



New South Wales

# Hawkesbury-Nepean Catchment Management Trust Regulation 1999

under the

Catchment Management Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Catchment Management Act 1989*.

RICHARD AMERY, M.P.,

Minister for Agriculture, and  
Minister for Land and Water Conservation

## Explanatory note

The object of this Regulation is to repeal and remake the provisions of the *Hawkesbury-Nepean Catchment Management Trust Regulation 1993*. The new Regulation:

- (a) specifies the total catchment management purposes of the Hawkesbury-Nepean Catchment Management Trust, and
- (b) specifies the Trust area, and
- (c) provides for additional functions of the Trust in relation to strategic planning and other matters (such as additional reporting requirements).

This Regulation is made under the *Catchment Management Act 1989*, including sections 26, 27 and 63 (the general regulation-making power).

This Regulation comprises matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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

## **1999 No 488**

Hawkesbury-Nepean Catchment Management Trust Regulation 1999

Contents

---

## **Contents**

---

|  | Page |
|--|------|
| 1 Name of Regulation                           | 3    |
| 2 Commencement                                 | 3    |
| 3 Definitions                                  | 3    |
| 4 Total catchment management purposes of Trust | 3    |
| 5 Trust area                                   | 4    |
| 6 Functions relating to strategic planning     | 4    |
| 7 Additional functions                         | 5    |
| 8 Repeal                                       | 7    |

## Hawkesbury-Nepean Catchment Management Trust Regulation 1999

### 1 Name of Regulation

This Regulation is the *Hawkesbury-Nepean Catchment Management Trust Regulation 1999*.

### 2 Commencement

This Regulation commences on 1 September 1999.

### 3 Definitions

(1) In this Regulation:

*annual report* of the Trust means the annual report of the Trust under the *Annual Reports (Statutory Bodies) Act 1984*.

*strategic plan* means the plan referred to in clause 6.

*the Act* means the *Catchment Management Act 1989*.

*Trust* means the Hawkesbury-Nepean Catchment Management Trust.

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

### 4 Total catchment management purposes of Trust

(1) For the purposes of section 26 of the Act, the total catchment management purposes of the Trust are as follows:

(a) to achieve a healthy and productive Hawkesbury-Nepean catchment system by:

(i) advocating the catchment system and providing advice on the catchment system, and

(ii) encouraging the protection, and where appropriate, the restoration of the catchment system, and

(iii) promoting and facilitating the ecologically sustainable use, development and management of natural resources, the flood plain and the built environment, and

## 1999 No 488

Clause 4 Hawkesbury-Nepean Catchment Management Trust Regulation 1999

---

- (iv) fostering orderly and proper physical, environmental and socio-economic planning and management as the basis for the well-being of the people and all life within the Trust area, and
    - (v) creating community awareness of, and participation in, total catchment management,
  - (b) to co-ordinate activities relating to total catchment management in the Trust area.
- (2) The total catchment management purposes of the Trust are to be carried out in a manner that is consistent with and promotes the principles of ecologically sustainable development within the meaning of the *Local Government Act 1993*.

### 5 Trust area

- (1) The area in respect of which the Trust is established is:
- (a) the whole of the Nepean River system and catchment (excluding the catchment area above Pheasants Nest Weir and Broughtons Pass Weir), and
  - (b) that part of the Hawkesbury River system and catchment below the wall of the Warragamba Dam (excluding the catchment for the Lake Medlow and Greaves Creek Dams, the Lower, Middle and Upper Cascade Creek Dams and Woodford Creek Dam),
- being the area shown on the map (catalogue GS 844) held in the office of the Trust.
- (2) The map may be inspected by any person free of charge at any time when the office is open.

### 6 Functions relating to strategic planning

- (1) The Trust has the following functions:
- (a) to prepare a strategic plan for the Trust area,
  - (b) to submit the strategic plan before 1 September 2000 for the approval of the responsible Minister,
  - (c) to review the strategic plan, once it is approved by the responsible Minister, on an annual basis and to make recommendations to the responsible Minister in relation to any proposed changes to the plan,

- (d) to co-ordinate the implementation of the strategic plan in the Trust area,
  - (e) to report on the implementation of the strategic plan in its annual report.
- (2) The strategic plan is to be prepared in consultation with such government agencies, local government councils or members of the community (including Aboriginal communities), or with such other persons, groups or bodies, as the Trust considers appropriate.
- (3) The functions referred to in this clause are prescribed for the purposes of section 27 (1) (h) of the Act.
- (4) Nothing in this clause affects the requirements under the Act in relation to the corporate plan of the Trust.

## 7 Additional functions

- (1) The Trust has the following functions:
- (a) to engage in such educational, marketing, conflict mediation and other activities as are described in the strategic plan,
  - (b) to give advice on, and make representations in respect of, the development of:
    - (i) any environmental planning instrument under the *Environmental Planning and Assessment Act 1979* that relates to the Trust area, and
    - (ii) any other statutory instrument, or legislative proposal, that relates to natural resource and environmental management in the Trust area,
  - (c) to provide assistance to the consent and determining authorities that are responsible for granting development consent or other approvals in relation to development or activities in the Trust area (such as providing advice on any consent guidelines and model approval conditions),
  - (d) to facilitate and coordinate the monitoring and evaluation of the state of natural resource and environmental management in the Trust area,
  - (e) to prepare a report every 4 years (the *state of the environment report*) on the state of natural resources in the Trust area and the environmental and catchment management conditions in the Trust area,

**1999 No 488**

Clause 7 Hawkesbury-Nepean Catchment Management Trust Regulation 1999

---

- (f) to ensure that the state of the environment report includes, without limiting the range of matters to be included in the report, the following matters:
  - (i) the extent of natural vegetation in the Trust area,
  - (ii) the extent and type of development on the floodplain up to the limit of the 1 in 100 year flood level,
  - (iii) the amount of water removed and returned under licence each year in the Trust area,
  - (iv) the amount of blue-green algae outbreaks, and the extent of water pollution, in the Trust area,
- (g) to prepare the state of the environment report in conjunction with the reports prepared under section 428 (2) (c) of the *Local Government Act 1993* by the local government councils in the Trust area,
- (h) to provide the state of environment report to the responsible Minister, and to make it publicly available when it is approved by the responsible Minister,
- (i) to facilitate and coordinate the assessment and evaluation (by government agencies, local government councils, members of the community, including Aboriginal communities, and other relevant persons and bodies) of catchment conditions in the Trust area,
- (j) to make recommendations that are consistent with its total catchment management purposes to government agencies, local government councils, members of the community (including Aboriginal communities) and other relevant persons and bodies,
- (k) to develop, with government agencies, local government councils, members of the community (including Aboriginal communities) and other relevant persons and bodies, collaborative ventures that are designed to contribute to the objectives of total catchment management,
- (l) to facilitate co-operative natural resource outcomes in the Trust area in accordance with the strategic plan,
- (m) to promote investment in natural resource and environmental management in accordance with the strategic plan,

- (n) to maintain effective liaison with government agencies, local government councils, members of the community (including Aboriginal communities) and other relevant persons and bodies,
  - (o) to report to the responsible Minister each year in its annual report on the Trust's role in improving the responsibility of government agencies, local councils and relevant persons and bodies in meeting the objectives of total catchment management,
  - (p) to report to the responsible Minister each year in its annual report on its performance over the year (as measured against such indicators as are agreed on by the Minister and the Trust).
- (2) The functions referred to in this clause are prescribed for the purposes of section 27 (1) (h) of the Act.

## **8 Repeal**

- (1) The *Hawkesbury-Nepean Catchment Management Trust Regulation 1993* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Hawkesbury-Nepean Catchment Management Trust Regulation 1993*, had effect under that Regulation continues to have effect under this Regulation.

BY AUTHORITY

---