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New South Wales
Government

Temporary Water Restriction (Upper Lachlan Alluvial Zone 1 Management Zone) Order 2020

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(2)(a), (c), and (d) of the *Water Management Act 2000*, being satisfied it is necessary to do so, make the following Order.

Dated 1 July 2020

VANESSA O'KEEFE
Executive Director, Policy, Planning & Sciences
Department of Planning, Industry and Environment
By delegation

Explanatory note

The object of this Order, together with the Access Licence Dealing Principles (Upper Lachlan Alluvial Zone 1 Management Zone) Order 2020 is to impose a take and trade cap within the Upper Lachlan Alluvial Zone 1 Management Zone of the Upper Lachlan Alluvial Groundwater Source to limit total extraction from the management zone to 30% of the total share components of access licences.

This Order is made under section 324(2)(a), (c) and (d) of the *Water Management Act 2000* in relation to the Upper Lachlan Alluvial Zone 1 Management Zone to protect water levels in the aquifer to prevent compaction in the aquifer and to protect the groundwater-dependent ecosystems.

Temporary Water Restriction (Upper Lachlan Alluvial Zone 1 Management Zone) Order 2020

under the

Water Management Act 2000

1 Name of Order

This Order is the *Temporary Water Restriction (Upper Lachlan Alluvial Zone 1 Management Zone) Order 2020*.

2 Commencement

This Order commences on the day on which it is published in the NSW Gazette.

3 Duration

This Order will remain in force up to and including 1 July 2021 unless that date is amended or the order is repealed before that date.

4 Temporary water restrictions

This Order is a direction to restrict the take of water from the aquifers (including the deep and shallow aquifers) within the Upper Lachlan Alluvial Zone 1 Management Zone as specified in Schedule 1 in accordance with the restriction specified in Schedule 1.

5 Interpretation

(1) In this order:

Upper Lachlan Alluvial Groundwater Source has the same meaning as in the *Water Sharing Plan for the Lachlan Alluvial Groundwater Sources 2020*.

Upper Lachlan Alluvial Zone 1 Management Zone has the same meaning as in the *Water Sharing Plan for the Lachlan Alluvial Groundwater Sources 2020*.

(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 Restriction

1 Restriction for the Upper Lachlan Alluvial Zone 1 Management Zone

- (1) The holder of an aquifer access licence that nominates a water supply work located in the Upper Lachlan Alluvial Zone 1 Management Zone within the Upper Lachlan Alluvial Groundwater Source must not take, within the water year, more than the following amount of water in total from the aquifers (including the deep and shallow aquifers) within the management zone:
- (a) 0.3 megalitres per unit share of the access licence share component,
 - (b) plus the volume of water allocations assigned to the access licence within the water year in accordance with section 71T of the Act,
 - (c) minus the volume of water allocations assigned from the access licence within the water year in accordance with section 71T of the Act.

Notes.

- 1 The *Access Licence Dealing Principles Order (Upper Lachlan Alluvial Zone 1 Management Zone) 2020* regulates the assignment of allocations from access licences within the Upper Lachlan Alluvial Zone 1 Management Zone to ensure no more than a volume of water equivalent to 30% of the share components of the access licences is extracted from the management zone within a water year.
- 2 This restriction does not apply to the take of water pursuant to basic landholder rights.
- 3 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.

Reference number:(n2020-3003)