



# *Government Gazette*

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New South Wales  
Government

## **Temporary Water Restriction (Northern Inland Tributaries) Order 2019**

under the

### **Water Management Act 2000**

I, Vanessa O'Keefe, by delegation from the Minister administering the *Water Management Act 2000*, in pursuance of section 324 (1) of the *Water Management Act 2000* and being satisfied that it is necessary in the public interest to do so, make the following Order.

Dated 18 December 2019

**VANESSA O'KEEFE**  
**A/Executive Director, Policy, Planning and Science**  
**Department of Planning, Industry and Environment**  
**By delegation**

### **Explanatory note**

The object of this Order is to impose temporary water restrictions with active management on the take of water from the northern inland tributaries to address critical water needs for town water supply, basic landholder rights, high security access licences and environmental needs. This order does not apply to the take of water for the purpose of testing metering equipment in certain circumstances and does not apply to the take of water from farm dams.

This Order is made under section 324 (1) of the *Water Management Act 2000* in order to cope with a water shortage.

## Temporary Water Restriction (Northern Inland Tributaries) Order 2019

under the

### Water Management Act 2000

#### 1 Name of Order

This Order is the *Temporary Water Restriction (Northern Inland Tributaries) Order 2019*.

#### 2 Commencement

This Order commences on 20 December 2019.

#### 3 Duration

This Order will remain in force until 5 January 2020 unless that date is amended or the order is repealed before that date.

#### 4 Temporary water restrictions

This Order is a direction to prohibit the take of water from the water sources specified in the table to Schedule 1 in accordance with the prohibition specified in Schedule 1.

#### 5 Interpretation

(1) In this order:

*Director* means any of the following:

- (a) Director, Water Planning Implementation, Water Group for the Department of Planning, Industry and Environment,
- (b) Executive Director, Policy, Planning & Sciences, Water Group for the Department of Planning, Industry and Environment,
- (c) any person who is for the time being acting or performing the duties and responsibilities of the role specified in paragraph (a) or (b).

*farm dam* means a privately owned dam typically of earthen construction designed to collect or store water for use on a property.

*higher priority needs* includes the requirements for the water source and its dependent ecosystems, basic landholder rights and higher priority access licences (including town water supply).

(2) A water source specified in Column 2 of the Table to Schedule 1 has the same meaning as the water source described in the water sharing plan opposite the water source in Column 1 of the Table.

- (3) Unless otherwise defined, words and expressions that are defined in the *Water Management Act 2000* or in regulations made under that Act have the same meaning in this Order.

## Schedule 1 Prohibitions

### 1 Prohibitions for the Northern Inland Tributaries

- (1) Unless approved by the Director:
  - (a) a holder of a licence specified in Column 3 of Table A to this Schedule is prohibited from taking water from the water source specified opposite that licence in Column 2, and
  - (b) a holder of a licence specified in Column 3 of Table B to this Schedule is prohibited from taking water from the water source specified opposite that licence in Column 2 unless the holder has ordered the water and the water has been released from the dam by WaterNSW.
- (2) The Director must approve the take of water for the following period:
  - (a) from the day on which the Director is satisfied that there is water available for take by the holder of the licence because the Director is of the opinion there is sufficient water available for higher priority needs, and
  - (b) until the day on which the Director is satisfied that there is no water available for take by the holder of the licence because the Director is of the opinion there is insufficient water available for higher priority needs.
- (3) For the purposes of subclause (1), the holder of the licence is taken to have approval:
  - (a) from the day on which the Director notifies the holder, in any manner, that the approval is given,
  - (b) until the day on which the Director notifies the holder, in any manner, that the approval has ceased.

**Note.** Water NSW may notify the holder on behalf of the Director.
- (4) For avoidance of doubt, subclause (1) does not prohibit the taking of water from farm dams.
- (5) The restriction in subclause (1) does not apply for the purposes of testing metering equipment in accordance with clause 2.

### 2 Take of water permitted for testing metering equipment

This order does not restrict the take of water if all of the following apply:

- (a) the holder of the access licence is, or will be, required to comply with the mandatory metering equipment condition,
- (b) the take of water is done in compliance with the conditions of the licence and the relevant approval, including in accordance with any cease to pump, reporting and recording conditions on the licence,
- (c) the take of water is for the purpose of a duly qualified person validating, or checking the accuracy of, metering equipment for compliance with the mandatory metering equipment condition,

- (d) the total take of water for the purpose under subclause (c) from the commencement of this order until 5 January 2020 is:
- (i) no more than 0.5ML, or
  - (ii) if take is from a pump that is greater than 500mm, no more than 1ML,
- (e) the duly qualified person notifies the Natural Resources Access Regulator within 24 hours of the take of water for the validation or accuracy checking by:
- (i) phone on 1800 633 362, or
  - (ii) email to [nrar.enquiries@nrar.nsw.gov.au](mailto:nrar.enquiries@nrar.nsw.gov.au).

**Table A**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Water Sharing Plan</b>	<b>Water Source</b>	<b>Access Licence</b>
<i>Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012</i>	Barwon-Darling Unregulated River Water Source but not including that part of the water source downstream of the confluence of the Barwon and Culgoa Rivers	unregulated river (A Class) access licence
<i>Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012</i>	Barwon-Darling Unregulated River Water Source but not including that part of the water source downstream of the confluence of the Barwon and Culgoa Rivers	unregulated river (B Class) access licence
<i>Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012</i>	Barwon-Darling Unregulated River Water Source but not including that part of the water source downstream of the confluence of the Barwon and Culgoa Rivers	unregulated river (C Class) access licence
<i>Water Sharing Plan for the Castlereagh River Unregulated and Alluvial Water Sources 2011</i>	Castlereagh River Unregulated Water Sources	unregulated river access licence
<i>Water Sharing Plan for the Castlereagh River Unregulated and Alluvial Water Sources 2011</i>	Castlereagh River Unregulated Water Sources	unregulated river (special additional high flow) access licence
<i>Water Sharing Plan for the Macquarie Bogan Unregulated</i>	Macquarie Bogan Unregulated Water Sources	unregulated river access licence

*and Alluvial Water Sources  
2012*

<i>Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012</i>	Macquarie Bogan Unregulated Water Sources	unregulated river (special additional high flow) access licence
<i>Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012</i>	NSW Border Rivers Unregulated Water Sources	unregulated river access licence
<i>Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012</i>	NSW Border Rivers Unregulated Water Sources	unregulated river (special additional high flow) access licence
<i>Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012</i>	Gwydir Unregulated River Water Sources	unregulated river access licence
<i>Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012</i>	Namoi Unregulated Rivers Water Sources	unregulated river access licence
<i>Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012</i>	Namoi Unregulated Rivers Water Sources	unregulated river (special additional high flow) access licence
<i>Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010</i>	Peel Unregulated River Water Sources	unregulated river access licence

**Table B**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Water Sharing Plan</b>	<b>Water Source</b>	<b>Access Licence</b>
<i>Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2009</i>	Border Rivers Regulated River Water Source	regulated river (general security —A class) access licence
<i>Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2009</i>	Border Rivers Regulated River Water Source	regulated river (general security —B class) access licence
<i>Water Sharing Plan for the Gwydir Regulated River Water Source 2016</i>	Gwydir Regulated River Water Source	regulated river (general security) access licence

## Notes.

1 The following temporary water restrictions continue to apply:

- *Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019* (Gazette No 135 of 4 November 2019, p 4877) for restrictions relating to those water sources, including downstream of the confluence of the Barwon and Culgoa Rivers (the Darling River).
- *Temporary Water Restriction (Upper and Lower Namoi Regulated River Water Sources) Order 2019* as amended
- *Temporary Water Restriction (NSW Border Rivers) Order 2019* as amended
- *Temporary Water Restriction (Lachlan Regulated River Water Source) Order 2019* as amended
- *Temporary Water Restriction (Macquarie Regulated River) Order 2019* as amended
- *Temporary Water Restriction (Lower Darling Regulated River Water Source) Order 2019* as amended
- *Temporary Water Restriction (Macquarie Bogan and Unregulated Alluvial Water Source) Order 2019*
- *Temporary Water Restriction (Barwon River upstream of Mungindi Weir) Order 2019*
- *Temporary Water Restriction (Belubula Regulated River Water Source) Order 2019*

See [www.industry.nsw.gov.au/water/allocations-availability/temporary-water-restrictions](http://www.industry.nsw.gov.au/water/allocations-availability/temporary-water-restrictions) for more information on these and other temporary water restrictions.

2 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 4,550 penalty units and, in the case of a continuing offence, a further penalty not exceeding 600 penalty units for each day the offence continues. A corporation found guilty of an offence under section 336C is liable to a penalty not exceeding 18,200 penalty units and, in the case of a continuing offence, a further penalty not exceeding 1,200 penalty units for each day the offence continues. As at the commencement of this Order, a penalty unit is \$110.





New South Wales  
Government

## **Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Amendment Order 2019**

under the

### **Water Management Act 2000**

I, Vanessa O'Keefe, by delegation from the Minister administering the *Water Management Act 2000*, in pursuance of section 324 (1) of the *Water Management Act 2000* and being satisfied that it is necessary in the public interest to do so, make the following Order.

Dated 18 December 2019

**VANESSA O'KEEFE**  
**A/Executive Director, Policy, Planning and Science**  
**Department of Planning, Industry and Environment**  
**By delegation**

### **Explanatory note**

The object of this Order is extend the temporary water restriction imposed by the *Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019* (Gazette No 135 of 4 November 2019, p 4877) to until 5 January 2020 and to provide for active management of the restriction.

This Order is made under section 324 (1) of the *Water Management Act 2000* in order to cope with a water shortage. Section 43 (2) of the *Interpretation Act 1987* provides that the power to make an order under an Act includes the power to amend the order.

**Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Amendment Order 2019**

INT19/195758

under the

## **Water Management Act 2000**

### **1 Name of Order**

This Order is the *Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Amendment Order 2019*.

### **2 Commencement**

This Order commences on 20 December 2019.

### **3 Amendment**

This Order amends the *Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019* as set out in Schedule 1.

### **4 Consolidated version of Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019**

The Appendix to this Order provides a consolidated version of the *Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019* on the making of the *Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Amendment Order 2019*.

## **Schedule 1 Amendment of Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019**

### **[1] Clause 3 Duration**

Omit “31 December 2019” from the clause. Insert instead “5 January 2020”.

### **[2] Clause 5 Interpretation**

Insert the following in clause 5(1) in alphabetical order:

*Director* means any of the following:

- (a) Director, Water Planning Implementation, Water Group for the Department of Planning, Industry and Environment,
- (b) Executive Director, Policy, Planning & Sciences, Water Group for the Department of Planning, Industry and Environment,
- (c) any person who is for the time being acting or performing the duties and responsibilities of the roles specified in paragraph (a) or (b).

*higher priority needs* includes the requirements for the water source and its dependent ecosystems, basic landholder rights and higher priority access licences (including town water supply).

### **[3] Schedule 1 Prohibitions**

Omit clause 1 of the Schedule. Insert instead:

#### **Clause 1 Prohibition for the Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources**

- (1) Unless approved by the Director, a holder of a licence specified in Column 3 of the Table to this Schedule is prohibited from taking water from the water source, or that part of the water source, specified opposite that licence in Column 2.
- (2) The Director must approve the take of water for the following period:
  - (a) from the day on which the Director is satisfied that there is water available for take by the holder of the licence because the Director is of the opinion there is sufficient water available for higher priority needs, and
  - (b) until the day on which the Director is satisfied that there is no water available for take by the holder of the licence because the Director is of the opinion there is insufficient water available for higher priority needs.
- (3) For the purposes of subclause (1), the holder of the licence is taken to have approval:

- (a) from the day on which the Director notifies the holder, in any manner, that the approval is given,
- (b) until the day on which the Director notifies the holder, in any manner, that the approval has ceased.

**Note.** Water NSW may notify the holder on behalf of the Director.

- (4) For avoidance of doubt, subclause (1) does not prohibit the taking of water from farm dams.
- (5) The restriction in subclause (1) does not apply for the purposes of testing metering equipment in accordance with clause 2.

**[4] Clause 2 Take of water permitted for testing metering equipment**

Omit “30 June 2020” from clause 2(d). Insert instead “5 January 2020”.

## APPENDIX Consolidated version of Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019

### Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019

under the

#### Water Management Act 2000

#### 1 Name of Order

This Order is the *Temporary Water Restriction (Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources) Order 2019*.

#### 2 Commencement

This Order commences at 3 pm on Monday 4 November 2019.

#### 3 Duration

This Order will remain in force until 5 January 2020 unless that date is amended or the order is repealed before that date.

#### 4 Temporary water restrictions

This Order is a direction to prohibit the take of water from the water sources specified in Schedule 1 in accordance with the prohibition specified in Schedule 1.

#### 5 Interpretation

(1) In this order:

*Darling River* has the same meaning as the Darling River water course described in Schedule 1 of the *Water Sharing Plan for the Barwon Darling Unregulated and Alluvial Water Sources 2012*.

*Director* means any of the following:

- (a) Director, Water Planning Implementation, Water Group for the Department of Planning, Industry and Environment,
- (b) Executive Director, Policy, Planning & Sciences, Water Group for the Department of Planning, Industry and Environment,
- (c) any person who is for the time being acting or performing the duties and responsibilities of the roles specified in paragraph (a) or (b).

*farm dam* means a privately owned dam typically of earthen construction designed to collect or store water for use on a property.

*higher priority needs* includes the requirements for the water source and its dependent ecosystems, basic landholder rights and higher priority access licences (including town water supply).

- (2) A water source specified in Column 2 of the Table to Schedule 1 has the same meaning as the water source described in the water sharing plan opposite the water source in Column 1 of the Table.
- (3) Unless otherwise defined, words and expressions that are defined in the *Water Management Act 2000* or in regulations made under that Act have the same meaning in this Order.

## **Schedule 1 Prohibitions**

### **1 Prohibitions for the Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources**

- (1) Unless approved by the Director, a holder of a licence specified in Column 3 of the Table to this Schedule is prohibited from taking water from the water source, or that part of the water source, specified opposite that licence in Column 2.
- (2) The Director must approve the take of water for the following period:
  - (a) from the day on which the Director is satisfied that there is water available for take by the holder of the licence because the Director is of the opinion there is sufficient water available for higher priority needs, and
  - (b) until the day on which the Director is satisfied that there is no water available for take by the holder of the licence because the Director is of the opinion there is insufficient water available for higher priority needs.
- (3) For the purposes of subclause (1), the holder of the licence is taken to have approval:
  - (a) from the day on which the Director notifies the holder, in any manner, that the approval is given,
  - (b) until the day on which the Director notifies the holder, in any manner, that the approval has ceased.

**Note.** WaterNSW may notify the holder on behalf of the Director.
- (4) For avoidance of doubt, subclause (1) does not prohibit the taking of water from farm dams.
- (5) The restriction in subclause (1) does not apply for the purposes of testing metering equipment in accordance with clause 2.

### **2 Take of water permitted for testing metering equipment**

This order does not restrict the take of water if all of the following apply:

- (a) the holder of the access licence is, or will be, required to comply with the mandatory metering equipment condition,
- (b) the take of water is done in compliance with the conditions of the licence and the relevant approval, including in accordance with any cease to pump, reporting and recording conditions on the licence,
- (c) the take of water is for the purpose of a duly qualified person validating, or checking the accuracy of, metering equipment for compliance with the mandatory metering equipment condition,

- (d) the total take of water for the purpose under subclause (c) from the commencement of this order until 5 January 2020 is:
- (i) no more than 0.5ML, or
  - (ii) if take is from a pump that is greater than 500mm, no more than 1ML,
- (e) the duly qualified person notifies the Natural Resources Access Regulator within 24 hours of the take of water for the validation or accuracy checking by:
- (i) phone on 1800 633 362, or
  - (ii) email to [nrar.enquiries@nrar.nsw.gov.au](mailto:nrar.enquiries@nrar.nsw.gov.au).

**Table**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Water Sharing Plan</b>	<b>Water Source</b>	<b>Licence</b>
<i>Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012</i>	Barwon-Darling Unregulated River Water Source – Darling River	unregulated river (A Class) access licence
<i>Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012</i>	Barwon-Darling Unregulated River Water Source – Darling River	unregulated river (B Class) access licence
<i>Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012</i>	Barwon-Darling Unregulated River Water Source – Darling River	unregulated river (C Class) access licence
<i>Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011</i>	Intersecting Streams Unregulated Water Sources	unregulated river access licence
<i>Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011</i>	Intersecting Streams Unregulated Water Sources	unregulated river (special additional high flow) access licence



New South Wales  
Government

## **Temporary Water Restriction (Dingo Creek Water Source) Order 2019**

under the

### **Water Management Act 2000**

I, Allan Raine, by delegation from the Minister administering the *Water Management Act 2000*, in pursuance of section 324 (1) of the *Water Management Act 2000* and being satisfied that it is necessary in the public interest to do so, make the following Order.

Dated 18th December 2019

**ALLAN RAINE**  
**A/Director Water Planning Implementation**  
**Department of Planning, Industry and Environment**  
**By delegation**

### **Explanatory note**

The object of this Order is to impose a temporary water restriction on the take of low flows from Dingo Creek Water Source under unregulated river access licences and aquifer access licences.

This Order is made under section 324 (1) of the *Water Management Act 2000* in order to cope with a water shortage.

INT 19/200883



## Temporary Water Restriction (Dingo Creek Water Source) Order 2019

under the

### Water Management Act 2000

#### 1 Name of Order

This Order is the *Temporary Water Restriction (Dingo Creek Water Source) Order 2019*.

#### 2 Commencement

This Order commences on 20 December 2019.

#### 3 Duration

This Order will remain in force until either of the following, whichever is earliest:

- (a) 30 June 2020,
- (b) the day on which clause 17(1)(h) of the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009* is amended,

unless the order is repealed before that date.

#### 4 Temporary water restrictions

This Order is a direction to restrict the take of water from the water source specified in Schedule 1 in accordance with the restriction specified in Schedule 1.

#### 5 Interpretation

- (1) In this order:

***Dingo Creek Water Source*** means the Dingo Creek Water Source as described in the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009*.

***Water Sharing Plan*** means the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009*.

- (2) Unless otherwise defined, words and expressions that are defined in the *Water Management Act 2000* or in regulations made under that Act have the same meaning in this Order.
- (3) In this Order, a number in brackets following the name of a gauge is the gauge number.

## Schedule 1 Restrictions

### Restriction for Dingo Creek Water Source

- (1) The holder of an unregulated river access licence, or an aquifer access licence, must not take water under that licence from the Dingo Creek Water Source if the flow measured at the Belbourie gauge (208032) at Dingo Creek is less than or equal to 4.4ML/day.
- (2) The restriction under subclause (1) does not apply to the following:
  - (a) the taking of water under an access licence to which clause 1 of Schedule 2 of the Water Sharing Plan applies, for any of the purposes listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or the maximum daily volume specified on the access licence, whichever is lower:
    - (i) fruit washing,
    - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
    - (iii) poultry watering and misting,
    - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
  - (b) the taking of water using a runoff harvesting dam or from an in-river dam pool,
  - (c) the take of water from a runoff-harvesting dam,
  - (d) the take of water that is incidental as the result of an aquifer interference activity

**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 4,550 penalty units and, in the case of a continuing offence, a further penalty not exceeding 600 penalty units for each day the offence continues. A corporation found guilty of an offence under section 336C is liable to a penalty not exceeding 18,200 penalty units and, in the case of a continuing offence, a further penalty not exceeding 1,200 penalty units for each day the offence continues. As at the commencement of this Order, a penalty unit is \$110.