



New South Wales

Water Sharing Plan for the Belubula Regulated River Water Source 2025

under the

Water Management Act 2000

I, the Minister for Water, make the following plan under the *Water Management Act 2000*, section 50.

ROSE JACKSON, MLC

Minister for Water

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Water Sharing Plan for the Belubula Regulated River Water Source 2025

under the

Water Management Act 2000

Part 1 Introduction

Note— 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.

1 Name of Plan

This Plan is the *Water Sharing Plan for the Belubula Regulated River Water Source 2025*.

2 Commencement

This Plan commences on 1 July 2025.

3 Water sources to which Plan applies

- (1) This Plan applies to the Belubula Regulated River Water Source (*the water source*) within the Lachlan Water Management Area.
- (2) The water source includes all water contained with the regulated river, as declared to be a regulated river by the *Regulated River Order for the Belubula Regulated River 2012*, Gazette No 92, 14 September 2012 and amended by the Act, Schedule 12, Part 5, Division 1, clause 25.

Note— Under the Act, section 57A(4), water taken from the floodplain for a regulated river water source under a floodplain harvesting access licence is treated as having been taken from the regulated river water source.

4 Interpretation

- (1) The Dictionary in Schedule 2 defines words used in this Plan.

Note— The *Interpretation Act 1987* contains definitions and other provisions affecting the interpretation and application of this Plan.

- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

Part 2 Vision, objectives, strategies and performance indicators

5 Vision statement—the Act, s 35(1)(a)

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

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

6 Objectives of Plan—the Act, s 35(1)(b)

The objectives of this Plan are as follows—

- (a) to protect and, where possible, enhance and restore the condition of the water source and its water-dependent ecosystems,
- (b) to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies,
- (c) to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people,
- (d) to provide access to water to support water-dependent social and cultural values,
- (e) to maintain and where possible improve water quality within target ranges for the water source to support water-dependent ecosystems and social, cultural and economic values.

7 Strategies for reaching objectives—the Act, s 35(1)(c)

- (1) The strategies for reaching the objectives of this Plan include the following—
 - (a) on average, reserve all water in excess of the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment,
 - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water source,
 - (c) reserve a portion of natural flows to maintain hydrological connectivity between the water source and other connected water sources,
 - (d) reserve a share of water for the maintenance of water quality,
 - (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, basic landholder rights and town water supply,
 - (f) provide for trade of water allocations subject to environmental constraints and local impacts,
 - (g) provide a stable and predictable framework for sharing water among water users,
 - (h) provide for flexibility of access to water,
 - (i) 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,

- (j) manage access to water consistently with the exercise of native title rights and domestic and stock rights,
- (k) provide for water associated with Aboriginal cultural values and uses.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

8 Performance indicators—the Act, s 35(1)(d)

The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—

- (a) the ecological condition of the water source,
- (b) economic benefits,
- (c) Aboriginal cultural benefits,
- (d) social and cultural benefits,
- (e) water quality condition.

9 Monitoring and evaluation

- (1) Monitoring and evaluation of this Plan's objectives, strategies and performance indicators must be undertaken in the way approved by the Minister.
- (2) By 31 December 2026, the Minister must publish the monitoring, evaluation and reporting plan for this Plan that links with the objectives, strategies and performance indicators of this Plan.
- (3) By 31 December 2025, and annually thereafter, the Minister must publicly report on implementation of this Plan, including on progress against the monitoring, evaluation and reporting plan.
- (4) Commencing work in year 8 of this Plan, the Minister must publicly report in year 9 of this Plan on the results of the monitoring and evaluation undertaken according to the plan developed under subsection (2).

Part 3 Requirements for water

Division 1 Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b)

10 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights in the water source is estimated to be 462 ML/year.

11 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.

Note— A native title holder is entitled, without the need for an access licence, water supply work approval or water use approval, to take and use water in the exercise of native title rights—see the Act, section 55.

Division 2 Requirements for water for extraction under access licences

12 Share components of access licences in the water source—the Act, s 20(1)(c)

- (1) On the commencement of this Plan, the share components of domestic and stock access licences in the water source are estimated to be a total of 220 ML/year.
- (2) On the commencement of this Plan, the share components of local water utility access licences in the water source are estimated to be a total of 0 ML/year.
- (3) On the commencement of this Plan, the share components of regulated river (high security) access licences in the water source are estimated to be a total of 1,095 unit shares.
- (4) On the commencement of this Plan, the share components of regulated river (general security) access licences in the water source are estimated to be a total of 22,454 unit shares.
- (5) On the commencement of this Plan, the share components of supplementary water access licences in the water source are estimated to be a total of 3,125 unit shares.

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

- (a) the grant, surrender or cancellation of access licences in the water source, or
- (b) the variation of local water utility licences under the Act, section 66, or
- (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

Part 4 Limits to the availability of water

Division 1 Available water determinations—the Act, s 20(2)(b)

13 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—1 ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination should be made—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for supplementary water access licences—1 ML/unit share.
- (3) An available water determination for regulated river (high security) access licences, up to 1ML/unit share, may be made if there is sufficient water available to meet the following, having regard to water losses associated with holding and delivering the water—
 - (a) requirements under Part 7,
 - (b) requirements for basic landholder rights,
 - (c) available water determinations totalling 100% of the access licence share components for domestic and stock access licences and local water utility access licences,
 - (d) existing water allocations.
- (4) If, after an available water determination for regulated river (high security) access licences of less than 1ML/unit share is made at the start of a water year, additional water becomes available in the water source, an additional available water determination for regulated river (high security) access licences must be made as soon as practicable.
- (5) An available water determination for regulated river (general security) access licences, up to 1ML/unit share, may be made if—
 - (a) the sum of available water determinations made for regulated river (high security) access licences equals 1 ML/unit share, and
 - (b) there is sufficient water available for the determination, having regard to water losses associated with holding and delivering the water.
- (6) This section is subject to section 22.
- (7) In this section—

existing water allocation means an unused water allocation in a water allocation account arising from—

 - (a) water allocations carried over from the previous water year,
 - (b) water allocations assigned under the Act, section 71T,

- (c) water allocations recredited to the account under the Act, section 76,
- (d) available water determinations made in the water year.

Note— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

Division 2 Extraction limits—the Act, s 20(1)(a) and s 20(1)(e)

Subdivision 1 Preliminary

14 Operation of Division—the Act, s 8

For the Act, section 8(1A)(b) and (2), this Division—

- (a) sets out environmental water rules, and
- (b) commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit.

15 Definitions

In this Division—

annual extraction means the estimated volume of water taken from the water source for the water year—

- (a) under an access licence, or
- (b) in the exercise of basic landholder rights, or
- (c) for the purposes of plantation forestry, or
- (d) for the purposes of floodplain harvesting, other than under an access licence.

Note— The determination of the volume of water taken from this water source excludes water committed as licensed environmental water—see the Act, section 8F(5).

long-term average annual extraction means the average annual extraction calculated over a defined period.

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

LTAAEL means a long-term average annual extraction limit established by section 16.

plantation forestry means a commercial plantation, as defined in the Basin Plan.

reduced available water determination means available water determinations of a sum that are less than the amount specified in section 13(1) for the category of licence for which the determination is made.

SDL means a long-term average sustainable diversion limit established by section 19.

Subdivision 2 LTAAEL and SDL

16 Establishment of LTAAEL

- (1) The LTAAEL for the water source is the lesser of the following—
 - (a) long-term average annual extraction in the water source, calculated based on—
 - (i) water storages and water use development that existed in the 2009/2010 water year,
 - (ii) an estimate of the annual water requirements for basic landholder rights and access licences as at 4 October 2012,
 - (iii) rules in the *Water Sharing Plan for the Belubula Regulated River Water Source 2012* as at 4 October 2012, and

- (iv) the level of development for plantation forestry that existing on 1 July 2009,
or
 - (b) long-term average annual extraction calculated under Cap baseline conditions as agreed under the Murray-Darling Basin Agreement that was in place on 4 October 2012.
- (2) For the purposes of subsection (1), the long-term average annual extraction limit must be calculated over the duration of available climate records using the hydrological computer model approved by the Minister.
- (3) By 2028, the Minister will undertake a review of the LTAAEL to ensure a sustainable level of take (the “*sustainable LTAAEL review*”). The sustainable LTAAEL review will commence in 2026 and include consideration of the following—
 - (a) the protection of the water source and its dependent ecosystems and species,
 - (b) the health of hydrologically connected water sources and their dependent ecosystems,
 - (c) future climate projections, including likely bounds of climate change impact within the term of this Plan,
 - (d) a precautionary and adaptive approach to how the limit is determined as climate projections change,
 - (e) cultural, social and economic outcomes
 - (f) the review of the *Basin Plan 2012*, including the review of Sustainable Diversion Limits, if that review is completed in time.
- (4) The Minister will ask the Natural Resources Commission (**NRC**) to provide advice on the method for reviewing the LTAAEL under subsection (3) during the review process, and to also review its findings. This may include, if relevant, advice on a consolidated mechanism for extraction limits (SDL/LTAAEL).
- (5) The Minister may amend this Plan to give effect to the findings of the sustainable LTAAEL review under subsection (3) and considering the NRC review under subsection (4) no later than 30 December 2029, unless, by 30 September 2029, the Minister and the Minister for the Environment agree on an extension of that date.

Note— The LTAAEL is taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

Editorial note— Calculation of the long-term average annual extraction in the water source under paragraph (a) indicates a long-term average annual extraction volume of 4684 megalitres.

17 Calculation of annual extraction

As soon as practicable after the end of a water year, the long-term average annual extraction for the water source over the duration of available information must be calculated, based on—

- (a) water storages and water use development in the water year,
- (b) an estimate of the water requirements for basic landholder rights and access licences for the water year,
- (c) rules in this Plan,
- (d) an estimate of the annual extraction for the purposes of plantation forestry in the water year.

18 Assessment of compliance with LTAAEL

- (1) As soon as practicable after the end of a water year, the long-term average annual extraction for the water source must be compared against the LTAAEL.
- (2) There is non-compliance with the LTAAEL if the long-term average annual extraction exceeds the LTAAEL by 3% or more.

19 Establishment of SDL

- (1) The SDL for the water source is the part of the long-term average sustainable diversion limit for the Lachlan surface water SDL resource unit established by the Basin Plan that, in the Minister's opinion, applies to the water source.
- (2) The SDL must be varied in accordance with an amendment made to the Basin Plan under the *Water Act 2007* of the Commonwealth, section 23B.

20 Calculation of annual permitted take and annual actual take

- (1) After the end of a water year, the annual permitted take and annual actual take of water for the water year must be calculated for the water source in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water source, and
 - (b) a reference to the water accounting period in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water year.
- (3) In this section—

annual actual take and *annual permitted take* have the same meaning as they have in the Basin Plan, section 6.10.

21 Assessment of compliance with SDL

- (1) After the end of a water year, compliance with the SDL must be assessed using the method set out in the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the long-term annual diversion limit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the SDL for the water source, and
 - (b) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water source.
- (3) There is non-compliance with the SDL in the circumstances set out in the Basin Plan, Chapter 6, Part 4, Division 2.

22 Non-compliance with LTAAEL and SDL

- (1) This section applies if—
 - (a) there is non-compliance with the LTAAEL for the water source, or
 - (a) there is non-compliance with the SDL for the water source.
- (2) In the water year occurring immediately after a non-compliance is assessed (the *next water year*), the Minister must—
 - (a) make reduced available water determinations for supplementary water access licences—less than 1ML/unit share,

- (b) reduce the take limit for regulated river (general security) access licences.
- (3) Actions under this section must be made—
 - (a) so permitted take under supplementary access licences and regulated river (general security) access licences is reduced in equal proportion, and
 - (b) to the extent necessary—
 - (i) for non-compliance with the LTAAEL—to return the annual extraction to be calculated at the end of that water year to the LTAAEL, and
 - (ii) otherwise—to ensure compliance with the SDL in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.

Note— The Minister may, at any time, make available water determinations, in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

- (4) The Minister may also take one or more actions specified in this section if there would have been non-compliance with the SDL but for a reasonable excuse under the Basin Plan, Chapter 6, Part 4, Division 2, as a result of any action taken under clause 6.12 (5) of the Basin Plan.

Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b)

23 Specific purpose access licences

- (1) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (2) A person may apply for a regulated river (high security) access licence of the subcategory Aboriginal cultural if—
 - (a) the share component of the licence is no more than 10 ML/year, and
 - (b) the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) traditional food production,
 - (viii) purposes to achieve environmental outcomes,
 - (ix) recreational, cultural and ceremonial purposes, and
 - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.

- (3) In this section—

Aboriginal person has the same meaning as in the *Aboriginal Land Rights Act 1983*.

24 Management of access licences

- (1) This section applies to an access licence affected by a change to the water source or water management area to which this Plan applies.
- (2) The Minister may amend the share component or extraction component, or both, of an access licence to which this section applies to change the following—
 - (a) the water management area or water source to which the share component of the licence relates,
 - (b) the area or location from which water may be taken in accordance with the extraction component of the licence.

25 Amendment of access licence extraction components—the Act, s 68A

- (1) The Minister may amend the extraction component of an access licence in the water source to specify the following when supply capability is insufficient to satisfy orders for water in the water source—
 - (a) the volume of water that may be taken per unit of time under the licence, or
 - (b) the share of supply capability that may be taken under the access licence.

- (2) The Minister must observe the priorities between different categories of licence under the Act, section 58, in amending the extraction component of access licences in accordance with this section.
- (3) The rate or share specified in an amended extraction component of a regulated river (general security) access licence under subsection (1) must share remaining water in the same shares as the share components specified on the access licences.

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

26 Operation of Part—the Act, s 8

For the Act, section 8(1A)(a) and (c) and (2), this Part—

- (a) sets out environmental water rules, and
- (b) in Divisions 2–3—commits water as planned environmental water 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, and
- (c) in Division 3—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

Division 2 Operation of water allocation accounts—the Act, s 21(c)

Note— The *Water Management (General) Regulation 2018*, clause 17, also includes provisions regarding the debiting of water allocation accounts.

27 Application of Division

In this Division—

debited means taken, assigned under the Act, section 71T or otherwise debited or withdrawn from a water allocation account.

relevant sum means the sum of the following during the water year—

- (a) the water allocations credited to the water allocation account from available water determinations made,
- (b) the water allocations assigned to the water allocation account under the Act, section 71T or 71V,
- (c) the water allocations reccredited to the water allocation account under the Act, section 76.

28 Water allocation account debiting

- (1) The volume of water debited from the water allocation account of an access licence, other than a regulated river (general security) access licence, must not be more than the relevant sum during a water year.
- (2) The volume of water debited from the water allocation account of a regulated river (general security) access licence must not be more than the take limit.
- (3) The Minister must debit water allocations from the water allocation account of a regulated river (high security) access licence for the take of water from uncontrolled flows—
 - (a) if the amount of water taken from uncontrolled flows exceeds 0.5 ML/unit share of the licence, or
 - (b) if the sum of the following exceeds 1ML per unit share of the licence—
 - (i) the total volume of water taken under the access licence from uncontrolled flows in a water year, plus

- (ii) the total amount of allocations credited to the licence by available water determinations during the water year, or
 - (c) that was not credited to the water allocation account of the licence, if a further available water determination is made for regulated river (high security) access licences.
- (4) The Minister must debit water allocations from the water allocation account of a regulated river (general security) access licence for the take of water from uncontrolled flows—
 - (a) if the amount of water taken from uncontrolled flows exceeds 0.5 ML/unit share of the licence, or
 - (b) if the sum of the following exceeds 1ML per unit share of the licence—
 - (i) the total volume of water taken under the access licence from uncontrolled flows in a water year, plus
 - (ii) the total amount of allocations credited to the licence by available water determinations made during the water year, or
 - (c) that was not credited to the water allocation account of the licence, if a further available water determination is made for regulated river (general security) access licences.
- (5) The amount debited under subsections (3)(a)–(b) and (4)(a)–(b) must be equivalent to the exceedance.
- (6) The amount debited under subsections (3)(c) and (4)(c) must be equivalent to volume of water taken from uncontrolled flows up to the amount credited to the account from available water determinations.
- (7) Water taken under a regulated river (general security) access licence must be debited from the A sub-account of the access licence, except where subsection (8) applies.
- (8) If there are no water allocations remaining in the A sub-account of a regulated river (general security) access licence, water taken from uncontrolled flows must be debited from the B sub-account of the access licence.
- (9) If a water order debiting protocol is in place with respect to a particular access licence, the greater of the following volumes must be debited from the water allocation account for that access licence whenever water is ordered for extraction under the access licence—
 - (a) the volume of water taken by means of any of the access licence's nominated water supply works,
 - (b) the volume of water ordered.
- (10) In this section, ***water order debiting protocol*** means a water order debiting protocol established by the Minister and notified in writing to the holder of an access licence.

29 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) for an access licence other than a regulated river (general security) access licence—must not be carried over from one water year to the next water year, or

- (b) for a regulated river (general security) access licence—must be carried over from one water year to the next water year, until the total volume of water allocations held in the water allocation account reaches 110% of the share component or 1.1 ML per unit share.

30 Sub-accounts for regulated river (general security) access licences

- (1) The water allocation accounts of regulated river (general security) access licences are to be kept in the form of two sub-accounts, being the *A sub-account* and the *B sub-account*.
- (2) Water allocations from available water determinations must be credited to the A-sub account of a regulated river (general security) access licence, up to the take limit.
- (3) Water allocations from available water determinations must be credited to the B-sub account of a regulated river (general security) access licence to the extent that crediting them to the A-sub account would cause the take limit to be exceeded.
- (4) At the beginning of the water year—
 - (a) if the volume of water allocations in the A-sub account is less than the take limit, any water allocations in the B sub-account must be moved to the A sub-account up to the take limit, or
 - (b) if the volume of water allocations in the A-sub account is greater than the take limit, water allocations in excess of the take limit must be moved to the B-sub account.
- (5) The total volume of water allocations held in the A-sub account and B-sub account must not exceed 1.1 ML per unit share.

Division 3 Access rules for take—the Act, s 20(1)(a) and s 21(a)

Note— Discretionary conditions may be imposed under sections 66(1)(b) and 100(1)(b) of the Act, in addition to mandatory conditions which are required to be imposed by the access rules in this Division.

31 Application of Division

In this Division—

flow reference point means the Belubula River at Helensholme gauge (412033).

uncontrolled flow event means a period for which water from uncontrolled flows is available to be taken by access licence holders.

32 General

- (1) Water must not be taken under an access licence in the water source unless—
 - (a) the licence holder has placed an order for water in the approved form, and
 - (b) the water order has been approved.
- (2) Subsection (1) does not apply to water taken under a supplementary water access licence or the taking of water from uncontrolled flows in accordance with sections 33–35.
- (3) The volume of water taken under a regulated river (general security) access licence in a water year must not exceed the take limit.

33 Take of uncontrolled flows under regulated river (high security) access licences

- (1) This section applies to the taking of water from uncontrolled flows under a regulated river (high security) access licence.

- (2) Water must not be taken—
 - (a) if the sum of available water determinations in the water year for regulated river (high security) access licences—
 - (i) is greater than 0.5 ML/unit share,
 - (ii) is greater than 0.2 ML/unit share and less than or equal to 0.5 ML/unit share, unless uncontrolled flows in the water source are greater than or equal to 20ML/day at the flow reference point,
 - (iii) is less than or equal to 0.2 ML/unit share, unless uncontrolled flows in the water source are greater than or equal to 13 ML/day at the flow reference point, and
 - (b) unless in accordance with a notice approved by the Minister and published on the WaterNSW website specifying—
 - (i) an uncontrolled flow event,
 - (ii) the volume of the uncontrolled flows, and
 - (iii) any limits on the volume of water that may be extracted under an access licence during the uncontrolled flow event.
- (3) No more than an amount equal to 0.5 ML/unit share may be taken from uncontrolled flows in a water year under a regulated river (high security) access licence.

34 Take of uncontrolled flows under regulated river (general security) access licences

- (1) This section applies to the taking of water from uncontrolled flows under a regulated river (general security) access licence.
- (2) Water must not be taken—
 - (a) under an access licence specified in Schedule 1,
 - (b) if any of the following apply—
 - (i) flows at the flow reference point are less than 10 ML/day,
 - (ii) average flows at the flow reference point over 120 consecutive days have fallen to 10 ML/day or less, until average flows at the flow reference point over 10 consecutive days have reached 70ML/day or more,
 - (iii) the effective available water is less than or equal to 0.2 ML per unit share, unless flows at the flow reference point are greater than or equal to 13 ML/day,
 - (iv) the effective available water is greater than 0.2 ML per unit share and less than or equal to 0.5 ML per unit share, unless flows at the flow reference point are greater than or equal to 20 ML/day,
 - (v) the effective available water is greater than 0.5 ML per unit share and the volume of water in Carcoar Dam storage is less than 21,000 ML, unless flows at the flow reference point are greater than or equal to 20 ML/day,
 - (vi) it would cause the total volume of water taken from uncontrolled flows under the access licence in the water year to exceed the lesser of—
 - A. the A sub-account limitation at the beginning of the uncontrolled flow event, or

- B. 0.5 ML per unit share of the licence at the beginning of that water year, and
- (c) unless in accordance with a notice approved by the Minister and published on the WaterNSW website specifying—
 - (i) an uncontrolled flow event,
 - (ii) the volume of the uncontrolled flows, and
 - (iii) any limits on the volume of water that may be extracted under an access licence during the uncontrolled flow event.
- (3) In this section—

A sub-account limitation means—

F – G

where—

F equals the take limit as at the time of the uncontrolled flow event, and

G equals the volume of water allocations credited to the A sub-account at the commencement of the water year plus any water allocations credited to the account under an available water determination made between the commencement of the water year and the commencement of the uncontrolled flow event.

effective available water means—

(C + D) / E

where—

C equals the volume of water in all regulated river (general security) access licence A sub-accounts at the commencement of the water year,

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 the water source.

35 Take of water under supplementary water access licences

Water must not be taken under a supplementary water access licence unless—

- (a) flows in the water source at the flow reference point are equal to or greater than 20 ML/day, and
- (b) in accordance with a notice approved by the Minister and published on the WaterNSW website specifying—
 - (i) the period for which supplementary flows are available to be taken, and
 - (ii) the volume of the supplementary flows.

Part 7 Rules for major utility and other storages—the Act, s 21(a)

35A Operation of Part—the Act, s 8

For the Act, section 8(1A)(a), this Part commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

36 General

- (1) The dam operator for the Carcoar Dam must operate the dam in accordance with this Part.
- (2) In this Part—

dam operator means the holder of a water supply work approval relating to the Carcoar Dam.

full supply level means the normal maximum operating water level of a water storage facility when not affected by floods.

37 Storage and release of water in Carcoar Dam

- (1) Sufficient volumes of water must be held in the Carcoar Dam to—
 - (a) allow releases to meet the end of system environmental flow rule described in subsection (2)(b), and
 - (b) satisfy for two consecutive water years the following rights and available water determinations in the water source, through a repeat of the worst period of low inflows to the water source based on historical flow information held by the Department when this Plan commenced—
 - (i) native title rights,
 - (ii) domestic and stock rights,
 - (iii) available water determinations of 100% of access licence share component for—
 - A. domestic and stock access licences, and
 - B. local water utility access licences,
 - (iv) available water determinations of 1 ML/unit share for regulated river (high security) access licences.
- (2) The dam operator must make the following releases from Carcoar Dam—
 - (a) a daily release of 2 ML/day,
 - (b) any releases necessary to maintain an end of system environmental flow of 10 ML/day at the Helensholme gauge (412033)
- (3) Subsection (2)(b) does not apply if the average flow in Flyers Creek at Beneree (412080) over 120 consecutive days would have fallen to 10 ML/day or less, but for Cadia Mine's take from Flyers Creek upstream of Beneree (412080), until the average flow in Flyers Creek at Beneree (412080) over 90 consecutive days would have exceeded 40 ML/day but for Cadia Mine's take from Flyers Creek upstream of Beneree (412080).
- (4) If releases to maintain a flow of 10 ML/day at the Helensholme gauge (412033) cannot be made for operational reasons, the operator must release any outstanding amount at a later date in accordance with a plan prepared by the NSW Environmental Water Manager and approved by the Minister.

- (5) At the end of a flood or spilling of water, the level in the Carcoar Dam must not be reduced below full supply level, except in order to meet release requirements, unless maintaining the level in the Carcoar Dam at full supply level would be unsafe.
- (6) During times of flood and spilling of water, the operator must operate Carcoar Dam in a manner that —
 - (a) maintains the safety of dam infrastructure, and
 - (b) minimises downstream flood damage, to the extent that it is possible and consistent with paragraph (a).

38 General priority of delivery

- (1) This section does not apply to supplementary water access licences.
- (2) The following priority of extraction applies where the extraction component of an access licence does not specify the volume of water that may be taken per unit of time or the share of supply capability that may be taken whenever water supply capability is insufficient to satisfy all water requirements in any section of the water source—
 - (a) water must first be supplied to the following licences that have placed orders for water—
 - (i) first—domestic and stock access licences,
 - (ii) second—local water utility access licences,
 - (iii) third—regulated river (high security) access licences,
 - (b) remaining water must be shared between regulated river (general security) access licences that have placed orders for water, in the same shares as the share components specified on the access licences.

38A Grouping of water orders

- (1) The operator may not group water orders unless—
 - (a) the Minister has established group water order procedures under subsection (2), and
 - (b) the operator complies with those procedures.
- (2) The Minister may establish group water order procedures, dealing with—
 - (a) the grouping of water orders in circumstances where the continuous delivery of water orders would involve unacceptably high delivery losses,
 - (b) consultation with relevant government agencies and representatives of water access licence holders, prior to grouping water orders,
 - (c) any other matter the Minister considers relevant.
- (3) In establishing group water order procedures, the Minister is to consult with the NSW Environmental Water Manager and representatives of water access licence holders.

38B Change of rate of release from Carcoar Dam

- (1) The Minister may establish procedures relating to the rate of release of water from Carcoar Dam.
- (2) If the Minister has established procedures under subsection (1), the operator must, before changing the rate of the release of water from Carcoar Dam, consider the following matters, in accordance with those procedures—
 - (a) relevant environmental impacts,

- (b) damage to river banks,
- (c) public safety,
- (d) operational efficiency.

38C Water delivery and channel capacity constraints

- (1) The Minister may establish procedures relating to the operating channel capacities throughout the water source.
- (2) If the Minister has established procedures under subsection (1), the operator must, in managing the water supply system, consider, determine and specify the operating channel capacities throughout the water source, after taking into account the following matters, in accordance with those procedures—
 - (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.

Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Note— The access licence dealing principles established by the *Access Licence Dealing Principles Order 2004* prevail over the access licence dealing rules in this Part to the extent of an inconsistency.

39 Conversion of access licence to new category dealings

A dealing under the Act, section 71O, is prohibited.

Note— The *Access Licence Dealing Principles Order 2004*, clause 11, regulates dealings under the Act, section 71O, including with respect to conversion factors.

40 Assignment of rights dealings

An assignment of rights under the Act, section 71Q, is prohibited.

41 Amendment of share component dealings—change of water source

A dealing under the Act, section 71R, is prohibited.

42 Assignment of water allocations dealings

The following assignments of water allocations under the Act, section 71T, are prohibited—

- (a) an assignment to or from an access licence in a water source to which this Plan does not apply,
- (b) an assignment 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,
- (c) an assignment that would 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 1.1 ML per unit share,
- (d) an assignment from a supplementary water access licence to an access licence of another category,
- (e) an assignment to a supplementary water access licence from an access licence of another category.

Direction— Further prohibited dealings may be listed in this subsection. This section may include exceptions to the prohibited dealings.

43 Interstate access licence transfer dealings

Dealings under the Act, section 71U, are prohibited.

44 Interstate assignment of water allocations dealings

Dealings under the Act, section 71V, are prohibited.

45 Nominations of water supply works dealings

Dealings under the Act, section 71W, to amend an access licence to nominate a water supply work located in a water source to which this Plan does not apply, are prohibited.

Note— The *Access Licence Dealing Principles Order 2004*, clause 20, and the *Water Management (General) Regulation 2018*, clause 12, regulate dealings under the Act, section 71W, including with respect to amending an access licence to nominate works in another water source or location.

Part 9 Mandatory conditions—the Act, s 17(c)

Division 1 General

46 Definitions

In this Part—

Logbook means a written record kept in hard copy or electronic form.

water account debit means a water allocation that is taken, assigned under the Act, section 71T or 71V, or otherwise debited or withdrawn from a water allocation account.

Division 2 Access licences

47 General conditions

Each access licence must be subject to the following mandatory conditions—

- (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 28,
- (b) the relevant access rules for the taking of water specified in Part 6, Division 3,
- (c) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (d) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with section 48.

48 Record-keeping conditions

The licence holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

49 Notification of meter readings for take from uncontrolled flows

- (1) If the holder of a regulated river (high security) access licence or regulated river (general security) access licence takes water from uncontrolled flows under sections 33–34, the holder must, within 7 days of the end of the take, provide Water NSW with—
 - (a) a meter reading taken immediately before commencing the take, and
 - (b) a meter reading taken immediately after the end of the take.

Division 3 Water supply work approvals

50 General conditions

- (1) Each water supply work approval must be subject to the following mandatory conditions—
 - (a) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
 - (b) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,
 - (c) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with section 51.

- (2) Water supply work approvals held by Water NSW must have mandatory conditions to give effect to the provisions in Part 7 of this Plan.

51 Record-keeping conditions

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) The approval holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

Part 10 Amendment of this Plan—the Act, s 17(d)

52 Amendments

- (1) This Plan may be amended as follows—
- (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
 - (b) to add or modify access rules in response to changes in water availability by amending Part 6, Division 3,
 - (c) to add or modify provisions relating to the following—
 - (i) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (ii) stormwater harvesting,
 - (iii) the shepherding of water,
 - (d) to protect water-dependent Aboriginal cultural assets, including as follows—
 - (i) by identifying water-dependent Aboriginal cultural assets,
 - (ii) by establishing new access rules,
 - (iii) by restricting the construction and use of water supply works,
 - (iv) by establishing new access licence dealing rules,
 - (e) to give effect to, or in connection with, a determination of native title under the Native Title Act 1993 of the Commonwealth,
 - (f) to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for the water source, the Lachlan Regulated River Water Source and the water sources to which the *Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012* applies,
 - (g) to add, modify or remove a definition,
 - (h) to modify Schedule 1 to add or remove an access licence,
 - (i) to make amendments consequential on an amendment to the Act or regulations,
 - (j) to amend the rules for storage and release of water in Carcoar Dam—
 - (i) in accordance with a review of the following by 30 June 2027—
 - A. information held by the Department for the purpose of defining the worst period of low inflows to the water source,
 - B. whether different periods should apply to different categories of access licences,
 - C. the impact of amending the rules on planned environmental water and access licence holders, and
 - D. the views of stakeholders and the broader community, and
 - (ii) to the extent the Minister considers necessary to prioritise basic landholder rights, and the needs of domestic and stock access licence holders and local water utility access licence holders,
 - (k) to amend the rules for end of system flows at Flyers Creek at Beneree (412080), following a review of those rules within 5 years of Plan commencement,

- (1) to facilitate the Belubula Water Security Project and establish rules relevant to the ongoing management of water infrastructure constructed as part of the project.
- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

**Schedule 1 Access licences prohibited from taking water from
uncontrolled flows**

section 34

WAL 36291
WAL 32334
WAL 32322
WAL 36297
WAL 32267
WAL 36306
WAL 36300
WAL 36301
WAL 36290

Schedule 2 Dictionary

section 4

A sub-account limitation—see section 34.

annual actual take—see section 20.

annual extraction—see section 15.

annual permitted take—see section 20.

average annual extraction—see section 15.

Basin Plan—see section 15.

Cap baseline conditions are those used for assessment of the Cap in Schedule E of the Murray-Darling Basin Agreement and relate to the level of water resource development as at 30 June 1994.

dam operator—see section 36.

debited—see section 27.

effective available water—see section 34.

existing water allocation—see section 13.

flow reference point—see section 31.

full supply level—see section 36.

Logbook—see section 46.

LTAAEL—see section 15.

mandatory metering equipment condition has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

ML/unit share means megalitres per unit share.

ML/day means megalitres per day.

ML/year means megalitres per year.

Murray-Darling Basin Agreement means the Murray-Darling Basin Agreement as set out in Schedule 1 of the *Water Act 2007* of the Commonwealth.

NSW Environmental Water Manager means the NSW Government department or agency whose responsibility it is to manage licensed environmental water that is held by the NSW Government.

plantation forestry—see section 15.

reduced available water determination—see section 15.

relevant sum—see section 27.

SDL—see section 15.

shepherding means the delivery of a calculated volume of water that was created by non-activation or 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.

take limit means the sum of the following during the water year—

- (a) 1 ML per unit share of share component (or such lower amount following non-compliance action under section 22 or other amount determined by the Minister), and
- (b) water allocations assigned to or from the water allocation account of the licence under the Act, section 71T.

the Act means the *Water Management Act 2000*.

the water source—see section 3.

uncontrolled flow event—see section 31.

water account debit—see section 46.

water storage means the water impounded by a water storage facility, which is used to regulate and manage flows in the water source.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

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 the water source, and the management practices that are applied in relation to them.

water year means a period of 1 year commencing on 1 July.

Public exhibition