



New South Wales

Water Supply Authorities (Broken Hill—Special Areas) Regulation 1997

under the
Water Supply Authorities Act 1987

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Supply Authorities Act 1987*.

KIM YEADON, M.P.,
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes in substance, the *Water Supply Authorities (Broken Hill—Catchment Areas) Regulation 1992*. The new Regulation deals with the following matters:

- (a) the regulation of activities within special areas (that is, areas set aside for the catchment of water for supply by the Broken Hill Water Board) (Part 2),
- (b) the regulation of activities within the rural portions of special areas (that is, those parts of a special area that are outside the City of Broken Hill) (Part 3),
- (c) the regulation of activities within the restricted portions of special areas (that is, the more environmentally sensitive parts of a special area) (Part 4),
- (d) other matters of a minor, consequential or ancillary nature (Parts 1 and 5).

This Regulation is made under the *Water Supply Authorities Act 1987*, including section 66 (the general regulation-making power).

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

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Clause 1 Water Supply Authorities (Broken Hill—Special Areas) Regulation 1997

Part 1 Preliminary

Water Supply Authorities (Broken Hill—Special Areas) Regulation 1997

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Supply Authorities (Broken Hill—Special Areas) Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

3 Definitions

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.

Crown land has the same meaning as it has in the *Crown Lands Act 1989*.

restricted portion of the special areas shown by hatched edging on the map in Schedule 1 means:

- (a) Stephens Creek Reservoir, and the area of land surrounding the reservoir, as shown by hatched edging on the map in Schedule 2, and
- (b) Umberumberka Reservoir and the area of land surrounding the reservoir, as shown on by hatched edging the map in Schedule 3.

rural portion of the special areas shown by hatched edging on the map in Schedule 1 means such part of those areas as is situated outside the City of Broken Hill.

the Act means the *Water Supply Authorities Act 1987*.

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 21 (3) of the Act:

- (a) Stephens Creek Catchment Area,
- (b) Umberumberka Creek Catchment Area,
- (c) Yancowinna Creek Catchment Area,

as described in a proclamation under the *Broken Hill Water and Sewerage Act 1938* published in Gazette No 8 of 19 January 1940 at page 181, being the land shown by hatched edging on the map in Schedule 1.

5 Notes

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

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Clause 6 Water Supply Authorities (Broken Hill–Special Areas) Regulation 1997

Part 2 Special areas generally

Part 2 Special areas generally

6 Livestock farming

- (1) A person must not:
- (a) erect, maintain or use any building or structure in connection with the raising of cattle, sheep, pigs or poultry, or
 - (b) engage in any intensive agricultural activity (such as an animal feedlot),

on land in a special area.

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 anything that is done in accordance with:
- (a) an approval given by the Board, or
 - (b) a development consent in force under the *Environmental Planning and Assessment Act 1979*.

7 Sewage disposal

A person must not install, maintain or use any sewage collection, treatment or disposal system on land in a special area otherwise than in accordance with an approval given by the Board.

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

8 Notification of waterborne infectious diseases

An owner or occupier of land in a special area who becomes aware that any person, animal or property in a special 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: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

9 Slaughtering

- (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 special area.
- (2) A person who slaughters a beast in a special 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 special area and dispose of them in a manner that avoids pollution of the water supply in that area.
- (3) A person who slaughters a beast in a special area must, as soon as practicable after doing so, thoroughly wash and clean the premises where the slaughter took place.

Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

10 Stock control

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 special area.

Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

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Clause 11 Water Supply Authorities (Broken Hill–Special Areas) Regulation 1997

Part 3 Rural portions of special areas

Part 3 Rural portions of special areas

11 Destruction or removal of timber

- (1) A person must not, otherwise than in accordance with an approval given by the Board, destroy, cut, damage or remove any tree or shrub in the rural portion of a special area.

Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

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

12 Waste and pollutants

- (1) A person must not bring into the rural portion of a special area, or use or leave in the rural portion of a special area, any waste or pollutant.

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

- (2) In this clause:

pollutant 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*.

13 Erection and alteration of buildings and structures

A person must not:

- (a) erect any building or structure, or
- (b) carry out any work, or
- (c) alter or extend any existing building, structure or work,

in the rural portion of a special area otherwise than in accordance with an approval given by the Board.

Maximum penalty: 100 penalty units (in the case of a corporation) and 50 penalty units (in any other case).

14 Pesticides and pest control

- (1) A person must not:
- (a) bring into, or use or keep in, the rural portion of a special 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 the rural portion of a special area,

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

Maximum penalty: 100 penalty units (in the case of a corporation) and 50 penalty units (in any other case).

- (2) In this clause:

herbicide means any substance that is capable of destroying plants or preventing the spread of plants.

pesticide has the same meaning as it has in the *Pesticides Act 1978*.

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Clause 15 Water Supply Authorities (Broken Hill–Special Areas) Regulation 1997

Part 4 Restricted portions of special areas

Part 4 Restricted portions of special areas

15 Entry

A person must not enter or remain in the restricted portion of a special area otherwise than in accordance with an approval given by the Board.

Maximum penalty: 100 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

16 Fishing

A person must not fish in any waters in the restricted portion of a special area otherwise than in accordance with an approval given by the Board.

Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

17 Fees and charges

- (1) The Board may from time to time determine the fees and charges payable in respect of the entry of persons and vehicles into the restricted portion of a special area, either for tours or for recreational purposes.
- (2) An authorised person may refuse to permit a person to enter the restricted portion of a special area if the person fails to pay any such fee or charge.

18 Prohibited conduct

A person must not:

- (a) destroy, capture, injure or annoy an animal in the restricted portion of a special area, or
- (b) interfere with an animal, or interfere with the habitat of an animal, in the restricted portion of a special area, or
- (c) bury a human or animal body in the restricted portion of a special area, or
- (d) swim or wash in any waters in the restricted portion of a special area, or

-
- (e) cause any animal, animal matter, plant or plant matter to enter or remain in any waters in the restricted portion of a special area, or
 - (f) drive, row, sail or paddle any boat or other waterborne craft on any waters in the restricted portion of a special area, or
 - (g) remove or damage a plant, shrub or tree growing in the restricted portion of a special area, or
 - (h) drive or ride a vehicle or ride or lead an animal into or on the restricted portion of a special area, or
 - (i) bring into or have in the person's possession in the restricted portion of a special area a firearm or prohibited weapon (within the meaning of the *Firearms Act 1989*, the *Firearms Act 1996* or the *Prohibited Weapons Act 1989*) unless the person is a police officer on duty, or
 - (j) land an aircraft (including an ultra-light aircraft, hang-glider or balloon) on the restricted portion of a special area, or
 - (k) sell or offer for sale any goods on or by any public road in the restricted portion of a special area,

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

Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

19 Gates not to be opened

A person must not:

- (a) remove any barrier to entrance into any Crown land or Board land in the restricted portion of a special area, or
- (b) open any gate to any Crown land or Board land in the restricted portion of a special area,

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

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

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Clause 20 Water Supply Authorities (Broken Hill–Special Areas) Regulation 1997

Part 4 Restricted portions of special areas

20 Camping and picnicking

- (1) The Board may reserve any portion of Crown land or Board land in the restricted portion of a special area for camping or picnicking by means of signs displayed on or adjacent to the portion.
- (2) 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.
- (3) A person must not camp or picnic on Crown land or Board land in the restricted portion of a special area otherwise than:
 - (a) in a place reserved for that purpose, and
 - (b) in accordance with any conditions subject to which that place may be so used.

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

- (4) In this clause, *camp* means reside temporarily, whether or not in a tent, caravan, cabin or other structure.

21 Fires

A person must not:

- (a) light a fire in the restricted portion of a special area otherwise than in a fireplace approved by the Board, or
- (b) do anything in the restricted portion of a special area that may cause fire to spread beyond such a fireplace.

Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

Part 5 Miscellaneous

22 Approvals given by the Board

An approval given by the Board 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 Board (by written notice served on the holder of the approval) at any time and for any reason.

23 False or misleading information

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 or this Regulation, give to the authorised person information that the person knows to be false or misleading in a material particular.

Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

24 Investigation of suspected contraventions

- (1) An authorised person who has reason to believe that a person in a special area has in his or her possession or control any thing that, in the opinion of the authorised person has been, is being or is about to be used in connection with a contravention of this Regulation may request the person to do either or both of the following:
 - (a) to surrender any such thing to the authorised person,
 - (b) to make available for inspection by the authorised person any vehicle or receptacle in which the authorised person suspects any such thing may be concealed.
- (2) If a person fails to comply with the request, the authorised person may direct the person to leave the special area immediately.
- (3) A person to whom an authorised person gives such a direction must comply with the direction.

Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

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Clause 25 Water Supply Authorities (Broken Hill–Special Areas) Regulation 1997

Part 5 Miscellaneous

25 Notice by public agencies

For the purposes 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 special area:

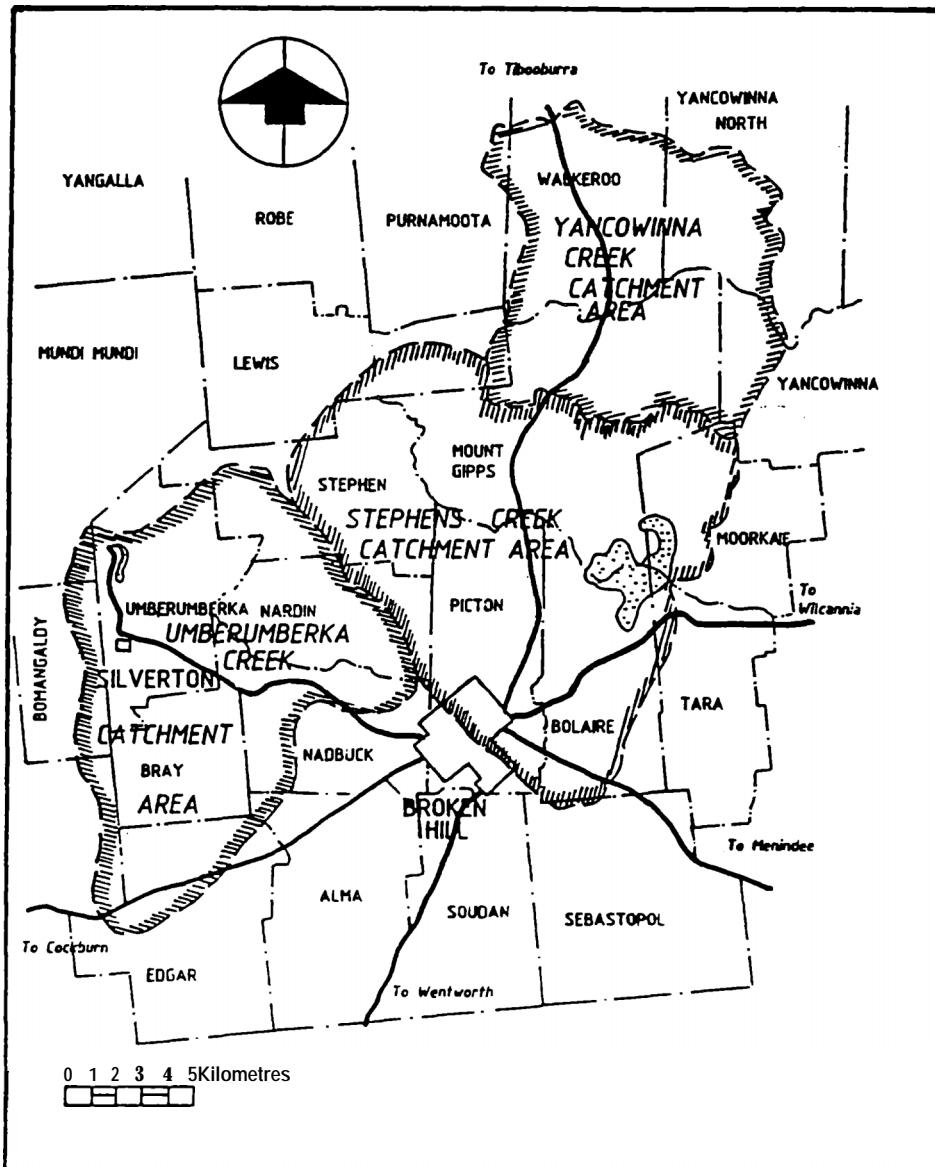
- (a) must be in writing, and
- (b) must be sent by post to or lodged at an office of the Board, and
- (c) must contain a full description of the proposed function, including any associated activities, and a statement of the objectives of the proposed function, and
- (d) must be given at least 28 days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

26 Repeal

- (1) The *Water Supply Authorities (Broken Hill–Catchment Areas) Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Water Supply Authorities (Broken Hill–Catchment Areas) Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Broken Hill Special Areas

(Clauses 3 and 4)



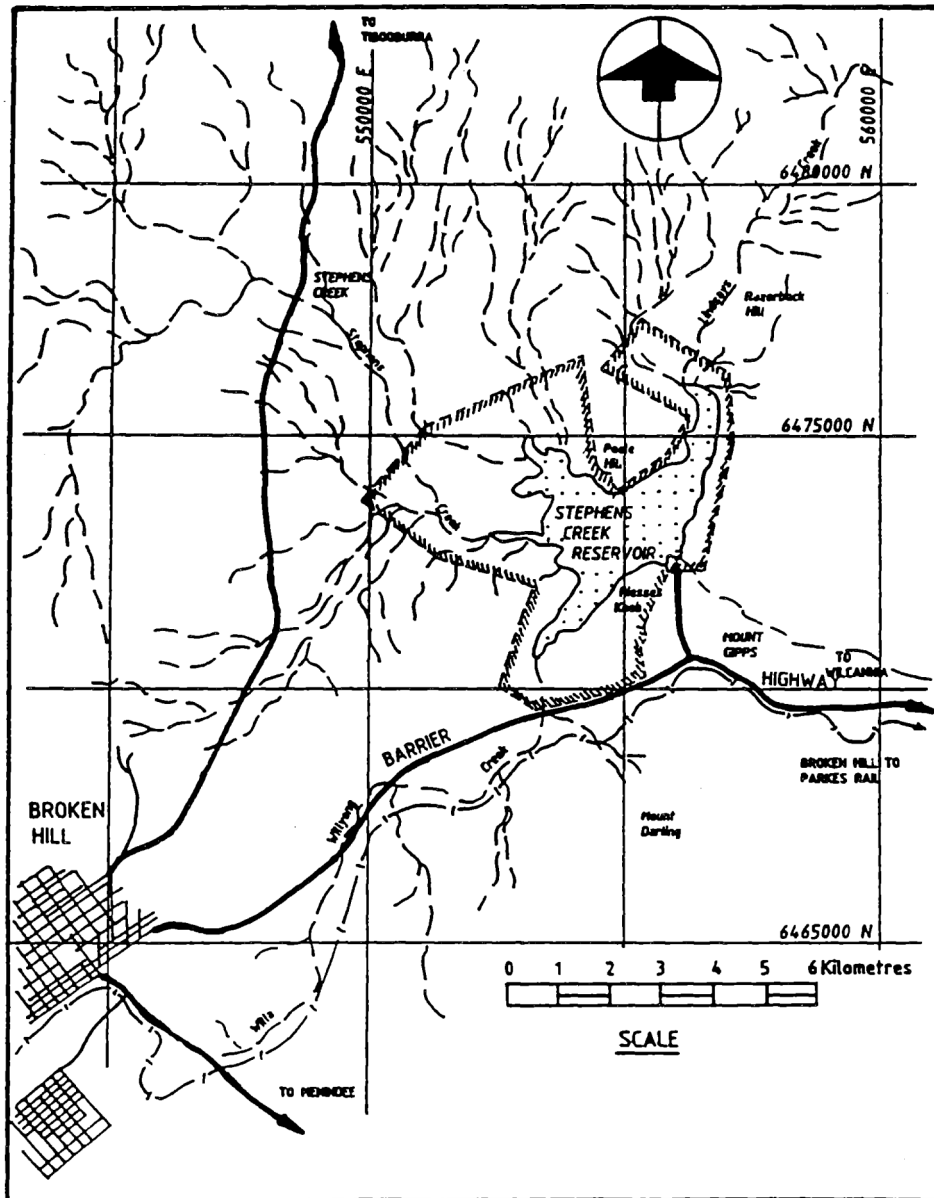
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Schedule 2 Stephens Creek Catchment Area (restricted portion)

Schedule 2 Stephens Creek Catchment Area (restricted portion)

(Clause 3)



Schedule 3 Umberumberka Creek Catchment Area (restricted portion)

(Clause 3)

