



New South Wales

# Sydney Water Catchment Management Amendment Regulation 2012

under the

Sydney Water Catchment Management Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Water Catchment Management Act 1998*.

KATRINA HODGKINSON, MP  
Minister for Primary Industries

## Explanatory note

The objects of this Regulation are:

- (a) to provide that it is an offence for a person to carry out an activity in a special area or controlled area with the consent of the Sydney Catchment Authority otherwise than in accordance with the conditions of any such consent, and
- (b) to identify part of the Shoalhaven Catchment Area as Schedule 1 land. Clause 20 of the *Sydney Water Catchment Management Regulation 2008* prohibits certain activities on Schedule 1 land (such as camping or fishing in water on any such land), and
- (c) to remove references to certain areas that are no longer special areas, and
- (d) to provide that the supply of water to Goulburn Mulwaree Council is a function of the Sydney Catchment Authority, and
- (e) to update a reference to the current determination by the Independent Pricing and Regulatory Tribunal relating to fees chartable by the Sydney Catchment Authority.

This Regulation is made under the *Sydney Water Catchment Management Act 1998*, including sections 16 (1) (b), 24E, 48, 52 and 74 (the general regulation-making power).

## **2012 No 251**

Clause 1 Sydney Water Catchment Management Amendment Regulation 2012

---

# **Sydney Water Catchment Management Amendment Regulation 2012**

under the

Sydney Water Catchment Management Act 1998

### **1 Name of Regulation**

This Regulation is the *Sydney Water Catchment Management Amendment Regulation 2012*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

---

## **Schedule 1      Amendment of Sydney Water Catchment Management Regulation 2008**

### **[1]    Clauses 9 and 9A**

Omit clause 9. Insert instead:

#### **9    SCA's consent**

- (1) A person does not commit an offence under this Part (other than an offence under this section or under sections 16, 17 or 18) by reason of anything done with the consent of the SCA.
- (2) A person who does anything in a special area or a controlled area with the consent of the SCA, must comply with the conditions, if any, to which the consent is subject.  
Maximum penalty: 400 penalty units in the case of a corporation or 200 penalty units in the case of an individual.
- (3) A consent granted by a body other than the SCA, including a consent granted by Sydney Water Corporation, is not, for the purposes of this Regulation, to be taken as the consent of the SCA.

#### **9A    Manner of consent**

- (1) The SCA may grant consent:
  - (a) by a sign or notice displayed on the land or part of the land to which the sign or notice relates, or
  - (b) by written notification to a person.
- (2) Consent granted by a sign or notice displayed on the land or part of the land to which the sign relates may be granted:
  - (a) either generally or in a particular case, and
  - (b) to a particular person or to a class of persons, and
  - (c) either unconditionally or subject to the conditions specified in the sign or notice, and
  - (d) either for a specified period of time or until such time as the consent is revoked.
- (3) Consent granted by written notification to a person may be granted:
  - (a) either unconditionally or subject to the conditions specified in the written notification, and
  - (b) either for a specified period of time or until such time as the consent is revoked.

## 2012 No 251

Sydney Water Catchment Management Amendment Regulation 2012

Schedule 1 Amendment of Sydney Water Catchment Management Regulation 2008

---

- (4) Consent granted by written notification to a person may be revoked or varied at any time by further written notification to the person.

**[2] Clause 29 Prescribed local councils**

Insert at the end of clause 29:

Goulburn Mulwaree Council

**[3] Clause 30 Fees**

Omit “Determination No 7, 2005, made under the *Independent Pricing and Regulatory Tribunal Act 1992* and published in Gazette No 120 of 30 September 2005 at pages 8142 to 8152” from clause 30 (1).

Insert instead “Determination No 3, 2009, made under the *Independent Pricing and Regulatory Tribunal Act 1992* and published in Gazette No 90 of 19 June 2009 at pages 3410 to 3422”.

**[4] Schedule 1 Schedule 1 land**

Omit paragraph (i) under the heading “Special Areas”.

**[5] Schedule 1 (k)**

Insert after paragraph (j) under the heading “Special Areas”:

- (k) part of the Shoalhaven Catchment Area as proclaimed in Gazette No 14 of 8 February 1974 (being that part shown speckled and edged heavy black on the map marked “Shoalhaven Schedule 1 Special Area Tallowa Dam Fishway” deposited in the office of the SCA).

**[6] Schedule 2 Schedule 2 land**

Omit paragraph (d).

**[7] Schedule 3 Penalty notice offences**

Insert before the matter relating to clause 11 (1) under the heading “Offences under this Regulation” in Columns 1, 2 and 3 respectively:

Clause 9 (2)	\$750	\$1,500
--------------	-------	---------