

GLENNIES CREEK DAM ACT, 1979, No. 126

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 126, 1979.

An Act to sanction and provide for the construction of a dam across Glennies Creek, near Singleton, and of associated works; and to require the supply of water for certain purposes from the dam. [Assented to, 6th November, 1979.]

Glennies Creek Dam.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Glennies Creek Dam Act, Short title. 1979".

2. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"Commission" means the Water Resources Commission constituted under the Water Resources Commission Act, 1976;

"Electricity Commission" means The Electricity Commission of New South Wales constituted under the Electricity Commission Act, 1950;

"scheduled works" means the works described in Schedule 1, subject to such modifications and deviations as may be considered necessary or desirable by the Commission.

(2) The sites of the various works described in item 1 of Schedule 1 are as shown on the plan marked "Proposed Glennies Creek Dam", sealed with the seal of the Commission, deposited in the head office of the Commission and catalogued as "Drawing No. 20/1700".

3. (1) The carrying out of the scheduled works is hereby sanctioned. Scheduled works sanctioned.

(2) The Commission is empowered to carry out the scheduled works and for the purpose of so doing may do all such things, including entering into contracts, as it may consider necessary.

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Estimated cost not to be exceeded by more than 10 per cent.

Application of Public Works Act, 1912.

4. The cost of carrying out the scheduled works, which is estimated at \$30,000,000, shall not exceed that amount by more than 10 per cent.

5. (1) The scheduled works shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912 (in this section referred to as "the Act").

(2) For the purpose of the scheduled works, the Commission shall be the Constructing Authority within the meaning of the Act.

(3) The provisions of the Act, other than sections 34, 35, 36 and 37, shall apply to and in respect of the scheduled works.

(4) Without prejudice to the generality of the other provisions of this section, the provisions of section 38 of the Act shall apply to and in respect of a contract made or to be made under section 3 (2).

Supply of water to Electricity Commission and to Hunter District Water Board.

6. (1) In this section—

"prescribed day" means 1st January, 1985, or the day on which the works referred to in item 1 of Schedule 1 are so far constructed and brought into operation as to commence to control the waters of Glennies Creek, whichever day is the later;

"year" means a period of 12 months commencing on the prescribed day or on an anniversary of the prescribed day, as the case may require.

(2) On and from the prescribed day the Commission shall supply the Electricity Commission with the following minimum amount of water or, if the Electricity Commission requires less than that amount, with so much of that amount as the Electricity Commission requires :—

(a) 9 000 megalitres in the first year.

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- (b) 18 000 megalitres in the second year.
- (c) 27 000 megalitres in the third year.
- (d) 36 000 megalitres in each subsequent year.

(3) On and from the prescribed day the Commission shall supply the Hunter District Water Board with the following minimum amount of water or, if that Board requires less than that amount, with so much of that amount as that Board requires :—

- (a) 5 000 megalitres in the first year.
- (b) 6 000 megalitres in the second year.
- (c) 7 000 megalitres in the third year.
- (d) 8 000 megalitres in each subsequent year.

(4) Where because of drought or for any other cause the Commission is unable to supply the Electricity Commission or the Hunter District Water Board with the amount of water that it is required to supply in any year pursuant to subsection (2) or (3), as the case may be, the Commission shall supply so much of that amount as may be agreed upon between the Commission and, as the case may be, the Electricity Commission or the Hunter District Water Board.

(5) An amount of water that is required to be supplied under this section to the Electricity Commission shall be supplied subject to such conditions as may be agreed upon between the Commission and the Electricity Commission and—

- (a) may be taken, used or disposed of by the Electricity Commission by means of any work to which License No. 29089 held by the Electricity Commission under Part II of the Water Act, 1912, applies; or
- (b) shall, if the Electricity Commission so requires, be supplied from the Hunter River, Glennies Creek or any other tributary of the Hunter River at such place as may be agreed upon between the Commission and the Electricity Commission.

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(6) The Electricity Commission may use any work pursuant to subsection (5) (a) notwithstanding any term, limitation or condition to which the license referred to in that paragraph is subject.

(7) The amount of water required to be supplied under this section to the Electricity Commission is additional to any amount of water which it may take, use or dispose of pursuant to Part II of the Water Act, 1912, by means of any work referred to in subsection (5) (a) or any other work.

(8) Notwithstanding anything to the contrary in the Water Act, 1912, or this Act, neither the Electricity Commission nor the Hunter District Water Board is required to hold a license, authority or permit under the Water Act, 1912, in respect of the taking, use or disposal of any amount of water which the Commission is required to supply to it under this section, or in respect of the construction, erection or use of any work for the purpose of taking, using or disposing of that amount of water.

(9) An amount of water that is required to be supplied under this section to the Hunter District Water Board shall be supplied from the Hunter River, Glennies Creek or any other tributary of the Hunter River at such place and subject to such conditions as may be agreed upon between the Commission and the Hunter District Water Board.

Sec. 2.
SCHEDULE 1.
DESCRIPTION OF WORKS.

1. Works for or associated with the improvement of the supply of water in Glennies Creek for urban, industrial and irrigation purposes in the Hunter Valley and for augmenting the flow in the Hunter River and for making available a supply of water to the Electricity Commission and the Hunter District Water Board, comprising the construction of—

- (a) a dam across Glennies Creek, about 39 kilometres upstream of its junction with the Hunter River near Singleton, within the Parishes of Gotha and Shenstone, County of Durham, of a height sufficient to store about 284 000 megalitres of water;

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SCHEDULE 1—*continued.*

DESCRIPTION OF WORKS—*continued.*

- (b) spillway and outlet works for regulating the discharge of water from the storage; and
 - (c) works incidental to the works specified in paragraphs (a) and (b).
2. The construction of roads of access to the works referred to in item 1 and the borrow areas, quarries and disposal areas referred to in item 6.
 3. The relocation and reconstruction of existing roads and the relocation and re-establishment of other existing services rendered necessary by the carrying out of any works referred to in items 1 and 2.
 4. The construction or reconstruction of structures incidental to the works referred to in items 1, 2 and 3.
 5. Works necessary to prevent siltation within the storage and for the protection of the foreshores of the storage.
 6. The establishment of borrow areas for soil, sand and gravel and quarries for rock and aggregates required for carrying out the works referred to in items 1, 2, 3, 4, 5 and 7 and the establishment of disposal areas for spoil.
 7. Such works for the protection of the environment as may be deemed necessary or desirable by the Commission as a consequence of the carrying out of any of the works referred to in items 1 to 6.
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