

Water Sharing Plan for the Belubula Regulated River Water Source 2012

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Water Sharing Plan for the Belubula Regulated River Water Source 2012

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 of this Plan allows for amendments to be made to this Part.

1 Name of Plan

This Plan is the *Water Sharing Plan for the Belubula Regulated River Water Source 2012 (this Plan)*.

2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000 (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 the 4th October 2012.

Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013. 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.
- 2 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. This Plan was amended in 2020, partly to meet NSW's commitments under these agreements. Certain provisions of this Plan form part of the water resource plan for the Lachlan surface water resource plan area.
- 3 **Basin Plan** is defined in the Dictionary.

4 Application of this Plan

- (1) This Plan applies to the Belubula Regulated River Water Source within the Lachlan Water Management Area (*this water source*).

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

- (2) (Repealed)
- (3) Subject to subclause (4), the Belubula Regulated River Water Source consists of all water:
 - (a) occurring between the banks of all rivers, from the Carcoar Dam water storage, downstream to the junction with the Lachlan River, which have been declared by the Minister to be regulated rivers, and
 - (b) taken under a floodplain harvesting access licence with a share component that specifies this water source.

Notes.

- 1 The *Regulated River Order for the Belubula Regulated River* was made by the Minister and published in the NSW Government Gazette No 92 on 14 September 2012 at page 3955 and amended by Part 5 of Schedule 12 of the Act.
- 2 An overview map of the Belubula Regulated River is shown in Appendix 1.
- 3 **Floodplain harvesting** is defined in the Dictionary.

- (4) This water source does not include water:
 - (a) contained in the Lachlan Unregulated River Water Sources to which the *Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012* applies,
 - (b) taken under a floodplain harvesting access licence with a share component that specifies a water source to which this Plan does not apply, or
 - (c) contained in the Lachlan Alluvial Water Sources to which the *Water Sharing Plan for the Lachlan Alluvial Groundwater Sources 2020* applies.

5 Understanding the rules in this Plan

This Plan contains various rules. Where appropriate, rules specified in this Plan are given effect by mandatory conditions for access licences and approvals contained in Part 11 of this Plan.

6 Interpretation

- (1) Words and expressions that are defined in the Dictionary to this Plan have the meaning set out in the Dictionary.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in regulations made under the Act 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) The Dictionary and Schedules to this Plan form part of this Plan.
- (4A) 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.

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Part 2 Vision, objectives, strategies and performance indicators

Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 A monitoring, evaluation and reporting (**MER**) plan has been developed for water sources in the Lachlan surface water resource plan area, which includes this water source, and is available on the Department's website. The MER plan describes 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 Lachlan 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,
 - (f) which strategies contribute to the achievement of which objectives.
- 3 This Part describes broad objectives, which are the long term outcomes sought by this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in this Part 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.

7 Acknowledgement

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

7A Vision statement

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

- (a) the health and enhancement of this water source and its water dependent ecosystems,
- (b) the continuing productive extraction of surface water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of surface water Aboriginal communities,
- (d) social and cultural benefits to urban and rural communities that depend on surface water.

8 Environmental objectives

- (1) The broad environmental objective of this Plan is to protect, and where possible enhance, the ecological condition of this water source and its water-dependent ecosystems over the term of this Plan.

Note. The ecological condition of this water source will be assessed by reference to the condition of high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined in the MER Plan for this water source. Water-dependent ecosystems in this water source include instream, riparian and floodplain ecosystems.

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

(a) the recorded distribution or extent, and the population structure, of target ecological populations,

Notes.

- 1 **Target ecological populations** is defined in the Dictionary.
- 2 Target ecological populations in this water source may include known or predicted populations of the following:
 - (a) native fish including golden perch and Murray cod,
 - (b) native vegetation including river red gum woodland,
 - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds and native vegetation.
- 3 Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species population, or measures that describe the health and condition of species or populations.

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

Notes.

- 1 Longitudinal connectivity means flows along the length of the river and between hydrologically connected rivers. Lateral connectivity means flows between the river and its anabranches, riparian zones, wetlands and floodplains.
- 2 Target ecological processes in this water source include fish movement across significant barriers, as identified by the NSW Department of Primary Industries Fisheries and described in the MER Plan for this water source.
- 3 Connectivity may be within this water source, and between this water source and other water sources.

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

Notes. Water quality targets for the water source are defined in the Water Quality Management Plan for the Lachlan Water Resource Plan Area SW10 and the 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 in excess of the long-term average annual extraction limit and the 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. This contributes to the protection of target ecological populations.

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

Notes.

- 1 **Flow regimes** is defined in the Dictionary
- 2 The provisions in clause 26 of this Plan outline environmental water release rules from Carcoar Dam that help mitigate alterations to the natural flow regime of this water source.
- 3 The provisions in clauses 47, 48 and 49 of this Plan outline limits to the taking of uncontrolled flows and taking of water under high security, general security and supplementary water access licences, respectively.

- (c) reserve a portion of natural flows to maintain longitudinal and lateral connectivity within and between water sources,

Note. The provisions in clause 26, 33, 47, 48 and 49 of this Plan contribute to maintaining the hydrological connectivity within this water source and with downstream water sources by ensuring a portion of natural flows are protected.

- (d) reserve a share of natural flows for the maintenance of water quality.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of 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 the success of the strategies for reaching the targeted environmental objectives in subclause (2) are the changes or trends in ecological condition during the term of this Plan, as assessed using one or more of the following:
 - (a) the recorded range, extent or condition of target ecological populations,
 - (b) measurements of fish movements through priority fish passage areas,
 - (c) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen,
 - (d) the magnitude, frequency, timing and water quality of environmental water events.
- (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 the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies and provisions in this Plan,

- (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
- (d) the extent to which external influences on this water source during the term of this Plan have affected progress toward achieving the environmental objectives.

Note. External influences may include climate trends, land use patterns and other factors.

9 Economic objectives

(1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, surface water-dependent industries and local economies.

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

(a) to provide water trading opportunities for surface water-dependent businesses,

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

(b) to maintain, and where possible improve, access to water up to the long-term average sustainable diversion limit for agriculture, surface water-dependent businesses and landholders,

(c) to contribute to maintaining water quality within target ranges for agriculture, surface water-dependent businesses and landholders.

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

(a) provide for trade of water allocations and share components subject to environmental and system 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 the assignment of water allocations between access licences.

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

Note. The available water determination provisions in Part 7 and priority of extraction rules in clause 46 provide certainty in how water is to be shared between different categories of access licences.

(c) provide for flexibility of access to water,

Note. The water allocation account management rules in Part 9 provide flexibility that reflects the characteristics of the licence category.

- (d) manage extractions to the long-term average annual extraction limit and the long-term average sustainable diversion limit, while recognising variability in climatic conditions in different years, including during drought,
Note. The application of the long-term average annual extraction limit the long-term average sustainable diversion limit and the assessment and compliance provisions in Part 7 manage extractions to different climatic conditions in different years.
 - (e) reserve a portion of natural flows to partially mitigate deterioration in water quality due to alterations to natural flow regimes.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of 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 the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or trends in economic benefits during the term of this Plan, as assessed using one or more of 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 as demonstrated by:
 - (i) the annual number or volume of share components of access licences transferred or assigned,
 - (ii) the weighted average unit price of share components of access licences transferred or assigned,
Note. *Weighted average unit price* is defined in the Dictionary.
 - (iii) the annual volume of water allocations assigned,
 - (iv) the weighted average unit price of water allocations assigned,
 - (c) the recorded values of water quality measurements including salinity, sodium absorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (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 the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,

- (b) the extent to which the changes in the economic benefits of water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the water made available during the term of this Plan through available water determinations and the granting of new licences,
- (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress towards achieving the economic objectives.

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

10 Aboriginal cultural objectives

- (1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.
- (2) The targeted Aboriginal cultural objectives of this Plan are as follows:
 - (a) to provide access to water in the exercise of native title rights,
 - (b) to provide access to water for Aboriginal cultural use, including fishing,
 - (c) to protect, and where possible improve, identified surface water-dependent culturally significant areas, including important riparian vegetation communities,
 - (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use.
- (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,
 - (b) provide for water associated with Aboriginal cultural values and uses,

Note. The provisions in Part 8 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 partially mitigate alterations to natural flow regimes in this water source,
 - (d) reserve a portion of natural flows to maintain longitudinal and lateral connectivity within and between water sources.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of 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 of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in Aboriginal cultural benefits during the term of this Plan, as assessed using one or more of the following:
- (a) the use of water by Aboriginal people by measuring factors including:
 - (i) the extent to which native title rights are able to be exercised, consistently with any determination of native title or indigenous land use agreement,
 - (ii) the extent to which access to water has contributed to achieving Aboriginal cultural outcomes,
 - (b) the recorded range or extent of target populations of native fish,
 - (c) the recorded range or condition of target populations of riparian vegetation,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (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 the strategies in subclause (3) and provisions in the Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the Aboriginal cultural objectives,
 - (d) the water made available for Aboriginal cultural purposes during the term of this Plan through available water determinations and the granting of new access licences,

- (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress toward achieving the Aboriginal cultural objectives.

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

10A Social and cultural objectives

- (1) The broad social and cultural objective of this Plan is to provide access to surface water to support surface water-dependent social and cultural values.
- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible improve, the following:
 - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
 - (b) access to water for surface water-dependent cultural, heritage and recreational uses, including recreational fishing,
 - (c) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows:
 - (a) provide access to water for basic landholder rights, town water supply and for licensed domestic and stock purposes,

Note. The provisions for the maintenance of water supply in Part 6 ensure that water is available for basic landholder rights, town water supply and licensed domestic and stock purposes.
 - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in this water source,
 - (c) reserve a portion of natural flows to maintain longitudinal and lateral connectivity within and between water sources.

Note. The provisions in clause 26 of this Plan contribute to maintaining the hydrological connectivity within this water source and with downstream water sources.
- (4) The performance indicator used to measure success of the strategies for reaching the broad social and cultural objectives in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.

- (5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan, as assessed using one or more of the following:
- (a) 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 and licensed domestic and stock requirements have been met, and
 - (ii) the extent to which major utility access licence and local utility access licence requirements have been met,
 - (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
 - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (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 the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
 - (d) the water made available during the term of this Plan through available water determinations and the granting of new licences,
 - (e) the extent to which external influences on surface water-dependent social and cultural activities during the term of this Plan have affected progress towards achieving the social and cultural objectives.

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

Part 3 Bulk access regime

11 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences, 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,
 - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime established in this Plan for this water source:
 - (a) recognises and is consistent with the limits to the availability of water set in relation to this water source contained in Division 1 of Part 7 of this Plan,
 - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 8 and 9 of this Plan and available water determinations to be made contained in Division 2 of Part 7 of this Plan,
 - (c) recognises the effect of climatic variability on the availability of water as described in clause 12,
 - (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 an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 7 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.

12 Climatic variability

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

- (a) manage the sharing of water in this water source 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, contained in Division 1 of Part 7 of this Plan, and
- (b) manage the sharing of water between categories of access licences on an annual basis in this water source, contained in Division 2 of Part 7 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

Note. This Part is made in accordance with sections 8, 8A and 20 of the Act.

13 General

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

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.

14 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water by reference to the following:

- (1) the physical presence of water in this water source,
- (2) the long-term average annual commitment of water as planned environmental water, and
- (3) 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.

15 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established in this water source as follows:
 - (a) it is the physical presence of water in this water source that results from:
 - (i) the environmental release rules from Carcoar Dam as specified in clause 26 of this Plan,

Note. The rules in clause 26 ensure that a minimum flow target will be maintained when the volume of water in Carcoar Dam is at varying storage levels.
 - (ii) the limitations on access to uncontrolled flows for regulated river (high security) access licences as specified in clause 47 and for regulated river (general security) access licences as specified in clause 48 of this Plan, and
 - (iii) the limitations on access to flows for supplementary water access licences as specified in clause 49 of this Plan,
 - (b) it is the long-term average annual commitment of water as planned environmental water in this water source that results from compliance with the

long-term average annual extraction limit as specified in clause 36 of this Plan,
and

- (c) it is the water remaining in this water source after water has been taken pursuant to basic landholder rights and access licences, in accordance with the rules specified in Parts 7 and 9 of this Plan.
- (2) The planned environmental water established under subclause (1) (a) is maintained in this water source by the environmental release rules from Carcoar Dam as specified in clause 26 and the limitations on access to uncontrolled flows for regulated river (high security) and regulated river (general security) access licences as specified in clauses 47 and 48 and the limitations on access to flows for supplementary water access licences as specified in clause 49.
- (3) The planned environmental water established under subclause (1) (b) is maintained by the rules specified in Division 1 of Part 7 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained by the rules specified in Division 1 of Part 7 and Part 9 of this Plan.

Note. The rules in Part 7 of this Plan ensure that there will be water remaining in this water source over the long term by maintaining compliance with the long-term average annual extraction limit. The rules in Part 7 of this Plan provide for a reduction in available water determinations when the long-term average annual extraction limit has been assessed to have been exceeded.

Part 5 Requirements for water

Division 1 General

16 Application

- (1) This Part identifies the requirements for water from this water source 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 this water source and the total volumes or unit shares specified in the share components of all access licences in this water source. The actual volumes of water available for extraction in this water source 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 this water source and the total share components of all access licences authorised to extract water from this water source 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 7 of this Plan.

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

- (a) the grant, surrender or cancellation of access licences in this water source,
- (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

17 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in this water source are estimated to total 0.55 megalitres per day (hereafter *ML/day*).

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 this water source should not be consumed without first being tested and, if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

18 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) any determination of native title, and
- (b) any indigenous land use agreement.

Notes.

- 1 No determinations of native title in relation to the water source have been made in accordance with the *Native Title Act 1993* of the Commonwealth.
- 2 This Plan provides for its amendment 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 Native title rights may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

19 Harvestable rights

The requirement for water under harvestable rights in this water source is equal to 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 Division 2 of Part 1 of Chapter 3 of the Act.

Division 3 Requirements for water for extraction under access licences

20 Share components of domestic and stock access licences

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from this water source will total 233 megalitres per year (ML/year).

21 Share components of local water utility access licences

It is estimated that at the time of commencement of this Plan the share components of local water utility access licences authorised to take water from this water source will total 0 ML/year.

22 Share components of regulated river (high security) access licences

It is estimated that at the time of commencement of this Plan the share components of regulated river (high security) access licences authorised to take water from this water source will total 1,095 unit shares.

23 Share components of regulated river (general security) access licences

It is estimated that at the time of commencement of this Plan the share components of regulated river (general security) access licences authorised to take water from this water source will total 22,766 unit shares.

24 Share components of supplementary water access licences

It is estimated that at the time of commencement of this Plan the share components of supplementary water access licences authorised to take water from this water source will total 3,125 unit shares.

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Part 6 System operation rules

Note *Operator* is defined in the Dictionary.

25 General

The rules in this Part apply to the Belubula Regulated River Water Source.

26 Environmental release rules for Carcoar Dam

- (1) Subject to subclause (4), the water supply system in this water source will be managed by the operator to maintain a flow at the Helensholme gauge (412033) of 10 ML/day.
- (2) To achieve subclause (1), the operator must set aside sufficient volumes of water must be set aside from inflows into this water source and in reserves held in Carcoar Dam.
- (3) Water reserved in Carcoar Dam in accordance with (2) must be released by the operator when necessary to meet the requirements of subclause (1).
- (4) Subclause (1) does not apply:
 - (a) from when the average flow in Flyers Creek at Beneree (412080) over 120 days before 1 March is equal to or less than 10 ML/day, and
 - (b) until the average flow in Flyers Creek at Beneree (412080) over the previous 90 days exceeds 40 ML/day.

26A Minimum daily release rules for Carcoar Dam for supply of basic landholders rights

- (1) The operator must make a daily release of 2 ML/day from Carcoar Dam.
- (2) The operator may use the water released under subclause (1) to satisfy the following:
 - (a) basic landholder rights water requirements,
 - (b) access licence water orders.

27 Water delivery and channel capacity constraints

Where necessary for determining numerical extraction components, managing water releases or providing water under access licences, the maximum water delivery or operating channel capacity in this water source or in any section of this water source will be determined and specified in accordance with procedures established by the Minister, taking into account the following:

- (a) inundation of private land or interference with access,
 - (b) the effects of inundation on the floodplain and associated wetlands,
-

- (c) the transmission losses expected to occur,
- (d) capacities of water management structures controlled by the Minister.

Note. There are no defined channel constraints at the commencement of this Plan.

28 Rates of change to storage releases

Rules regarding rates of change to releases from Carcoar Dam may be specified by the Minister in accordance with any procedures that the Minister establishes taking into account:

- (a) relevant environmental considerations,
- (b) damage to river banks,
- (c) public safety, and
- (d) any other matters considered relevant by the Minister.

29 Supply of orders when remaining allocations are low

- (1) Water orders may be grouped and released periodically if,
 - (a) in the Minister's opinion, the total remaining volume of water in access licence water allocation accounts has been reduced to a level where the continuous delivery of water orders would involve unacceptably high delivery losses, and
 - (b) water ordering has been imposed on access licence holders.
- (2) The Minister should consult with irrigation industry representatives regarding the circumstances under which action under subclause (1) should be taken and the manner of management.

Note. During the course of an extended drought, the implementation of the above provisions may result in short term ordering delays.

30 Dam operation during floods and spills

- (1) The operation of Carcoar Dam during times of flood and spilling of water is to be undertaken in a manner that maintains the safety of dam infrastructure.
- (2) Providing it is consistent with subclause (1), that operation:
 - (a) should leave the storage at full supply level at the completion of the flood or spilling of water, and
 - (b) should aim to lessen downstream flood damage where possible.

31 Maintenance of water supply

- (1) The water supply system in this water source must be managed by the operator so that:
 - (a) it would be capable of maintaining supply to those exercising domestic and stock rights and native title rights in this water source through a repeat of the worst period of low inflows into this water source for at least two years, as represented by historical flow information held by the Department when this Plan commenced, and
 - (b) available water determinations for domestic and stock access licences and local water utility access licences of 100% of the share components can be maintained through a repeat of the worst period of low inflows into this water source, as represented by historical flow information held by the Department when this Plan commenced, and
 - (c) available water determinations for regulated river (high security) access licences of 1 ML per unit share can be maintained through a repeat of the worst period of low inflows into this water source, as represented by historical flow information held by the Department when this Plan commenced.
- (2) To achieve subclauses (1) and (2), sufficient volumes of water must be set aside from inflows into this water source and in reserves held in Carcoar Dam to supply allocated water for at least two years.

Notes.

- 1 As at the commencement of this plan, reserves in Carcoar Dam can only guarantee delivery of water in access licence water allocation accounts for two years. If dry conditions extend for longer than two years, then delivery of all water in access licence water allocation accounts cannot always be made.
- 2 During the course of an extended drought, the Incidence Response Guide applies, outlining how the water source should be managed during an extreme event. Every attempt will be made to maintain the operation of this Plan, however some rules and operating practices may require suspension of some parts to meet critical human water needs.

Part 7 Limits to the availability of water

Note. This Part sets out the rules for managing the availability of water for extraction in accordance with the following limits on extraction:

- (a) a long-term average annual extraction limit, and
- (b) a long-term average sustainable diversion limit.

Division 1 Calculations under this Part

32 Exclusions, inclusions and variations in calculations

- (1) This clause applies to the calculation of the following:
 - (a) the long-term average annual extraction under clause 33,
 - (b) the average annual extraction under clause 34,
 - (c) the annual permitted take under clause 37,
 - (d) the annual actual take under clause 37.
- (2) The calculation by the Minister to which this clause applies must:
 - (a) exclude the following:
 - (i) allocations assigned from an access licence in the water source to an access licence in another water source under section 71T of the Act,
 - (ii) environmental release rules provided for in clause 26,
 - (iii) in relation to average annual extraction under clause 34 only, water committed as licensed environmental water under section 8F of the Act,
 - (b) include allocations assigned to an access licence in the water source from an access licence in another water source under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limit under clause 33 must be adjusted by a volume that appropriately reflects the following:
 - (a) the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act,
 - (b) any change to the amount of water committed as licensed environmental water under section 8F of the Act.

Division 2 Long-term average annual extraction limit

33 Calculation of the long-term average annual extraction limit

- (1) Following the end of each water year, the Minister must calculate the long-term average annual extraction limit for this water source in accordance with this clause and clause 32.
- (2) The long-term average annual extraction limit is the lesser of the following:
 - (a) average annual extraction calculated based on the following:
 - (i) the water storages and water use development that existed in 2009/2010,
 - (ii) the basic landholder rights and access licence share components that existed at the commencement of this Plan,
 - (iii) the rules defined in this Plan, at the commencement of this Plan,
Note. The rules referred to in paragraph (iii) include any rules within this Plan that impact on the amount of water that can be extracted, or conditions under which water may be extracted from the Belubula Regulated River Water Source, including the environmental release rules in Part 6 of this Plan and access rules in Division 2 of Part 9 of this Plan.
 - (iv) the level of development for plantation forestry that existed on 30 June 2009,
 - (v) the level of development for floodplain harvesting that existed in the 2009/2010 water year in connection with extractions from a regulated river in this water source, as assessed by the Minister,
 - (b) average annual extraction calculated under Cap baseline conditions as agreed under the Murray-Darling Basin Agreement that was in place at the commencement of this Plan.
- (3) For the purposes of subclause (2), the average annual extraction is to be calculated over the duration of available climate records using the hydrological computer model approved by the Minister and is separate to the calculation of the average annual extraction under clause 34.

Notes.

- 1 Under section 8F of the Act the long-term average annual extraction limit is to be varied any change to licensed environmental water, excluding water committed under section 8C of the Act.
- 2 The long-term average annual extraction limit recognises the effect of climatic variability on the availability of water, in accordance with section 20 (2) (c) of the Act, as historic climate and river flow information is used in its determination.
- 3 **Water use development** and **plantation forestry** are defined in the Dictionary.

34 Calculation of average annual extraction

The Minister, using the hydrological computer model approved by the Minister, is to calculate the average annual extraction following the end of each water year, calculated over the duration of available climate records and based on the following:

- (a) the water storages and water use development in that water year,
- (b) the basic landholder rights and access licence share components that existed in that water year,
- (c) the current rules in this Plan,
- (d) the level of development for plantation forestry in that water year,
- (e) if not included under subclause (b), the level of development for floodplain harvesting in conjunction with extractions under an access licence in this water source in that water year.

35 Assessment of compliance with the long-term average annual extraction limit

- (1) Following the calculations under clauses 33 and 34, the Minister is to compare average annual extraction against the long-term average annual extraction limit.
- (2) There is non-compliance with the long-term average annual extraction limit if the average annual extraction exceeds the long-term average annual extraction limit by 3% or more.

Division 3 Long-term average sustainable diversion limit

36 Calculation of the long-term average sustainable diversion limit

- (1) Subject to any variation under subclause (2), the long-term average sustainable diversion limit for this water source is:
 - (a) the component of the baseline diversion limit for the Lachlan surface water SDL resource unit as determined under Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to this water source, minus
 - (b) the component of the local reduction amount for the Lachlan surface water SDL resource unit as determined under Schedule 2 of the Basin Plan, that in the Minister's opinion is attributable to this water source, minus
 - (c) the component of the shared reduction amount for the Lachlan surface water SDL resource unit as determined under section 6.05 of the Basin Plan, that in the Minister's opinion is attributable to this water source.

- (2) The long-term average sustainable diversion limit is to be varied as determined under Chapter 7 of the Basin Plan.

Notes.

- 1 **Baseline diversion limit** and **SDL resource unit shared reduction amount** are defined in the Dictionary.
- 2 The long-term sustainable diversion limit for the Lachlan surface water SDL Resource Unit as specified in Schedule 2 of the Basin Plan covers extraction from the Belubula Regulated River Water Source, Lachlan Regulated River Water Source and Lachlan Unregulated River Water Sources.
- 3 Schedule 2 of the Basin Plan specifies a local reduction amount of 48,000 ML/year for the Lachlan surface water SDL Resource Unit.

37 Calculation of annual permitted take and annual actual take for the water year

- (1) Following the end of each water year, the Minister is to calculate the annual permitted take and annual actual take of water for the previous water year 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 this water source.

Notes.

- 1 **Annual actual take** and **annual permitted take** are defined in the Dictionary. Take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in the calculation 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.

37A Assessment of compliance with the long-term average sustainable diversion limit

- (1) Following the calculation under clause 37 after the end of each water year, the Minister is to undertake an assessment of compliance with the long-term average sustainable diversion limit in accordance with the requirements of Division 2 of Part 4 of Chapter 6 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.

Division 4 Compliance with extraction and diversion limits

37B Action following non-compliance

- (1) Subject to subclauses (2) to (4), if an assessment under clauses 35 or 37A 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 one or both of the following actions for the water year after the assessment:

- (a) make available water determinations for supplementary water access licences of less than 1 ML per unit share, and
- (b) reduce the take limit for regulated river (general security) access licences.

Notes.

- 1 Action under this clause will have effect from the water year following the assessment, which will be two water years after the non-compliance occurred.
 - 2 The take limit for regulated river (general security) access licences is specified in clause 45.
- (2) The Minister may take on or both of the actions specified in subclause (1) (a) and (1) (b) if an assessment under clause 37A would have demonstrated non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse, as provided for in Division 2 of Part 4 of Chapter 6 of the Basin Plan.
 - (3) An action taken in accordance with subclause (1) and (2) is to be taken to the extent to which, and only for as long as, the Minister considers the following is necessary:
 - (a) in the case of non-compliance with the long-term average annual extraction limit— to return average annual extraction in the water source to the long-term average annual extraction limit,
 - (b) in the case of non-compliance with the long-term average sustainable diversion limit— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan,
 - (c) in the case where non-compliance with the long-term average sustainable diversion limit would have occurred but for there being a reasonable excuse— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
 - (4) Actions to available water determinations for supplementary water access licences and the take limit for regulated river (general security) access licences under subclauses (1) and (2) are to be applied equally.
 - (5) For the purposes of subclause (1), (2) and (4), regulated river (general security) and supplementary water access licences have the same priority.
 - (6) Before taking action under subclause (1) or (2), the Minister may consult with water user representatives on the following:
 - (a) the data used for the calculations under Divisions 2 and 3,
 - (b) the proposed actions under this Division.

Division 5 Available water determinations

38 General

- (1) Available water determinations for access licences with share components that specify this water source 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 this water source must not, in any water year, exceed:
 - (a) 100% of the access licence share component or such lower amount that is determined under Division 1 of this Part for all access licences where share components are specified as ML/year,
 - (b) 1 megalitre per unit share of the access licence share component for all regulated river (high security) access licences, or
 - (c) 1 megalitre per unit share of the access licence share component, or such lower amount that is determined under Division 1 of this Part, for all supplementary water access licences.

39 Available water determinations for domestic and stock access licences

- (1) (Repealed)
- (2) Unless the Minister determines otherwise, 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 this water source.
- (3) (Repealed)

40 Available water determinations for local water utility access licences

- (1) (Repealed)
- (2) Unless the Minister determines otherwise, 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 this water source.

(3) (Repealed)

41 Available water determinations for regulated river (high security) access licences

(1) (Repealed)

(2) Unless the Minister determines otherwise, at the commencement of each water year an available water determination of 1 ML per unit of share component is to be made for regulated river (high security) access licences in this water source.

(3) (Repealed)

(4) Subject to the limits in clause 38 (2) (b), available water determinations for regulated river (high security) access licences in this water source may be made after the sum of available water determinations for domestic and stock and local water utility access licences in the water source in the water year equals 100% of share components and there is sufficient water available after making provision for all of the following:

- (a) the environmental release rules established in clause 26,
- (b) requirements for domestic and stock rights,
- (c) requirements for native title rights,
- (d) requirements for domestic and stock access licences,
- (e) requirements for local water utility access licences,
- (f) allocations remaining in access licence water allocation accounts,
- (g) water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a) to (f),
- (h) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from available water determinations for regulated river (high security) access licences,
- (i) any other relevant matters.

42 Available water determinations for regulated river (general security) access licences

(1) (Repealed)

(2) Subject to subclause (3), whenever the sum of available water determinations for regulated river (high security) access licences is equal to 1 ML per unit share, then

available water determinations may be made for regulated river (general security) access licences in this water source.

- (3) An available water determination for regulated river (general security) access licences in this water source may be made when there is sufficient water available after taking into account all of the following:
- (a) the environmental release rules established in clause 26,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) requirements for regulated river (high security) access licences,
 - (g) allocations remaining in access licence water allocation accounts,
 - (h) water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a) to (g),
 - (i) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination for regulated river (general security) access licences,
 - (j) any other matters considered relevant by the Minister.

Note. Assessments indicate that when Carcoar Dam is full it should be possible for each general security access licence account to hold a maximum 1.36 ML per unit share.

43 Available water determinations for supplementary water access licences

- (1) (Repealed)
- (2) Unless the Minister determines otherwise, an available water determination of 1 ML per unit of share component, or such lower amount that results from Division 1 of this Part, is to be made at the commencement of each water year for supplementary water access licences in this water source.

Note. Division 1 of this Part provides for available water determinations for supplementary water access licences to be reduced where the long-term average annual extraction limit for this water source has been assessed to have been exceeded, as per clauses 35 and 36.

Part 8 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 this water source will be subject to mandatory conditions and discretionary conditions.

44 Specific purpose access licences

- (1) Applications for specific purpose access licences, other than those permitted under the Regulation, may not be made in this water source.
- (2) A specific purpose access licence must not be granted in this water source 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 this water source if the share component of the proposed access licence is more than 10 ML/year.

Part 9 Rules for managing access licences

Division 1 Water allocation account management rules

Note. The Act provides for the keeping of water allocation accounts for access licences. The rules in this Part impose further restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions 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 otherwise than in accordance with the water allocation account for an access licence.

45 Individual access licence account management rules for the Belubula Regulated River Water Source

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Belubula Regulated Water Source.
- (2) In any water year, the water taken under an access licence in this water source, excluding regulated river (high security) access licences and regulated river (general security) access licences must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) any water allocations assigned from another access licence under section 71T of the Act in the water year, plus
 - (c) any water allocations re-credited in accordance with section 76 of the Act in the water year, minus
 - (d) any water allocations assigned to another access licence under section 71T of the Act in the water year.
- (3) In any water year, the water taken under a regulated river (high security) access licence in this water source must not exceed a volume equal to:
 - (a) 1 ML per unit share of the regulated river (high security) access licence share component, plus
 - (b) any water allocations assigned from another access licence under section 71T of the Act in the water year, plus
 - (c) any water allocations re-credited in accordance with section 76 of the Act in the water year, minus
 - (d) any water allocations assigned to another access licence under section 71T of the Act in the water year.

- (3A) In any water year after the first water year of this Plan, the volume of water that can be taken (including water taken from uncontrolled flows in accordance with clause 48) in a water year under a regulated river (general security) access licence must not exceed the sum of the following (*the take limit*):
- (a) 1 ML per unit of share component of the access licence or such lower amount as determined by the Minister under clause 37B, plus
 - (b) the volume of any water assigned to the A sub-account of the access licence via dealings under section 71T of the Act, minus the volume of water assigned from the A sub-account of the access licence to another access licence via dealings under section 71T of the Act.
- (4) Water allocations remaining in the water allocation account of an access licence in this water source, excluding regulated river (general security) access licences, cannot be carried over from one water year to the next.
- (5) The water allocation accounts of all regulated river (general security) access licences will be comprised of two sub-accounts, referred to as the **A sub-account** and the **B sub-account**.
- (6) Water allocations can be carried over in the water allocation sub-accounts for a regulated river (general security) access licence from one water year to the next.
- (7) At the beginning of each water year, the volume of water allocations in the A sub-account of each regulated river (general security) access licence will be compared against the take limit for that water year and:
- (a) if the volume of water allocations in the A sub-account is less than the take limit, then water will be moved from the B sub-account to the A sub-account until the volume of water allocations in the A sub-account equals the take limit or there is no longer water available to move, or
 - (b) if the volume of water allocations in the A sub-account is greater than the take limit, then water will be moved from the A sub-account to the B sub-account until the volume of water allocations in the A sub-account equals the take limit.
- (8) Water allocations accrued from available water determinations for regulated river (general security) access licence will be credited to the A sub-account until the sum of:
- (a) the volume of water allocations in the A sub-account resulting from adjustments under subclause (7), plus

- (b) the sum of allocations credited to the A sub-account in that water year from available water determinations, plus
 - (c) the volume of water allocations taken from the A sub-account within that water year prior to the available water determination, plus
 - (d) the volume of water taken under clause 48 within that water year prior to the available water determination,
- equals the take limit for that water year.
- (9) Water allocations from available water determinations for regulated river (general security) access licences that were not credited to the A sub-account under subclause (8) will be credited to the B sub-account subject to subclause (10).
 - (10) The sum of the volume of water allocations held in the A sub-account of a regulated river (general security) access licence plus the volume of water allocations held in the B sub-account of the access licence may not, at any time, exceed a volume equivalent to 1.1 ML per unit share.
 - (11) Water taken under a regulated river (general security) access licence, including water taken from uncontrolled flows under clause 48 is to be debited from the A sub-account of the access licence.
 - (12) Water must not be taken under a regulated river (general security) access licence if it would cause the volume of water in the A sub-account to be less than zero.
 - (13) The volume of water taken in an uncontrolled flow event must only be debited from the water allocation account of a regulated river (high security) access licence in accordance with the rules in clause 47.

Division 2 Daily access rules

46 General priority of extractions for access licences

- (1) This clause does not apply to supplementary water access licences.
- (2) Where the extraction component of an access licence in this water source does not specify a rate of extraction as a share of supply capability or a volume per unit time, the following priority of extraction will apply whenever supply capability is insufficient to satisfy all water requirements in any section of the water source:

- (a) water will be supplied to domestic and stock access licences, local water utility access licences and regulated river (high security) access licences that have placed orders for water, in that order, and
- (b) then any remaining supply capability will be shared between regulated river (general security) access licences that have placed an order for water, in proportion to share components specified on the access licences.

Note. During periods of channel capacity constraint, the implementation of the above provisions may result in short term ordering delays.

- (3) The extraction components of access licences in this water source may be amended under section 68A of the Act to specify a volume per unit of time or share of supply capability in order to share the impacts of any future physical supply constraint amongst access licences.
- (4) The rate or shares specified in the amended extraction components of domestic and stock access licences, local water utility access licences and regulated river (high security) access licences under subclause (3) should, where possible, be the amount which, in the Minister's opinion, is sufficient to satisfy the maximum daily water requirements.
- (5) The rate or shares specified in the amended extraction components of the regulated river (general security) access licences under subclause (3) should be in proportion to the share component of each access licence.

47 Taking of uncontrolled flows under regulated river (high security) access licences

Note. This clause allows for the take of uncontrolled flow under section 85A of the Act for regulated river (high security) access licences but not for regulated river (general security) access licences.

- (1) The taking of uncontrolled flows by the holder of a regulated river (high security) access licence that nominates a water supply work that has metering equipment installed in connection with it, is permitted in accordance with this clause.

Note. *Uncontrolled flows* are defined in the Dictionary to this Plan.

- (2) The following rules apply to the taking of uncontrolled flows:
 - (a) when the sum of available water determinations in any water year is less than or equal to 0.2 ML per unit share for regulated river (high security) access licences then the taking of water will only be permitted when uncontrolled flows in the Belubula Regulated River are greater than or equal to 13 ML/day at the Helensholme gauge (412033),

- (b) when the sum of available water determinations in any water year is less than or equal to 0.5 ML and greater than 0.2 ML per unit share for regulated river (high security) access licences then the taking of water will only be permitted when uncontrolled flows in the Belubula Regulated River are greater than or equal to 20 ML/day at the Helensholme gauge (412033),
 - (c) when the sum of available water determinations in any water year is greater than 0.5 ML per unit share for regulated river (high security) access licences, the taking of water from uncontrolled flows will not be permitted.
- (3) The total amount of water that may be extracted under this clause in any water year by a regulated river (high security) access licence holder must not exceed an amount that is equal to 0.5 ML per unit share of the regulated river (high security) access licence share component.
 - (4) If available water determinations are made for regulated river (high security) access licences during that water year after the taking of water from uncontrolled flows is no longer permitted, then the water allocation accounts of regulated river (high security) access licences will be debited by the volume of water taken from uncontrolled flows up to the amount credited to the account from those available water determinations.
 - (5) Access licence holders must supply the operator with meter readings taken immediately prior to and after the taking of uncontrolled flow within 7 days of ceasing to take uncontrolled flows.
 - (6) If the total amount of uncontrolled flows taken under an access licence exceeds the limits specified in subclause (3), then a volume equivalent to the exceedance will be debited from allocations credited to the access licence water allocation account in that water year.

48 Taking of uncontrolled flows under regulated river (general security) access licences

- (1) The taking of uncontrolled flows by the holder of a regulated river (general security) access licence (other than a licence specified in Schedule 1) that nominates a water supply work that has metering equipment installed in connection with it, is permitted in accordance with this clause.
- (2) (Repealed)
- (3) (Repealed)
- (4) (Repealed)

- (5) The taking of uncontrolled flows by any regulated river (general security) access licence is not permitted in any of the following circumstances:
- (a) if the average flow at the Helensholme gauge (412033) over 120 days prior to 1 March is equal to or less than 10 ML/day— until such time as an average flow of more than 70 ML/day over 10 consecutive days at that gauge has occurred,
 - (b) if the effective available water is less than or equal to 0.2 ML per unit share, unless flows at the Helensholme gauge (412033) are greater than or equal to 13 ML/day,
 - (c) if the effective available water is less than or equal to 0.5 ML per unit share and greater than 0.2 ML per unit share, unless flows at the Helensholme gauge (412033) are greater than or equal to 20 ML/day,
 - (d) if the effective available water is greater than 0.5ML per unit share and the volume of water in Carcoar Dam storage is less than 21,000 ML, unless flows at the Helensholme gauge (412033) are equal to or greater than 20 ML/day,
 - (e) if the total amount of uncontrolled flow taken in the water year under the access licence exceeds the lesser of the following amounts:
 - (i) the A sub-account limitation,
 - (ii) 0.5 ML multiplied by the share component for that regulated river (general security) access licence at the beginning of that water year.
- (6) For the purposes of this clause:
- (a) *A sub-account limitation* is equal to the amount calculated using the formula:
$$F - G$$
where:
F equals the take limit for that water year multiplied by the share component of that regulated river (general security) access licence,
G equals the volume of water allocations credited to the A sub-account under clause 45 (7) and any available water determinations credited to the A sub-account made between the commencement of the water year and the commencement of uncontrolled flow access.
 - (b) *effective available water* is equal to the amount calculated using the formula:
$$(C + D)/E$$

where:

C equals the volume of water in all regulated river (general security) access licence A sub-accounts resulting from adjustments under clause 45 (7),

D equals the sum of allocations credited to all regulated river (general security) access licence A sub-accounts in that water year from available water determinations, and

E equals the sum of the share components of all regulated river (general security) access licences in this water source.

- (6) Access licence holders must supply Water NSW with meter readings taken immediately prior to and after the taking of uncontrolled flow within 7 days of ceasing to take uncontrolled flows.

49 Taking of water under supplementary water access licences

- (1) An order under section 70 of the Act must be made in accordance with the provisions of this clause.
- (2) An order under section 70 may authorise the taking of water under a supplementary water access licence in accordance with the following rules:
- (a) the taking of water under supplementary water access licences should, as far as possible, be managed to evenly share access opportunity between all supplementary water access licence holders,
 - (b) the maximum volume of water that may be taken under the supplementary water access licences during each period of time to which an announcement applies may be expressed as a percentage of the supplementary water account limit specified on the water allocation account statement,
 - (c) taking of water under the supplementary water access licences should only be permitted when flows in the Belubula River at the Helensholme gauge (412033) are equal to or greater than 20 ML/day.

Note. Access to supplementary water access licences is from unregulated flows and not from water released from the dam. Access to supplementary water access licences is only permitted in accordance with this clause and when releases are being made as in accordance with clause 31 (2).

Part 10 Access licence dealing rules

50 General

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

Notes.

- 1 Access licence dealings in this water source 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.

51 Conversion of access licence to new category

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

52 Amendment of share component dealings (change of water source)

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

52A Assignment of rights dealings

- (1) This clause relates to dealings under section 71Q of the Act in this water source.
- (2) Dealings under section 71Q of the Act between different water sources are prohibited in this water source.

53 Assignment of water allocations dealings

- (1) Dealings under section 71T of the Act between different water sources are prohibited in this water source.
- (2) Dealings under section 71T of the Act within the same water source are prohibited in this water source if the dealing involves any of the following:
 - (a) the assignment of water allocation from the B sub-account of a regulated river (general security) access licence to the A sub-account of another regulated river (general security) access licence,
 - (b) the assignment of water allocation will cause the sum of the water allocations in the A sub-account and B sub-account of a regulated river (general security) access licence to exceed 1.3 ML per unit share,

- (c) the assignment of water allocation from a supplementary water access licence to an access licence of another category,
- (d) the assignment of water allocation to a supplementary water access licence from an access licence of another category.

54 Interstate transfer of access licence and assignment of water allocation

- (1) Dealings under section 71U of the Act involving the interstate transfer of access licences to or from this water source are prohibited.
- (2) Dealings under section 71V of the Act involving the interstate assignment of water allocations to or from access licences in this water source are prohibited.

54A Nomination of water supply works dealings

- (1) Dealings under section 71W of the Act that involve an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence are prohibited.
- (2) Dealings under section 71W of the Act that involve the nomination of a water supply work located in a State or Territory, other than NSW, by an access licence in this water source are prohibited.
- (3) Dealings under section 71W of the Act that involve the nomination of a water supply work in this water source by an access licence from a State or Territory, other than NSW, are prohibited.

Part 11 Mandatory conditions

Division 1 General

55 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 2 of this Plan or to the email address for enquiries on the Department's website, and

Note. As at 1 July 2020, the email address for enquiries on the Department's website is water.enquiries@dpi.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 that 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 work 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.

Note. *Logbook* is defined in the Dictionary.

Division 2 Access licences

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

56 General

- (1) Access licences in this water source must have mandatory conditions to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 1 of Part 9 of this Plan,
- (b) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,

- (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,
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in this water source, excluding access licences that nominate only metered water supply works 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, and
 - (v) 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,
 - (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) The Minister may require the holder of an access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements set out in subclause (2).
- (4) All access licences, except supplementary water access licences, shall have a mandatory condition that only allows the taking of water, other than from uncontrolled flows, if it has been ordered in accordance with procedures established by the Minister.
- (5) All regulated river (high security) access licences must have mandatory conditions to give effect to the rules in clause 47.

- (6) All regulated river (general security) access licences must have mandatory conditions to give effect to the rules in clauses 45 and 48.
- (7) All supplementary water access licences must have mandatory conditions to give effect to the rules in clause 49.
- (8) All access licences of the subcategory “Aboriginal cultural” must have a mandatory condition that specifies that water must only be taken under the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.
- (9) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclause (2) and (3) ceases to have effect in relation to the work on the day on which the condition applies to the licence.
Note. The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals in the water source from 1 December 2022.
- (10) Subclauses (2), (3) and (9) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water source in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

Division 3 Water supply work approvals

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

57 General

- (1) Water supply work approvals for water supply works in this water source 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 9 of this Plan,
 - (b) 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 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 by the Minister by notice in writing,
- Note.** The Minister may also direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.
- (c) the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned in accordance with any direction from the Minister (the Minister may direct that any such water supply work need not be decommissioned),
 - (d) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned, and
 - (e) the holder of the water supply work approval must notify the Minister in writing immediately upon becoming aware of a breach of any condition of the approval, and
 - (f) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in this water source, excluding a water supply work that is a metered water supply work with a data logger, must have mandatory conditions to give effect to the following:
- (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 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.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
 - (4) Subclauses (1)–(3) do not apply to water supply work approvals held by WaterNSW.
 - (5) Water supply work approvals held by WaterNSW must have mandatory conditions where required to give effect to the System Operation Rules in Part 6 of this Plan and clauses 39 (3), 40 (3) and 41 (3).
 - (6) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclause (2) and (3) ceases to have effect in relation to the work on the day on which the condition applies to the approval.

Note. The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals in the water source from 1 December 2022.

- (7) If an approval for a water supply work is subject to the mandatory metering equipment condition in relation to the work, subclause (1) (b) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (8) Subclauses (1) (b), (2), (3), (6), and (7) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water source in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

Note. Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in the water source from 1 December 2022.

Part 12 Amendment of this Plan

58 General

- (1) Amendments specified throughout this Plan and in this Part are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.
- (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.

59 Part 1

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

- (a) add a river or section of river to this water source or remove a river or section of river from this water source,
- (b) (repealed).

59A Part 6

Part 6 may be amended to establish alternate environmental release rules in combination with alternate daily access rules.

60 Part 8

Part 8 may be amended to include additional categories of specific purpose access licence.

61 Part 9

Part 9 may be amended to establish alternate daily access rules in combination with alternate environmental release rules.

62 Part 10

Part 10 may be amended to:

- (a) allow dealings under section 71R of the Act from regulated river (general security) access licences with share components that nominate the Lachlan Regulated River Water Source as defined in the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020* to regulated river (general

security) access licences with share components that nominate the Belubula Regulated River Water Source, provided the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020* has been amended to permit dealings under 71R from the Belubula Regulated River Water Source, subject to total share components of all access licences in the Belubula Regulated River Water Source not exceeding 27,219 ML, and

- (b) provide for the conversion of regulated river (high security) licences with share components that specify this water source to access licences with share components that specify connected upstream unregulated water sources.

63 Part 11

Part 11 of this Plan may be amended to change the rules in relation to record keeping including amendments in relation to requirements for Logbooks.

63A Amendments relating to SDLAM projects

This Plan may be amended to provide for the implementation of any NSW sustainable diversion limit adjustment mechanism project in this water source under the Basin Plan.

64 Dictionary

The Dictionary may be amended to add, modify or remove a definition.

65 Schedule 1

Schedule 1 may be amended to add or remove an access licence.

66 Other

- (1) This Plan may be amended to provide rules for any of the following:
 - (a) the management of floodplain harvesting within this water source,
 - (b) the shepherding of water,
Note. *Shepherding* is defined in the Dictionary.
 - (c) any new category of access licence established for the purpose of urban stormwater harvesting,
 - (d) the interception of water before it reaches a stream or aquifer by plantations or other means.
- (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.

- (3) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.
- (4) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* (Cth).
- (5) This Plan may be amended after year five of this Plan to provide rules for the protection of water dependent Aboriginal cultural assets to do any of the following:
 - (a) identify water dependent Aboriginal cultural assets in a Schedule to this Plan,
 - (b) amend the access rules to protect water dependent Aboriginal cultural assets,
 - (c) restrict the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets, or
 - (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) Any amendment under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.
- (8) Division 3 of Part 7 may be amended to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for this water source, the Lachlan Regulated River Water Source and the Lachlan Unregulated River Water Sources.
- (9) This Plan may be amended to facilitate total extractions reaching the long-term average annual extraction limit or long-term average annual sustainable diversion limit should an assessment of compliance with those limits made under Part 6 show that total extractions are in the Minister's opinion significantly less than those limits over the long term.

Dictionary

Note. Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations have the same meaning in this Plan.

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

flow regimes are the collected magnitudes, durations, frequency and patterns of natural flows that characterise a given river or water source.

floodplain harvesting means the collection, extraction or impoundment of water flowing across floodplains, including rainfall runoff and overbank flow, excluding the take of water pursuant to any of the following:

- (a) a water access licence other than a floodplain harvesting access licence,
- (b) a basic landholder right,
- (c) an exemption from the need to hold a licence to take water under the Act.

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.

operator means the operator of the water supply system.

Note. As at 1 July 2019, this is WaterNSW.

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.

transmission losses are any loss of water volume, through natural influences such as evaporation or seepage, which occurs as water travels down a river.

uncontrolled flows are flows within this water source that are either not required for or not able to be used to meet the environmental release rules specified in clause 26, the supply for domestic and stock and native title rights rules specified in clause 31 or access licence water orders.

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

water storage means the water body impounded by a dam, weir or other structure, which is used to regulate and manage river flows in this water source.

water use development means all privately owned water management structures, and all aspects of farm, industry, town or private household development which affect the volumes of water taken from this water source, and the management practices that are applied in relation to them.

weighted average unit price means the total value of all units sold divided by the number of units sold for a monetary value.

Schedule 1 Access licences prohibited from taking uncontrolled flows

1 General

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

<i>Water Act 1912</i> access licences that are prohibited from taking uncontrolled flows
70SL051344
70SL046463
70SL090584
70SL024759
70SL038219
70SL025579
70SL045151
70SL031405

Schedule 2 Offices

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

Department of Planning, Industry and Environment - Water

10 Valentine Ave

PO Box 3720

PARRAMATTA NSW 2150

Department of Planning, Industry and Environment - Water

9 Spring St

PO Box 291

FORBES NSW 2871

Department of Planning, Industry and Environment - Water

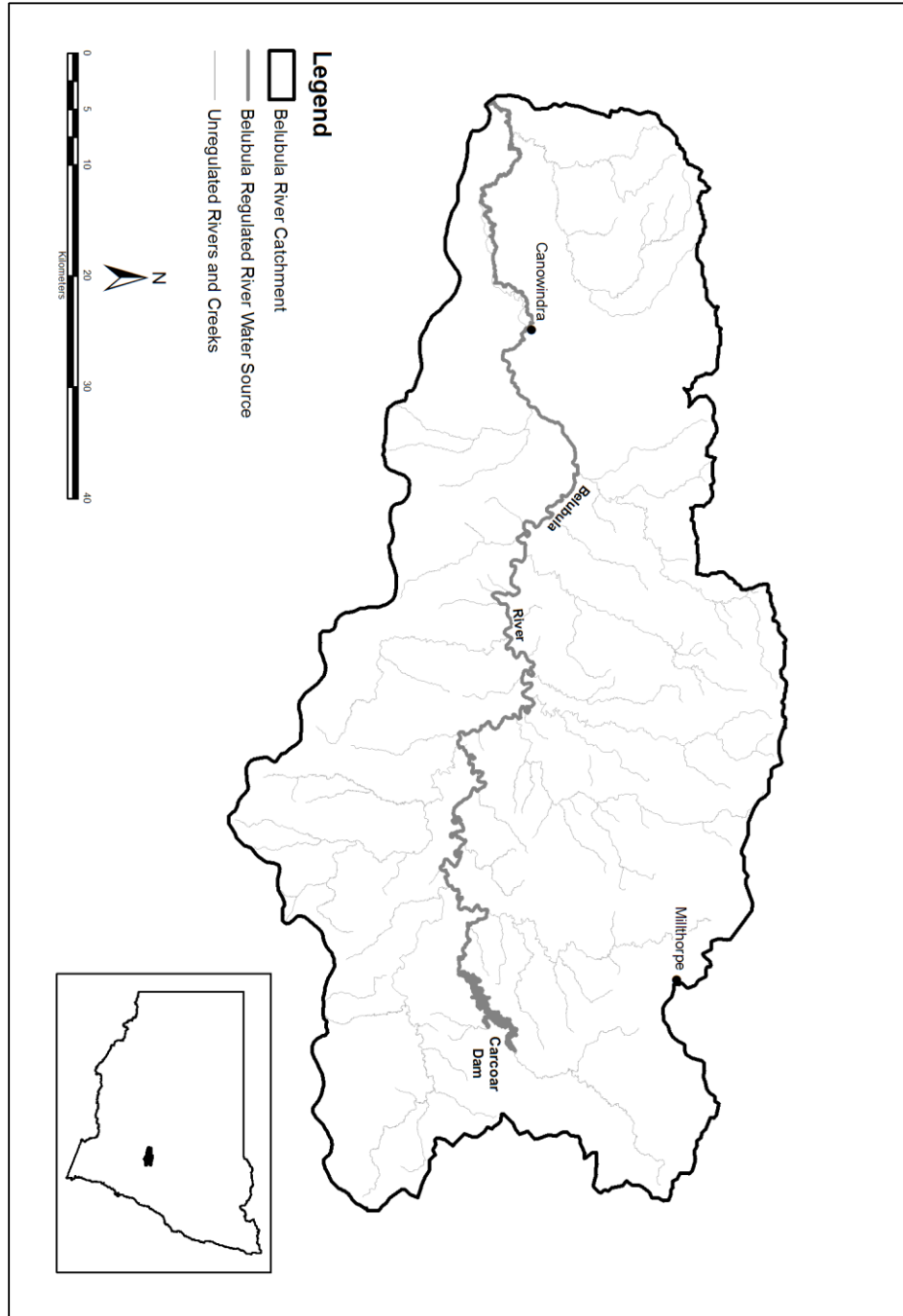
Level 2

181–187 Anson St

PO Box 53

ORANGE NSW 2800

Appendix 1 Overview of the Belubula Regulated River Water Source



Appendix 2, 3 (Repealed)

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