

Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012

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Water Sharing Plan for the Lachlan Unregulated River Water Sources 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 allows for amendments to be made to this Part.

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012* (hereafter **this Plan**).

2 Nature and status of this Plan

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

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

3 Commencement of this Plan

This Plan commences on 14 September 2012.

Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.
- 3 Under the *Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin* and the associated National Partnership Agreement, NSW has agreed to develop water resource plans for Murray-Darling Basin water resources that are 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.
- 4 **Basin Plan** is defined in the Dictionary.

4 Application of this Plan

- (1) This Plan applies to the following water sources known as the Lachlan Unregulated River Water Sources (hereafter *these water sources*) within the Lachlan Water Management Area:
- (a) Abercrombie River above Wyangala Water Source,
 - (b) Belubula River above Carcoar Dam Water Source,
 - (c) Belubula Tributaries below Carcoar Dam Water Source,
 - (d) Bogandillon and Manna Creeks Water Source,
 - (e) Boorowa River and Hovells Creek Water Source,
 - (f) Burrangong Creek Water Source,
 - (g) Crookwell River Water Source,
 - (h) Crowther Creek Water Source,
 - (i) Goobang and Billabong Creeks Water Source,
 - (j) Goonigal and Kangarooby Creeks Water Source,
 - (k) Gunningbland and Yarrabandai Water Source,
 - (l) Humbug Creek Water Source,
 - (m) Lachlan River above Reids Flat Water Source,
 - (n) Lake Forbes and Back Yamma Creek Water Source,
 - (o) Mid Lachlan Unregulated Water Source
 - (p) Mount Hope Area Water Source,
 - (q) Naradhan Area Water Source,
 - (r) Ooma Creek and Tributaries Water Source,
 - (s) Tyagong Creek Water Source,
 - (t) Unregulated Effluent Creeks Water Source,
 - (u) Waugoola Creek Water Source,
 - (v) Western Bland Creek Water Source, and
 - (w) Mandagery Creek 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) These water sources are shown on the Plan Map called *Plan Map (WSP024_Version 3), Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012* (hereafter ***the Plan Map***) held by the Department.

Note. The Plan Map is part of this Plan and is available on the NSW Legislation website. An overview of the Plan Map is shown in Appendix 1.

- (3) Subject to subclause (5), these water sources include all water:
- (a) occurring naturally on the surface of the ground within the boundaries of these water sources as shown on the Plan Map, and
 - (b) in rivers, lakes and wetlands within the boundaries of these water sources as shown on the Plan Map.
- (4) (Repealed)
- (5) These water sources do not include water:
- (a) contained in the Lachlan Regulated River Water Source to which the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020* applies,
 - (b) contained in the Belubula Regulated River Water Source to which the *Water Sharing Plan for the Belubula Regulated River Water Source 2012* applies.
 - (c) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence.
- (6) This Plan, as amended by the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Mandagery Creek Water Source 2003*.

Note. This Plan, as amended by the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources Amendment Order 2020*, does not apply to the Belubula Valley Alluvial Groundwater Source and Upper Lachlan Alluvial Groundwater Source. The *Water Sharing Plan for the Lachlan Alluvial Groundwater Sources 2020* applies to those water sources.

5 Management zones

- (1) (Repealed)
- (2) For the purposes of this Plan, the Mandagery Creek Water Source is divided into the following management zones:
- (a) Bourimbla Creek Management Zone,
 - (b) Lower Boree Creek Management Zone
 - (c) Mid Mandagery Creek Management Zone
 - (d) Lower Mandagery Creek Management Zone,
 - (e) Upper Boree Creek Management Zone, and

- (f) other tributaries.

Note. Other tributaries include all rivers not nominated as part of the other management zones in Mandagery Creek Water Source.

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

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

6 (Repealed)

7 Understanding the rules in this Plan

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

8 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) The Plan Map forms part of this Plan.
- (4B) A number in brackets following the name of a gauge is the gauge number.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 A monitoring, evaluation and reporting (MER) plan has been developed for water sources in the Lachlan Surface Water Resource Plan area, which includes these water sources, 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,
 - (c) selection criteria used 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.

8A Acknowledgment

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.

9 Vision statement

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

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

10 Environmental objectives

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

Note. The ecological condition of these water sources 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 these water sources. Water-

dependent ecosystems in these water sources 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 population structure, of target ecological populations,

Notes.

- 1 **Target ecological populations** is defined in the Dictionary.
- 2 Target ecological populations in these water sources may include known or predicted populations of the following:
 - (a) native fish including eel-tailed catfish, Murray cod, southern pygmy perch, Macquarie perch and olive perchlet,
 - (b) native vegetation including river red gum woodland and black box-coolibah communities,
 - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds, native vegetation and low flow macroinvertebrate communities in water sources that are susceptible to increased frequency and duration of low flows and drying.
- 3 Significant wetlands in these water sources, and the associated ecological communities such as waterbirds and lignum shrublands, are primarily managed by the NSW Environmental Water Manager according to the rules of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*. The targeted objectives, management and monitoring activities for these assets and communities are provided in the MER plan for these water sources.
- 4 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 these water sources include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for these water sources.
- 3 Connectivity may be within or between these water sources or between these water sources and other water sources.

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

Note. Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Lachlan Water Resource Plan Area SW10 and the NSW State Water Quality Assessment and Monitoring Plan.

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

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

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

Notes.

- 1 **Flow regimes** is defined in the Dictionary.
- 2 The provisions in Division 2 of Part 8 of this Plan establish flow classes that manage the take of water.

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

Notes.

- 1 **In-river pool** and **off-river pool** are defined in the Dictionary.
- 2 The provisions in clause 47 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity.

- (d) restrict or prevent water supply work approvals on third order or higher streams,,

Notes.

- 1 The provisions in Part 9 of this Plan prevent the granting or amendment of a water supply work approval for an in-river dam on a third order or higher stream in the water sources listed in clause 53 (1A).
- 2 References in this Plan to a third order or higher stream relate to the stream order defined by the Strahler stream ordering method. The Strahler stream ordering method is as described in Schedule 2 of the *Water Management (General) Regulation 2018*.

- (e) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources and other connected water sources including the Lachlan Regulated River Water Source.

Note. The provisions in clause 46 of this Plan ensure that very low flows are protected from extraction.

- (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 objective 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.
- (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 in subclause (3) 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 these water sources during the term of this Plan have affected progress toward achieving the environmental objectives.

Note. External influences may include climate trends, land use patterns, decisions made by the NSW Environmental Water Manager and other factors.

11 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 maintain, and where possible improve, 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 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 constraints.

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

assignment of water allocations between access licences, and the ability to move the share component of an access licence from one location to another.

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

Note. The compliance with extraction and diversion limit provisions in Division 4 of Part 6 of this Plan and the flow class and access provisions in Division 2 of Part 8 of this Plan provide certainty in how water access will be shared between individual access licence holders and different categories of access licences.

- (c) provide flexibility of access to water,

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

- (d) manage extractions to the long-term average annual extraction limit and the long-term average sustainable diversion limit.

Note. Part 6 of this Plan manages the extraction of water within the long-term average annual extraction limits and the long-term average sustainable diversion limits.

- (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,

- (b) the economic benefits of water trading 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 adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH 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 extent to which the strategies in subclause (3) support achievement of the economic objectives,
 - (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress toward achieving the economic objectives.
- Note.** External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances, climate or changes in policy or regulation.

12 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 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural'.

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

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

Note. The provisions in clause 47 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.

(e) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.

Note. The provisions in clause 46 and 47 of this Plan ensure that a portion of natural flows are protected from extraction..

(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 the 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 capable of being 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 this 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 values and uses 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.

12A 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 waterdependent 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,
 - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,
 - (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

- (d) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective 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 objectives.
- (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 water 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 extent to which external influences on surface water-dependent social and cultural activities during the term of this Plan have affected progress toward achieving the social and cultural objectives.

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

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Part 3 Bulk access regime

13 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
 - (a) the environmental water rules established in Part 4 of this Plan,
 - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
 - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
 - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime for these water sources:
 - (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources contained in Part 6 of this Plan,
 - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 7 and 8 of this Plan and available water determinations are to be made contained in Part 6 of this Plan,
 - (c) recognises the effect of climatic variability on the availability of water as described in clause 14,
 - (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 and long-term average sustainable diversion limit contained in Part 6 of this Plan,
 - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences contained in Division 2 of Part 11 of this Plan, and
 - (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

14 Climatic variability

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

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

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

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Part 4 Planned environmental water provisions

Note. This Part is made in accordance with section of the Act.

15 General

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

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

16 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in these water sources in the following ways:

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

17 Establishment and maintenance of planned environmental water

(1) This Plan establishes planned environmental water in these water sources as follows:

- (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8 of this Plan,
Note. The rules in Division 2 of Part 8 of this Plan set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.
- (b) the long-term average annual commitment of water as planned environmental water resulting from compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit as specified in Part 6,
- (c) the water remaining after water has been taken under basic landholder rights and access licences and any other rights under the Act in accordance with the provisions in Parts 6 and 8 of this Plan.

(2) The planned environmental water established under subclause (1) (a) is maintained by the rules specified in Division 2 of Part 8 of this Plan.

- (3) The planned environmental water established under subclause (1) (b) is maintained by the provisions specified in Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained by the provisions specified in Parts 6 and 8 of this Plan.

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

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Part 5 Requirements for water

Division 1 General

18 Application

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

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

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

Division 2 Requirements for water for basic landholder rights

19 Domestic and stock rights

The water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 4,248 ML/year, distributed as follows:

- (a) 547 ML/year in the Abercrombie River above Wyangala Water Source,
- (b) 68 ML/year in the Belubula River above Carcoar Dam Water Source,
- (c) 370 ML/year in the Belubula Tributaries below Carcoar Dam Water Source,
- (d) (repealed)
- (e) 60 ML/year in the Bogandillon and Manna Creeks Water Source,
- (f) 431 ML/year in the Boorowa River and Hovells Creek Water Source,

- (g) 68 ML/year in the Burrangong Creek Water Source,
- (h) 177 ML/year in the Crookwell River Water Source,
- (i) 222 ML/year in the Crowther Creek Water Source,
- (j) 188 ML/year in the Goobang and Billabong Creeks Water Source,
- (k) 58 ML/year in the Goonigal and Kangarooby Creeks Water Source,
- (l) 47 ML/year in the Gunningbland and Yarrabandai Water Source,
- (m) 31 ML/year in the Humbug Creek Water Source,
- (n) 732 ML/year in the Lachlan River above Reids Flat Water Source,
- (o) 17 ML/year in the Lake Forbes and Back Yamma Creek Water Source,
- (p) 52 ML/year in the Mid Lachlan Unregulated Water Source,
- (q) 131 ML/year in the Mount Hope Area Water Source,
- (r) 54 ML/year in the Naradhan Area Water Source,
- (s) 66 ML/year in the Ooma Creek and Tributaries Water Source,
- (t) 81 ML/year in the Tyagong Creek Water Source,
- (u) 260 ML/year in the Unregulated Effluent Creeks Water Source,
- (v) (repealed)
- (w) 75 ML/year in the Waugoola Creek Water Source,
- (x) 251 ML/year in the Western Bland Creek Water Source, and
- (y) 262 ML/year in the Mandagery Creek Water Source.

Notes.

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

20 Native title rights

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

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

Notes.

- 1 A map of the native title determination area can be viewed by searching the National Native Title Tribunal website at www.nntt.gov.au.
- 2 This Plan may be amended if there is an additional or change to a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 This Plan may be amended if consultation with native title holders identifies more specific requirements for water to satisfy native title rights.
- 4 Native title rights may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

21 Harvestable rights

The requirements for water under harvestable rights in these water sources 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

22 Share components of domestic and stock access licences

It is estimated that the share components of domestic and stock access licences authorised to take water from these water sources total 792 ML/year, distributed as follows:

- (a) 16 ML/year in the Abercrombie River above Wyangala Water Source,
- (b) 5 ML/year in the Belubula River above Carcoar Dam Water Source,
- (c) 87 ML/year in the Belubula Tributaries below Carcoar Dam Water Source,
- (d) (repealed)
- (e) 18 ML/year in the Bogandillon and Manna Creeks Water Source,
- (f) 89 ML/year in the Boorowa River and Hovells Creek Water Source,
- (g) 52 ML/year in the Burrangong Creek Water Source,
- (h) 20 ML/year in the Crookwell River Water Source,
- (i) 39 ML/year in the Crowther Creek Water Source,

- (j) 16 ML/year in the Goobang and Billabong Creeks Water Source,
- (k) 4 ML/year in the Goonigal and Kangaroo Creek Water Source,
- (l) 18 ML/year in the Gunningbland and Yarrabandai Water Source,
- (m) 0 ML/year in the Humbug Creek Water Source,
- (n) 39 ML/year in the Lachlan River above Reids Flat Water Source,
- (o) 4 ML/year in the Lake Forbes and Back Yamma Creek Water Source,
- (p) 58 ML/year in the Mid Lachlan Unregulated Water Source,
- (q) 9 ML/year in the Mount Hope Area Water Source,
- (r) 0 ML/year in the Naradhan Area Water Source,
- (s) 5 ML/year in the Ooma Creek and Tributaries Water Source,
- (t) 1 ML/year in the Tyagong Creek Water Source,
- (u) 115 ML/year in the Unregulated Effluent Creeks Water Source,
- (v) (repealed)
- (w) 22 ML/year in the Waugoola Creek Water Source,
- (x) 81 ML/year in the Western Bland Creek Water Source, and
- (y) 94 ML/year in the Mandagery Creek Water Source.

23 Share components of local water utility access licences

It is estimated that the share components of local water utility access licences authorised to take water from these water sources total 5,923 ML/year, distributed as follows:

- (a) 3,150 ML/year in the Belubula Tributaries below Carcoar Dam Water Source,
- (b) 340 ML/year in the Boorowa River and Hovells Creek Water Source,
- (c) 400 ML/year in the Crookwell River Water Source,
- (d) 1,500 ML/year in the Goobang and Billabong Creeks Water Source,
- (e) 4 ML/year in the Gunningbland and Yarrabandai Water Source,
- (f) 110 ML/year in the Lachlan River above Reids Flat Water Source,
- (g) 5 ML/year in the Mid Lachlan Unregulated Water Source,
- (h) 100 ML/year in the Ooma Creek and Tributaries Water Source,
- (i) 304 ML/year in the Unregulated Effluent Creeks Water Source,

- (j) (repealed)
- (k) 10 ML/year in the Western Bland Creek Water Source, and
- (l) 0 ML/year in all other water sources.

24 Share components of unregulated river access licences

It is estimated that the share components of unregulated river access licences authorised to take water from these water sources total 46,671 unit shares, distributed as follows:

- (a) 773 unit shares in the Abercrombie River above Wyangala Water Source,
- (b) 0 unit shares in the Belubula River above Carcoar Dam Water Source,
- (c) 6,720 unit shares in the Belubula Tributaries below Carcoar Dam Water Source,
- (d) 2,754 unit shares in the Bogandillon and Manna Creeks Water Source,
- (e) 1,387 unit shares in the Boorowa River and Hovells Creek Water Source,
- (f) 2,606 unit shares in the Burrangong Creek Water Source,
- (g) 1,133 unit shares in the Crookwell River Water Source,
- (h) 1,436 unit shares in the Crowther Creek Water Source,
- (i) 1,646 unit shares in the Goobang and Billabong Creeks Water Source,
- (j) 1,031 unit shares in the Goonigal and Kangarooby Creeks Water Source,
- (k) 499 unit shares in the Gunningbland and Yarrabandai Water Source,
- (l) 9 unit shares in the Humbug Creek Water Source,
- (m) 685 unit shares in the Lachlan River above Reids Flat Water Source,
- (n) 235 unit shares in the Lake Forbes and Back Yamma Creek Water Source,
- (o) 12,765 unit shares in the Mid Lachlan Unregulated Water Source,
- (p) 0 unit shares in the Mount Hope Area Water Source,
- (q) 0 unit shares in the Naradhan Area Water Source,
- (r) 116 unit shares in the Ooma Creek and Tributaries Water Source,
- (s) 168 unit shares in the Tyagong Creek Water Source,
- (t) 2,309 unit shares in the Unregulated Effluent Creeks Water Source,
- (u) 249 unit shares in the Waugoola Creek Water Source,
- (v) 2,096 unit shares in the Western Bland Creek Water Source, and

(w) 8,054 unit shares in the Mandagery Creek Water Source.

25 - 26 (Repealed)

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Part 6 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 long-term limits on extraction:

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

Division 1 Calculations under this Part

27 Exclusions, inclusions and variations in calculations

- (1) This clause applies to the calculation of the following:
 - (a) the long-term average annual extraction limit under clause 28,
 - (b) the annual extraction under clause 29,
 - (c) the annual permitted take under clause 32,
 - (d) the annual actual take under clause 32.

Note. *Annual permitted take* and *annual actual take* are defined in the Dictionary.
- (2) The calculations by the Minister to which this clause applies must:
 - (a) exclude the following:
 - (i) allocations assigned from an access licence in one of these water sources to an access licence in a water source other than these water sources, under section 71T of the Act,
 - (ii) in relation to annual extraction under clause 31 only, water committed as licensed environmental water under section 8F of the Act, and
 - (b) include allocations assigned to an access licence in one of these water sources from an access licence in a water source other than these water sources, under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limit under clause 28 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 changes to the amount of water committed as licensed environmental water under section 8F of the Act.

Division 2 Long-term average annual extraction limit

28 Calculation of the long-term average annual extraction limit

- (1) The long-term average annual extraction limit for these water sources is:
 - (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from these water sources, plus
 - (b) the annual water requirements pursuant to basic landholder rights in the following water sources at the commencement of this Plan:
 - (i) Abercrombie River above Wyangala Water Source,
 - (ii) Belubula River above Carcoar Dam Water Source,
 - (iii) Belubula Tributaries below Carcoar Dam Water Source,
 - (iv) Bogandillon and Manna Creeks Water Source,
 - (v) Boorowa River and Hovells Creek Water Source,
 - (vi) Burrangong Creek Water Source,
 - (vii) Crookwell River Water Source,
 - (viii) Crowther Creek Water Source,
 - (ix) Goobang and Billabong Creeks Water Source,
 - (x) Goonigal and Kangarooby Creeks Water Source,
 - (xi) Gunningbland and Yarrabandai Water Source,
 - (xii) Humbug Creek Water Source,
 - (xiii) Lachlan River above Reids Flat Water Source,
 - (xiv) Lake Forbes and Back Yamma Creek Source,
 - (xv) Mid Lachlan Unregulated Water Source,
 - (xvi) Mount Hope Area Water Source,
 - (xvii) Naradhan Area Water Source,
 - (xviii) Ooma Creek and Tributaries Water Source,
 - (xix) Tyagong Creek Water Source,
 - (xx) Unregulated Effluent Creeks Water Source,
 - (xxi) Waugoola Creek Water Source, and

- (xxii) Western Bland Creek Water Source, plus
- (c) the annual water requirements pursuant to basic landholder rights from the Mandagery Creek Water Source at the commencement of the *Water Sharing Plan for the Mandagery Creek Water Source 2003*, plus
- (d) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in these water sources, plus
- (e) the estimated annual take of water from these water sources by plantation forestry that existed on 30 June 2009.

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

29 Calculation of annual extraction

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

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

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

- (1) Following the calculation under clause 29, the Minister is to compare the average of the total annual extraction for these water sources over the preceding three water years against the long-term average annual extraction limit.
- (2) There is non-compliance with a long-term average annual extraction limit if the average of the total annual extraction over the preceding three water years exceeds the long-term average annual extraction limit by 5% or more.

Division 3 Long-term average sustainable diversion limit

Note. *Lachlan SDL resource unit* is defined in the Dictionary.

31 Calculation of the long-term average sustainable diversion limit

- (1) Subject to any variation in accordance with subclause (2), the long-term average sustainable diversion limit for these water sources is the component of the baseline diversion limit for the Lachlan SDL resource unit as calculated in accordance with

Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to these water sources.

- (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** is defined in the Dictionary.
- 2 The long-term average sustainable diversion limit for the Lachlan SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from both the Lachlan Regulated River Water Source and the Lachlan Unregulated River Water Sources.

32 Calculation of annual permitted 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 these water sources in accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to these water sources.

Notes.

- 1 Under the Basin Plan 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 **Consumptive use** and **take** are defined in section 4 of the *Water Act 2007* of the Commonwealth.

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

- (1) Following the calculation under clause 32 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

33A Action following non-compliance

- (1) Subject to subclause (2) to (4), if an assessment under clauses 30 or 33 demonstrates non-compliance with either the long-term average annual extraction limit for these water sources or the long-term average sustainable diversion limit, the Minister is to make available water determinations for unregulated river access licences of less than 1 ML per unit share for the water year after the assessment.

- (2) The Minister may take the action specified in subclause (1) if an assessment under clause 33 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 these water sources 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) An action taken in accordance with subclause (1) and (2) to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan is to only apply to a water source to the extent to which extractions from the water source:
 - (a) have caused non-compliance with the long-term average sustainable diversion limit, or
 - (b) would have caused non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse.

Division 5 Available water determinations

34 General

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
 - (a) a percentage of the share component for access licences which have share components specified as ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
 - (2) The sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed:
-

- (a) 100% of the access licence share component for all access licences where share components are specified as ML/year, or
 - (b) 1 megalitre per unit share of the access licence share component for all access licences, where share components are specified as a number of unit shares.
- (3) (Repealed)

35 Available water determinations for domestic and stock access licences

- (1) (Repealed)
- (2) Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for domestic and stock access licences.

36 Available water determinations for local water utility access licences

- (1) (Repealed)
- (2) Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for local water utility access licences.

37 Available water determinations for unregulated river access licences

- (1) Unless the Minister otherwise determines, at the commencement of each water year, an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 33A is to be made for unregulated river access licences.

Note. Division 4 of this Part provides for the making of available water determinations for unregulated river access licences that are less than 1 ML per unit of share component where the long-term average annual extraction limit or long-term average sustainable diversion limit has been assessed to have been exceeded.

38, 39 (Repealed)

Part 7 Rules for granting access licences

Notes.

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

40 Specific purpose access licence

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

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

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

41 (Repealed)

Part 8 Rules for managing access licences

Division 1 Water allocation account management rules

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

42 Individual access licence account management rules

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

- (iv) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (v) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence or a local water utility access licence 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) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) For an unregulated river access licence, any water allocations remaining in the water allocation account are to be carried over from one water year to the next, up to a maximum of 1 ML per unit share of the access licence share component.
- (6) Water allocations remaining in the water allocation account for a domestic and stock access licence or local water utility access licence cannot be carried over from one water year to the next.

43, 44 (Repealed)

Division 2 Flow classes and daily access rules

Note. Part 12 of this Plan allows for amendments to be made to this Division.

45 General

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

46 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table B for the sharing of flows on a daily basis in these water sources.

- (2) The flow classes in Column 3 of Table B and the flow reference points specified in Column 6 of Table B are established for each water source specified in Column 1 of Table B and each management zone specified in Column 2 of Table B.
- (3) Subject to subclause (4), a flow class applies in the respective water source or management zone on the day specified in Column 7 of Table B when the flow (ML/day) as measured at the flow reference point specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B.
- (4) If, in the Minister’s opinion, accurate flow data is not available on a particular day from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department’s website.
- (5) For the purpose of determining flow classes that apply on a particular day under subclause (4), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

Note. On days that accurate flow data is not available, holders of access licences may contact the Department’s office at the address listed in Schedule 3 or check the Department’s website to find out what flow class applies on that day.

- (6) The flow classes apply for the years specified in Column 4 of Table B.

Notes.

- 1 Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table B.
- 2 **Year 1 of this Plan, Year 5 of this Plan** and **Year 6 of this Plan** are defined in the Dictionary.

Table B—Flow Classes

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Water source	Management zone	Flow class	Duration	Flow (ML/day)	Flow reference point	Day on which flow class applies
Abercrombie River above Wyangala Water Source		Very Low Flow Class	Year 1 to Year 5 of this Plan	0 ML/day	Abercrombie River at Abercrombie gauge (412028)	Same day
		A Class	Year 1 to Year 5 of this Plan	More than 0 ML/day		
		Very	Year 6 to	Less than		

		Low Flow Class	the end of this Plan	or equal to 7 ML/day	
		A Class	Year 6 to the end of this Plan	More than 7 ML/day	
Boorowa River and Hovells Creek Water Source		Very Low Flow Class	Year 1 to the end of this Plan	0 ML/day	Boorowa River at Prossers Crossing gauge (412029)
		A Class	Year 1 to the end of this Plan	More than 0 ML/day	
Crookwell River Water Source		Very Low Flow Class	Year 1 to Year 5 of this Plan	0 ML/day	Crookwell River at Narrawa North gauge (412050)
		A Class	Year 1 to Year 5 of this Plan	More than 0 ML/day	
		Very Low Flow Class	Year 6 to the end of this Plan	less than or equal to 2 ML/day	
		A Class	Year 6 to the end of this Plan	More than 2 ML/day	
Lachlan River above Reids Flat Water Source		Very Low Flow Class	Year 1 to Year 5 of this Plan	0 ML/day	Lachlan River at Narrawa gauge (412065)
		A Class	Year 1 to Year 5 of this Plan	More than 0 ML/day	
		Very Low Flow Class	Year 6 to the end of this Plan	Less than or equal to 2 ML/day	

		A Class	Year 6 to the end of this Plan	More than 2 ML/day	
Mandagery Creek Water Source	Bourimbla Creek Management Zone	Very Low Flow Class	Year 5 to end of this Plan	Less than or equal to 1.48 ML/day	Downstream end of the management zone
		A Class	Year 5 to end of this Plan	More than 1.48 ML/day	
	Lower Boree Creek Management Zone	Very Low Flow Class	Year 5 to end of this Plan	Less than or equal to 3.9 ML/day	
		A Class	Year 5 to end of this Plan	More than 3.9 ML/day	
	Mid Mandagery Creek Management Zone	Very Low Flow Class	Year 5 to end of this Plan	Less than or equal to 4.8 ML/day	
		A Class	Year 5 to end of this Plan	More than 4.8 ML/day	
	Lower Mandagery Creek Management Zone	Very Low Flow Class	Year 5 to the end of this Plan	Less than or equal to 12 ML/day	
		A Class	Year 5 to the end of this Plan	More than 12 ML/day	
	Upper Boree Creek Management Zone	Very Low Flow Class	Year 5 of this Plan to the end of this Plan	Less than or equal to 4.1 ML/day	
		A Class	Year 5 of this Plan to the	More than 4.1 ML/day	

			end of this Plan			
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Notes. The flow percentiles below refer to flows at the gauge and include all days of record.

- 1 For the Abercrombie River at Abercrombie gauge (412028):
 - (i) 0 ML/day corresponds to the estimated 96th percentile flow, and
 - (ii) 7 ML/day corresponds to the estimated 90th percentile flow.
- 2 For the Boorowa River at Prossers Crossing gauge (412029), 0 ML/day corresponds to the estimated 90th percentile flow.
- 3 For the Crookwell River at Narrawa North gauge (412050):
 - (i) 0 ML corresponds to the estimated 98th percentile flow, and
 - (ii) 2 ML/day corresponds to the estimated 94th percentile flow.
- 4 For the Lachlan River at Narrawa gauge (412065):
 - (i) 0 ML/day corresponds to the estimated 96th percentile flow, and
 - (ii) 2 ML/day corresponds to the estimated 93rd percentile flow.

47 Access rules for the taking of surface water

- (1) This clause applies to the taking of water under an access licence from these water sources, excluding the taking of water under an access licence used:
 - (a) in association with an aquifer interference activity that is an approved EP&A Act development when:
 - (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or

Note. *Approved EP&A Act development* is defined in the Dictionary.
 - (b) in association with an aquifer interference activity when:
 - (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and

- (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.
- (2) Subject to subclause (15), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows in that water source or management zone are in the Very Low Flow Class. This subclause does not apply to the taking of water from an off-river pool.
- Note.** *Off-river pool* is defined in the Dictionary.
- (3) Subject to subclause (15), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to the taking of water from:
- (a) an off-river pool, or
- (b) an in-river pool.
- Note.** *Visible flow* and *in-river pool* are defined in the Dictionary.
- (4) Water must not be taken under an access licence where a cease to take condition that was imposed on the *Water Act 1912* entitlement that the access licence replaces is, in the Minister's opinion, higher than:
- (a) the upper limit of the relevant Very Low Flow Class (as specified in Column 5 of Table B), or
- (b) the access rules specified in subclauses (2), (3), or (7)–(10),
- when flows are at or less than the cease to take condition that was specified on the *Water Act 1912* entitlement. This subclause does not apply to the taking of water from an in-river dam pool or a runoff harvesting dam.
- Notes.**
- 1 Those *Water Act 1912* entitlements and the cease to take conditions that have been identified as being higher than the upper limit of the relevant Very Low Flow Class or access rules specified in subclauses (2), (3), or (7)–(10) are listed in Appendix 3.
- 2 ***Cease to take condition, runoff harvesting dam*** and ***Water Act 1912 entitlement*** are defined in the Dictionary.
- (5) The cease to take condition that arises from subclause (4) only applies to water supply works that were nominated by the access licence at the commencement of this Plan.
- (6) The cease to take condition that arises from subclause (4) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act, if that water supply work was nominated by the original access licence at the commencement of this Plan. For

the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.

- (7) Subject to subclause (15), water must not be taken under an access licence from an off-river pool when the volume of water in that pool is at less than the full capacity of the pool. This subclause does not apply to those lakes listed in subclauses (9) and (10).

Note. *Full capacity* is defined in the Dictionary.

- (8) Subject to subclause (15), in water sources where flow classes have not commenced water must not be taken under an access licence from an in-river pool, when the volume of water in that pool is less than the full capacity of the pool.

- (9) Subject to subclause (15), water must not be taken from Lake Waljeers in the Unregulated Effluent Creeks Water Source when the water level in Lake Waljeers is less than 80% of the full capacity of the lake.

- (10) Subject to subclause (15), water must not be taken from Lake Forbes in the Lake Forbes and Back Yamma Creek Water Source when the water level in Lake Forbes is less than 50% of the full capacity of the lake.

- (11) Water must not be taken under an access licence from an in-river dam pool or a runoff harvesting dam created by a structure authorised by a water supply work approval when flows or storage levels in that pool or dam are at or less than the cease to take condition that was imposed on the *Water Act 1912* entitlement that the access licence replaces.

- (12) Water must not be taken from an in-river dam pool unless the dam is:

- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and
- (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

Note. *In-river dam* is defined in the Dictionary.

- (13) The conditions for construction, operation and maintenance of the in-river dam to be specified on the water supply work approval for the in-river dam referred to in subclause (12) are:

- (a) the conditions for construction, operation and maintenance that were specified in the conditions imposed on the *Water Act 1912* entitlements that the approval replaces, or

- (b) where no conditions for construction, operation and maintenance were imposed on the *Water Act 1912* entitlement, the conditions for construction, operation and maintenance determined by the Minister.
 - (14) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (12) are:
 - (a) the flows and circumstances that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
 - (b) where no flows and circumstances were specified on the *Water Act 1912* entitlement, the flows and circumstances determined by the Minister.
 - (15) Subclauses (2), (3) and (7)–(10) do not apply to the following:
 - (a) the taking of water under an access licence or an access licence which replaces *Water Act 1912* entitlement to which clause 1 of Schedule 2 applies, for any of the following purposes, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (16):
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting, or
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes.
 - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
 - (i) that existed at the commencement of this Plan, and
 - (ii) with a share component that specifies one of these water sources, excluding the Mandagery Creek Water Source,provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
 - (c) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
 - (i) that existed at the commencement of the *Water Sharing Plan for the Mandagery Creek Water Source 2003*, and
 - (ii) with a share component that specifies the Mandagery Creek Water Source,
-

provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,

- (d) (repealed)
 - (e) the taking of water from a runoff harvesting dam or from an in-river dam pool, and
 - (f) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 2 applies.
- (16) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (15) (a) for an access licence if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

Note. The method by which the Minister can reduce the maximum daily volume limit is by amending the mandatory conditions of the relevant water supply work approval. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

48 Access rules for unregulated river access licences on Booberoi Creek

- (1) Subject to subclause (2), the Minister may, by notice in writing to the access licence holder, permit the taking of water under an unregulated river access licence that arose from a *Water Act 1912* entitlement specified in Clause 1 of Schedule 1 from Booberoi Creek in the Mid Lachlan Unregulated Water Source.
- (2) The Minister may not permit the taking of water under subclause (1) unless the Minister is satisfied that:
 - (a) the access licence holder has written to the Minister requesting access under this clause,
 - (b) the unregulated river access licence arose from a *Water Act 1912* entitlement specified in Clause 1 of Schedule 1,
 - (c) replenishment flows have been provided in that water year under clause 56 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*,
 - (d) a visible flow is being maintained in the Lachlan River at Geramy in accordance with clause 56 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*,
 - (e) all orders for water in the Lachlan Regulated River Water Source as defined in the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020* downstream of the Booberoi Creek off-take have been met,

- (f) Lake Cargelligo and Lake Brewster storages are at full capacity,
 - (g) flows are not occurring in the Lachlan Regulated River Water Source that are required to satisfy the provisions of clause 51 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*, and
 - (h) releases are not being made from the environmental water allowance held in Wyangala Dam water storage or the water quality allowance established by clauses 52 and 53 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*.
- (3) If the Minister permits the taking of water under subclause (1), the Minister must include the following requirements in the notice to the access licence holder:
- (a) water must not be taken unless the flow in Booberoi Creek at the Return (Cannons Bridge) gauge (412192) is greater than 3 ML/day,
 - (b) the period of time during which water is permitted to be taken,
 - (c) water must not be taken when there is no visible flow at the location at which water is proposed to be taken. This paragraph does not apply to the taking of water from:
 - (i) an in-river pool, or
 - (ii) an in-river dam,
 - (d) water must not be taken from an in-river pool when the volume of water in that pool is at less than the full capacity of the pool,
 - (e) water must not be taken under an access licence listed in Clause 1 of Schedule 1 from an in-river dam pool created by a structure authorised by a water supply work approval when flows or storage level in that dam are at or less than the cease to take conditions that was imposed on the *Water Act 1912* entitlement that the access licence replaces,
 - (f) water must not be taken from an in-river dam pool unless the in-river dam is passing such flows as specified on the water supply work approval for the in-river dam, and
 - (g) the flows specified on the water supply work approval for the in-river dam referred to in paragraph (f) are:
 - (i) the flows that were specified in the conditions on the *Water Act 1912* entitlement that the approval replaces, or
 - (ii) where no flows were specified, the flows determined by the Minister.

- (4) If the Minister permits the taking of water under subclause (1), the Minister may include in the notice to the access licence holder one or more of the following requirements:
 - (a) that specific records of extraction are to be kept and provided to the Minister, as determined by the Minister,
 - (b) a maximum volume that may be extracted, and
 - (c) a rate in ML/day that water may be taken.
- (5) Water must not be taken under an unregulated river access licence that arose from a *Water Act 1912* entitlement specified in Clause 1 of Schedule 1 from Booberoi Creek in the Mid Lachlan Unregulated Water Source otherwise than in accordance with a written notice from the Minister issued under this clause.

49 Access rules for unregulated river access licences in the Unregulated Effluent Creeks Water Source

- (1) Subject to subclause (2), the Minister may, by notice in writing to the access licence holder, permit the taking of water under an unregulated river access licence that arose from a *Water Act 1912* entitlement specified in Clause 2 of Schedule 1 from the Unregulated Effluent Creeks Water Source.
- (2) The Minister may not permit the taking of water under subclause (1) unless the Minister is satisfied that:
 - (a) the access licence holder has written to the Minister requesting access under this clause,
 - (b) the unregulated river access licence arose from a *Water Act 1912* entitlement specified in Clause 2 of Schedule 1,
 - (c) replenishment flows have been provided in that water year under clause 56 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*,
 - (d) a visible flow is being maintained in the Lachlan River at Geramy in accordance with clause 56 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*,
 - (e) all orders for water in the Lachlan Regulated River Water Source as defined in the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020* downstream of the junction of the creek on which the water supply work nominated by that access licence is located and the Lachlan Regulated River Water Source have been met,

- (f) flows are not occurring in the Lachlan Regulated River Water Source that are required to satisfy the provisions of clause 51 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*, and
 - (g) releases are not being made from the environmental water allowance held in Wyangala Dam water storage, the environmental contingency allowance held in Lake Brewster or the water quality allowance established by clauses 52 and 53 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020*.
- (3) If the Minister permits the taking of water under subclause (1), the Minister must include the following requirements in the notice to the access licence holder:
- (a) water must not be taken when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to the taking of water from:
 - (i) an off-river pool,
 - (ii) an in-river pool, or
 - (iii) an in-river dam pool,
 - (b) water must not be taken from an off-river pool or an in-river pool when the volume of water in that pool is at less than the full capacity of the pool,
 - (c) the period of time during which water is permitted to be taken,
 - (d) water must not be taken under an access licence listed in Clause 2 of Schedule 1 from an in-river dam pool created by a structure authorised by a water supply work approval when flows or storage level in that dam are at or less than the cease to take conditions that was imposed on the *Water Act 1912* entitlement that the access licence replaces,
 - (e) water must not be taken from an in-river dam pool unless the in-river dam is passing such flows as specified on the water supply work approval for the in-river dam,
 - (f) the flows specified on the water supply work approval for the in-river dam referred to in paragraph (f) are:
 - (i) the flows that were specified in the conditions on the *Water Act 1912* entitlement that the approval replaces, or
 - (ii) where no flows were specified, the flows determined by the Minister.

- (4) If the Minister permits the taking of water under subclause (1), the Minister may include in the notice to the access licence holder one or more of the following requirements:
 - (a) that specific records of extraction are to be kept and provided to the Minister, as determined by the Minister,
 - (b) a maximum volume that may be extracted,
 - (c) a rate in ML/day that water may be taken.
- (5) Water must not be taken under an unregulated river access licence that arose from a *Water Act 1912* entitlement specified in Clause 2 of Schedule 1 from the Unregulated Effluent Creeks Water Source otherwise than in accordance with a written notice from the Minister issued under this clause.

50 Total daily extraction limits

At the commencement of this Plan, there are no total daily extraction limits (hereafter *TDELS*) established for any access licences in these water sources.

Notes.

- 1 TDELS are an assessment tool only and will be used by the Department to determine which access licences (if any) may require individual daily extraction limits. Where, TDELS have been established, continued exceedance of a TDEL may result in the imposition of individual daily extraction limits under clause 51.
- 2 **Total daily extraction limit** is defined in the Dictionary.

51 Individual daily extraction limits

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established for access licences in these water sources.
- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 50 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

Note. *Individual daily extraction limit* is defined in the Dictionary.

Part 9 Rules for water supply work approvals

Notes.

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

Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works

52 General

The rules in this Part apply to water supply work approvals for water supply works authorised to take water from these water sources.

53 Granting or amending water supply work approvals

- (1) (Repealed)
- (1A) A water supply work approval must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:
 - (a) Abercrombie River above Wyangala Water Source,
 - (b) Belubula Tributaries below Carcoar Dam Water Source,
 - (c) Bogandillon and Manna Creeks Water Source,
 - (d) Boorowa River and Hovells Creek Water Source,
 - (e) Crookwell River Water Source,
 - (f) Crowther Creek Water Source,
 - (g) Goobang and Billabong Creeks Water Source,
 - (h) Goonigal and Kangarooby Creeks Water Source,
 - (i) Humbug Creek Water Source,
 - (j) Lachlan River above Reids Flat Water Source,
 - (k) Lake Forbes and Back Yamma Creek Water Source,
 - (l) Mandagery Creek Water Source,
 - (m) Naradhan Area Water Source,
 - (n) Ooma Creek and Tributaries Water Source,
 - (o) Unregulated Effluent Creeks Water Source, and
 - (p) Waugoola Creek Water Source.

Note. Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1A), consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.

(2) A water supply work approval must not be granted or amended to authorise the construction and/or use of a water supply work which, in the Minister's opinion, is being used or is proposed to be used to take water from:

- (a) Lake Cowal within the Bogandillon and Manna Creeks Water Source,
- (b) Lake Waljeers within the Unregulated Effluent Creeks Water Source, or
- (c) a lagoon or billabong within the Lake Forbes and Back Yamma Creek Water Source.

Note. The mandatory conditions provisions of this Plan require water supply works that are abandoned or replaced to be decommissioned (unless otherwise directed by the Minister) and that the Minister is notified within 60 days of decommissioning. See clause 71 (1) (b) and (e).

(3) Subclause (2) does not apply to a replacement surface water supply work.

(4) For the purposes of this Plan, ***replacement surface water supply work*** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from one of the these water sources where:

- (a) the existing water supply work is authorised by a water supply work approval under the Act, and
- (b) the replacement water supply work is to be constructed to extract water from the same water source and the same location as the existing water supply work.

Division 2, 3

54 - 60 (Repealed)

Part 10 Access licence dealing rules

61 General

- (1) The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.
- (2) This Plan establishes the Mandagery Creek Trading Zone located in the Mandagery Creek Water Source.
- (3) The trading zone in subclause (2) is shown on the Plan Map.

Notes.

- 1 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.
- 3 **Trading zone** is defined in the Dictionary.

62 Conversion of access licence to new category

Dealings under section 71O of the Act are prohibited in these water sources.

63 Assignment of rights dealings

- (1) Dealings under section 71Q of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of rights from:
 - (a) an access licence that nominates a water supply work located in the catchment area downstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source to an access licence that nominates a water supply work located in the catchment area at or upstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source,
 - (b) an access licence that does not nominate a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source to an access licence that nominates a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source,
 - (c) an access licence that does not nominate a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source to an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source,

- (d) an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source to an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source,
- (e) (repealed)
- (f) an access licence that does not nominate a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (g) an access licence that does not nominate a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (h) an access licence that does not nominate a water supply work located in Merrowie Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Merrowie Creek in the Unregulated Effluent Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (i) an access licence that does not nominate a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (j) an access licence that does not nominate a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work on an off-river pool within the Unregulated Effluent Creeks Water Source,
- (k) an access licence that nominates a water supply work on an off-river pool within the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work on another off-river pool within the Unregulated Effluent Creeks Water Source,

- (l) an access licence that does not nominate a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source to an access licence that nominates a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source, or
 - (m) an access licence that does not nominate a water supply work located in the Mandagery Creek Trading Zone in the Mandagery Creek Water Source to an access licence that nominates a water supply work located in the Mandagery Creek Trading Zone in the Mandagery Creek Water Source.
- (2) Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources if the dealing involves an assignment of rights:
- (a) (repealed)
 - (b) to an access licence with a share component that specifies any water source other than the Western Bland Creek Water Source, or
 - (c) to an access licence with a share component that specifies the Western Bland Creek Water Source if the assignment of rights specifies any water source other than the Burrangong Creek Water Source or the Tyagong Creek Water Source.

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

- (1) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following:
- (a) the granting of a new access licence with a share component that specifies a water source other than the Western Bland Creek Water Source,
 - (b) the granting of a new access licence with a share component that specifies the Western Bland Creek Water Source if the share component of the cancelled access licence specifies any water source other than the Burrangong Creek Water Source or the Tyagong Creek Water Source.
- (2) A dealing under subclause (1) is subject to the share component of a new access licence being equal to the share component of the cancelled access licence.
- (3) The extraction component of a new access licence granted in accordance with a section 71R dealing will not carry over the extraction component from the cancelled access licence.

65 (Repealed)

66 Assignment of water allocations dealings

- (1) Dealings under section 71T of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of water allocation from:
 - (a) an access licence that nominates a water supply work located in the catchment area downstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source to an access licence that nominates a water supply work located in the catchment area at or upstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source,
 - (b) an access licence that does not nominate a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source to an access licence that nominates a water supply work on Lake Cowal in the Bogandillon and Manna Creeks Water Source,
 - (c) an access licence that does not nominate a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source to an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source,
 - (d) an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source to an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source,
 - (e) (repealed)
 - (f) an access licence that does not nominate a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
 - (g) an access licence that does not nominate a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,

- (h) an access licence that does not nominate a water supply work located in Merrowie Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Merrowie Creek in the Unregulated Effluent Creek Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
 - (i) an access licence that does not nominate a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
 - (j) an access licence that does not nominate a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source to an access licence that nominates an off-river pool within the Unregulated Effluent Creeks Water Source,
 - (k) an access licence that nominates a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located on another off-river pool within the Unregulated Effluent Creeks Water Source,
 - (l) an access licence that does not nominate a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source to an access licence that nominates a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source, or
 - (m) an access licence that does not nominate a water supply work located in the Mandagery Creek Trading Zone in the Mandagery Creek Water Source to an access licence that nominates a water supply work located in the Mandagery Creek Trading Zone in the Mandagery Creek Water Source.
- (2) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves an assignment of water allocation:
- (a) (repealed)
 - (b) to an access licence into a water source other than the Western Bland Creek Water Source, or
 - (c) to an access licence in the Western Bland Creek Water Source from an access licence in any water source other than the Burrangong Creek Water Source or Tyagong Creek Water Source.

67 Interstate transfer of access licences and assignment of water allocation

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

68 Nomination of water supply works dealings

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence, or
 - (b) 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, or
 - (c) an access licence that nominates a water supply work located in the catchment area downstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source being amended to nominate a water supply work located in the catchment area at or upstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source,
 - (d) an access licence that does not nominate a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source being amended to nominate a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source,
 - (e) an access licence that does not nominate a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source being amended to nominate a water supply work located on an off-river pool within the Lake Forbes and Back Yamma Creek Water Source,
 - (f) an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source being amended to nominate a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source,
 - (g) an access licence that does not nominate a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located in Willandra Creek in the
-

Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing is located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,

- (h) an access licence that does not nominate a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing is located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (i) an access licence that does not nominate a water supply work located in Merrowie Creek in the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located in Merrowie Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing is located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (j) an access licence that does not nominate a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (k) an access licence that does not nominate a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source,
- (l) an access licence that nominates a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located on another off-river pool within the Unregulated Effluent Creeks Water Source,
- (m) an access licence that does not nominate a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source being amended to nominate a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source, or
- (n) an access licence that does not nominate a water supply work located in the Mandagery Creek Trading Zone being amended to nominate a water supply work located in the Mandagery Creek Trading Zone.

- (2) Dealings under section 71W of the Act that involve the nomination of a water supply work located in a State other than New South Wales, by an access licence in these water sources, are prohibited.

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Part 11 Mandatory conditions

Division 1 General

69 General

In this Part:

- (a) a requirement to notify the Minister in writing will only be satisfied by making a notification in writing to the address listed in Schedule 3 of this Plan or to the email address for enquiries on the Department's website,
Note. At the commencement of this Plan, the email address for enquiries on the Department's website is water.enquiries@dpi.nsw.gov.au.
- (b) a metered water supply work with a data logger means a water supply work with:
 - (i) a meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time, and
 - (ii) a data logger, and
- (c) if the holder of a water supply work approval is the same person as the holder of the access licence under which water is proposed to be taken, 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.

70 General

- (1) Access licences in these water sources must have mandatory conditions to give effect to the following:
 - (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
 - (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
 - (c) the holder of an access licence upon becoming aware of a breach of any condition of the licence must:

- (i) notify the Minister as soon as practicable, and
 - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within seven days of becoming aware of the breach,
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only 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 start and end time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take the water on that date,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) (vi) for unregulated river access licences with share components that specify one of these water sources, the volume of water taken, assigned under section 71T of the Act or otherwise withdrawn from a water allocation account in any three consecutive water years after the first water year of this Plan, by comparison to the volume of water permitted to be taken or assigned in those years under clause 42 (3),
 - (vii) for domestic and stock access licences and local water utility access licences with share components that specify one of these water sources, the volume of water taken, assigned under section 71T of the Act or otherwise withdrawn from a water allocation account in a water year by comparison to the volume of water permitted to be taken or assigned in that water year under clause 42 (4), and
 - (vii) 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) If so required by the Minister, the holder of an access licence that nominates only a metered water supply work with a data logger must keep a Logbook in accordance with any requirements of subclause (2).
- (4) 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, subclauses (2) and (3) cease 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 by 1 December 2022.
- (5) Subclauses (2), (3) and (4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- Note.** *Mandatory metering equipment condition* is defined in clause 228 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.

71 General

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions to give effect to the following:
- (a) 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 Standard AS 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 out of the pipe, channel or conduit between the water source and the metering equipment,

- (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,

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

- (b) if a water supply work is to no longer be used permanently, then the approval holder of that work must provide the Minister with notice in writing that the approval holder intends to decommission the water supply work, at least 90 days prior to the date of commencement of decommissioning,
- (c) upon receiving notice of the intention to decommission from the approval holder under paragraph (b), the Minister may, by notice in writing, require the water supply work not to be decommissioned, or that the water supply work be decommissioned in accordance with other requirements. These requirements may be specified by the Minister in a work plan,

Note. If a notice in writing is required from the Minister regarding the decommissioning of a water supply work, this notice will be sent to the approval holder within 60 days of the notice under paragraph (b) being sent.

- (d) if the approval holder receives a notice from the Minister under paragraph (c) the approval holder must proceed with decommissioning the water supply work in accordance with any requirements in that notice,
- (e) if the approval holder does not receive a notice from the Minister under paragraph (c) within 60 days of providing notice of the intent to decommission under paragraph (b), the approval holder must decommission the water supply work,
- (f) (repealed)
- (g) the holder of the water supply work approval upon becoming aware of a breach of any condition of the approval, must:
 - (i) notify the Minister as soon as practicable,
 - (ii) confirm this notification in writing within seven days of becoming aware of the breach,
- (h) any other conditions required to implement the provisions of this Plan.

- (1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, subclause (1) (a) ceases to have effect in relation to the work on the day on which the condition applies to the approval.

- (1B) Subclauses (1) (a) and (1A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources 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 these water sources from 1 December 2022.

- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger or is used for the purpose of taking water under basic landholder rights only, 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 start and end 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).
- (3A) 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, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the approval.
- (3B) Subclauses (2), (3) and (3A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- (4) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search) in the Logbook.
- (5) A water supply work approval for runoff harvesting dams and in-river dams must contain a mandatory condition that requires the approval holder to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from:
- (a) a dealing under section 71Q or 71W of the Act,
 - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
 - (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
 - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.
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- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in clause 53 (4).

72 (Repealed)

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Part 12 Amendment of this Plan

73 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.
Note. For example, if Part 1 is amended to add a new management zone, this may require amendment to other parts of this Plan to include rules for that management zone.
- (3) An amendment authorised by this Plan which results in a variation of the bulk access regime is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

74 Part 1

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

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

74A Part 6

- (1) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these water sources, the Minister may amend clause 28 to vary the long-term average annual extraction limit that applies to these water sources.
- (2) Division 3 of Part 6 may be amended to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for these water sources, the Lachlan Regulated River Water Source and the Belubula Regulated River Water Source.

75 Part 8

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

- (a) establish a new or additional flow classes in any water source where management zones are added or any water source or management zone that is amended during the term of this Plan as specified in clause 74,
- (b) amend the existing flow classes, establish new or additional flow classes and amend the flow reference point to specify a newly installed gauge on the Abercrombie River in the Abercrombie River above Wyangala Water Source such that the top of the Very Low Flow Class is at or below the 90th percentile at the Abercrombie River gauge at Abercrombie (412028),
- (c) amend the access rule specified in clause 47 (10), following the establishment of a gauge that measures the water level at Lake Forbes in the Lake Forbes and Back Yamma Creek water Source, in order to determine a water level at the gauge that, in the Minister's opinion, is equivalent to 50% of the full capacity of the lake,
- (d) amend clause 47 to specify different access rules for lagoons, lakes, in-river pools or other lentic water bodies,
- (e) amend clause 48 or 49 to specify different access rules for access licences listed in Schedule 1,
- (f) establish or assign new TDELs in these water sources or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (g) establish or assign new TDELs in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (h) amend or remove TDELs if TDELs have been established or assigned,
- (i) include rules for the establishment, assignment and removal of IDELs,
- (j) remove the existing access rules where TDELs and/or IDELs have been established under paragraph (g) or (i) to protect a proportion of flow within each flow class for the environment, or
- (k) reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraph (h) or (i).

76 Part 9

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

- (a) amend clause 53 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise in-river dams on third order or higher streams,
- (b) amend the definition of a replacement surface water supply work in clause 53 (4).

76A Part 10

The access licence dealing rules may be amended to provide for the conversion of regulated river (high security) access licences that specify regulated river water sources connected to, and downstream of, these water sources to access licences with share components that specify these water sources.

77 Part 11

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

78 Dictionary

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

79 Schedules

- (1) Schedule 1 may be amended to add or remove access licences which that may take water in accordance with notices issued under clauses 48 and 49.
- (2) Schedule 2 may be amended to do any of the following:
 - (a) add a new access licence to clause 1 of Schedule 2, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 47 (15) (a) and that the purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence,
 - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 2, provided the Minister is satisfied the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
 - (c) remove an access licence or a *Water Act 1912* entitlement from clause 1 of Schedule 2 if:

- (i) an access licence dealing results in water being taken under the licence from a different location,
 - (ii) an alternative water supply is obtained, or
 - (iii) the access licence is surrendered or cancelled,
- (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 2 if:
- (i) the Minister is satisfied that the water supply system to extract, store and deliver water has undergone major augmentation since the commencement of this Plan, or
 - (ii) the access licence is surrendered or cancelled.
- (3) Schedule 2 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (4) - (5) (Repealed).

80 Other

- (1) This Plan may be amended to provide rules for the following:
- (a) the management of floodplain harvesting within these water sources,
 - (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 enable a water resource plan to be accredited under the *Water Act 2007* of the Commonwealth.
- (4) 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.
- (5) This Plan may be amended after year five 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,

- (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.
- (9) This Plan may be amended to specify different access rules to protect:
- (a) replenishment flows released pursuant to the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020* (or any relevant replacement plan), or
 - (b) environmental flows released pursuant to the *Water Sharing Plan for the Lachlan Regulated River Water Source 2020* (or any relevant replacement plan).

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*.

annual actual take has the same meaning as it has in section 6.10 of the Basin Plan.

annual permitted take has the same meaning as it has in section 6.10 of the Basin Plan.

approved EP&A Act development means:

- (a) a project approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (whether before or after its repeal), or
- (b) State significant development authorised by a development consent under Part 4 of that Act, or
- (c) State significant infrastructure approved under Part 5.1 of that Act.

baseline diversion limit has the same meaning as it has in section 1.07 of the Basin Plan.

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

cease to take condition means any term or condition on a water supply work approval, an access licence or *Water Act 1912* entitlement that prohibits the taking of water in a particular circumstance.

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.

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

full capacity means the volume of water that is impounded in the pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of that pool, lagoon or lake would cease.

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

in-river dam means a dam located in a river created by a structure authorised by a water supply work approval.

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

in-river pool means a natural pool, lagoon or lake that is within a river or stream (regardless of stream size) and excludes:

- (a) a pool that is on a flood-runner or floodplain, or
- (b) a pool that is on an effluent that only begins to flow during high flows.

Note. In the Dictionary to the Act, a **lake** is defined to include:

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and
- (b) any water declared by the regulations to be a lake, whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.

Lachlan SDL resource unit has the same meaning as provided for in section 6.02 of the Basin Plan.

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.

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

off-river pool means a natural pool, lagoon or lake that is:

- (a) not within a river or stream (regardless of stream size),
- (b) located on a flood-runner or floodplain, or
- (c) located on an effluent that only commences to flow during high flows.

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

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in the harvestable rights orders made under section 54 of the Act. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

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.

target ecological populations means communities of one or more species that are monitored to evaluate the success of targeted objectives for the environment. Populations must be easily monitored (i.e. not rare or cryptic) and may be linked to conservation or other environmental priorities.

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

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

trading zone is an area within a water source established under clause 61 and shown in the Plan Map, to which restrictions on dealings apply.

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

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

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

Year 1 of this Plan means from the date of 14 September 2012 to 30 June 2013.

Year 5 of this Plan means from the date of 1 July 2016 to 30 June 2017.

Year 6 of this Plan means from the date of 1 July 2017 to 30 June 2018.

Schedule 1 Access licences that may take water in accordance with notices issued under clauses 48 and 49

1 Unregulated river access licences that may be permitted to take water from Booberoi Creek in the Mid Lachlan Unregulated Water Source in accordance with clause 48

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

<i>Water Act 1912</i> entitlements that will be replaced by unregulated river access licences on commencement of this Plan
70SL003513
70SL005721
70SL003536
70SL024108
70SL090181
70SL028482
70SL014551

2 Unregulated river access licences that may be permitted to take water from the Unregulated Effluent Creeks Water Source in accordance with clause 49

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

<i>Water Act 1912</i> entitlements that will be replaced by unregulated river access licences on commencement of this Plan
70SL046877
70SL014784
70SL010955
70SL043371
70SL051035
70SL050982
70SL036078
70SL044765
70SL049488

Schedule 2 Access licences used to take surface water exempt from cease to pump rules

1 General

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

<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan
70SL090678
70SL90115
70SL037385
70SL040104
70SL090861
70SL038082
70SL044333
70SL037922

2 Local water utility access licences and access licences of the subcategory “Town water supply”

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

<i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences or access licences of the subcategory “Town water supply” on commencement of this Plan
70SL050343
70SL047852
70SL005419
70SL010435
70SL037370
70SL044784
70SL091061
70SL045002
70SL005229
70SL039226

Schedule 3 Office

NSW Department of Planning, Industry and Environment - Water

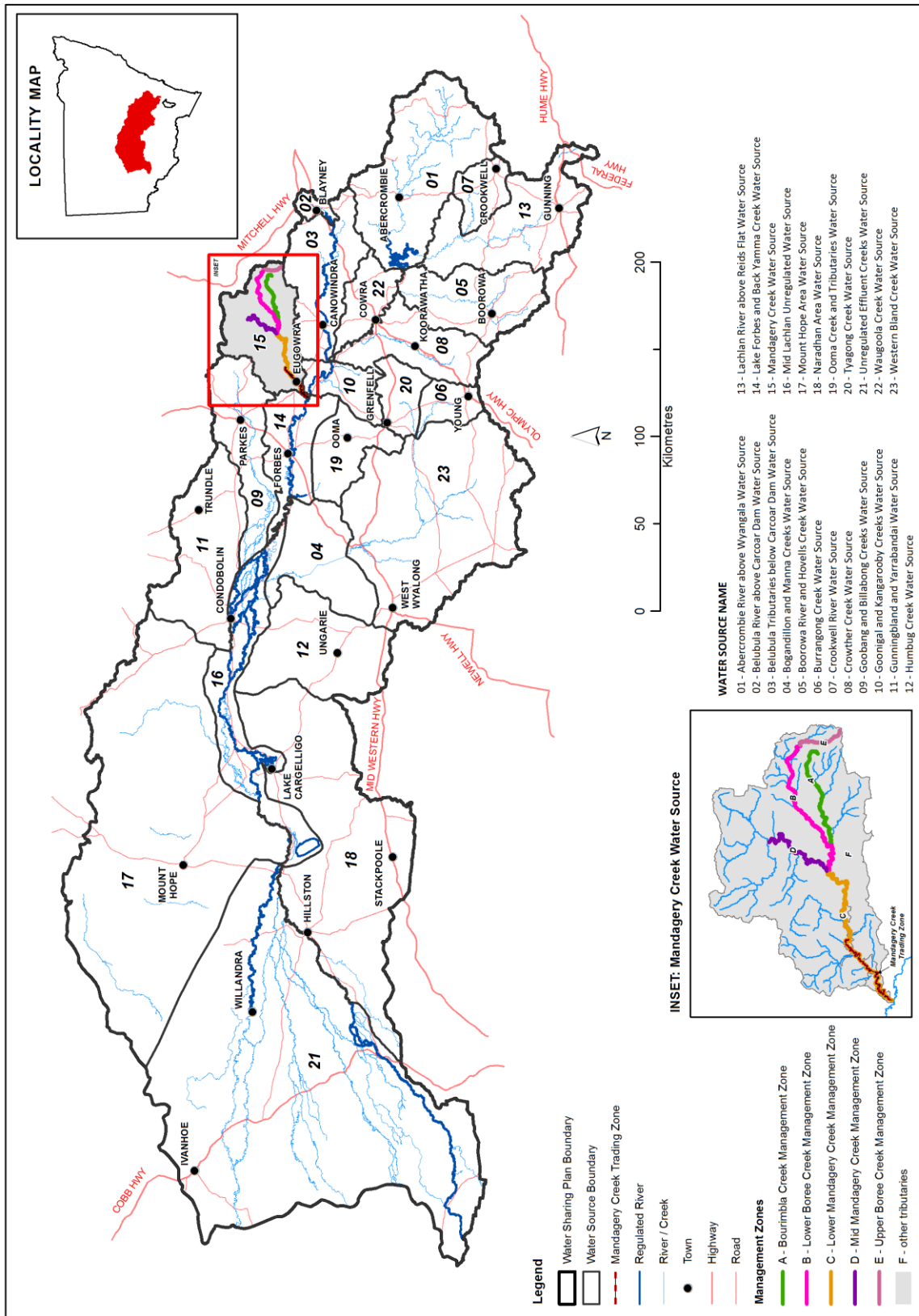
PO Box 291

FORBES NSW 2871

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Appendix 1 Overview of the Plan Map

Overview of the Plan Map (WSP024_Version 3) Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012



Appendix 2 (Repealed)

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Appendix 3 Access licences subject to the cease to take condition specified in clause 47 (4) of this Plan

It is expected that those access licences which replace *Water Act 1912* entitlements listed in Column 1 of the table below and which have share components that specify the water sources listed in Column 2 of the table below, will have the applicable *Water Act 1912* conditions specified in Column 3 imposed as mandatory conditions on all water supply work approvals nominated by those access licences to give effect to clause 47 (4) of this Plan.

Column 1	Column 2	Column 3
Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan	Water Source	Water Act 1912 conditions
70SL090017	Bogandillon and Manna Creeks	THE PUMP IS TO BE LOCATED NO FURTHER EAST THAN THE HIGH WATER LEVEL OF LAKE COWAL, (GPS COORDINATES E537200, N6281300, MGA 94 DATUM), PARTICULARS OF WHICH ARE RETAINED BY THE NSW OFFICE OF WATER.
70SL043632	Western Bland Creek	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION WHEN THE LEVEL OF THE STORAGE OF THE DAM AUTHORISED BY LICENCE 70SL023726 IS LOWER THAN 1.60 METRES BELOW THE LEVEL OF A BENCH MARK ESTABLISHED ON A GUM TREE ON THE LEFT BANK OF BLAND CREEK APPROXIMATELY 91 METRES DOWN STREAM FROM BILLABONG STATION HOMESTEAD AND PARTICULARS OF WHICH ARE RETAINED IN THE NSW OFFICE OF WATER.
70SL028039	Western Bland Creek	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION WHEN THE LEVEL OF THE STORAGE OF THE DAM AUTHORISED BY LICENCE 70SL023726 IS LOWER THAN 1.60 METRES BELOW THE LEVEL OF A BENCH MARK ESTABLISHED ON A GUM TREE ON THE LEFT BANK OF BLAND CREEK APPROXIMATELY 91 METRES DOWN STREAM FROM BILLABONG STATION HOMESTEAD AND PARTICULARS OF WHICH ARE RETAINED IN THE NSW OFFICE OF

		WATER.
70SL028755	Western Bland Creek	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION WHEN THE LEVEL OF THE STORAGE OF THE DAM AUTHORISED BY LICENCE 70SL023726 IS LOWER THAN 1.60 METRES BELOW THE LEVEL OF A BENCH MARK ESTABLISHED ON A GUM TREE ON THE LEFT BANK OF BLAND CREEK APPROXIMATELY 91 METRES DOWN STREAM FROM BILLABONG STATION HOMESTEAD AND PARTICULARS OF WHICH ARE RETAINED IN THE NSW OFFICE OF WATER.
70SA009602	Burrangong Creek	THE HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK, FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN BURRANGONG CREEK TO A DEPTH OF 30 CENTIMETRES THROUGH THE THREE PIPES AT GERRARDS CROSSING, EAST OF LOT 2 DP 876125, PARISH OF BURRAMUNDA, COUNTY OF MONTEAGLE.
70SL017543	Burrangong Creek	THE HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK, FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN BURRANGONG CREEK AT THE GRENFELL ROAD BRIDGE NEAR THE SOUTHERN BOUNDARY OF LOT 325 DP 754582, PARISH OF BURRANGONG, COUNTY OF MONTEAGLE.
70SL014497	Burrangong Creek	THE APPROVAL HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN BURRANGONG CREEK AT THE GRENFELL ROAD BRIDGE NEAR THE SOUTHERN BOUNDARY OF LOT 325 DP 754582, PARISH OF BURRANGONG, COUNTY OF MONTEAGLE.
70SL090157	Burrangong Creek	THE HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK, FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN BURRANGONG CREEK AT THE MONTEAGLE ROAD CROSSING NEAR THE NORTH WESTERN BOUNDARY OF LOT 1 DP 1102865, PARISH OF WILTON, COUNTY OF

		MONTEAGLE.
70SL090127	Burrangong Creek	THE HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK, FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN BURRANGONG CREEK AT THE MONTEAGLE ROAD CROSSING NEAR THE NORTH WESTERN BOUNDARY OF LOT 1 DP 1102865, PARISH OF WILTON, COUNTY OF MONTEAGLE.
70SL020509	Burrangong Creek	THE HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK, FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN BURRANGONG CREEK AT THE GRENFELL ROAD BRIDGE NEAR THE SOUTHERN BOUNDARY OF LOT 325 DP 754582, PARISH OF BURRANGONG, COUNTY OF MONTEAGLE.
70SL090245	Burrangong Creek	THE HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK, FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN BURRANGONG CREEK AT THE GRENFELL ROAD BRIDGE NEAR THE SOUTHERN BOUNDARY OF LOT 325 DP 754582, PARISH BURRANGONG, COUNTY MONTEAGLE.
70SL038170	Burrangong Creek	THE HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK, FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN BURRANGONG CREEK AT THE GRENFELL ROAD BRIDGE NEAR THE SOUTHERN BOUNDARY OF LOT 325 DP 754582, PARISH OF BURRANGONG, COUNTY OF MONTEAGLE.
70SL090386	Lake Forbes and Back Yamma	THE HOLDER OF THE LICENSE SHALL EXTRACT FROM BOCOBIDGLE CREEK PURSUANT TO THIS LICENSE WATER DELIVERED TO BOCOBIDGLE CREEK PURSUANT TO 70AL600038 & 70AL600039 WITHIN A PERIOD OF 48 HOURS AFTER COMMENCEMENT OF PUMPING UNDER 70WA600040. ALL CONVEYANCE LOSSES SHALL BE BORNE BY THE HOLDER OF THE LICENSE AND THE LEVEL OF WATER IN BOCOBIDGLE CREEK SHALL NOT BE

		REDUCED BELOW THAT WHICH EXISTED PRIOR TO COMMENCEMENT OF PUMPING ON THAT DAY.
70SL090639	Lake Forbes and Back Yamma	THE LICENSED WORKS ON BROAD CREEK SHALL BE USED ONLY TO EXTRACT 95% OF THE VOLUME OF WATER SUPPLIED TO BROAD CREEK BY WAY OF THE WORKS LICENSED UNDER 70WA601361. THE HOLDER OF THE LICENSE SHALL EXTRACT FROM BROAD CREEK PURSUANT TO THIS LICENSE WATER DELIVERED TO BROAD CREEK PURSUANT TO 70WA601361 WITHIN A PERIOD OF 48 HOURS AFTER COMMENCEMENT OF PUMPING UNDER 70WA601361. ALL CONVEYANCE LOSSES SHALL BE BORNE BY THE HOLDER OF THE LICENSE AND THE LEVEL OF WATER IN BROAD CREEK SHALL NOT BE REDUCED BELOW THAT WHICH EXISTED PRIOR TO COMMENCEMENT OF PUMPING ON THAT DAY
70SL045147	Belubula Tributaries below Carcoar Dam	THE HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK, FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN COWRIGA CREEK AT THE ROAD BRIDGE ON THE TALLWOOD-BLAYNEY ROAD BETWEEN LOT 304 DP 750367, PARISH OF CALVERT AND LOT 27 DP 750390, PARISH OF LINDSAY, BOTH COUNTY OF BATHURST.
70SL041539	Belubula Tributaries below Carcoar Dam	THE LICENSED PUMPS SHALL NOT BE USED IN COOMBING CREEK FOR THE PURPOSE OF IRRIGATION OR AUGMENTING THE SUPPLY OF WATER IN THE UNNAMED WATERCOURSES UNLESS THERE IS A VISIBLE FLOW OF WATER IN COOMBING CREEK AT THE NORTHERNMOST ROAD BRIDGE ON THE BARRY-NEWBRIDGE ROAD ABOUT 1 KILOMETRE NORTH OF THE VILLAGE OF BARRY.
70SL049517	Goobang and Billabong Creeks	THE AUTHORISED WORK SHALL NOT BE USED FOR ANY PURPOSE WHEN THE DISCHARGE OF GOOBANG CREEK AT THE CORRIDGERY-BOGAN GATE ROAD IS LESS THAN 25 MEGALITRES PER DAY (SUCH DISCHARGE BEING EQUIVALENT TO WATER

		<p>FLOWING THROUGH THE BOX CULVERTS AT THEIR MAXIMUM CAPACITY AND COMMENCING TO FLOW OVER THE CARRIAGE WAY), AND THE AUTHORISED WORK SHALL NOT BE USED FOR ANY PURPOSE UNLESS THERE IS A FLOW OVER THE CREST OF THE WEIR LOCATED ON GOOBANG CREEK WITHIN LOT 37 DP 6442, PARISH OF BAJERRIBONG, COUNTY OF CUNNINGHAM.</p>
70SL049984	Goobang and Billabong Creeks	<p>THE AUTHORISED WORK SHALL NOT BE USED FOR IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN GOOBANG CREEK AT THE YARRABANDAI - WARROO ROAD BRIDGE. THE AUSTRALIAN MAP GRID REFERENCE FOR THE NOMINATED BRIDGE BEING E551093 - N6324335</p>

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