or receptacle available for inspection by the authorised person for the purpose of investigating the suspected contravention or intended contravention.

(2) If a person fails to comply with the authorised person's request, the authorised person may direct the person to leave the catchment area immediately.

(3) A person to whom an authorised person gives such a direction must comply with the direction.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

#### **Notice by public agencies**

22. For the purpose of section 23 (1) of the Act, the notice to be given to the Board of the proposed exercise of a function by a public agency in relation to land in a catchment area:

- (a) must be in writing; and
- (b) must be sent by post to or lodged at an office of the Board; and
- (c) must contain a full description of the proposed function, including any associated activities, and a statement of the objectives of the proposed function; and
- (d) must be given at least 28 days before the function is proposed to be exercised.

#### **Repeal**

23. (1) The following instruments are repealed:

- (a) By-law No. 4 made under the Broken Hill Water and Sewerage Act 1938 and deemed to be a regulation under the Water Supply Authorities Act 1987;
- (b) the Water Supply (Broken Hill Catchment Areas) Regulation 1991.

(2) Any consent, permission, approval, notice or direction given under an instrument referred to in subclause (1) is taken to be the corresponding consent, permission, approval, notice or direction given under this Regulation.

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal certain instruments under the Water Supply Authorities Act 1987 (comprising By-law No. 4, first made under the Broken Hill Water and Sewerage Act 1938, and the Water Supply (Broken Hill Catchment Areas) Regulation 1991) and to replace them with a new Regulation. The new Regulation makes provision with respect to:

- (a) the regulation of certain activities, such as:
  - tree-felling; and
  - the disposal of rubbish; and
  - the control of stock; and
  - the alteration of buildings; and
  - the use of pesticides,

within certain catchment areas in the Broken Hill Water Board's area of operations (Part 2); and

(b) the regulation of certain other activities, such as:

- right of entry; and
- fishing; and
- recreational activities; and
- the use of vehicles and the landing of aircraft; and
- the closing of gates; and
- the lighting of fires,

within certain parts of those catchment areas (referred to in the Regulation as "restricted areas") (Part 3); and

(c) other matters of a consequential or ancillary nature (Parts 1 and 4).

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

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