

# **Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011 (proposed amendments 2019)**

## **Contents**

|         |   |    |
|---------|---|----|
| Part 1  | Introduction .....  | 3  |
| Part 2  | Vision, objectives, strategies and performance indicators.....              | 6  |
| Part 3  | Bulk access regime .....  | 17 |
| Part 4  | Planned environmental water provisions.....                                 | 19 |
| Part 5  | Requirements for water .....  | 21 |
|         | Division 1 General .....  | 21 |
|         | Division 2 Requirements for water for basic landholder rights .....         | 21 |
|         | Division 3 Requirements for water for extraction under access licences..... | 23 |
| Part 6  | Limits to the availability of water .....                                   | 25 |
|         | Division 1 Calculations under this Part.....                                | 25 |
|         | Division 2 Long-term average annual extraction limits .....                 | 25 |
|         | Division 3 Long-term average sustainable diversion limit .....              | 27 |
|         | Division 4 Compliance with extraction and diversion limits .....            | 28 |
|         | Division 4 Available water determinations .....                             | 28 |
| Part 7  | Rules for granting access licences .....                                    | 31 |
| Part 8  | Rules for managing access licences .....                                    | 32 |
|         | Division 1 Water allocation account management rules .....                  | 32 |
|         | Division 2 Flow classes and daily access rules .....                        | 34 |
| Part 9  | Rules for water supply work approvals .....                                 | 39 |
|         | Division 1 Rules applying to water supply works.....                        | 39 |
|         | Division 2 (Repealed) .....   | 40 |
| Part 10 | Access licence dealing rules .....  | 41 |
| Part 11 | Mandatory conditions.....   | 44 |
|         | Division 1 General .....  | 44 |
|         | Division 2 Access licences.....   | 44 |
|         | Division 3 Water supply work approvals.....                                 | 46 |
| Part 12 | Amendment of this Plan .....  | 50 |
|         | Schedule 1 (Repealed) .....   | 55 |

|                            |   |    |
|----------------------------|---|----|
| Schedule 2                 | Dictionary .....  | 56 |
| Schedule 3                 | Access rule for unregulated river (special additional high flow) access licences subject to clause 46 (6) ..... | 58 |
| Schedule 4                 | Access licences used to take surface water exempt from cease to pump rules<br>59                                |    |
| Schedules 5 - 6 (Repealed) | .....   | 60 |
| Schedule 7                 | Locations covered by a native title determination in relation to these water sources<br>61                      |    |
| Schedule 8                 | Offices.....  | 62 |
| Appendix 1                 | Overview of the Plan Map.....   | 63 |
| Appendix 2                 | (Repealed) .....  | 64 |

# Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011

## Notes.

- 1 In accordance with section 48 of the *Water Management Act 2000*, the Minister must take all reasonable steps to give effect to the provisions of this Plan when exercising functions under the Act.
- 2 In accordance with section 49 of the *Water Management Act 2000*, public authorities must also have regard to the provisions of this Plan to the extent they apply to the public authority.
- 3 The Minister may amend this Plan at any time under section 45 of the *Water Management Act 2000*, including if satisfied it is in the public interest to do so, or in such circumstances, in relation to such matters and to such extent as Part 12 of this Plan provides.

## Part 1 Introduction

**Note.** Part 12 allows for amendments to be made to Part 1.

### 1 Name of this Plan

This Plan is the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011* (hereafter *this Plan*).

### 2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000* (hereafter *the Act*).
- (2) This Plan is a plan for water sharing and generally deals with the matters set out in sections 20 and 21 of the Act, as well as other sections of the Act.

**Note.** Where a provision of this Plan is made under another section of the Act, the section is referred to in notes to this Plan.

### 3 Commencement of this Plan

This Plan commences on 14 November 2011.

#### Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2012.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.
- 3 Under the *Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin* and the associated National Partnership Agreement, NSW has agreed to develop water resource plans for Murray-Darling Basin water resources consistent with the requirements of the Basin Plan. The water resource plan for the Intersecting Streams surface water resource plan area commences on XX 2019. Certain provisions of this Plan form part of that water resource plan.
- 4 *Basin Plan* is defined in the Dictionary.

#### 4 Application of this Plan

(1) This Plan applies to the Intersecting Streams Unregulated River Water Sources (hereafter *these water sources*) comprised of the following water sources within the Western Water Management Area:

(a) Mooni River Water Source,

(b) Narran River Water Source,

(c) Culgoa River Water Source,

**Note.** The Culgoa River Water Source includes the Bokhara River to its confluence with the Barwon River.

(d) Warrego River Water Source,

(e) Paroo River Water Source, and

(f) Yanda Creek Water Source.

**Note.** The Western Water Management Area was constituted by Ministerial order made under section 11 of the *Water Management Act 2000* published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

(2) These water sources are shown on the Plan Map called *Plan Map (WSP046\_Version 1), Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011*, (hereafter the *Plan Map*), held by the Department.

**Note.** An overview of the Plan Map is shown in Appendix 1. Copies of the Plan Map are available on the NSW legislation website.

(3) Subject to subclause (5), these water sources include all water:

(a) occurring naturally on the surface of the ground within the boundaries of these water sources as shown on the Plan Map, and

(b) in rivers, lakes and wetlands within the boundaries of these water sources.

(4) (Repealed)

(5) These water sources do not include water:

(a) (repealed),

(b) contained in the Barwon-Darling Unregulated River Water Sources to which the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Sources 2012* applies, and

(c) taken under a floodplain harvesting activity for which a floodplain harvesting (regulated river) access licence has or will be issued.

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**Note.** *Floodplain harvesting* is defined in the Dictionary.

**Note.** This Plan, as amended by the *Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources Amendment Order 2019*, does not apply to the Warrego Alluvial Groundwater Source and Paroo Alluvial Groundwater Source. The *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2019* applies to the Warrego Alluvial Groundwater Source and Paroo Alluvial Groundwater Source.

## 5 Management Zones

- (1) For the purposes of this Plan, the Narran River Water Source is divided into the following management zones:
  - (a) Zone 1 Management Zone,
  - (b) Zone 2 Management Zone,
  - (c) Zone 3 Management Zone, and
  - (d) Narran River Tributaries Management Zone.

**Note.** *Management zone* is defined in the Dictionary.

- (2) The management zones in subclause (1) are shown on the Plan Map.

## 6 (Repealed)

## 7 Interpretation

- (1) Words and expressions that are defined in the Dictionary in Schedule 2 to this Plan have the meaning set out in that Schedule.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulation to the Act (hereafter *the regulations*) have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) Schedules to this Plan form part of this Plan.
- (4A) The Plan Map forms part of this Plan.
- (4B) A number in brackets following the name of a gauge is the gauge number.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

## Part 2 Vision, objectives, strategies and performance indicators

### Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 Monitoring, evaluation and reporting (**MER**) plans have been developed for these water sources and are available on the Departments website. The MER plans describe the following:
  - (a) guidelines and principles for developing broad and targeted objectives, strategies and performance indicators,
  - (b) selection criteria used to identify target ecological populations and identify whether they are managed under this Plan, the Intersecting Streams Long Term Water Plan or both plans,
  - (c) selection criteria for identifying priority monitoring locations for targeted objectives,
  - (d) selection criteria used to identify external influences that may affect the success of achieving objectives or implementing strategies,
  - (e) selection criteria used to determine how the objectives to protect or enhance will be measured for different target populations and performance indicators.
- 3 This Part describes broad objectives, which are the long term outcomes of this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives are specific outcomes that can be achieved by the strategies in this Plan and can be directly measured so that success or failure to achieve the objective can be quantified.

### 8 Vision statement

The vision for this Plan is to provide for the following:

- (a) the health and enhancement of these water sources and their water-dependent ecosystems,
- (b) the productive and economically efficient use of water resources,
- (c) the social and cultural benefits to urban and rural communities that result from the sustainable and efficient use of water,
- (d) the spiritual, social, customary and economic benefits to Aboriginal communities that result from the sustainable and efficient use of water.

### 8A Acknowledgment

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Western Water Management Area.

### 9 Environmental objectives

- (1) The broad environmental objective of this Plan is to protect and, where possible, enhance the ecological condition of these water sources and their water-dependent

ecosystems (such as instream, riparian and floodplain ecosystems) over the term of this Plan.

**Note.** The ecological condition of these water sources includes high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined in the Intersecting Streams long-term Water Plan and the Intersecting Streams Surface Water Monitoring, Evaluation and Reporting Plan for Environmental Objectives

(2) The targeted environmental objectives of this Plan are to protect and, where possible, enhance the following over the term of this Plan:

(a) the recorded distribution or extent, and population structure of, target ecological populations including native fish, native vegetation and low flow macroinvertebrate communities,

**Notes.**

1 **Target ecological populations** and **low flow macroinvertebrate communities** are defined in the Dictionary

2 Target ecological populations in these water sources may include known or predicted populations of the following:

- (a) native fish including Murray cod, olive perchlet and silver perch,
- (b) native vegetation including river red gum, coolibah–black box woodland and wetland communities,
- (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds and vegetation,
- (d) ecological communities that are associated with Ramsar and Directory of Important Wetlands Australia (DIWA) listed wetlands, including waterbirds and lignum vegetation, will be monitored under a range of government and academic programs. Further details can be found in the Intersecting Streams Surface Water Monitoring, Evaluation and Reporting Plan for Environmental Objectives.

(b) the longitudinal and lateral connectivity within and between water sources to support target ecological processes,

**Notes.**

1 **Target ecological processes** is defined in the Dictionary.

2 Connectivity may be within or between water sources in this Plan, or between water sources in this Plan and the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*.

3 Connectivity may be between water sources in this Plan and connected water sources in Queensland, where an intergovernmental agreement between the New South Wales and Queensland governments has been made to shepherd water for environmental benefits.

4 Connectivity includes flows into and out of significant wetlands, including Ramsar and DIWA listed wetlands, including Narran Lakes, Nocolleche Nature Reserve, Paroo-Darling National Park and Yantabulla Swamp.

(c) water quality within target ranges for these water sources to support water-dependent ecosystems and ecosystem functions,

**Note.** Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Intersecting Streams Water Resource Plan Area and NSW State Water Quality Assessment and Monitoring Plan.

(3) The strategies for reaching the targeted environmental objectives of this Plan are as follows:

(a) reserve all water volume in excess of the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment,

**Note.** Part 4 of this Plan reserves all water remaining above the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment.

(b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes,

**Notes.**

1 **Flow regimes** is defined in the Dictionary.

2 The provisions in Division 2 of Part 8 of this Plan establish access rules and flow classes that manage the take of water for each water source.

(c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

**Note.** The provisions in clause 46 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity.

(d) reserve a portion of natural flows to maintain hydrological connectivity between these water sources and other connected water sources.

**Note.** The provisions in clauses 45 and 46 of this Plan ensure that very low flows are protected from extraction, and clause 24 and Schedule 3 restrict the extraction of high flows in the Warrego River Water Source.

(4) The performance indicators used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) will be evaluated by determining the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.

(5) The performance indicators used to measure success in achieving the targeted environmental objectives in subclause (2) are changes or trends in ecological condition during the term of this Plan including the following:

(a) the recorded range or extent of target ecological populations,

(b) the recorded condition of target ecological populations,

(c) measurements of hydrological connectivity,

- (d) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen,
- (e) the extent to which the strategies in subclause (3) have provided flow conditions of sufficient magnitude, frequency, timing and water quality to achieve targeted environmental objectives,

**Note.** One or more performance indicators may be measured to evaluate each of the targeted objectives listed in subclause (2), and strategies listed in subclause (3).

- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:

- (a) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (b) the extent to which the strategies in subclause (3) and provisions in this Plan have been effectively implemented and complied with,
- (c) the extent to which external influences on these water sources have affected progress toward achieving the environmental objectives.

**Note.** External influences may include long and short-term climate trends, land use patterns and other factors.

## 10 Economic objectives

- (1) The broad economic objective of this Plan is to maintain access to water to optimise economic benefits for irrigation, water-dependent industries and local economies over the term of this Plan.

- (2) The targeted economic objectives of this Plan are as follows:

- (a) to maintain and, where possible, improve water trading opportunities for water-dependent economic activities,

**Note.** Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.

- (b) maintain access to water, up to the extraction and diversion limits, for agriculture, business and landholders,

- (c) maintain water quality within target ranges for agriculture, business and landholders.

**Note.** Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Intersecting Streams Water Resource Plan Area and NSW State Water Quality Assessment and Monitoring Plan.

(3) The strategies for reaching the targeted economic objectives of this Plan are as follows:

(a) provide a stable and predictable framework for sharing water among water users,

**Note.** The individual account management provisions in clause 42 provide certainty in how water will be shared between individual access licence holders and different categories of access licences.

(b) provide flexibility of access to water,

**Note.** The individual account management provisions in clause 42, including the limit on the volume of water that can be taken in any water year or over three consecutive water years and the amount of water that may be carried over from one water year to the next, provide flexibility that reflects the characteristics of the licence category.

(c) manage extractions to the long-term extraction limit and long-term average sustainable diversion limit and provide for managing extractions within that extraction or diversion limit that recognise different climatic conditions in different years, including during drought,

**Note.** The application of the long-term average annual extraction limit and long-term average sustainable diversion limit, and the assessment and compliance provisions in Part 6 of this Plan manage extractions to different climatic conditions in different years.

(d) provide for trade of water allocations and entitlements within and between water sources, subject to environmental constraints.

**Note.** The provisions in Part 10 of this Plan permit a variety of dealings within environmental and system constraints, including assignment of rights under access licences and assignment of water allocations between access licences.

(4) The performance indicators used to measure the success of the strategies for reaching the broad economic objective in subclause (1) will be evaluated by determining the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.

(5) The performance indicators used to measure success in achieving the targeted economic objectives in subclause (2) are the changes or trends in economic benefits, including the following:

(a) the economic benefits of water extraction and use, including the movement of water to higher value uses,

(b) the economic benefits of water trading, including changes or trends in the following:

(i) the unit price of water that is subject to a dealing,

- (ii) the annual total number of access licence shares subject to a dealing,
- (iii) the annual weighted average price of water traded within these water sources,

**Note.** *Weighted average price* is defined in the Dictionary.

- (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen.

**Note.** One or more performance indicators may be measured to evaluate each of the targeted objectives listed in subclause (2), and strategies listed in subclause (3).

- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
  - (a) the extent to which stakeholders have considered the operation of this Plan to be clearly explained and predictable,
  - (b) water made available during the term of this Plan through available water determinations and granting of new access licences,
  - (c) the extent to which changes in the economic benefits of water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (d) the extent to which the strategies in subclause (3) and provisions in this Plan have been effectively implemented and complied with,
  - (e) the extent to which external influences on these water sources have affected progress toward achieving the economic objectives.

**Note.** External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances and changes in policy or regulation.

## 11 Aboriginal cultural objectives

- (1) The broad Aboriginal cultural objective of this Plan is to maintain and, where possible, enhance the spiritual, social, customary and economic values and uses of water by Aboriginal peoples.
- (2) The targeted Aboriginal cultural objectives of this Plan are as follows:
  - (a) provide access to water in the exercise of native title rights,
  - (b) provide access to water for Aboriginal cultural use, including fishing,

**Note.** Relevant native fish species in these water sources may include golden perch and Murray cod.

- (c) protect identified water-dependent cultural areas, including culturally important riparian vegetation communities,
- (d) maintain, and where possible enhance, water quality within target ranges to ensure suitability of water for Aboriginal cultural use.

**Note.** Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Intersecting Streams Water Resource Plan Area and NSW State Water Quality Assessment and Monitoring Plan.

- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows:

- (a) manage access to water consistently with the exercise of native title rights,

**Note.** Clause 20 of this Plan ensures the provision of water associated with a native title determination.

- (b) provide for water associated with Aboriginal cultural values and uses,

**Note.** The provisions in Part 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural'.

- (c) reserve a portion of natural flows to mitigate alterations to natural flow regimes in these water sources,

**Note.** The provisions in Division 2 of Part 8 of this Plan establish flow classes that restrict the take of water for each water source.

- (d) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

**Note.** The provisions in clause 46 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.

- (e) reserve a portion of natural flows to maintain hydrological connectivity within and between water sources and riparian zones, wetlands and floodplains that are culturally important and are connected to these water sources.

**Note.** The provisions in clauses 45 and 46 of this Plan maintain the hydrological connectivity between these water sources and wetlands connected to these water sources by ensuring a portion of medium and high natural flows are protected.

- (4) The performance indicators used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) will be evaluated by determining the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.

- (5) The performance indicators used to measure success in achieving the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) will be evaluated as follows:
- (a) by comparing changes or trends in the use of water by Aboriginal people during the term of the Plan by measuring factors including:
    - (i) the extent to which native title rights are able to be exercised, consistently with any determination of native title,
    - (ii) the extent to which access to water has achieved Aboriginal cultural outcomes,
  - (b) by comparing changes or trends in the recorded range or extent of target populations of native fish,
  - (c) by comparing changes or trends in the recorded range or condition of target populations of riparian vegetation,
  - (d) by considering the extent to which the protection of identified cultural assets can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (e) by considering the extent to which Aboriginal people have considered the operation of this Plan to be beneficial to meeting their needs for water-dependent cultural uses and values,
  - (f) by considering the extent to which changes in the use of water by Aboriginal people can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (g) by comparing changes, or trends in, the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- Note.** One or more performance indicators will be measured for each of the targeted objectives listed in subclause (2), and strategies listed in subclause (3).
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which Aboriginal people have considered the operation of this Plan to be clearly explained and predictable,
  - (b) water made available during the term of this Plan through available water determinations and granting of new access licences,

- (c) the extent to which changes in the use of water by Aboriginal people can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (d) the extent to which external influences on these water sources have affected progress toward achieving the Aboriginal cultural objectives.

**Note.** External influences may include trends in Aboriginal cultural activity, urban, agricultural and industrial development, and changes in climate, policy or regulation.

### 11A Social and cultural objectives

- (1) The broad social and cultural objective of this Plan is to maintain or enhance the efficient and sustainable access to water to support critical human water needs, and water dependent values, culture, heritage and recreational uses.
- (2) The targeted social and cultural objectives of this Plan are to maintain and, where possible, improve:

- (a) access to water for critical human water needs, town water supply and domestic and stock purposes,
- (b) access to water for water-dependent cultural, heritage and recreational uses, including recreational fishing,

**Note.** Native fish species that are important for recreational fishing in these water sources may include golden perch and Murray cod.

- (c) water quality within target ranges for critical human water needs, town water supply, domestic and stock purposes and water-dependent cultural, heritage and recreational uses, including recreational fishing.

**Note.** Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Intersecting Streams Water Resource Plan Area and NSW State Water Quality Assessment and Monitoring Plan.

- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows:

- (a) provide water access for critical human water needs, town water supply, and for domestic and stock purposes,

**Note.** The provisions in Part 3 of this Plan ensure that water is available for critical human water needs, town water supply and domestic and stock purposes.

- (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,

**Note.** The provisions in Division 2 of Part 8 of this Plan establish flow classes that restrict the take of water for each water source.

- (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

**Note.** The provisions in clause 46 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.

- (d) reserve a portion of natural flows to maintain hydrological connectivity within and between water sources, riparian zones, wetlands and floodplains connected to these water sources.

**Note.** The provisions in clauses 45 and 46 of this Plan ensure that very low flows are protected from extraction.

- (4) The performance indicators used to measure the success of the strategies for reaching the broad social and cultural objectives in subclause (1) will be evaluated by determining the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objectives.

- (5) The performance indicators used to measure success in reaching the targeted social and cultural objectives in subclause (2) will be evaluated as follows:

- (a) by comparing changes or trends in the social and cultural uses of water during the term of this Plan by measuring factors including:

- (i) the extent to which basic landholder rights have been met,
- (ii) the extent to which major utility access licence and local water utility access licence requirements have been met,

- (b) by comparing changes or trends in the recorded range or extent of target populations of native fish that are important for recreational fishing,

- (c) by comparing changes or trends in the recorded takes of native fish that are important for recreational fishing within legal age and size classes,

- (d) by comparing changes or trends in the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.

**Note.** One or more performance indicators will be measured for each of the targeted objectives listed in subclause (2), and strategies listed in subclause (3).

- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:

- (a) the extent to which stakeholders have considered the operation of this Plan to be clearly explained and predictable,
- (b) water made available during the term of this Plan through available water determinations and granting of new access licences,
- (c) the extent to which changes in the social and cultural use of water can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (d) the extent to which external influences on these water sources have affected progress toward achieving the social and cultural objectives.

**Note.** External influences may include trends in urban, agricultural and industrial development, social or cultural behaviour, long and short term trends in climate, or changes in policy or regulation.

## **Part 3 Bulk access regime**

### **12 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
  - (a) the environmental water rules established in Part 4 of this Plan,
  - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
  - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
  - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime established in this Plan for these water sources:
  - (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources contained in Part 6 of this Plan,
  - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 7 and 8 of this Plan, and available water determinations to be made contained in Part 6 of this Plan,
  - (c) recognises the effect of climatic variability on the availability of water as described in clause 13,
  - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to non-compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit contained in Part 6 of this Plan,
  - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences, contained in Division 2 of Part 11 of this Plan, and
  - (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

### 13 Climatic variability

This Plan recognises the effects of climatic variability on river flow in these water sources by having provisions that:

- (a) manage the sharing of water within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reductions in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit and long-term average annual sustainable diversion limit contained in Part 6 of this Plan, and
- (b) manage the sharing of water in specified water sources on a daily basis, contained in Division 2 of Part 8 of this Plan.

**Note.** Other statutory tools are available to manage for climatic variability within a water source, for example, temporary water restrictions under section 324 of the Act.

## Part 4 Planned environmental water provisions

### Notes.

- 1 This Part is made in accordance with sections 8, 8A and 20 of the Act.
- 2 Part 12 allows for amendments to be made to Part 4.

### 14 General

This Part contains environmental water rules for the commitment, identification, establishment and maintenance of planned environmental water in these water sources.

**Note.** In accordance with the Act, planned environmental water is water that is committed by management plans for fundamental ecosystem health or other specified environmental purposes, either generally or at specified times or in specified circumstances and that cannot to the extent committed be taken or used for any other purpose.

### 15 Commitment and identification of planned environmental water

- (1) (Repealed)
- (2) Water is committed and identified as planned environmental water in these water sources in the following ways:
  - (a) by reference to the commitment of the physical presence of water in these water sources,
  - (b) by reference to the long-term average annual commitment of water as planned environmental water, and
  - (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

### 16 Establishment and maintenance of planned environmental water

- (1) This Plan establishes planned environmental water in these water sources as follows:
  - (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8 of this Plan,

**Note.** The rules in Division 2 of Part 8 of this Plan for these water sources set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.
  - (b) the long-term average annual commitment of water as planned environmental water resulting from compliance with the long-term average annual extraction

limit and long-term average sustainable diversion limit as specified in clause 31,

- (c) water remaining after water has been taken under basic landholder rights and access licences, in accordance with the rules specified in Part 6 and Part 8.
- (2) The planned environmental water established under subclause (1) (a) is maintained by the rules specified in Division 2 of Part 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained by the rules specified in Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained by the rules specified in Part 6 and Part 8 of this Plan.

**Note.** The rules in Part 6 ensure that there will be water remaining in these water sources over the long term by maintaining compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit. The rules in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limit and long-term average sustainable diversion limit have been assessed to have been exceeded.

## Part 5 Requirements for water

### Division 1 General

#### 17 Application

- (1) This Part identifies the requirements for water from these water sources for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in these water sources and the total volumes or unit shares to be specified in the share components of all access licences in these water sources. The actual volumes of water available for extraction in these water sources at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in these water sources and the total share components of all access licences authorised to extract water from these water sources may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Division 1 of Part 6 of this Plan.

**Note.** The total share components of access licences in these water sources may change during the term of this Plan as a result of:

- (a) the grant, surrender or cancellation of access licences in these water sources,
- (b) the variation of local water utility licences under section 66 of the Act, or
- (c) changes due to the volumetric conversion of [Water Act 1912](#) entitlements that are currently non-volumetric.

### Division 2 Requirements for water for basic landholder rights

#### 18 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 6.73 megalitres per day (hereafter *ML/day*), distributed as follows:

- (a) 0.06 ML/day in the Mooni River Water Source,
- (b) 0.76 ML/day in the Narran River Water Source,
- (c) 1.06 ML/day in the Culgoa River Water Source,

- (d) 0.70 ML/day in the Warrego River Water Source,
- (e) 2.24 ML/day in the Paroo River Water Source, and
- (f) 1.91 ML/day in the Yanda Creek Water Source.
- (g) (repealed)
- (h) (repealed)

**Notes.**

- 1 Domestic and stock rights are set out in Division 1 of Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock watering.
- 2 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these water sources should not be consumed without first being tested and if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

## 19 Native title rights

The requirement for water to satisfy native title rights is the water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including:

- (a) the native title determination for the Barkandji Traditional Owners #8 (Parts A and B, National Native Title Tribunal references NCD2015/001 and NCD2017/00),
- (b) any other determination of native title.

**Notes.**

- 1 The map in Appendix 3 indicates the locations covered by the native title determinations in relation to the water sources in this Plan. The only relevant areas are in the Paroo River Water Source and Yanda Creek Water Source.
- 2 This Plan may be amended if there is an additional or change to a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 This Plan may be amended if consultation with native title holders identifies more specific requirements for water to satisfy native title rights.
- 4 Native title rights may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

## 20 Harvestable rights

The requirement for water under harvestable rights in these water sources is the total amount of water that owners or occupiers of landholdings are entitled to capture and store, pursuant to a harvestable rights order made under Part 1 of Chapter 3 of the Act.

### **Division 3 Requirements for water for extraction under access licences**

#### **Notes.**

- 1 The share component estimates in this Division include licensed environmental water as defined in section 8 of the Act. The Environmental Water Register maintained by the Department provides a record of licensed environmental water licences, as well as other water intended for environmental purposes.
- 2 As at 1 July 2019, there are four access licences with share components totalling 17,826 unit shares that are not identified as licensed environmental water but are intended to be used for environmental purposes. These licences are held by the Commonwealth Government. These access licences are unregulated river access licences and unregulated river (special additional high flow) access licences.

#### **21 Share components of domestic and stock access licences**

It is estimated that at 1 July 2019, the share components of domestic and stock access licences authorised to take water from these water sources will total 482 ML/year, distributed as follows:

- (a) 16 ML/year in the Mooni River Water Source,
- (b) 39 ML/year in the Narran River Water Source,
- (c) 146.5 ML/year in the Culgoa River Water Source,
- (d) 42.5 ML/year in the Warrego River Water Source,
- (e) 230 ML/year in the Paroo River Water Source, and
- (f) 8 ML/year in the Yanda Creek Water Source.
- (g) (repealed)
- (h) (repealed)

#### **22 Share components of local water utility access licences**

It is estimated that at 1 July 2019, the share components of local water utility access licences authorised to take water from these water sources will total 221 ML/year, distributed as follows:

- (a) (repealed),
- (b) 221 ML/year in the Paroo River Water Source, and
- (c) 0 ML/year in all other water sources.

### **23 Share components of unregulated river access licences**

It is estimated that at 1 July 2019, the share components of unregulated river access licences authorised to take water from these water sources will total 23,083 unit shares, distributed as follows:

- (a) 1,047 unit shares in the Mooni River Water Source,
- (b) 8,834 unit shares in the Narran River Water Source,
- (c) 2,979 unit shares in the Culgoa River Water Source,
- (d) 9,432 unit shares in the Warrego River Water Source,
- (e) 791 unit shares in the Paroo River Water Source, and
- (f) 0 unit shares in the Yanda Creek Water Source.

### **24 Share components of unregulated river (special additional high flow) access licences**

It is estimated that at 1 July 2019, the share components of unregulated river (special additional high flow) access licences authorised to take water from these water sources will total 12,150 unit shares, distributed as follows:

- (a) 12,150 unit shares in the Warrego River Water Source, and
- (b) 0 unit shares in all other water sources.

### **25 (Repealed)**

## **Part 6 Limits to the availability of water**

### **Division 1 Calculations under this Part**

#### **26 Exclusions, inclusions and variations in calculations**

- (1) This clause applies to the calculation of the following extraction, water take and limits:
  - (a) the long-term average annual extraction limit under clause 27,
  - (b) the average annual extraction under clause 28,
  - (c) the annual permitted take under clause 29B,
  - (d) the annual actual take under clause 29C.
- (2) The calculation by the Minister of the extraction, water take and limits to which this clause applies must:
  - (a) in relation to average annual extraction under clause 29B only, exclude water committed as licensed environmental water under section 8F of the Act, and
  - (b) in relation to the long-term average annual extraction limit only, be varied by any change to the amount of water committed as licensed environmental water under section 8F of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limit under clause 27 must be reduced by a volume that appropriately reflects the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act.

### **Division 2 Long-term average annual extraction limits**

#### **27 Calculation of the long-term average annual extraction limits**

The long-term average annual extraction limit for each of these water sources is the sum of:

- (a) the annual extraction of water averaged over the period from July 1993 to June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the respective water source, plus

- (b) the estimated annual water requirements pursuant to basic landholder rights in the respective water source at the commencement of this Plan, plus
- (c) the estimated annual extraction of water averaged over the period from July 1993 to July 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences are or will be issued in the respective water source, plus

**Note.** In unregulated river water sources (including these water sources) the extraction of water by floodplain harvesting activities is typically already accounted for within the existing access licence share components. However, there may be instances where this is not the case and floodplain harvest access licences will be issued in accordance with the NSW Floodplain Harvesting Policy. Subclause (2)(c) applies only to those estimated extractions for which floodplain harvesting access licences are later issued, and not to estimated extractions under entitlements issued under Part 2 of the [Water Act 1912](#).

- (d) an estimate of the annual take of water from the respective water source by plantation forestry that existed on 30 June 2009.

**Note.** *Plantation forestry* is defined in the Dictionary.

## 28 Calculation of annual extraction

Following the end of each water year, the Minister is to calculate the total annual extraction from each of these water sources, based on the following:

- (a) the take of water by basic landholder rights and access licences in that water year,
- (b) the estimated take of water by plantation forestry in that water year,
- (c) until such time as it is included under paragraph (a), the estimated take of water in that water year by floodplain harvesting, for which floodplain harvesting (unregulated river) access licences will be issued in that water source.

## 29 Assessment of compliance with the long-term average annual extraction limits

- (1) Following the calculation under clause 28, the Minister is to compare the average of the total annual extraction for each of these water sources over the preceding five water years against the respective long-term average annual extraction limits.
- (2) There is non-compliance with a long-term average annual extraction limit if the average of the total annual extraction over the preceding five water years exceeds the long-term average annual extraction limit by 5% or more.

### Division 3 Long-term average sustainable diversion limit

#### 29A Calculation of the long-term average sustainable diversion limit

The long-term average sustainable diversion limit for each of these water sources is:

- (a) the component of the baseline diversion limit for the respective water source within the Intersecting Streams SDL resource unit as determined under Schedule 3 of the Basin Plan, minus
- (b) the component of the shared reduction amount for the Intersecting Streams SDL resource unit as determined under section 6.05 of the Basin Plan, that in the Minister's opinion is attributable to the respective water source.

**Notes.**

- 1 The **long-term average sustainable diversion limit** is defined in section 4 of the *Water Act 2007* of the Commonwealth. **Baseline diversion limit** is defined in section 1.07 of the Basin Plan and **SDL resource unit shared reduction amount** is defined in Schedule 2 of the Basin Plan
- 2 The subtraction of the SDL resource unit shared reduction amount is prescribed in Schedule 2 of the Basin Plan. The shared reduction amount estimated in the Basin Plan for the Intersecting Streams SDL resource unit is 8 GL.

#### 29B Calculation of annual permitted take for the water year

- (1) Following the end of each water year, the Minister is to calculate the annual permitted take of water for the previous water year in each of the water sources in accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to the water source.

**Notes.**

- 1 **Annual permitted take** is defined in section 6.10 of the Basin Plan. Under that section take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in this assessment as they fall outside the definition of take for consumptive use.
- 2 **Take** and **consumptive use** are defined in section 4 of the *Water Act 2007* of the Commonwealth.

#### 29C Assessment of compliance with the long-term average sustainable diversion limit

- (1) Following the calculation under clause 29B at the end of each water year, the Minister is to, in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan:
  - (a) compare annual actual take of water against the annual permitted take, and

- (b) maintain a cumulative balance of the difference between annual actual take and annual permitted take.

**Note. Annual actual take** is defined in section 6.10 of the Basin Plan.

- (2) There is non-compliance with the long-term average sustainable diversion limit in the circumstances set out in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

### **30 (Repealed)**

## **Division 4 Compliance with extraction and diversion limits**

### **31 Action following non-compliance**

- (1) Subject to subclause (2), if an assessment under clauses 29 or 29C demonstrates non-compliance with either the long-term average annual extraction limit or the long-term average sustainable diversion limit, the Minister is to take the following actions for the water year after the assessment:
  - (a) make an available water determination for unregulated river access licences under clause 36 of less than 1 ML per unit share,
  - (b) make an available water determination for unregulated river (high flow) access licences under clause 37 of less than 1 ML per unit share.
- (2) An action under subclause (1) is to be taken to the extent to which the Minister considers the following is necessary:
  - (a) in the case of non-compliance with a long-term average annual extraction limit - to return long-term average annual extraction to the respective long-term average annual extraction limit, or
  - (b) in the case of non-compliance with a cumulative annual extraction limit – to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.

### **32 (Repealed)**

## **Division 4 Available water determinations**

### **33 General**

- (1) Available water determinations for access licences with a share component that specifies one of these water sources are to be expressed as either:

- (a) a percentage of share component for access licences where share components are specified as ML/year, or
  - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed:
- (a) 100% of the access licence share component or such lower amount that results from Division 3 of this Part, for all access licences where share components are specified as ML/year, or
  - (b) 1 megalitre per unit share of the access licence share component or such lower amount that results from Division 3 of this Part, for all access licences, where share components are specified as a number of unit shares.
- (3) (Repealed)

#### **34 Available water determinations for domestic and stock access licences**

Unless the Minister otherwise determines, at the commencement of each water year, an available water determination of 100% of the access licence share component is to be made for domestic and stock access licences with a share component that specifies one of these water sources.

#### **35 Available water determinations for local water utility access licences**

Unless the Minister otherwise determines, at the commencement of each water year, an available water determination of 100% of the access licence share component is to be made for local water utility access licences with a share component that specifies one of these water sources.

#### **36 Available water determinations for unregulated river access licences**

Unless the Minister otherwise determines, at the commencement of each water year, an available water determination of 1ML per unit of access licence share component or such lower amount that results from Division 3 of this Part, is to be made for unregulated river access licences with a share component that specifies one of these water sources.

**Note.** Division 3 of this Part provides for available water determinations for unregulated river access licences to be reduced where the long-term average annual extraction limit or long-term

average sustainable diversion limit for any of these water sources has been assessed to have been exceeded, as per clauses 29, 29C and 31.

**37 Available water determinations for unregulated river (special additional high flow) access licences**

Unless the Minister otherwise determines, at the commencement of each water year, an available water determination of 1 ML per unit of share component, or such lower amount that results from Division 3 of this Part, is to be made for unregulated river (special additional high flow) access licences with a share component that specifies one of these water sources.

**Note.** Division 3 of this Part provides for available water determinations for unregulated river (special additional high flow) access licences to be reduced where the long-term average annual extraction limit or long-term average sustainable diversion limit for any of these water sources has been assessed to have been exceeded, as per clause 29, 29C and 31.

**38 (Repealed)**

## Part 7 Rules for granting access licences

### Notes.

- 1 This Part is made in accordance with sections 20, 61 and 63 of the Act.
- 2 Access licences granted in these water sources will be subject to mandatory conditions and discretionary conditions.

### 39 Specific purpose access licences

**Note.** Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan.

- (1) Applications for specific purpose access licences, other than those permitted under the Regulation, may not be made in these water sources.
- (2) A specific purpose access licence must not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (3) An access licence of the subcategory “Aboriginal cultural” must not be granted in these water sources unless the share component of the proposed access licence is less than or equal to 10 ML/year.
- (4) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

**Note.** *Aboriginal person* is defined in the Dictionary.

### 40 (Repealed)

## Part 8 Rules for managing access licences

### Division 1 Water allocation account management rules

**Note.** The Act and the regulations provide for the keeping of water allocation accounts. The rules in this Division impose further limits on the volume of water that may be taken under an access licence over a specified period of time. These limits are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

#### 41 (Repealed)

#### 42 Individual access licence account management rules

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of these water sources.
- (2) (Repealed)
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or an unregulated river access licence in these water sources, must not exceed a volume equal to the lesser of:
  - (a) the sum of:
    - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
    - (ii) the water allocations carried over from the water year prior to those three water years under subclause (5),
    - (iii) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T or 71V of the Act, in those three water years, and
    - (iv) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in those three water years, or
  - (b) the sum of:
    - (i) the share component of the access licence at the beginning of the first of those three water years,

- (ii) the share component of the access licence at the beginning of the second of those three water years,
  - (iii) the share component of the access licence at the beginning of the third of those three water years,
  - (iv) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T or 71V of the Act, in those three water years, and
  - (v) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in those three water years.
- (4) In any water year, the water taken under an unregulated river (special additional high flow) access licence in these water sources must not exceed a volume equal to:
- (a) the sum of water allocations accrued under the access licence from available water determinations in that water year, plus
  - (b) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T or 71V of the Act, in that water year, plus
  - (c) any water allocation re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in that water year.
- (5) The maximum water allocation that can be carried over in the water allocation account for a domestic and stock access licence, a local water utility access licence or an unregulated river access licence in these water sources, from one water year to the next is equal to:
- (a) 100% of the access licence share component, for access licences with share components expressed as ML/year, or
  - (b) 1 ML per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) Water allocations remaining in the water allocation account for an unregulated river (special additional high flow) access licence in these water sources cannot be carried over from one year to the next.

### 43 (Repealed)

## Division 2 Flow classes and daily access rules

### 44 General

The rules in this Division apply to the taking of water under an access licence with a share component that specifies one of these water sources.

### 45 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table A as the basis for the sharing of flows on a daily basis in these water sources.
- (2) The flow classes in Column 3 and the reference points specified in Column 6 of Table A are established for each water source specified in Column 1 and each management zone specified in Column 2 of Table A.
- (3) The flow classes commence in the year specified in Column 4 of Table A.
- (4) A flow class applies in the respective water source or management zone, on the day specified in Column 7 of Table A when the flow (ML/day) or river height (metres) as measured at the reference point specified in Column 6 of Table A are equal to the flow or river height specified in Column 5 of Table A.
- (5) For the purpose of Table A, *Year 1 of this Plan* means from the date of commencement of this Plan.

**Notes.**

- 1 The flow classes, reference points, water sources or management zones to which a flow class applies or any other matter listed in Table A may be amended as provided for in Part 12 of this Plan.
- 2 Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table A.

**Table A—Flow Classes**

| Column 1                  | Column 2               | Column 3            | Column 4            | Column 5                               | Column 6                          | Column 7                        |
|---------------------------|------------------------|---------------------|---------------------|--|-----------------------------------|---------------------------------|
| Water Source              | Management Zone        | Flow class          | Commencement        | Flow (ML/day) or river height (metres) | Reference point                   | Day on which flow class applies |
| Narran River Water Source | Zone 1 Management Zone | Very Low Flow Class | Year 1 of this Plan | Less than or equal to 0.45 metres      | New Angledool No 2 gauge (422030) | Same day                        |

|                        |  |                     |                     |                                   |  |          |
|------------------------|--|---------------------|---------------------|-----------------------------------|--|----------|
|                        |  | A Class             | Year 1 of this Plan | More than 0.45 metres             |  | Same day |
| Zone 2 Management Zone |  | Very Low Flow Class | Year 1 of this Plan | Less than or equal to 1.18 metres | Wilby Wilby (Belvedere) gauge (422016) | Same day |
|                        |  | A Class             | Year 1 of this Plan | More than 1.18 metres             |  | Same day |
| Zone 3 Management Zone |  | Very Low Flow Class | Year 1 of this Plan | No visible flow                   | Narran Park gauge (422029)             | Same day |
|                        |  | A Class             | Year 1 of this Plan | Visible flow                      |  | Same day |

#### 46 Access rules for the taking of surface water

- (1) This clause applies to the taking of water under an access licence from these water sources.
- (2) Subject to subclause (10), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows in that water source or management zone are in the Very Low Flow Class. This subclause does not apply to the taking of water from a natural pool, lagoon or lake that is not within a river or stream (regardless of stream size), is on a flood-runner or floodplain, or is on an effluent that only commences to flow during high flows.
- (3) Subject to subclause (10), water must not be taken under an access licence if there is no visible flow in the water source at the location at which water is proposed to be taken. This subclause does not apply to the taking of water from a natural pool, lagoon or lake that is not within a river or stream (regardless of stream size), is on a flood-runner or floodplain, or is on an effluent that only commences to flow during high flows.
- (4) Subject to subclause (10), water must not be taken under an access licence from a natural pool, lagoon or lake that is not within a river or stream (regardless of stream size), is on a flood-runner or floodplain, or is on an effluent that only commences to flow during high flows, when the water level in that pool, lagoon or lake is less than 100% of its full containment volume.

- (5) Water must not be taken under an access licence where the cease to pump threshold on an entitlement issued under Part 2 of the *Water Act 1912* that the access licence replaces is, in the Minister's opinion, higher than the upper limit of the relevant Very Low Flow Class (as specified in Column 5 of Table A) or the cease to take condition specified in subclauses (3) and (4), when flows are at or less than the cease to pump threshold that was specified on the replaced *Water Act 1912* entitlement. In this subclause, ***cease to pump threshold*** means a condition or restriction on the replaced entitlement which placed a limit on when water may be taken.
- (6) Water must not be taken under an unregulated river (special additional high flow) access licence specified in Column 1 of Schedule 3 in contradiction of the access rule specified in Column 3 of Schedule 3.
- (7) Water must not be taken from an in-river dam pool unless the in-river dam is passing such flows as specified on the water supply work approval for the in-river dam.
- Note.** *In-river dam* and *in-river dam pool* are defined in the Dictionary.
- (8) The flows to be specified on the water supply work approval for the in-river dam referred to in subclause (7) are:
- (a) the flows that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
  - (b) where no flows were specified, the amount of flows determined by the Minister.
- (9) Water must not be taken under an access licence from an in-river dam pool created by a structure authorised by a water supply work approval when flows or storage levels of the in-river dam pool are at or less than the cease to pump threshold that was specified on the entitlement issued under Part 2 of the *Water Act 1912* that the access licence replaces.
- (10) Subclauses (2) to (4) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 4 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified on the access licence in accordance with subclause (11):
    - (i) fruit washing,
    - (ii) cleaning of dairy plant and equipment for the purposes of hygiene,

- (iii) poultry watering and misting, or
  - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
  - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
  - (c) (repealed)
  - (d) the taking of water using a runoff harvesting dam or from an in-river dam pool, and
  - (e) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 4 applies.
- (11) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclause (10) (a), if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose referred to in subclause (10) (a).

**Note.** Part 12 of this Plan allows for amendments to be made to clause 46.

#### **47 Total daily extraction limits**

At the commencement of this Plan, total daily extraction limits (hereafter *TDELs*) are not established for any access licences in these water sources.

**Notes.**

- 1 TDELs are an assessment tool only and can be used to determine which access licences (if any) may require individual daily extraction limits. If TDELs are established, continued exceedance of a TDEL may result in the imposition of individual daily extraction limits under clause 48.
- 2 Part 12 of this Plan allows for amendments to be made to establish TDELs.
- 3 **Total daily extraction limit** is defined in the Dictionary.

#### **48 Individual daily extraction limits**

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established for access licences in these water sources.

- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 47 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

**Notes.**

- 1 Part 12 of this Plan allows for amendments to be made to establish IDELs.
- 2 ***Individual daily extraction limit*** is defined in the Dictionary.

## Part 9 Rules for water supply work approvals

### Notes.

- 1 This Part is made in accordance with sections 5, 21 and 95 of the Act.
- 2 Part 12 allows for amendments to be made to Part 9.

### Division 1 Rules applying to water supply works

#### 49 General

The rules in this Division apply to water supply work approvals for water supply works that may be used to take water from these water sources.

#### 50 Granting water supply work approvals

- (1) (Repealed)
- (2) Subject to subclause (3), a water supply work approval must not be granted or amended for a water supply work, which in the Minister's opinion, is capable of taking water from between the bed and banks of the Paroo River and its tributaries in the Paroo River Water Source.

**Note.** Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones, excluding within the Paroo River and its tributaries in the Paroo River Water Source, to which this Plan applies, consistent with the principles of the Act.

- (3) Subclause (2) does not apply to the grant or amendment of a water supply work approval for a replacement water supply work capable of taking water from between the bed and banks of the Paroo River and its tributaries in the Paroo River Water Source. For the purpose of this subclause, a **replacement water supply work** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from between the bed and banks of the Paroo River and its tributaries in the Paroo River Water Source where:
  - (a) the existing water supply work is authorised by a water supply work approval under the Act, and
  - (b) the replacement water supply work is to be constructed to extract water from the same location as the existing water supply work.

**Division 2 (Repealed)**

**51-57 (Repealed)**

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## **Part 10 Access licence dealing rules**

### **58 General**

The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.

**Notes.**

- 1 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.
- 3 Part 12 allows for amendments to be made to Part 10.

### **59 Conversion of access licence to new category**

- (1) This clause relates to dealings under section 71O of the Act in these water sources.
- (2) Dealings under section 71O of the Act are prohibited in these water sources.

### **60 Assignment of rights dealings**

- (1) This clause relates to dealings under section 71Q of the Act in these water sources.
- (2) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from an access licence that does not nominate a water supply work located on the Paroo River or its tributaries in the Paroo River Water Source to an access licence that does nominate a water supply work located on the Paroo River and its tributaries in the Paroo River Water Source.
- (3) Dealings under section 71Q of the Act are prohibited if the dealing involves an unregulated river (special additional high flow) access licence.
- (4) Dealings between water sources under section 71Q of the Act are prohibited in these water sources.

### **61 Amendment of share component dealings (change of water source)**

- (1) This clause relates to dealings under section 71R of the Act in these water sources.
- (2) Dealings under section 71R of the Act are prohibited in these water sources.

### **62 Assignment of water allocations dealings**

- (1) This clause relates to dealings under section 71T of the Act in these water sources.

- (2) Dealings within a water source under section 71T of the Act are prohibited in these water sources if the dealing involves an assignment of water allocation from an access licence that does not nominate a water supply work located on the Paroo River and its tributaries in the Paroo River Water Source to an access licence that does nominate a water supply work located on the Paroo River and its tributaries in the Paroo River Water Source.
- (3) Dealings within a water source under section 71T of the Act are prohibited in these water sources if the dealing involves an unregulated river (special additional high flow) access licence.
- (4) Dealings between water sources under section 71T of the Act are prohibited in these water sources.

### **63 Interstate transfer of access licences and assignment of water allocation**

- (1) This clause relates to dealings under section 71U or 71V of the Act in these water sources.
- (2) Dealings involving the interstate transfer of an access licence to or from access licences in these water sources are prohibited unless administrative arrangements have been agreed to and implemented by the States, and the interstate access licence transfer is made in accordance with these arrangements.
- (3) Dealings involving the interstate assignment of water allocations to or from access licences in these water sources are prohibited unless administrative arrangements have been agreed to and implemented by the States, and the interstate assignment of water allocations is made in accordance with these arrangements.

**Note.** As at 1 July 20XX, administrative arrangements are not in place between New South Wales and Queensland. New South Wales will, in collaboration with Queensland, consider introducing a cross border trading framework, if and when demand increases to a level that justifies the investment in administrative resources.

### **64 Nomination of water supply works dealings**

- (1) This clause relates to dealings under section 71W of the Act in these water sources.
- (2) Dealings under section 71W of the Act are prohibited if the dealing involves an access licence that does not nominate a water supply work located on the Paroo River or its tributaries in the Paroo River Water Source being amended to nominate a water supply work located on the Paroo River and its tributaries in the Paroo River Water Source.

- (3) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources may be permitted subject to administrative arrangements agreed to and implemented by the States.

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## Part 11 Mandatory conditions

**Note.** Part 12 allows for amendments to be made to Part 11.

### Division 1 General

#### 65 General

In this Part:

- (a) a requirement to notify the Minister in writing is satisfied by making a notification in writing to one of the addresses listed in Schedule 1 of this Plan or to the email address for enquiries on the Department's website,

**Note.** At the commencement of this Plan, the email address for enquiries on the Department's website is [water.enquiries@industry.nsw.gov.au](mailto:water.enquiries@industry.nsw.gov.au).

- (b) a *metered water supply work with a data logger* means a water supply work with a data logger and a meter that complies with the *Australian Technical Specification: ATS 4747 Meters for non-urban water supply* as may be updated or replaced from time to time, and

**Note.** The definition of *metered water supply work with a data logger* does not include all water supply works that are metered or have a data logger. The water supply work must meet the parameters of this definition for the water supply work to be a metered water supply work with a data logger.

- (c) if the holder of a water supply approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

### Division 2 Access licences

**Note.** This Division is made in accordance with sections 17 (c), 20 and 66 of the Act.

#### 66 General

- (1) Access licences in these water sources must have mandatory conditions to give effect to the following:

- (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan for the respective category or subcategory of access licence,

- (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
  - (c) the holder of the access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
  - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only a metered water supply work with a data logger, must have mandatory conditions to give effect to the following:
- (a) the holder of the access licence must keep a Logbook,
  - (b) the holder of the access licence must record the following in the Logbook:
    - (i) each date and period of time during which water was taken under the access licence,
    - (ii) the volume of water taken on that date,
    - (iii) the water supply work approval number of the water supply work used to take the water on that date,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) (repealed)
    - (vi) for domestic and stock access licences, local water utility access licences and unregulated river access licences, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in those years under clause 42 (3),
    - (vii) for unregulated river (special additional high flow) access licences, the volume of water taken in any water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 42 (4), and
    - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,

- (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
  - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) When directed by the Minister by notice in writing, the holder of an access licence that nominates only a metered water supply work with a data logger must keep a Logbook in accordance with any requirements from subclause (2) that are specified in the notice.
- (4) (Repealed).
- (5) (Repealed)
- (6) Subclauses (2) and (3) cease to have effect on commencement of clause 250 of the *Water Management (General) Regulation 2018*.

**Note.** Clause 250 of the *Water Management (General) Regulation 2018* commences on 1 December 2019. The clause imposes a mandatory condition requiring record keeping in respect of access licences and approvals.

### Division 3 Water supply work approvals

**Note.** This Division is made in accordance with sections 17 (c) and 100 of the Act.

#### 67 General

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions to give effect to the following:
- (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 8 of this Plan,
  - (b) that when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
    - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
    - (ii) the metering equipment must comply with the *Australian Technical Specification: ATS 4747 Meters for non-urban water supply* as may be updated or replaced from time to time,

- (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
- (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water into or out of the pipe, channel or conduit between the water source and the metering equipment, and
- (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice, and

**Note.** The Minister may direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.

- (c) any other conditions required to implement the provisions of this Plan.
- (1A) Subclause (1) (b) ceases to have effect in relation to an approval subject to a mandatory metering equipment condition on the day on which the condition applies to the approval.
- (1B) Subclause (1) (b) ceases to have effect on the day on which exemptions from the mandatory metering equipment condition under clause 230 (1) of the *Water Management Act (General) Regulation 2018* cease to apply in relation to these water sources.

**Notes.**

- 1 **Mandatory metering equipment condition** is defined in clause 228 of the *Water Management (General) Regulation 2018*.
  - 2 Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to existing and new works required to have a meter from 1 April 2019, and to other approvals in these water sources from 1 December 2020.
- (2) Water supply work approvals for water supply works in these water sources must have mandatory conditions to give effect to the following, provided that these requirements do not apply to a water supply work that is a metered water supply work with a data logger:
- (a) the holder of a water supply work approval must keep a Logbook,
  - (b) the holder of a water supply work approval must record the following in the Logbook:
    - (i) each date and period of time during which water was taken using the water supply work,

- (ii) the volume of water taken on that date,
  - (iii) the access licence number of the access licence under which water was taken on that date or if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
  - (iv) the purpose or purposes for which the water was taken on that date,
  - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
  - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
  - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
  - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection, when requested, and
- (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (2A) Subclause (2) ceases to have effect on the commencement of clause 250 of the *Water Management (General) Regulation 2018*.
- Note.** Clause 250 of the *Water Management (General) Regulation 2018* commences on 1 December 2019 and imposes a mandatory condition requiring record-keeping on access licences and approvals.
- (3) All water supply work approvals, must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that those conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook. In this paragraph *cease to take conditions* means any
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condition on the water supply work approval or on the access licence under which water is proposed to be taken, that prohibits the taking of water in a particular circumstance.

- (4) A water supply work approval for a runoff harvesting dam or an in-river dam must contain a mandatory condition that requires the approval holder to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share component arising from:
- (a) a dealing under section 71Q or 71W of the Act,
  - (b) the surrender under section 77(4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
  - (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
  - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.
- (5) (Repealed)
- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in clause 50 (3).

**68 (Repealed)**

## Part 12 Amendment of this Plan

### 69 General

- (1) Amendments specified throughout this Plan and in this Part, are amendments authorised by this Plan.
- (2) Amendments authorised by this Plan are taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.  
**Note.** For example, if Part 1 is amended to add a new management zone, this may require amendment to other parts of this Plan to include rules for that management zone.
- (3) An amendment authorised by this Plan which results in a variation of the bulk access regime, is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

### 70 Part 1

Part 1 may be amended to do any of the following:

- (a) apply this Plan to new or additional water sources or water management areas (including part thereof) or to modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) included in this Plan,
- (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone,
- (c) add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies, and
- (d) amend the Plan Map.

### 71 (Repealed)

### 72 Part 6

Clause 37 may be amended to specify that reductions to available water determinations for unregulated river (special additional high flow) access licences may be made prior to, or at a rate greater than, reductions for unregulated river access licences.

### **73 Part 8**

Division 2 of Part 8 of this Plan may be amended to do any of the following:

- (a) establish new or additional flow classes in any water source where management zones are added or in any water source or management zone that is amended, during the term of this Plan as specified in clause 70,
- (b) amend clause 46 to specify alternate access rules for lagoons, lakes, in-river pools and other lentic water bodies, and/or
- (c) establish or assign new TDELS in these water sources or management zones, following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (d) establish or assign new TDELS in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (e) amend or remove TDELS if TDELS have been established or assigned under paragraphs (c) and/or (d),
- (f) include rules for the establishment, assignment and removal of IDELS,
- (g) amend clause 46 to remove the existing access rules where TDELS and/or IDELS have been established under paragraphs (d) and/or (f) to protect a proportion of flow within each flow class for the environment, or
- (h) amend clause 46 to reinstate access rules that applied at the commencement of this Plan, where TDELS and IDELS have been removed under paragraphs (e) and (f).

### **74 Part 9**

Part 9 may be amended to do any of the following:

- (a) amend clause 50 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise an in-river dam on third order or higher streams,
- (b) amend the definition of a replacement water supply work in clause 50.

## 75 Part 10

Part 10 may be amended to provide rules for interstate trading as a result of an interstate agreement between the States.

## 76 Part 11

Part 11 may be amended in relation to metering and record keeping including amendments in relation to requirements for Logbooks.

## 77 Schedules

- (1) Schedule 2 may be amended to add, modify and/or remove a definition.
- (2) Schedule 3 may be amended to do any of the following:
  - (a) to add or remove an access licence, or
  - (b) to add, modify and/or remove an access licence condition.
- (3) Schedule 4 may be amended to do any of the following:
  - (a) add a new access licence to clause 1 of Schedule 4, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 46 (10) (a) and that purpose was specified on or referred to in the conditions of the former *Water Act 1912* entitlement that was replaced by the access licence or referred to in its conditions,
  - (b) add a local water utility access licence or an access licence of the subcategory “town water supply” to clause 2 of Schedule 4, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
  - (c) remove an access licence or former *Water Act 1912* entitlement from Schedule 4 if:
    - (i) an access licence dealing results in water being taken under the licence being taken from a different location,
    - (ii) an alternative water supply is obtained,
    - (iii) the licence is surrendered or cancelled or its purpose ceases to exist, or
  - (d) remove a local water utility access licence or an access licence of the subcategory “town water supply” or former *Water Act 1912* entitlement from

clause 2 of Schedule 4 if the Minister is satisfied that the water supply system used to extract, store and deliver water has undergone major augmentation since the commencement of this Plan.

## 78 Other

- (1) This Plan may be amended to provide rules for the following:
    - (a) (repealed)
    - (b) the management of floodplain harvesting within these water sources,
    - (c) the shepherding of water,
    - (d) any new category of access licence established for the purpose of stormwater harvesting, provided that the amendments do not affect the long-term average annual extraction limit specified in this Plan, or
    - (e) the interception of water before it reaches a stream by plantations or other means.
  - (2) (repealed)
  - (3) This Plan may be amended to give effect to an intergovernmental agreement between the New South Wales and Queensland governments for the management of water contained within these water sources.
  - (4) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
  - (5) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* (Cth) to give effect to an entitlement granted under that claim.
  - (6) This Plan may be amended after Year 5 to provide rules for the protection of water dependent Aboriginal cultural assets, including:
    - (a) the identification of water dependent Aboriginal cultural assets in a Schedule to this Plan,
    - (b) amendments to the access rules to protect water dependent Aboriginal cultural assets,
    - (c) restrictions on the granting and amendment of water supply works to protect water dependent Aboriginal cultural assets, and/or
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- (d) amendments to the dealing rules to protect water dependent Aboriginal cultural assets.
- (7) This Plan may be amended to amend, omit or insert any rule or provision relating to floodplain harvesting (unregulated river) access licences.

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**Schedule 1 (Repealed)**

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## Schedule 2 Dictionary

**Aboriginal person** has the same meaning as under section 4 of the *Aboriginal Land Rights Act 1983*.

**Basin Plan** means the *Basin Plan 2012* made under section 44 (3) (b) (i) of the *Water Act 2007* of the Commonwealth.

**floodplain harvesting** means the collection, extraction or impoundment of water flowing across floodplains, including rainfall runoff and overbank flow.

**flow regimes** means, collectively, the magnitude, duration, frequency and patterns of flow that characterise a river or water source.

**full containment volume** means the volume of water that is impounded in the pool, lagoon or lake when the level of water in the pool, lagoon or lake is at the high water mark.

**high environmental value areas** mean national parks, nature reserves, historic sites, Aboriginal areas, State conservation areas and karst conservation areas.

**individual daily extraction limit (IDEL)** is the volume of water that may be extracted by an individual access licence from an unregulated river on a daily basis from a particular flow class.

**in-river dam** means a dam located in a river.

**in-river dam pool** means the area of water immediately upstream of an in-river dam where the river has pooled as a result of an in-river dam.

**Logbook**, in relation to an access licence or water supply work approval, means a written record, kept in hard copy or electronic form, which accurately records all information required to be kept in relation to the access licence or water supply work approval under the rules of this Plan.

**low flow macroinvertebrate communities** are groups of macroinvertebrate species that are susceptible to being adversely affected by increases in the frequency and duration of low flows and drying.

**management zone** is an area within a water source in which rules particular to that management zone will apply, for example daily extraction limits and restrictions on dealings.

**plantation forestry** means a commercial plantation as defined in section 1.07 of the Basin Plan.

**Plan Map** for these water sources has the same meaning as in clause 4 (2) of this Plan.

**runoff harvesting dam** is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the Act. For the purposes of this order references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam.

**shepherding** means the delivery of a calculated volume of water that was created by the non-activation/reduced extraction at a nominated licence location to a more downstream location, after consideration of losses, where it will be made available for extraction or use for the environment.

**stream order** means the stream order defined by the Strahler stream ordering method.

### Note.

The Strahler stream ordering method is as described in the Order made under section 5 of the *Water Act 1912* published in the NSW Government Gazette No 37 on 24 March 2006 page 1500 or as may be amended or updated from time to time by further order.

**target ecological populations** are communities of one or more species that are monitored to evaluate the success of targeted objectives for the environment. Populations must be easily

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monitored (i.e. not rare or cryptic) and may be linked to conservation or other environmental priorities.

**target ecological processes** are processes that support a range of ecological communities, such as connecting flows or flow events that can mobilise nutrients and other water-borne materials within and between water sources. These processes must be easily monitored and measurable.

**total daily extraction limit (TDEL)** is the volume of water that may be extracted under access licences from an unregulated river on a daily basis from a particular flow class.

**visible flow** means the continuous downstream movement of water that is perceptible to the eye.

**Water Act 1912 entitlement** has the same meaning as an entitlement has in clause 2 of Schedule 10 to the Act.

**water year** means a year commencing 1 July.

**weighted average price** means the total price (dollars per megalitre) of all units sold divided by the number of units sold.

**Schedule 3 Access rule for unregulated river (special additional high flow) access licences subject to clause 46 (6)**

| <b>Column 1</b>   | <b>Column 2</b>            | <b>Column 3</b>  |
|---|----------------------------|--|
| <b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b> | <b>Water Source</b>        | <b>Access rule</b>   |
| 85SL036285H   | Warrego River Water Source | The licensed work shall not be used for the purpose of irrigation when the discharge of the Warrego River at the Barrington No 2 gauge is less than 750 megalitres per day (such discharge corresponding to a reading on the said gauge of 2.33 metres or such other reading as may be determined from time to time. |
| 85SL022275H   | Warrego River Water Source | The licensed work shall not be used for irrigation of the area referred to in this license, or any part thereof, unless there is a visible flow in the Warrego River at or near its junction with the Darling River and unless the discharge of the Darling River at the Louth gauge exceeds 979 megalitres per day. |

**Schedule 4 Access licences used to take surface water exempt from cease to pump rules**

**1 General**

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below:

| <b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b> |
|---|
|   |

**2 Local water utility access licences and an access licence of the subcategory “town water supply”**

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

| <b><i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences or access licences of the subcategory “town water supply” on commencement of this Plan</b> |
|---|
| 85SL043369  |
| 85SL016395  |

**Schedules 5 - 6 (Repealed)**

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**Schedule 7    Locations covered by a native title determination in relation to these water sources**

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### **Schedule 8 Offices**

Any notifications that may be required to be made to the Minister as specified in this Plan can be made to the following office:

NSW Department of Industry, Water  
10 Valentine Ave  
PARRAMATTA NSW 2150

NSW Department of Industry, Water  
209 Cobra St  
DUBBO NSW 2830

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**Appendix 1 Overview of the Plan Map**

**Overview of the Plan Map (WSP046\_Version 1), Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources**

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**Appendix 2 (Repealed)**

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