



New South Wales

# Central Coast Drinking Water Catchments Protection Bill 2019

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are—

- (a) to protect the Central Coast drinking water catchments from mining and mining-related activities, and
- (b) to prohibit interference with water in those drinking water catchment areas.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** defines certain words and expressions used in the proposed Act. The proposed section defines *protected catchment area* to mean the following—

- (a) land within the Central Coast local government area,
- (b) land within the area of operations of the Central Coast Water Corporation within the meaning of the *Central Coast Water Corporation Act 2006*,
- (c) the area of land subject to the following current and former mining authorisations—
  - (i) exploration licence number EL6514 renewed on and from 24 October 2011,
  - (ii) exploration licence number EL4911 dated October 1995,
  - (iii) authorisation number A405 dated 1995,

- (d) the areas declared by the regulations to be the following—
- (i) the Mangrove Creek Dam catchment area,
  - (ii) the Mangrove Creek Weir catchment area,
  - (iii) the Mardi Dam catchment area,
  - (iv) the Mooney Mooney Dam catchment area,
  - (v) the Ourimbah Creek catchment area,
  - (vi) the Porters Creek catchment area,
  - (vii) the Wyong River catchment area.

**Clause 4** provides for the regulations to declare land where surface water drains to any of those dams to be within those catchment areas. The areas declared by the regulations must not be reduced in size, or the regulations repealed, unless authorised by an Act of Parliament. The clause also provides for the keeping of an inventory of land in protected catchment areas and for the resolution of disputes as to whether or not any particular land is land within a protected catchment area.

**Clause 5** cancels any mining authorisation granted in relation to land in a protected catchment, prohibits the grant or renewal of any such mining authorisation and prohibits the making of any changes to the conditions to which such a mining authorisation is subject.

**Clause 6** cancels any petroleum title granted in relation to land in a protected catchment area, prohibits the grant or renewal of any such petroleum title and prohibits the making of any changes to the conditions to which such a petroleum title is subject.

**Clause 7** provides that a planning approval is not to be given under the *Environmental Planning and Assessment Act 1979* in relation to development for the purposes of prospecting and mining activities on land in a protected catchment area.

**Clause 8** makes it an offence to take or use water, construct or use a water supply work, drainage work or flood work or carry out an activity that interferes with an aquifer on land in a protected catchment area. The proposed offences carry a maximum penalty of 45,500 penalty units in the case of a corporation and imprisonment for 2 years or 10,000 penalty units, or both, in the case of an individual (which is consistent with similar offences in the *Water Management Act 2000*). The offences do not operate if the land concerned is within a part of the State or a water source to which Part 2 or 3 of Chapter 3 of that Act applies.

**Clause 9** deals with proceedings for an offence under the proposed Act.

**Clause 10** enables the Governor to make regulations for the purposes of the proposed Act.

## **Schedule 1 Savings, transitional and other provisions**

**Schedule 1** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.