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New South Wales
Government

Temporary Water Restriction (Hastings Unregulated and Alluvial Water Sources) Order 2019

under the

Water Management Act 2000

I, Allan Raine, 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 20 December 2019

ALLAN RAINE
A/Director, Water Planning Implementation
Department of Planning, Industry and Environment
By delegation

Explanatory note

The objects of this Order are as follows:

- (a) to impose temporary water restrictions on certain take of water from the Hastings Unregulated and Alluvial Water Sources by imposing conditions on when take is permitted and cease to pump restrictions,
- (b) to require the recording of take in logbooks for take from the Hastings Unregulated and Alluvial Water Sources and the Hastings River Coastal Floodplain Alluvial Groundwater.

This Order is made under section 324 (1) of the *Water Management Act 2000* in order to manage the water source and cope with a water shortage.

INT 19/185558

Temporary Water Restriction (Hastings Unregulated and Alluvial Water Sources) Order 2019

under the

Water Management Act 2000

1 Name of Order

This Order is the *Temporary Water Restriction (Hastings Unregulated and Alluvial Water Sources) Order 2019*.

2 Commencement

This Order commences on 20 December 2019.

3 Duration

This Order will remain in force until 30 June 2020 unless that date is amended or the order is repealed before that date.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 the water sources specified in Schedule 1 in accordance with the restriction specified in Schedule 1.

5 Interpretation

(1) In this order:

cease to pump restrictions means the following:

- (a) the general cease to pump restrictions specified under subclause 4 (3) of Schedule 1,
- (b) the cease to pump restrictions for take from an off-river pool specified under subclauses 4 (5) and (6) of Schedule 1,
- (c) the cease to pump restrictions for take from an in-river pool for no visible flow specified under subclause 4 (7) of Schedule 1.

Note. The cease to pump restrictions refer to flow tables set out at Schedule 2.

- (1) Unless otherwise defined, words and expressions that are defined in the *Water Management Act 2000*, in regulations made under that Act or the *Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019* have the same meaning in this Order.
- (2) References to a water source and upriver alluvial sediments in this order has the same meaning as references to that water source or upriver alluvial sediments in the *Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019*.

Schedule 1 Restrictions

1 Who does this order apply to?

- (1) This Order applies to:
 - (a) holders of access licences (other than those listed in paragraph (c)) who take from the Hastings Unregulated and Upriver Alluvial Water Sources, and
 - (b) holders of access licences who take from the Hastings River Coastal Floodplain Alluvial Groundwater Source but only in relation to the logbook requirements under clause 3, and
 - (c) holders of local water utility access licences, or access licences that are of the subcategory “town water supply”, who take from the Hastings Unregulated and Upriver Alluvial Water Sources but only in relation to the logbook requirements under clause 3.
- (2) However, this Order does not apply to the incidental take of water that is caused by aquifer interference activity.

2 When is take of water permitted?

(1) Take when flows above cease to pump restrictions

The holder of an access licence may only take water from the Hastings Unregulated and Upriver Alluvial Water Sources if the holder is not restricted by the cease to pump restrictions set out in this Order.

(2) Exceptions to the cease to pump restrictions and testing metering equipment

The holder of an access licence may take water from the Hastings Unregulated and Upriver Alluvial Water Sources as follows:

- (a) in accordance with the exceptions to the cease to pump restrictions under clause 5,
- (b) for the purpose of testing metering equipment in accordance with clause 6.

3 Take of water must be recorded in a logbook

- (1) A holder of an access licence must not take water from the Hastings Unregulated and Upriver Alluvial Water Sources or the Hastings River Coastal Floodplain Alluvial Groundwater Source unless:
 - (a) the holder records the take in a logbook in the form at Appendix 1, and
 - (b) retains the information recorded in the logbook for the duration of this Order, and
 - (c) provides the information recorded in the logbook to either the Natural Resources Access Regulator or WaterNSW

- (2) A holder of an access licence is not required to record take in a logbook if the take is from a water supply work that has an operational meter that complies with Australian Standard AS4747, *Meters for non-urban water supply* and a data logger.

Note. See the Logbook form in Appendix 1 at the end of this Order

4 What are the cease to pump restrictions?

- (1) The cease to pump restrictions are set out in subclause (3), (5), (6) and (7).
- (2) The cease to pump restrictions do not apply if water is taken in accordance with an exception to the cease to pump restrictions under clause 5 or for the purpose of testing metering equipment in accordance with clause 6.

- (3) **General cease to pump restrictions**

A holder of an access licence must not take water under that licence from the water source specified in Column 1 of Table A in Schedule 2 if flows, at the gauge specified in Column 2 of the table (if applicable), are at the rate specified in Column 3 of the table adjacent to the water source.

Note. See Table A in Schedule 2 at the end of this order.

- (4) The general cease to pump restrictions under subclause (3) do not apply to:
 - (a) take from an off-river pool, or
 - (b) take from an in-river pool within a water source specified in Column 1 of Table A in Schedule 1 if the general cease to pump restrictions prohibit take when there are no visible flows as specified in Column 3 of Table A for the water source.

- (5) **Cease to pump restrictions for take from an off-river pool**

The holder of an access licence, other than an access licence specified in Column 1 of Table B in Schedule 2, must not take water from an off-river pool within the Hastings Unregulated and Upriver Alluvial Water Sources if the volume of water in that pool is at less than the full capacity of the pool.

- (6) A holder of an access licence that replaced a Water Act 1912 entitlement specified in Column 1 of Table B in Schedule 2 must not take from an off-river pool in the water source specified in Column 2 of the table if flows, measured at the gauge specified in Column 3 of the table, are at the rate specified in Column 4 of the table for the water source.

Note. See Table B in Schedule 2 at the end of this order. **Full capacity** is defined in the Water Sharing Plan for the *Hastings Unregulated and Alluvial Water Sources 2019*.

- (7) **Cease to pump restrictions for take from an in-river pool for no visible flow**

The holder of an access licence who is subject to the general cease to pump restrictions in relation to take of water from a water source specified in Column 1 of Table A in Schedule 2 that has a corresponding cease to pump flow rate of no visible flow in Column 3 of Table A, must not take from an off-river pool within the

Hastings Unregulated and Upriver Alluvial Water Sources if the volume of water in the pool is at less than full capacity of the pool.

(8) **When cease to pump restrictions apply to take from upriver alluvial sediments**

The cease to pump restrictions as set out at subclauses (3), (5), (6) and (7) only apply to take from the upriver alluvial sediments if:

- (a) take is under an aquifer access licence that was converted from an unregulated river access licence, or
- (b) take is under an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take water from the upriver alluvial sediments and the work is located 40 metres or less from the top of the highest bank of a river.

Note. Upriver alluvial sediments means water contained within the alluvial sediments below the surface of the land within the Hastings Unregulated and Upriver Alluvial Water Sources. See clause (4) (3) (c) of the *Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019*.

5 What are the exceptions to the cease to pump restrictions?

- (1) The exceptions in this clause do not apply to an unregulated river (high flow) access licence or an unregulated river (Aboriginal community development) access licence.

(2) **Take of no more than 20 kilolitres permitted**

This exception only applies to the following access licences:

- (a) the access licences that replaced the licences listed in column 1 of the Table in Schedule 2 to the *Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019*,
- (b) the access licences that replaced the licences listed in clause 1 of Schedule 4 of the *Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019* when taking from the upriver alluvial sediments.

- (3) A holder of an access licence referred to in subclause (2) and who is subject to the cease to pump restrictions may take no more than 20 kilolitres of water per day under the access licence from the Hastings Unregulated and Upriver Alluvial Water Sources for any of the following purposes:

- (a) fruit washing,
- (b) cleaning of dairy plant and equipment for the purpose of hygiene,
- (c) poultry watering and misting,
- (d) cleaning of enclosures used for intensive animal production for hygiene purposes.

(4) **Take from runoff harvesting dam pool**

A holder of an access licence may take water from a runoff harvesting dam pool within the Hastings Unregulated and Upriver Alluvial Water Sources that is created by a structure that is authorised by a water supply work approval if the flow or storage level of the pool is at more than the cease to take condition specified on the Water Act 1912 entitlement that the access licence replaced.

(5) Take from in-river dam pool

- (a) A holder of an access licence may take water from an in-river dam pool within the Hastings Unregulated and Upriver Alluvial Water Sources that is created by a structure authorised by a water supply work approval if the flow or storage level of that pool is at more than the cease to take condition specified on the Water Act 1912 entitlement that the access licence replaced.
- (b) A holder of an access licence may take water from an in-river dam pool within Hastings Unregulated and Upriver Alluvial Water Sources if:
 - (i) the in-river dam is constructed, operated and maintained in accordance with the conditions specified on the water supply work approval for the in-river dam, and
 - (ii) the in-river dam pool is passing such flows in such circumstances as are specified on the water supply work approval for the in-river dam.

(6) Domestic consumption under domestic and stock access licences

A holder of a domestic and stock access licence or a domestic and stock (domestic) access licence may only take 1 kilolitre or less of water per house for domestic consumption under the licence from the Hastings Unregulated and Upriver Alluvial Water Sources.

(7) Stock watering under domestic and stock access licences

A holder of a domestic and stock access licence, or a domestic and stock (stock) access licence, may only take 14 litres or less of water per hectare of grazeable area per day for stock watering under the licence from the Hastings Unregulated and Upriver Alluvial Water Sources.

6 Can water be taken to test metering equipment?

This order does not restrict the take of water if the following applies:

- (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 must be:
 - (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.

Schedule 2 Flow tables for cease to pump restrictions

Table A General cease to pump restrictions

Notes.

- 1 Flows at gauges can be found on the WaterNSW website at www.watersw.com.au or on the WaterNSW App "WaterLive".
- 2 Further instruction on how to find flows are provided for the in the Reason For Decision for this order on the Department's website at www.industry.nsw.gov.au/water/allocations-availability/temporary-water-restrictions

Column 1	Column 2	Column 3
Water Source	Gauge	Cease to Pump Flow Rate
Camden Haven River Water Source	Camden Haven River at Kendall gauge (207009)	Less than or equal to 1ML/day
Coastal Hastings Water Source	Hastings River at Ellenborough gauge (207004)	Less than or equal to 29ML/day
Ellenborough River Water Source	Ellenborough River downstream Bunnoo River Junction gauge (207013)	Less than or equal to 10ML/day
Forbes River Water Source	Forbes River at Birdwood (Filly Flat) gauge (207006)	Less than or equal to 9ML/day
Kindee Creek Water Source		No visible flow
Lake Innes Water Source		No visible flow
Limeburners Creek Water Source		No visible flow
Maria River Water Source		No visible flow
Middle Hastings River Water Source	Hastings River at Ellenborough gauge (207004)	Less than or equal to 29ML/day
Mortons Creek Water Source	Mortons Creek at Mortons Creek Road gauge (207017)	Less than or equal to 1ML/day

Pappinbarra River Water Source	Pappinbarra River at Beechwood gauge (207010)	Less than or equal to 1ML/day
Queens Lake Water Source		No visible flow
Stewarts River Water Source	Stewarts River at Stewarts River gauge (207008)	Less than or equal to 1ML/day
Thone River Water Source	Thone River at Deep Creek Road gauge (207018)	Less than or equal to 2ML/day
Upper Hastings River Water Source	Hastings River at Ellenborough gauge (207004)	Less than or equal to 29ML/day
Watson Taylors Lake Water Source		No visible flow
Wilson River Water Source	Wilson River at Avenel gauge (207014)	Less than or equal to 4ML/day

Table B Cease to pump restrictions for take from an off-river pool for certain licences

Column 1	Column 2	Column 3	Column 4
Access licence replaced by the Water Act 1912 entitlement	Water source	Gauge	Flow rate
30SL025682	Coastal Hastings Water Source	Hastings River at Ellenborough gauge (207004)	Less than or equal to 29ML/day
30SL065105	Mortons Creek Water Source	Mortons Creek at Mortons Creek Road gauge (207017)	Less than or equal to 1ML/day

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.

APPENDIX 1 LOGBOOK FORM

At the end of each take, record the following information:

Date of take	
Authorisation	Access licence number under which water is taken <hr/> Approval number under which water is taken
Confirmation water may be taken¹	Confirmation that cease to take conditions do not apply and water may be taken <hr/> Method of confirmation e.g. visual inspection, internet search <hr/> Time of confirmation <hr/> Flow rate or water level at the reference point in the water source
Details of water take	Meter reading before water is taken (only if a water meter is installed) <hr/> Start time when water is taken <hr/> End time when water is taken
Volume	Volume of water taken <hr/> Volume of water taken for domestic consumption and/or stock watering <hr/> Pump capacity per unit of time
Purpose	Purpose/s for which water is taken <hr/> Type of crop <hr/> Area cropped

Dates of planting and harvesting	
Name of person who recorded information	