



# *Government Gazette*

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New South Wales  
Government

## **Temporary Water Restriction (Thule Creek) 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 23 August 2019

**Vanessa O’Keefe**  
**A/Executive Director, Policy, Planning & Sciences**  
**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 water from Thule Creek under certain licences in the Murray Below Mulwala Water Source unless the licence holder has approval from the Director, Water Planning Implementation, Department of Planning, Industry and Environment.

This Order is made under section 324 (1) of the *Water Management Act 2000* in order to protect environmental flows.

INT 19/130810

## Temporary Water Restriction (Thule Creek) Order 2019

under the

### Water Management Act 2000

#### 1 Name of Order

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

#### 2 Commencement

This Order commences on 16 September 2019.

#### 3 Duration

This Order will remain in force until 1 May 2020, unless it is repealed or amended by further order before that date.

#### 3 Temporary water restrictions

The taking of water from the water sources specified in Schedule 1 is restricted as specified in Schedule 2.

#### 4 Interpretation

(1) In this order:

***Director*** means the person in the role of Director, Water Planning Implementation, Water Group for the Department of Planning, Industry and Environment and includes any person who is for the time being acting or performing the duties and responsibilities of that role.

***unregulated river access licence*** means an unregulated river access licence that permits the taking of water from the Murray Below Mulwala Water Source.

***Murray Below Mulwala Water Source*** means the Murray Below Mulwala Water Source as described in the *Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011*.

***Thule Creek*** means the water source from Thule Escape (junction of Thule Creek and Yarraman Channel) to the junction of Thule Creek and Wakoo River as identified by the dark thick blue line on the Thule Creek Map.

***Thule Creek Map*** means the map set out under Schedule 3.

(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.

## Schedule 1 Water Sources

This Order applies to Thule Creek within the Murray Below Mulwala Water Source.

## Schedule 2 Restrictions

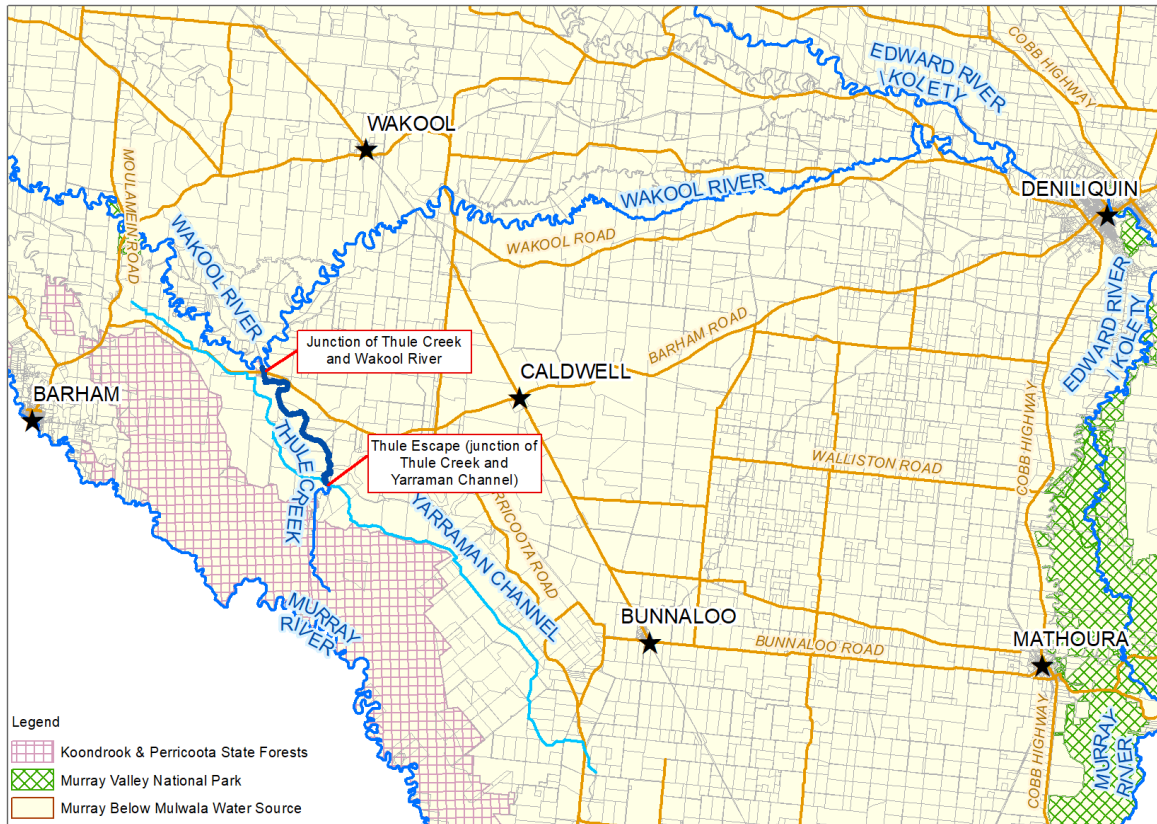
### 1 Restrictions for Thule Creek

- (1) Unless approved by the Director, the holder of an unregulated river access licence must not take water under that licence from Thule Creek.
- (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 to take for consumptive use from Thule Creek by the holder of the licence on or after a flow of 23,000ML/day or more at Torrumbarry Weir downstream from Thule Creek,
  - (b) until the day on which the Director is satisfied that there is no water available to take for consumptive use from Thule Creek by the holder of the licence on or after a flow of less than 23,000ML/day at Torrumbarry Weir downstream from Thule Creek.
- (3) The Director must request WaterNSW notify the holder of the licence when the approval is given and ceases.
- (4) 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, in any manner, the holder that the approval is given,
  - (b) until the day on which the Director notifies, in any manner, the holder that the approval has ceased.
- (5) In this clause:

***water available to take for consumptive use*** does not include water in Thule Creek released on request by a licence holder for the purpose of achieving environmental outcomes.

### Schedule 3

#### Map of Thule Creek



**Note.** It is an offence, under section 336C of the *Water Management Act 2000*, to fail to comply with this Order. 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 (Tuppal Creek) 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 23 August 2019

**Vanessa O'Keefe**  
**A/Executive Director, Policy, Planning & Sciences**  
**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 water from Tuppal Creek under certain licences in the Murray Below Mulwala Water Source unless the licence holder has approval from the Director, Water Planning Implementation, Department of Planning, Industry and Environment.

This Order is made under section 324 (1) of the *Water Management Act 2000* in order to protect environmental flows.

INT 19/128615

## Temporary Water Restriction (Tuppal Creek) Order 2019

under the

### Water Management Act 2000

#### 1 Name of Order

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

#### 2 Commencement

This Order commences on 1 September 2019.

#### 3 Duration

This Order will remain in force until 1 May 2020, unless it is repealed or amended by further order before that date.

#### 3 Temporary water restrictions

The taking of water from the water sources specified in Schedule 1 is restricted as specified in Schedule 2.

#### 4 Interpretation

(1) In this order:

***Director*** means the person in the role of Director, Water Planning Implementation, Water Group of the Department of Planning, Industry and Environment and includes any person who is for the time being acting or performing the duties and responsibilities of that role.

***unregulated river access licence*** means an unregulated river access licence that permits the taking of water from the Murray Below Mulwala Water Source.

***Murray Below Mulwala Water Source*** means the Murray Below Mulwala Water Source as described in the *Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011*.

***Tuppal Creek*** means that the water source from the junction of Tocumwal Escape and Tuppal Creek to the junction of Edward River and Tuppal Creek as identified by the dark thick blue line on the Tuppal Creek Map.

***Tuppal Creek Map*** means the map set out under Schedule 3.

(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.

## Schedule 1 Water Sources

This Order applies to Tuppal Creek within the Murray Below Mulwala Water Source.

## Schedule 2 Restrictions

### 1 Restrictions for Tuppal Creek

- (1) Unless approved by the Director, the holder of an unregulated river access licence must not take water under that licence from Tuppal Creek.
- (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 to take for consumptive use from Tuppal Creek by the holder of the licence on or after a flow of 35,000ML/day or more at Yarrowonga Weir downstream from Tuppal Creek, and
  - (b) until the day on which the Director is satisfied that there is no water available to take for consumptive use from Tuppal Creek by the holder of the licence on or after a flow of less than 35,000ML/day at Yarrowonga Weir downstream from Tuppal Creek.
- (3) The Director must request WaterNSW notify the holder of the licence when the approval is given and ceases.
- (4) 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, in any manner, the holder that the is given approval, and
  - (b) until the day on which the Director notifies, in any manner, the holder that the approval has ceased.
- (5) In this clause:

***water available to take for consumptive use*** does not include water in Tuppal Creek released on request by a licence holder for the purpose of achieving environmental outcomes.



### Schedule 3

#### Map of Tuppal Creek



**Note.** It is an offence, under section 336C of the *Water Management Act 2000*, to fail to comply with this Order. 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.