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SPECIAL SUPPLEMENT

WATER MANAGEMENT ACT 2000

Order under Section 324 (1)

TEMPORARY WATER RESTRICTIONS

Lachlan Regulated River Water Source

PURSUANT to section 324 (1) of the Water Management Act 2000 ("the Act"), I, DAVID HARRISS, having delegated authority from the Minister for Water, on being satisfied that it is necessary to do so in the public interest to cope with a water shortage, do, by this Order, direct that the taking of water from the water source specified in Schedule 1, is prohibited and restricted as specified in Schedule 2.

Words defined in Schedule 3 of this Order have the meaning set out in that Schedule. Notes in the text of this Order do not form part of this Order.

This Order takes effect on the date that notice of the order is published in the *New South Wales Government Gazette* and will remain in force until 30th June 2010, unless it is repealed or modified by order before that date.

Signed at Sydney, this 9th day of November 2009.

DAVID HARRISS,
Commissioner for Water,
NSW Office of Water
Signed for the Minister for Water
(by delegation)

Note: It is an offence under section 336C of the Water Management Act 2000, to fail to comply with this direction. An individual found guilty of an offence under section 336C is liable to a penalty not exceeding \$247,500 and, in the case of a continuing offence, a further penalty not exceeding \$66,000 for each day the offence continues. A corporation found guilty of an offence under section 336C is liable to a penalty not exceeding \$1.1 million and, in the case of a continuing offence, a further penalty not exceeding \$132,000 for each day the offence continues.

SCHEDULE 1

This Order applies to the Lachlan Regulated River Water Source (as identified in the Water Sharing Plan for the Lachlan Regulated River Water Source 2003).

Note: The Water Sharing Plan for the Lachlan Regulated River Water Source 2003 remains suspended by order under section 49A of the Act.

SCHEDULE 2

1. Subject to paragraph 2, the taking of water pursuant to an access licence from any of the following parts of the water source specified in Schedule 1, is prohibited:

- a. downstream of the Office of Water monitoring site '412006' located on the Lachlan River at Condobolin Bridge, downstream of the confluence of the Lachlan River with Goobang Creek;

Note: This prohibition covers the whole of the Lachlan Regulated River Water Source located downstream of this monitoring site.

- b. Nerathong Creek from its confluence with Wallamundry Creek to its confluence with the Lachlan River;
 - c. Wallamundry Creek from its confluence with Island Creek to its confluence with the Wallaroi Creek;
 - d. Wallaroi Creek from its effluence with Wallamundry Creek to its confluence with the Lachlan River;
 - e. Jemalong Creek from its confluence with the Lachlan River to the southern boundary of Portion 18, Parish of Tallabung, County of Forbes;
 - f. Carrawabbity Creek to the northern boundary of Portion 148, Parish of Carrawabbity, County of Ashburnham, from its downstream junction with the Lachlan River.
2. Paragraph 1 does not apply if:
- a. a holder of an access licence has placed a **water order** with State Water Corporation; and
 - b. a River Operations Officer, Centre Valley, with State Water Corporation is satisfied that the **water order** is consistent with the **Emergency Water Protocol**, and has notified the holder of the access licence in writing that the **water order** is accepted; and
 - c. water is taken in accordance with that **water order**.
- Note: State Water Corporation will notify person(s) in writing (including by email or fax) if a water order is accepted. Until a person receives notification in writing from State Water Corporation, water must not be taken.
3. The taking of water from the water source specified in Schedule 1 under an access licence, or pursuant to a basic landholder right under section 52 of the Act, is restricted and prohibited as follows:
- a. the taking of water for domestic consumption is restricted in accordance with **Council Water Restrictions**; and
 Note: The effect of paragraph 3 (a) is that the taking of water for domestic purposes will be subject to the same restrictions imposed by Council for the local government area in which the taking of water is occurring will apply, provided that where different restrictions apply in the same local government area, the more limited restrictions will apply.
 - b. the taking of water for the purpose of stock watering, otherwise than through a pipe and to a trough, is prohibited; and
 Note: This prohibits the taking of water for stock purposes by the filling of an earth dam.
 - c. the taking of water for the purpose of stock watering is restricted to a maximum of 3 megalitres per landholding from the date this order takes effect until the 30th June 2010; and
 - d. the taking of water for domestic consumption or stock watering, using a water supply work with an inlet diameter greater than 50mm, is prohibited; and
 - e. the taking of water for the purpose of stock watering using a water supply work is prohibited unless the taking of water is recorded in a **logbook** and, before water is taken, the start time is entered into the **logbook** and when water ceases to be taken, the end time is entered into the **logbook**.
4. Paragraph 3 does not apply in the following circumstances, where a Manager of Licensing with the NSW Office of Water is satisfied:
- a. that a landholder's only means of continuing to take water is other than through a pipe to a trough and has made a determination in writing that the prohibition in paragraph 3 (b) does not apply to the landholder; or
 - b. that a landholder's requirements for stock watering are above 3 megalitres per landholding per water year and has made a determination in writing that the prohibition in paragraph 3 (c) does not apply to the landholder; or
 - c. that a landholder's only means of continuing to take water is through a water pump with an inlet diameter greater than 50mm and has made a determination in writing that the prohibition in paragraph 3 (d) does not apply to the landholder;
- and a copy of the determination is kept by the landholder at each location where water is taken.

SCHEDULE 3

Dictionary

Council Water Restrictions means the restrictions imposed pursuant to clause 137 of the Local Government (General) Regulation 2005 by the Council for the local government area in which the taking of water is occurring. Where different restrictions apply to different areas within the same local government area, the stricter restrictions will apply.

Emergency Water Protocol means a protocol approved by the Commissioner for Water, NSW Office of Water, from time to time and published in the *New South Wales Government Gazette* which may specify, in relation to the water source(s) specified in clause 1 of Schedule 2:

- the location(s) from which water may be taken;
- the levels at which water may be taken and/ or the level at which the taking of water must cease;
- the type of work through which water may be taken; and
- the purpose for which water may be taken.

Logbook means a written record maintained by the landholder, made available to staff of the NSW Office of Water on request, which accurately records in separate columns:

- (a) an entry for each day on which water is taken for the purpose of stock watering, containing the date and the start and end times for water taken; and
- (b) in respect of each entry under paragraph (a), a calculation of the amount of water taken, or a reference to the size of the inlet diameter of the water supply work(s) used to take that water.

water order means an order placed with State Water Corporation to take water under an access licence through a nominated water supply work.

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