



# *Government Gazette*

of the State of

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New South Wales  
Government

## **Temporary Water Restriction (Buccaneit and Cunninyeuk Creeks) 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 23 April 2020

**EMMA SOLOMON**  
**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 parts of Buccaneit Creek and Cunninyeuk Creek under unregulated river access licences in the Murray Below Mulwala Water Source to protect environmental flows.

This Order is made under section 324 (1) of the *Water Management Act 2000* in order to manage water for environmental purposes.

INT20/45095

## Temporary Water Restriction (Buccaneit and Cunninyeuk Creeks) Order 2020

under the

### Water Management Act 2000

#### 1 Name of Order

This Order is the *Temporary Water Restriction (Buccaneit and Cunninyeuk Creeks) 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This Order will remain in force up to and including 30 June 2020 unless that date is amended or the order is repealed before that date.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 parts of the Buccaneit Creek and Cunninyeuk Creek specified in Schedule 1 in accordance with the restriction specified in Schedule 1.

#### 5 Interpretation

(1) In this order:

***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*.

***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).

***environmental flow event*** means the replenishment of Buccaneit Creek and Cunninyeuk Creek on behalf of the Department of Planning, Industry and Environment – Environment, Energy & Science.

***forecast*** includes a qualitative assessment or quantitative assessment.

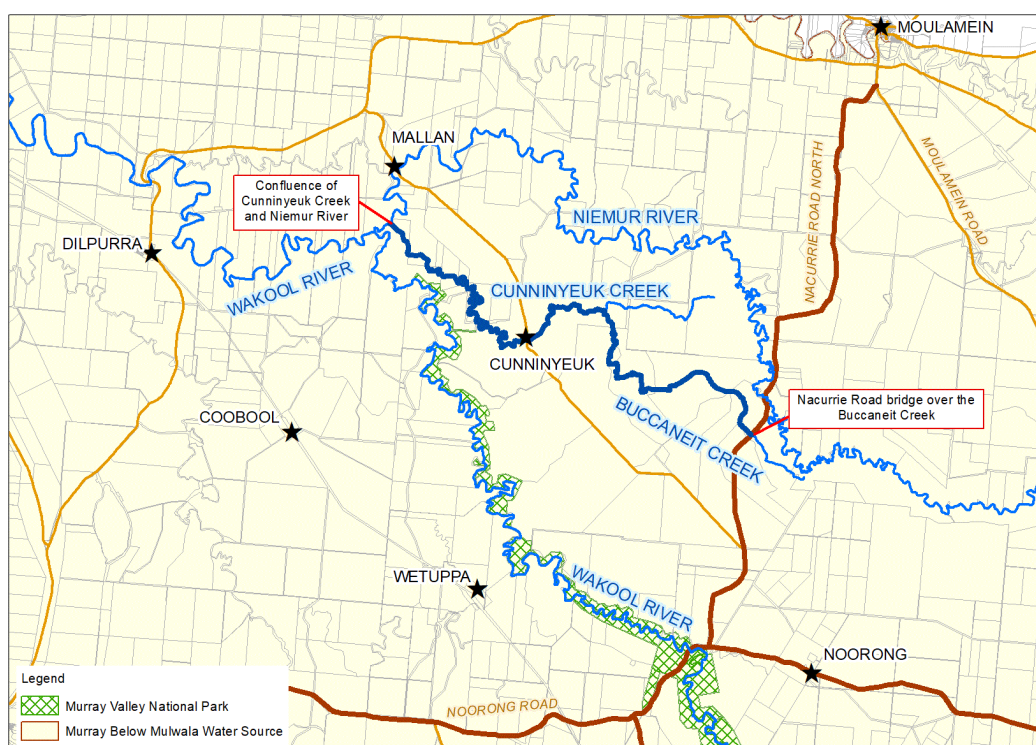
- (2) Unless otherwise defined, words and expressions that are defined in the *Water Management Act 2000* or in regulations made under that Act have the same meaning in this Order.

## Schedule 1 Restriction

### Restriction for parts of the Buccaneit Creek and Cunninyeuk Creek

- (1) Unless approved by the Director, the holder of an unregulated river access licence must not take water under that licence from the following water sources within the Murray Below Mulwala Water Source as identified by the thick blue line on the Map set out under Schedule 2:
- (a) that part of Buccaneit Creek between the Nacurrie Road Bridge and its confluence with Cunninyeuk Creek,
  - (b) that part of Cunninyeuk Creek between its confluence with Buccaneit Creek and its confluence with Niemur River.
- (2) The Director may approve, in any manner, the licence holder to take water for the following period:
- (a) from the day in relation to which the Director is of the opinion that there is, or is forecasted to be, water available to take for consumptive use by the licence holder and such take would not have an adverse effect on the environmental flow event, and
  - (b) up to and including 30 June 2020 or, if earlier, the day in relation to which the Director is of the opinion that there is, or is forecasted to be, no water available to take for consumptive use by the licence holder because the take of water would have an adverse effect on the environmental flow event.

## Schedule 2 Map



**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.