



# *Government Gazette*

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New South Wales  
Government

## Temporary Water Restriction (Northern NSW Murray Darling Basin) Amendment (No 2) Order 2020

under the

### **Water Management Act 2000**

I, Emma Solomon, 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 13 February 2020

**EMMA SOLOMON**

**A/Executive Director, Policy, Planning & Sciences**  
**Department of Planning, Industry and Environment**  
**By delegation**

### **Explanatory note**

The objects of this Order are as follows:

- (a) to extend the current Temporary Water Restriction (Northern NSW Murray Darling Basin) Order 2020 (Gazette No 10 of 17.01.2020 and as amended Gazette No 23 of 30.01.2020) to Friday, 28 February 2020,
- (b) to remove the prohibitions for regulated river (high security) access licences in the Peel Regulated River Water Source, Lower Namoi Regulated River Water Source and Upper Namoi Regulated River Water Source.

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.

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# **Temporary Water Restriction (Northern NSW Murray Darling Basin) Amendment (No 2) Order 2020**

under the

## **Water Management Act 2000**

### **1 Name of Order**

This Order is the *Temporary Water Restriction (Northern NSW Murray Darling Basin) Amendment (No 2) Order 2020*.

### **2 Commencement**

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

### **4 Amendment**

This Order amends the Temporary Water Restriction (Northern NSW Murray Darling Basin) Order 2020 as set out in Schedule 1.

### **4 Consolidated Version**

The Appendix to this Order provides a consolidated version of the Temporary Water Restriction (Northern NSW Murray Darling Basin) Order 2020 on the making of the Temporary Water Restriction (Northern NSW Murray Darling Basin) Amendment Order 2020 and the Temporary Water Restriction (Northern NSW Murray Darling Basin) Amendment (No 2) Order and is for guidance only.

# Schedule 1 Amendment of Temporary Water Restriction (Northern NSW Murray Darling Basin) Order 2020

## [1] Clause 3 Duration

Omit “17 February 2020”. Insert instead “28 February 2020”.

## [2] Schedule 1 Prohibitions

Omit the following row from Table B:

<i>Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010</i>	Peel Regulated River Water Source	regulated river (high security access licence)
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## [3] Schedule 1 Prohibitions

Omit the following row from Table B:

<i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016</i>	Lower Namoi Regulated River Water Source	regulated river (high security) access licence
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## [4] Schedule 1 Prohibitions

Omit the following row from Table B:

<i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016</i>	Upper Namoi Regulated River Water Source	regulated river (high security) access licence
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# Appendix 1 Consolidated Version

## Temporary Water Restriction (Northern NSW Murray Darling Basin) Order 2020

under the

## Water Management Act 2000

### 1 Name of Order

This Order is the *Temporary Water Restriction (Northern NSW Murray Darling Basin) Order 2020*.

### 2 Commencement

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

### 3 Duration

This Order will remain in force up to and including 28 February 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 Table A and Table B 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.

*forecast* includes a qualitative assessment or quantitative assessment.

***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).

- (1A) References to a water source and management zone in clause 1 (6) (b) of Schedule 1 have the same meaning as references to that water source or management zone in the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012*.
- (2) A water source specified Column 2 of Table A or Table B 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 NSW Murray Darling Basin

- (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, before the commencement of this order, the following has occurred:
    - (i) the holder has ordered the water,
    - (ii) 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 in relation to which the Director is satisfied that there is, or is forecasted to be, water available for take by the holder of the licence because the Director is of the opinion there is, or is forecasted to be, sufficient water available for higher priority needs, and
  - (b) up to and including 17 February 2020 or, if earlier, the day in relation to which the Director is satisfied that there is, or is forecasted to be, no water available for take by the holder of the licence because the Director is of the opinion there is, or is forecasted to be, 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.
- (6) Subclause (1) does not apply to any of the following:
  - (a) a holder of an unregulated river access licence who is subject to the Temporary Water Restriction (Macquarie Bogan Unregulated Water Sources) Order 2019 (Government Gazette No 129 of 31 October 2019),

- (b) a holder of an unregulated river access licence in relation to the take of water from that part of the Macquarie River above Burrendong Water Source within the Macquarie River between Bathurst and Evans Plains Creek Management Zone.

## 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 up to and including 17 February 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	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	unregulated river (B Class) access licence
<i>Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources</i>	Barwon-Darling Unregulated River Water Source	unregulated river (C Class) access licence



2012

<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 and Alluvial Water Sources 2012</i>	Macquarie Bogan Unregulated Water Sources	unregulated river access licence
<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 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
<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</i>	Namoi Unregulated Rivers Water Sources	unregulated river (special additional high flow) access licence

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*Alluvial Water Sources 2012*

*Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* 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 (high security) 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 —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 in the northern areas:

- *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.