

Ref: D2016/16172

Mr Alex Allchin
Tracks and Access Officer
Bushwalking NSW
Email: ajallchin@gmail.com

Dear Mr Allchin,

Thank you for your email enquiry dated 2 February 2016 regarding the Warragamba Special Area Schedule 1 boundary. I apologise for the delay in replying.

As you are probably aware, Schedule 1 and 2 Special Area and Controlled Area lands surround water storages and water supply infrastructure. These areas protect Sydney's drinking water supply by acting as a buffer zone to help stop nutrients, pathogens and other substances, which may affect water quality, from entering the storages. Public access to parts of the Special Areas and all of the Controlled Areas are restricted under the Water NSW Regulation 2013 to reduce water quality risks. Schedule 1 Special and Controlled Areas are designated "no entry" and Schedule 2 Special Areas have restricted access, mainly for walking purposes.

The Water NSW Regulation 2013 allows walking within Schedule 2 Special Areas but not within Schedule 1 Special Areas. However, WaterNSW has provided consent under clause 10 (1)(a) of the Water NSW Regulation 2013, for walkers to pass through two walking corridors within the Schedule 1 Warragamba Special Area, as part of the Katoomba to Mittagong Walking Track.

To answer your enquiry we provide the following details on amendments and communications about the Schedule 1 boundary:

- In 2007 WaterNSW (previously Sydney Catchment Authority) became aware that the Warragamba Schedule 1 boundary did not reflect the wording contained in Schedule 1 (a) of the Sydney Water Catchment Management (General) Regulation 2000, which clearly described the boundary as 3 kilometres above the full supply level of the lake.
- The Minister at the time agreed that the boundary should accurately reflect the wording in the Regulation.
- WaterNSW updated the Schedule 1 boundary within the Warragamba Special Area to reflect the legal definition in the Regulation, locating the boundary 3 kilometres above the full supply level of the lake.
- WaterNSW published a revised "Special Areas - What you can and can't do" brochure in 2011, showing the accurate 3 kilometre boundary of the Warragamba Special Area. This brochure, as well as the interactive map, have been available on the WaterNSW website since this time.
- Further minor amendments were made to the wording of the Regulation in 2013 to confirm that land submerged by Lake Burragorang is also Schedule 1 land.

Attachment 1 shows the wording used in previous and current Regulations for the Warragamba Schedule 1 Special Area.

In summary, even though publicly available maps from before 2007 may have incorrectly shown the Schedule 1 boundary as less than 3 km from full supply level, the legal definition has been the 3 km mark for nearly 30 years.

You also referred to the NSW Government Gazette dated 30 November 2007, containing a declaration of the Warragamba Controlled Area. This relates to the *Sydney Water Catchment Management (Warragamba Controlled Area) Order 2007*, regarding the pipelines between Warragamba Dam and Prospect Reservoir, outside of the Warragamba Special Area. This does not include or affect the proclaimed Schedule 1 Warragamba Special Area land surrounding Lake Burragorang.

Thank you for bringing to our attention the incorrect use of the Warragamba Special Area boundary by the Blue Mountains South Outdoor Recreation Guide publication. WaterNSW will contact the publisher to request that they update the guide to reflect the correct boundary.

Please find enclosed a copy of the "Special Areas – What you can and can't do" brochure, which includes correct Schedule 1 and Schedule 2 boundaries. This brochure will be published in the near future as a WaterNSW publication, but with the same information and mapping.

If you have any questions please contact Lisa Crambrook, on 02 4724 2288 or email lisa.crambrook@waterNSW.com.au.

Yours sincerely



Mick O'Flynn
Manager Land and Catchments

12/4/16

Attachment 1 - Wording used in previous Regulations for the Warragamba Schedule 1 Special Area.

Schedule 1 of the Water Board (Special Areas) Regulation 1989, Sydney Water Catchment Management (General) Regulation 2000 (20 December 2002 to 31 August 2008) and Sydney Water Catchment Management Regulation 2008 (1 September 2008 2013 to 31 August 2013) all stated:

Schedule 1 land

Special areas

- (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.

Schedule 1 of the Sydney Water Catchment Management Regulation 2013 (1 September 2008 to 31 December 2014) remade as the Water NSW Regulation 2013 (1 January 2015 to current) states:

Schedule 1 land

Special areas

- (a) the area of land submerged by Lake Burragorang, together with the area of land that surrounds the lake extending from the edge of the lake to a point 3 kilometres above the full supply level of the lake.