



## NSW Legislative Council Hansard

### Sydney Water Catchment Management Amendment (Warragamba) Bill

Extract from NSW Legislative Council Hansard and Papers Thursday 16 November 2006.

#### Second Reading

**The Hon. JOHN DELLA BOSCA** (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [7.07 p.m.]: I move:

That this bill be now read a second time.

The Sydney Water Catchment Management Amendment (Warragamba) Bill allows for a minor change to the Sydney Water Catchment Management Act to de-proclaim a portion of the Warragamba Special Area. As the speech is fairly lengthy and has been delivered in the other place, I seek leave to incorporate it in *Hansard*.

#### Leave granted.

The Sydney Water Catchment Management (Amendment) Bill allows for a minor change to the Sydney Water Catchment Management Act to de-proclaim a portion of the Warragamba Special Area.

The amendment is necessary as a Sydney Catchment Authority Special Area can only be repealed by an Act of Parliament. The change is important because it will allow the local council to access Sydney Catchment Authority (SCA) land that could provide valuable recreational opportunities to the local community. It will also streamline regulatory process as this land is currently being regulated to protect water quality even though the land is downstream of any water storage facilities.

Special Areas are tracts of land adjacent to Sydney Catchment Authority's dams. The SCA regulates access and other activities on these lands to protect the quality of the water in the dam, or to maintain ecological integrity. Restrictions on access and activities in Special Areas only apply to land owned by the SCA or the Crown and do not apply to privately owned land.

When the Warragamba Special Area was proclaimed in 1942 it included the protection of a catchment area surrounding Warragamba Weir. The Weir was part of the Warragamba Emergency Supply Scheme built in the 1940s as an emergency measure during the 1934 to 1942 drought and it continued to be used during the construction of Warragamba Dam.

Warragamba Weir is downstream of Warragamba Dam and has since been decommissioned. This portion of the Warragamba Special Area is an historical legacy as the Weir is no longer used as a water supply source, and the area is outside the hydrological catchment because it no longer drains to any water supply.

Let me reassure you that there is no intention to de-proclaim any Special Area lands upstream of the Warragamba Dam wall as these lands form part of the hydrological catchment that drains into Lake Burrangorang. These lands are vital for the protection of water quality in the lake and will remain Special Areas.

As I have mentioned, the bill has a very practical outcome as de-proclaiming this portion of the Warragamba Special Area means that the SCA can consider council's request to acquire an SCA picnic ground which is adjacent to the council's community recreation facilities.

The Council facilities include tennis courts and an oval. Council would then be in a position to be able to consider constructing a proposed community centre and to provide additional open space for community recreation activities. The aspirations of Council to provide additional facilities to the community are not possible under the current Special Areas classification.

As I raised earlier, de-proclaiming the Warragamba Special Area would also result in the removal of unnecessary regulation currently placed on the Warragamba community. The portion of the Warragamba Special Area to be de-proclaimed includes the townships of Warragamba and Silverdale. Special Area restrictions on access do not apply to privately owned land. However, some activities such as the operation of on-site sewage management systems and animal husbandry are regulated in Special Areas regardless of the ownership of the land, and this may have impacts for private landowners.

Under the Sydney Water Catchment Management Act access and other activity can be restricted by declaring a portion of land a Special Area because of its water quality or ecological value. The Act also allows for a Controlled Area classification. This classification places restrictions on access and other activities in order to

protect SCA infrastructure. In this way, the areas containing SCA infrastructure are subject to the same regulation as Special Areas.

Where the bill de-proclaims Warragamba Special Area land, and that land contains SCA infrastructure, the land will be declared a Controlled Area. This will occur under the SCA's existing regulation-making powers ensuring continued restricted access to those lands containing infrastructure.

The bill de-proclaims a portion of the Warragamba Special Area but lands with infrastructure necessary for water supply purposes will continue to be protected under the same regulatory powers that apply to Special Areas. The de-proclamation in no way affects the Special Area that forms the hydrological catchment and protects the water supply.

I commend the bill to the House.