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New South Wales
Government

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

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 4 November 2019

EMMA SOLOMON

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

Explanatory note

The object of this Order is to impose temporary water restrictions on the take of water from the Barwon-Darling Unregulated River and Intersecting Streams Unregulated Water Sources to address critical water needs for town water supply, basic landholder rights, high security 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 (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This Order will remain in force until 31 December 2019 unless that date is amended or the order is repealed before that date.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*.

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

(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) Subject to clause 2, 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 the part of the water source, specified opposite that licence in Column 2.
- (2) For avoidance of doubt, subclause (1) does not prohibit the taking of water by farm dams.

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 30 June 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.

Table

Column 1	Column 2	Column 3
Water Sharing Plan	Water Source	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 (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

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.

(n2019-3377)