

# Sydney Water Catchment Management (General) Regulation 2000

[2000-320]



New South Wales

## Status Information

### Currency of version

Repealed version for 20 December 2002 to 31 August 2008 (accessed 26 November 2024 at 6:53)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2008.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2008

# Sydney Water Catchment Management (General) Regulation 2000



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of Regulation .....	4
2 Commencement .....	4
3 Definitions .....	4
4 Notes .....	6
<b>Part 2 Regulation of conduct generally in special areas and controlled areas</b> .....	6
5 Application of Part 2 .....	6
6 No interference with water .....	6
7 Control of pollution and disease in special areas and controlled areas .....	6
8 Stock control in special areas and controlled areas .....	7
9 Requirement to state name and address .....	8
10 Information requested by authorised person .....	8
11 Investigation of suspected contraventions .....	8
12 Removal of certain persons .....	9
13 Fees and charges .....	9
<b>Part 3 Additional regulation of conduct in certain special areas and controlled areas</b> .....	10
14 Part 3 not exhaustive .....	10

15	Meaning of “Schedule 1 land” and “Schedule 2 land” .....	10
16	Entry on Schedule 1 land.....	10
17	Gates to Schedule 1 land and Schedule 2 land not to be opened .....	11
18	No fishing on Schedule 1 land .....	11
19	Certain conduct prohibited on Schedule 1 land and Schedule 2 land.....	11
20	Use of water on Schedule 1 land and Schedule 2 land .....	12
21	No camping on Schedule 1 land .....	12
22	Lighting of fires on Schedule 1 land .....	13
23	Lighting of fires on Schedule 2 land .....	13
24	Pesticides and pest control on Schedule 1 land and Schedule 2 land.....	14
25	No interference with flora or fauna on Schedule 1 land and Schedule 2 land .....	14
26	Animal husbandry on Schedule 1 land and Schedule 2 land .....	15
	<b>Part 4 Miscellaneous</b> .....	16
27	Notice by public agencies.....	16
28	Authority’s consent .....	16
29	Exercise of park authority’s functions .....	16
29A	Prescribed local councils .....	16
29B	Fees.....	16
30	Penalty notices .....	17
31	Short descriptions.....	17
32	Repeal .....	18
	<b>Schedule 1 Schedule 1 land</b> .....	18
	<b>Schedule 2 Schedule 2 land</b> .....	19
	<b>Schedule 3 Penalty notice offences</b> .....	19

# Sydney Water Catchment Management (General) Regulation 2000



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Sydney Water Catchment Management (General) Regulation 2000*.

### 2 Commencement

This Regulation commences on 1 July 2000.

### 3 Definitions

In this Regulation:

**Agvet Code** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

**authorised person** means any of the following:

- (a) an employee of the Authority,
- (b) an officer of the National Parks and Wildlife Service,
- (c) a person authorised in writing by the Authority,
- (d) a police officer.

**Authority** means the Sydney Catchment Authority.

**Authority land** means land owned by or vested in the Authority.

**controlled area** has the same meaning as in the Act.

**Crown land** means:

- (a) Crown land within the meaning of the *Crown Lands Act 1989*, or
- (b) land reserved as a national park under section 33 of the *National Parks and Wildlife*

*Act 1974*, or

- (c) State recreation areas and nature reserves within the meaning of the *National Parks and Wildlife Act 1974*, or
- (d) land that is declared as wilderness area under the *Wilderness Act 1987* or the *National Parks and Wildlife Act 1974* (but only if that land is vested in a Minister of the Crown or a public authority).

**environment protection licence** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

**pesticide** means:

- (a) an agricultural chemical product within the meaning of the Agvet Code, or
- (b) a veterinary chemical product (within the meaning of the Agvet Code) that is represented as being suitable for, or is manufactured, supplied or used for, the external control of ectoparasites of animals.

**Note—**

The Agvet Code defines an “agricultural chemical product” to be a substance or a mixture of substances that is represented, imported, manufactured, supplied or used as a means of directly or indirectly:

- (a) destroying, stupefying, repelling, inhibiting the feeding of, or preventing infestation by or attacks of, any pest in relation to a plant, a place or a thing, or
- (b) destroying a plant, or
- (c) modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity, or
- (d) modifying an effect of another agricultural chemical product, or
- (e) attracting a pest for the purpose of destroying it.

The term also includes herbicides and insect repellants for use on human beings.

**pollute waters** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

**private land** means land other than:

- (a) Authority land, or
- (b) Crown land.

**special area** has the same meaning as in the Act.

**the Act** means the *Sydney Water Catchment Management Act 1998*.

**vehicle** includes:

- (a) any apparatus drawn or propelled wholly or partly by an animal, volatile spirit, steam, gas, oil, electricity or wind and that is wholly or partly used for the conveyance of persons or things, and
- (b) any trailer or caravan, whether or not it is in the course of being towed, and
- (c) any motor vehicle, motor carriage or motor cycle, and
- (d) any cycle.

**waste** has the same meaning as in the [Waste Minimisation and Management Act 1995](#).

#### **4 Notes**

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## **Part 2 Regulation of conduct generally in special areas and controlled areas**

### **5 Application of Part 2**

This Part (clause 11 excepted) applies to all special areas and controlled areas and to any part of a special area or controlled area.

### **6 No interference with water**

- (1) A person must not dam, divert or take any water that:
  - (a) is water from which the Authority draws its supply or that is available for supply by the Authority, and
  - (b) is located in a special area or a controlled area.

Maximum penalty: 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) by reason of anything done:
  - (a) with the Authority's consent and in accordance with any conditions of the consent, or
  - (b) with other lawful authority, including (but not limited to) any authority arising under a right, licence, permit, authority or entitlement conferred or granted by or under the [Water Act 1912](#).

### **7 Control of pollution and disease in special areas and controlled areas**

- (1) A person must not:

- (a) bring into or leave in a special area or a controlled area any waste, or
  - (b) pollute waters in a special area or a controlled area.
- (2) A person does not commit an offence under subclause (1) by reason of anything done:
- (a) with the Authority's consent and in accordance with any conditions of the consent, or
  - (b) in accordance with a licence granted under the *Protection of the Environment Operations Act 1997*.
- (3) The owner or occupier of land in a special area or controlled area must not erect, install or operate any on-site sewage management facility on the land unless the person does so in accordance with:
- (a) a development consent granted under the *Environmental Planning and Assessment Act 1979*, or
  - (b) an approval granted under the *Local Government Act 1993*, or
  - (c) an environment protection licence granted under the *Protection of the Environment Operations Act 1997*.
- (4) A person must comply with any direction given by the Authority or an authorised person for:
- (a) the disposal of any pollutant or waste in a special area or a controlled area, or of any other substance that is in a special area or a controlled area and that the Authority considers may detrimentally affect any water in the area, or
  - (b) the removal of any such pollutant, waste or other substance from a special area or controlled area.

Maximum penalty (subclauses (1), (3) and (4)): 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

## **8 Stock control in special areas and controlled areas**

- (1) The owner or person in charge of any stock must ensure that the stock does not enter any Crown land, or Authority land, in a special area or a controlled area.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) if the Authority has approved the entry of the stock to the land concerned.
- (3) An authorised person may take any of the following actions if stock enters any such

land without the Authority's approval:

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

(4) 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 Authority for all costs incurred by the Authority as a result of the action being taken, and
- (b) the Authority may recover the amount of those costs from the owner or person in charge as a debt due to the Authority.

### **9 Requirement to state name and address**

(1) An authorised person who suspects on reasonable grounds that a person in a special area or a controlled area has committed an offence against the Act or this Regulation may require the person to state his or her full name and residential address.

(2) A person must not:

- (a) fail without reasonable cause to comply with a requirement under this clause, or
- (b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading in a material particular.

Maximum penalty: 5 penalty units.

(3) A person is not guilty of an offence under subclause (2) unless it is established that the authorised person warned the person that failure to comply with the requirement is an offence.

### **10 Information requested by authorised person**

A person must not give to an authorised person any information knowing it to be false or misleading in a material particular, in response to a request for information by the authorised person in the course of exercising the functions of an authorised person in relation to a special area or a controlled area.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

### **11 Investigation of suspected contraventions**

(1) This clause applies to all land (other than private land) in a special area or a controlled area.

(2) An authorised person who has reason to believe that a person on land to which this



clause applies has in his or her possession or control, in contravention or because of a contravention or intended contravention of this Regulation, any matter or thing may direct 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 in the person's possession or control available for inspection by the authorised person for the purpose of investigating the suspected contravention or intended contravention.

(3) A person given a direction referred to in subclause (2) must comply with it.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

## **12 Removal of certain persons**

(1) This clause applies to all land (other than private land) in a special area or a controlled area.

(2) A person who contravenes any provision of the Act or this Regulation on land to which this clause applies must leave the land concerned immediately when requested to do so by an authorised person.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

(3) A person who fails to comply with such a request may be removed from the land concerned by an authorised person.

(4) Reasonable force (including by means of passive restraints) may be used to effect the person's removal.

(5) A person who leaves or is removed from on land to which this clause applies under this clause must remove any equipment, vehicle or animal, or any other item belonging to or associated with the person from the land concerned.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

(6) A person is not guilty of an offence against this clause unless it is established that the authorised person warned the person that the failure to comply with the request is an offence.

## **13 Fees and charges**

(1) The Authority may from time to time determine the fees or charges payable in respect of the entry by persons or vehicles on such Authority land as constitutes a special

area or a controlled area or any part of a special area or controlled area.

- (2) A person who is liable to pay fees or charges so determined may be denied entry to the land concerned unless the fees or charges are paid on request by an authorised person.
- (3) An authorised person may direct a person who has entered such land without paying the relevant fees or charges to leave the land.
- (4) A person given a direction referred to in subclause (3) must comply with it.

Maximum penalty: 5 penalty units.

### **Part 3 Additional regulation of conduct in certain special areas and controlled areas**

#### **14 Part 3 not exhaustive**

This Part does not limit the operation of any other provision of this Regulation in the provision's application to any land referred to in this Part.

#### **15 Meaning of "Schedule 1 land" and "Schedule 2 land"**

In this Part:

- (a) a reference to Schedule 1 land is a reference to so much of the land identified in Schedule 1 as is not private land, and
- (b) a reference to Schedule 2 land is a reference to so much of the land identified in Schedule 2 as is not private land.

#### **16 Entry on Schedule 1 land**

A person must not enter or remain on any Schedule 1 land except:

- (a) with the Authority's consent, and
- (b) in compliance with any conditions of the consent.

Maximum penalty for an offence under paragraph (a): 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

Maximum penalty for an offence under paragraph (b): 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

#### **Note—**

It is not an offence under this Regulation to enter or remain on Schedule 2 land.

### **17 Gates to Schedule 1 land and Schedule 2 land not to be opened**

- (1) A person must not open any gate on or to Schedule 1 land or Schedule 2 land.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

- (2) A person must not remove any barrier to entrance to Schedule 1 land or Schedule 2 land.

Maximum penalty: 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

- (3) A person must not pass around any gate on or to, or any barrier to entrance to, Schedule 1 land or Schedule 2 land.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

- (4) A person does not commit an offence under this clause by reason of anything done with the Authority's consent and in accordance with any conditions of the consent.

### **18 No fishing on Schedule 1 land**

A person must not fish in any water on Schedule 1 land.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

#### **Note—**

It is not an offence under this Regulation to fish in water on Schedule 2 land.

### **19 Certain conduct prohibited on Schedule 1 land and Schedule 2 land**

- (1) A person must not:

- (a) drive or ride any vehicle or lead or ride any animal onto or on Schedule 1 land or Schedule 2 land, or
- (b) bring onto or have in the person's possession on Schedule 1 land or Schedule 2 land any plant or part of a plant, or any animal, or
- (c) bring onto or have in the person's possession on Schedule 1 land or Schedule 2 land any firearm or other prohibited weapon (within the meaning of the [National Parks and Wildlife Act 1974](#)) unless the person is a police officer acting in connection with the performance of that person's duties as such an officer, or
- (d) land any aircraft (including an ultra-light aircraft, hang-glider and balloon) on Schedule 1 land or Schedule 2 land, or

- (e) sell or offer for sale any goods on or by any public road on Schedule 1 land or Schedule 2 land, or
- (f) damage, disturb or otherwise interfere with any rain gauge, animal trap, baits or plant rehabilitation measure (such as seedlings, matting or survey pegs and tapes marking out rehabilitation areas) on Schedule 1 land or Schedule 2 land.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) by reason of anything done with the Authority's consent and in accordance with any conditions of the consent.

## **20 Use of water on Schedule 1 land and Schedule 2 land**

- (1) A person must not:

- (a) swim in water on Schedule 1 land, or
- (b) use any boat or other water-borne craft on water on Schedule 1 land or Schedule 2 land, or
- (c) wash in water on Schedule 1 land or Schedule 2 land, or
- (d) cause any animal, animal matter, plant or plant matter to enter or remain in water on Schedule 1 land or Schedule 2 land.

Maximum penalty: 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) by reason of anything done with the Authority's consent and in accordance with any conditions of the consent.

- (3) Despite subclause (1), a person may:

- (a) use, on water on Schedule 2 land, any boat or other water-borne craft that is propelled solely by human power or the wind, and
- (b) take, on Schedule 2 land, such amount of water as is necessary for the person's use (including use for the purpose of washing) while on that land.

### **Note—**

It is not an offence under this Regulation to swim in water on Schedule 2 land.

## **21 No camping on Schedule 1 land**

- (1) A person must not camp on Schedule 1 land.

Maximum penalty: 100 penalty units in the case of a body corporate or 10 penalty

units in any other case.

- (2) A person does not commit an offence under subclause (1) by reason of anything done with the Authority's consent and in accordance with any conditions of the consent.

**Note—**

It is not an offence under this Regulation to camp on Schedule 2 land.

**22 Lighting of fires on Schedule 1 land**

- (1) A person must not light a fire on Schedule 1 land.

Maximum penalty: 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

- (2) A person does not commit an offence under this clause by reason of anything done with the Authority's consent and in accordance with any conditions of the consent.

**23 Lighting of fires on Schedule 2 land**

- (1) A person must not on any Schedule 2 land (whether or not it is land to which subclause (2) applies):

(a) light, maintain or use a fire in the open:

(i) if there are public fireplaces—elsewhere than in such a fireplace, or

(ii) if there are no public fireplaces—elsewhere than in a temporary fireplace situated at least 4.5 metres from any log or stump and at least 1.5 metres from any other flammable material, or

(iii) in any case—in contravention of a notice posted by the Authority or the National Parks and Wildlife Service regulating the use of fire on that land, or

(b) leave unattended any fire that the person has lit, maintained or used, or

(c) fail to call for help to control or extinguish a fire that the person has lit, maintained or used and that is beyond the person's power to control or extinguish, or

(d) handle any inflammable substance (such as petrol, matches or cigarettes) in a manner that is likely to cause a fire.

- (2) If any part of Schedule 2 land has been declared under section 8 of the [Wilderness Act 1987](#) to be a wilderness area, a person must not light a fire in the wilderness area unless the fire is lit in accordance with:

(a) any provision of that Act (or of regulations made under that Act) relating to the lighting of fires in wilderness areas, or

(b) the terms of any wilderness protection agreement (within the meaning of that Act)

or conservation agreement (within the meaning of the *National Parks and Wildlife Act 1974*) that contains terms relating to the lighting of fires in the wilderness area concerned.

Maximum penalty (subclauses (1) and (2)): 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

- (3) This clause applies to Schedule 2 land whether or not the land has been dedicated or reserved under the *National Parks and Wildlife Act 1974*.
- (4) A person does not commit an offence under this clause by reason of anything done with the Authority's consent and in accordance with any conditions of the consent.

#### **24 Pesticides and pest control on Schedule 1 land and Schedule 2 land**

(1) A person must not:

- (a) bring onto, or use or keep on, Schedule 1 land or Schedule 2 land any pesticide, or
- (b) take steps to control or eradicate by the use of pesticides any feral animal, animal pest or noxious weed on Schedule 1 land or Schedule 2 land.

Maximum penalty: 50 penalty units in the case of a body corporate or 5 penalty units in any other case.

(2) A person does not commit an offence under subclause (1):

- (a) by reason of anything done with the Authority's consent and in accordance with any conditions of the consent, or
- (b) by reason of the person bringing onto, or using or keeping on, Schedule 1 land or Schedule 2 land, quantities of pesticide solely for household or domestic purposes, or
- (c) by reason of any thing done in accordance with an environment protection licence in force under the *Protection of the Environment Operations Act 1997*.

(3) Nothing in subclause (2) is to be taken to authorise a person to use a pesticide in contravention of the *Pesticides Act 1999*.

#### **25 No interference with flora or fauna on Schedule 1 land and Schedule 2 land**

(1) A person must not:

- (a) damage any tree or part of a tree on Schedule 1 land or Schedule 2 land or remove any tree or part of a tree from such land, or
- (b) damage or pick any plant or part of a plant on Schedule 1 land or Schedule 2 land or remove any plant or part of a plant from such land, or

(c) remove any rock, soil, sand, stone or similar substance from Schedule 1 land or Schedule 2 land, or

(d) destroy, capture, injure, annoy or interfere with any animal, or interfere with the habitat of any animal, on Schedule 1 land or Schedule 2 land.

Maximum penalty: 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

(2) A person does not commit an offence under subclause (1) by reason of anything done with the Authority's consent and in accordance with any conditions of the consent.

(3) In this clause:

**animal** means any aquatic or terrestrial animal.

**plant** means any aquatic or terrestrial plant and includes a shrub.

## **26 Animal husbandry on Schedule 1 land and Schedule 2 land**

(1) This clause applies to all land identified in Schedule 1 or Schedule 2 (including private land).

(2) A person must not, within 100 metres of any stream, reservoir or water course on land to which this clause applies, erect, maintain or use any cow yard, poultry house, animal feed lot, stockyard or stable.

(3) A person must not, on land to which this clause applies, maintain, use or erect any structures for any intensive animal feed lot, intensive poultry operation, trout farm or other concentrated animal husbandry activity identified by the Authority by publication of a notice in the Gazette as a hazard to water to be supplied by the Authority.

(4) A person must not:

(a) leave the carcass of a dead animal, or cause or permit the carcass of a dead animal to be left, or

(b) bury, or otherwise dispose of, the carcass of a dead animal, or cause or permit the carcass of a dead animal to be buried or disposed of,

on, in or within 100 metres of any stream, reservoir or water course on land to which this clause applies.

Maximum penalty (subclauses (2), (3) and (4)): 100 penalty units in the case of a body corporate or 10 penalty units in any other case.

(5) A person does not commit an offence under this clause by reason of anything done with the Authority's consent and in accordance with any conditions of the consent.

## **Part 4 Miscellaneous**

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

Notice given to the Authority for the purposes of section 47 (1) of the Act:

- (a) must be in writing, and
- (b) must be served on the Authority by post addressed to the Authority or by lodging it at an office of the Authority), and
- (c) must contain a full description of the functions proposed to be exercised and a statement of the objectives of the exercise of those functions, and
- (d) must give at least 28 days notice of the commencement of the exercise of those functions.

### **28 Authority's consent**

- (1) The consent of the Authority may be granted in any one or more of the following ways:
  - (a) by means of a written statement,
  - (b) by means of a sign or notice displayed on the land or part of the land to which the sign or notice relates,
  - (c) in the form of a licence, permit, approval or other form of authorisation.
- (2) Such a consent may be given:
  - (a) either generally or in a particular case, and
  - (b) either unconditionally or subject to conditions.

### **29 Exercise of park authority's functions**

Any function that is conferred on the Authority by this Regulation may be exercised by the Authority or by any person authorised by the Authority to exercise that function.

#### **29A Prescribed local councils**

The following local councils are prescribed for the purposes of section 16 (1) (b) of the Act:

Wingecarribee Shire Council

Shoalhaven City Council

#### **29B Fees**

- (1) For the purposes of section 24E of the Act, the fees chargeable by the Authority:



- (a) for water supplied to prescribed local councils, as referred to in section 16 (1) (b) of the Act, and
- (b) for water supplied to other persons and bodies, as referred to in section 16 (1) (c) of the Act,

are the fees fixed in that regard by the Independent Pricing and Regulatory Tribunal in Determination No 10, 2000, made under the *Independent Pricing and Regulatory Tribunal Act 1992* and published in Gazette No 125 of 22 September 2000 at pages 10,778 to 10,787.

- (2) The Authority may waive, reduce or remit any such fee in such circumstances as it considers appropriate.

### **30 Penalty notices**

For the purposes of section 65 of the Act:

- (a) each offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 3 is declared to be a penalty notice offence, and
- (b) the prescribed penalty for such an offence is:
  - (i) the amount specified in Column 3 of Schedule 3, or
  - (ii) if the person alleged to have committed the offence is a corporation, and if a greater amount is specified in Column 4 of Schedule 3, the amount specified in Column 4 of Schedule 3.

### **31 Short descriptions**

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 3 consists of:
  - (a) if one or more IPB codes are set out in relation to the offence in Columns 5 and 6 of Schedule 3, any of those IPB codes together with:
    - (i) the text set out in relation to the offence in Column 2 of Schedule 3, or
    - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
  - (b) if no IPB code is set out in relation to the offence in Columns 5 and 6 of Schedule 3:
    - (i) the text set out in relation to the offence in Column 2 of Schedule 3, or
    - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.

- (2) For the purposes of any proceedings for an offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 3, the prescribed expression is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (5) In this clause:

***Infringement Processing Bureau*** means the Infringement Processing Bureau within the Police Service.

***IPB Code***, in relation to an offence, means the code allocated to the offence by the Information Processing Bureau.

## **32 Repeal**

- (1) The *Sydney Water Catchment Management (Transitional Arrangements) Regulation 1999* is repealed.
- (2) Any act, matter or thing that was done for the purposes of or, immediately before the repeal of the *Sydney Water Catchment Management (Transitional Arrangements) Regulation 1999*, had effect under that Regulation is taken to have been done for the purposes of or to have effect under this Regulation.

## **Schedule 1 Schedule 1 land**

(Clauses 14-26)

### **Special Areas**

The following special areas, being portions of land, as shown coloured pink on the map marked "Schedule 1 Areas" deposited in the offices of the Authority:

- (a) the area of land surrounding the stored water in Lake Burragorang extending from the full supply level of the lake for a distance of 3 kilometres,
- (b) the catchment areas of Broughton's Pass Weir, Pheasant's Nest Weir and Woronora Dam to the extent that they are not contained in the proclamations referred to in paragraphs (c) and (d),
- (c) Metropolitan Catchment Area as proclaimed in Gazette No 79 of 13 July 1923 and amended by proclamation published in Gazette No 79 of 26 May 1933,

- (d) Woronora Catchment Area as proclaimed in Gazette No 37 of 21 March 1941,
- (e) Richmond Catchment Area as proclaimed in Gazette No 113 of 8 October 1971,
- (f) Wingecarribee Catchment Area as proclaimed in Gazette No 156 of 14 December 1973,
- (g) Blackheath Special Area proclaimed 6 March 1991,
- (h) Katoomba Special Area proclaimed 6 March 1991,
- (i) Woodford Special Area proclaimed 6 March 1991.

### **Controlled areas**

The following controlled areas:

- (a) such of the Authority's land as contains water transfer structures (being canals, tunnels, pipelines, water mains or drainage channels) (being controlled areas),
- (b) Prospect Reservoir and the area of land surrounding the reservoir, as shown coloured red on the map marked "Prospect Reservoir, Controlled Area", dated 1 July 2000 and deposited in the offices of the Authority.

### **Excluded land**

So much of the land listed in this Schedule as consists of a part of the township of Nattai Village, Yerrinbool, Woodford or Medlow Bath (being the land identified as such on the map marked "Schedule 1 Areas" deposited at the office of the Authority) is excluded from this Schedule.

## **Schedule 2 Schedule 2 land**

(Clauses 14, 15, 17, 19, 20 and 23-26)

### **Special Areas**

The following special areas:

- (a) Fitzroy Falls Catchment Area as proclaimed in Gazette No 11 of 4 February 1977,
- (b) O'Hares Creek Catchment Area as proclaimed in Gazette No 51 of 14 April 1927 and amended by proclamation published in Gazette No 178 of 21 September 1934,
- (c) Shoalhaven Catchment Area as proclaimed in Gazette No 14 of 8 February 1974,
- (d) Warragamba Catchment Area as proclaimed in Gazette No 122 of 4 September 1942 and amended by proclamations published in Gazette Nos 1 of 1 January 1944 and 77 of 4 August 1944,

except the parts of those areas that are listed in Schedule 1.

## **Schedule 3 Penalty notice offences**

(Clauses 30 and 31)

### **Offences under the Act**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
-----------------	-----------------	-----------------	-----------------	-----------------	-----------------

<b>Offence</b>	<b>Short Description</b>	<b>Penalty (Individual)</b>	<b>Penalty (Corporation)</b>	<b>IPB Code (Individual)</b>	<b>IPB Code (Corporation)</b>
Section 63 (a)	Take/use/divert water	\$300	\$1000	9331	9361
Section 63 (b)	Alter index meter	\$300	\$1000	9332	9362
Section 64 (1)	Discharge substance into work	\$300	\$1000	9334	9363

**Offences under this Regulation**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Offence</b>	<b>Short Description</b>	<b>Penalty (Individual)</b>	<b>Penalty (Corporation)</b>	<b>IPB Code (Individual)</b>	<b>IPB Code (Corporation)</b>
Clause 8 (1)	Allow stock to enter Crown/Authority land in special/controlled area	\$300	\$1000	9334	9364
Clause 9 (2) (a)	Fail to state name and address	\$300		9335	
Clause 9 (2) (b)	Give false/misleading information	\$300		9336	
Clause 10	Give false/misleading information	\$300	\$1000	9337	9365
Clause 11 (3)	Fail to comply with direction	\$300	\$1000	9338	9366
Clause 12 (2)	Fail to leave special area/controlled area	\$300	\$1000	9339	9367
Clause 12 (5)	Fail to remove equipment/vehicle/animal/item from land	\$300	\$1000	9340	9368
Clause 16 (a)	Enter Schedule 1 land without consent	\$300	\$1000	9341	9369
Clause 16 (b)	Breach condition of consent	\$300	\$1000	9342	9370
Clause 17 (1)	Open gate on /to Schedule 1/2 land	\$300	\$1000	9343	9371
Clause 17 (2)	Remove barrier to entrance to Schedule 1/2 land	\$300	\$1000	9344	9372
Clause 17 (3)	Pass around gate/barrier on/to Schedule 1/2 land	\$300	\$1000	9345	9373
Clause 19 (1) (a)	Drive/ride/ lead vehicle/ animal onto/on Schedule 1/2 land	\$300	\$1000	9346	9374

Clause 19 (1) (b)	Bring plant/animal onto Schedule 1/2 land	\$300	\$1000	9347	9375
Clause 19 (1) (c)	Bring firearm/prohibited weapon onto Schedule 1/2 land	\$300	\$1000	9348	9376
Clause 19 (1) (d)	Land aircraft on Schedule 1/2 land	\$300	\$1000	9349	9377
Clause 19 (1) (e)	Sell goods on road on Schedule 1/2 land	\$300	\$1000	9350	9378
Clause 19 (1) (f)	Damage/disturb rain gauge/trap/bait/plant rehabilitation measure	\$300	\$1000	9351	9379
Clause 20 (1) (a)	Swim in water on Schedule 1 land	\$300	\$1000	9352	9380
Clause 20 (1) (b)	Use boat/watercraft on water on Schedule 1/2 land	\$300	\$1000	9353	9381
Clause 20 (1) (c)	Wash in water on Schedule 1/2 land	\$300	\$1000	9354	9382
Clause 20 (1) (d)	Cause animal/plant /matter to enter/remain in water on Schedule 1/2 land	\$300	\$1000	9355	9383
Clause 21 (1)	Camp on Schedule 1 land	\$300	\$1000	9356	9384
Clause 22 (1)	Light fire on Schedule 1 land	\$300	\$1000	9357	9385
Clause 25 (1)	Interfere with flora/fauna on Schedule 1/2 land	\$300	\$1000	9358	9386
Clause 26 (4) (a)	Leave carcass within 100m of stream/reservoir/watercourse	\$300	\$1000	9359	9387
Clause 26 (4) (b)	Fail to dispose of carcass	\$300	\$1000	9360	9388