

# Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012 (Proposed Amendments 2020)

## Contents

Part 1	Introduction.....	3
Part 2	Vision, objectives, strategies and performance indicators .....	7
Part 3	Bulk access regime .....	19
Part 4	Planned environmental water provisions .....	21
Part 5	Requirements for water .....	23
Division 1	General .....	23
Division 2	Requirements for water for basic landholder rights .....	23
Division 3	Requirements for water for extraction under access licences.....	24
Part 6	Limits to the availability of water .....	27
Division 1	Long-term average annual extraction limit.....	27
Division 1A	Long-term average sustainable diversion limit .....	28
Division 1B	Compliance with extraction and diversion limits .....	29
Division 2	Available water determinations .....	30
Part 7	Rules for granting access licences .....	33
Part 8	Rules for managing access licences.....	34
Division 1	Water allocation account management rules .....	34
Division 2	Daily access rules and flow classes.....	37
Part 9	Rules for water supply work approvals .....	54
Division 1	Rules applying to the granting or amending of water supply work approvals .....	54
Part 10	Access licence dealing rules.....	55
Part 11	Mandatory conditions .....	61
Division 1	General .....	61
Division 2	Access licences.....	61
Division 3	Water supply work approvals.....	63
Part 12	Amendment of this Plan.....	68
Dictionary	.....	75

Schedule 1	Sections of water courses included in the Barwon-Darling Unregulated River Water Source .....	78
Schedule 2	Access licences with cease to pump rules that are in addition to the flow class announcement rules .....	81
Schedule 2A	Unregulated river (C Class) access licences with cease to pump rules in addition to the C Class flow announcement rule .....	84
Schedule 3	Access licences used to take surface water exempt from cease to pump rules .....	85
Schedule 4	Office .....	86
Schedule 5	(Repealed) .....	87
Schedule 6	(Repealed) .....	88
Appendix 1	Overview of the Plan Map .....	89
Appendix 2	Inspection of Plan Map .....	90

# Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012

## Notes.

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

## Part 1 Introduction

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

### 1 Name of this Plan

This Plan is the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 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 4 October 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 consistent with the requirements for the Basin Plan. This Plan was replaced 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 Barwon-Darling surface water resource plan area.

4 **Basin Plan** is defined in the Dictionary.

#### 4 Application of this Plan

- (1) This Plan applies to the Barwon-Darling Unregulated River Water Source within the Border Rivers Water Management Area, the Central West Water Management Area, the Gwydir Water Management Area, the Namoi Water Management Area and the Western Water Management Area (hereafter *the water source*).

**Note.** The Border Rivers Water Management Area, the Central West Water Management Area, the Gwydir Water Management Area, the Namoi Water Management Area and the Western Water Management Area were constituted by Ministerial order made under section 11 of the Water Management Act 2000 published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) The water source is shown on the Plan Map called *Plan Map (WSP022\_Version 2), Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*, (hereafter *the Plan Map*), held by the Department.

**Note.** The Plan Map is part of this Plan. An overview of the Plan Map is shown in Appendix 1. Copies of the Plan Map may be inspected at the offices listed in Appendix 2 and are available at the NSW Legislation website.

- (3) Subject to subclause (5), the water source comprises all water:
- (a) occurring naturally on the surface of the ground within the boundaries shown on the Plan Map
  - (b) in rivers, lakes and wetlands within the boundaries shown on the Plan Map,
  - (c) between the bed and banks of those sections specified in Column 2 of Schedule 1 of the respective water courses specified in Column 1 of Schedule 1, and
  - (d) water taken under a floodplain harvesting access licence with a share component that specifies the water source.

**Note.** This Plan, as amended by the *Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources Amendment Order 2020*, does not apply to the Upper Darling Alluvial Groundwater Source. The *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020* applies to that water source.

#### 5 Management zones

- (1) For the purposes of this Plan, the water source is divided into the following management zones:
- (a) Mungindi to Boomi River Confluence Management Zone,
  - (b) Boomi River Confluence to Upstream Mogil Mogil Weir Pool Management Zone,
  - (c) Mogil Mogil Weir Pool Management Zone,

- (d) Downstream Mogil Mogil to Collarenebri Management Zone,
- (e) Collarenebri to Upstream Walgett Weir Pool Management Zone,
- (f) Walgett Weir Pool Management Zone,
- (g) Downstream Walgett to Boorooma Management Zone,
- (h) Boorooma to Brewarrina Management Zone,
- (i) Brewarrina to Culgoa River Junction Management Zone,
- (j) Culgoa River Junction to Bourke Management Zone,
- (k) Bourke to Louth Management Zone,
- (l) Louth to Tilpa Management Zone,
- (m) Tilpa to Wilcannia Management Zone, and
- (n) Wilcannia to Upstream Lake Wetherell Management Zone.

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

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

## 6 River sections

- (1) For the purposes of this Plan, the water source is divided into the following river sections:

- (a) River Section 1 which is comprised of the management zones specified in clause 5 (a)–(f),
- (b) River Section 2 which is comprised of the management zones specified in clause 5 (g)–(h),
- (c) River Section 3 which is comprised of the management zones specified in clause 5 (i)–(j), and
- (d) River Section 4 which is comprised of the management zones specified in clause 5 (k)–(n).

- (2) The river sections in subclause (1) are shown on the Plan Map.

## 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.

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## **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 to 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 Monitoring, evaluation and reporting (MER) plans have been developed for these water sources and are available on the Departments website. The MER plans describe the following:
  - (a) guidelines and principles for developing broad and targeted objectives, strategies and performance indicators,
  - (b) selection criteria used to identify target ecological populations and identify whether they are managed under this Plan, the Barwon-Darling Long Term Water Plan or both plans,
  - (c) selection criteria for identifying priority monitoring locations for targeted objectives,
  - (d) selection criteria used to identify external influences that may affect the success of achieving objectives or implementing strategies,
  - (e) selection criteria used to determine how the objectives to protect or enhance will be measured for different target populations and performance indicators.

### 9 Vision statement

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

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

### 9A Acknowledgement

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Border Rivers Water Management Area, the Central West Water Management Area, the Gwydir Water Management Area, the Namoi Water Management Area and the Western Water Management Area.

### 10 Environmental objectives

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

#### Notes.

- 1 **Broad objective** is defined in the Dictionary.
- 2 The ecological condition of this water source includes high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined in the *Barwon-Darling Long Term Water Plan* and the *Barwon-Darling Surface Water Monitoring, Evaluation and Reporting Plan for Environmental Objectives*.

- (2) The targeted environmental objectives of this Plan are as follows:
- (a) to protect and, where possible, enhance the following over the term of this Plan:
- (i) the recorded distribution or extent, and the population structure of, target ecological populations including native fish, native vegetation and low flow macroinvertebrate communities,
- Notes.**
- 1 **Targeted objectives** and **target ecological populations** are defined in the dictionary.
- 2 Target ecological populations in this water source may include known or predicted populations of the following:
- (a) native fish including golden perch, silver perch, eel-tailed catfish, Murray cod and olive perchlet.
- (b) native vegetation including river red gum woodland, black box-coolibah woodland, Marsh club rush and carbeen open forest.
- (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds and native vegetation communities.
- (ii) the longitudinal and lateral connectivity within and between water sources to support target ecological processes,
- Notes.**
- 1 **Target ecological processes** are defined in the Dictionary.
- 2 Target ecological processes in this water source include:
- (a) Carbon and nutrient transport pathways, which are the connected networks of streams, riparian zones, floodplains and wetlands that transport dissolved and suspended organic material and nutrients throughout the water source.
- (b) 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 this water source in this Plan, between the water source in this Plan and the *Water Sharing Plan for the Murray and Lower Darling Regulated River Water Source* or upstream connected water sources.
- (iii) water quality within target ranges for this water source to support water-dependent ecosystems and ecosystem functions, and
- Note.** Water quality target ranges for this water source are defined in the Water Quality Management Plan for the Barwon-Darling Water Resource Plan Area and NSW State Water Quality Assessment and Monitoring Plan.
- (b) to support water-dependent ecosystem functions within this water source by protecting environmental watering events that have originated in upstream water sources.



**Note.** Environmental watering events that contribute to the water sources may include Environmental Water Allowance (EWA) and other environmental water releases that are managed in accordance with the upstream water sharing plans where the water originates.

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

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

**Note.** Part 3 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 strategy will contribute to the objectives in subclause (2).

(b) restrict the take of water to protect active environmental water and to restore connectivity within and between water sources following an extended dry period,

**Notes.**

1 **active environmental water** is defined in the Dictionary.

2 The provisions in clause 45A, 45B and 50 protect active environmental water and restrict access for consumptive use following extended dry periods. These provisions contribute to the objectives in subclause (2).

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

**Notes.**

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

2 The provisions in Division 2 of Part 8 of this Plan establish flow classes that manage the take of water for the water source. These provisions contribute to the objectives in subclause (2).

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

**Note.** The provisions in clause 45C restrict the take of water from in-river and off-river pools when the volume is less than full capacity. These provisions contribute to the objectives in subclause (2) (a) and (b).

(e) reserve a portion of natural flows to maintain hydrological connectivity between the water source and other connected water sources.

**Note.** The provisions in Division 2 of Part 8 of this Plan ensure that low flows are protected from extraction. These provisions contribute to the objectives in subclause (2) (a) and (c).

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

- (5) The performance indicators used to measure success in achieving the targeted environmental objectives in subclause (2) are changes or trends in ecological condition during the term of this Plan, including the following:
- (a) the recorded range or extent of target ecological populations,
  - (b) the recorded condition of target ecological populations,
  - (c) measurements of carbon and nutrient transport processes and fish movements through priority fish passage
  - (d) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen,
  - (e) the extent to which the strategies in subclause (3) have provided flow conditions of sufficient magnitude, frequency, timing and water quality to achieve targeted environmental objectives.

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

- (6) In evaluating the effectiveness of the strategies in meeting the objectives of this clause, the following will be relevant:
- (a) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (b) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (c) the extent to which external influences on these water sources have affected progress toward achieving the environmental objectives.

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

## 11 Economic objectives

**Note.** The Surface Water Monitoring, Evaluation and Reporting Plan for Socio-Economic Objectives prepared for the NSW water sources in the Murray-Darling Basin and published in the NSW Government Gazette No. XXX dated XXX on page XXX describes the following for the water source:

- (a) the criteria and procedures for monitoring relevant external influences,
  - (b) the criteria and procedures for selecting, measuring and evaluating the performance indicators of the targeted economic objectives, and the corresponding strategies and rules to achieve them.
- (1) The broad economic objective of this Plan is to maintain access to water to optimise economic benefits for irrigation, water-dependent industries and local economies over the term of this Plan.

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

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

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

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

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

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

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

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

**Note.** The individual account management rules in clause 38 provide certainty in how water will be shared between individual access licence holders and different categories of access licences. These provisions contribute to the objective in subclause (2) (b) and (c).

- (b) provide flexibility of access to water,

**Note.** The individual account management provisions in clause 38, 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. These provisions contribute to the objective in subclause (2) (b) and (c).

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

**Note.** The application of the long-term average annual extraction limit and the assessment and compliance rules in Part 6 of this Plan manage extractions to different climatic conditions in different years. These provisions contribute to the objective in subclause (2) (b) and (c).

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

**Notes.**

1 **Low risk water sources** are defined in the Dictionary.

2 The provisions in Part 10 of this Plan permit a variety of dealings within environmental and system constraints, including assignment of rights under access licences, assignment of water allocations between access licences, and the ability to move the share component of an access licence from one water source to another. These provisions contribute to the objective in subclause (2) (a).

(4) The performance indicators used to measure the success in reaching the broad economic

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objective in subclause (1) will be evaluated by determining the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.

- (5) The performance indicators used to measure success in achieving the targeted economic objectives in subclause (2) are the changes or trends economic benefits, including the following:
- (a) the economic benefits of water extraction and use, including the movement of water to higher value uses,
  - (b) the economic benefits of water trading, including changes or trends in the following:
    - (i) the unit price of water that is subject to a dealing,
    - (iii) the annual total number of access licence shares subject to a dealing,
    - (iv) the annual weighted average price of water traded within these water sources,  
**Note. Weighted average price** is defined in the Dictionary.
  - (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives of this clause, the following will be relevant:
- (a) the extent to which stakeholders have considered the operation of this Plan to be clearly explained and predictable,
  - (b) water made available during the term of this Plan through available water determinations and granting of new licences,
  - (c) the extent to which changes in the economic benefits of water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,  
**Note.** One or more performance indicators may be measured to evaluate each of the targeted objectives listed in subclause (2), and strategies listed in subclause (3).
  - (d) the extent to which the strategies in subclause (3) and provisions in this Plan have been effectively implemented and complied with,

- (e) the extent to which external influences on this water source have affected progress toward achieving the economic objectives.

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

## 12 Aboriginal cultural objectives

**Note.** The Barwon-Darling Surface Water Monitoring, Evaluation and Reporting Plan for Environmental Objectives prepared for these water sources and published in the NSW Government Gazette No. XXX dated XXX on page XXX describes the following for these water sources:

- (a) the selection criteria for target populations of riparian vegetation and priority monitoring locations,
- (b) the selection criteria for target populations of native fish and priority monitoring locations.

(1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible, enhance the spiritual, social, customary and economic values and uses of water by Aboriginal peoples.

(2) The targeted Aboriginal cultural objectives of this Plan as follows:

- (a) provide access to water in the exercise of native title rights,
- (b) provide access to water for Aboriginal cultural use, including fishing,  
**Note.** Relevant native fish species in the water source may include golden perch and Murray cod.
- (c) protect identified water-dependent cultural areas, including culturally important riparian vegetation communities,
- (d) maintain water quality within target ranges to ensure suitability of water for Aboriginal cultural use.

**Note.** Water quality target ranges for the water source are defined in the Water Quality Management Plan for the Barwon-Darling Water Resource Plan Area and NSW State Water Quality Assessment and Monitoring Plan

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

- (a) manage access to water consistently with the exercise of native title rights,  
**Note.** Clause 20 of this Plan ensures the provision of water associated with a native title determination. This provision contributes to the objective in subclause (2) (a).

- (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. This provision contributes to the objective in subclause (2) (b) and (c).

- (c) restrict the take of water to protect active environmental water and to restore connectivity within and between water sources following an extended dry period,

**Note.** The provisions in clause 45A, 45B and 50 protect active environmental water and restrict access for consumptive use following extended dry periods. These provisions contribute to the objectives in subclause (2).

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

**Note.** The provisions in Division 2 of Part 8 of this Plan establish flow classes that restrict the take of water for each water source. These provisions contribute to the objective in subclause (2) (b), (c) and (d).

- (e) 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 45C 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. These provisions contribute to the objective in subclause (2) (b), (c) and (d).

- (f) reserve a portion of natural flows to maintain hydrological connectivity between the water source and riparian zones, and wetlands and floodplains connected to the water source.

**Notes.**

- 1 The provisions in clauses 45A and 52 maintain the hydrological connectivity between the water source and wetlands connected to the water source by ensuring a portion of medium and high natural flows are protected. These provisions contribute to the objective in subclause (2) (b), (c) and (d).
- 2 The provisions in 45A and 45B protect active environmental water. These provisions contribute to the objectives in subclause (2) (b), (c), and (d).

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

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

- (a) by comparing changes, or trends in, the use of water by Aboriginal people during the term of this Plan by measuring factors including:
  - (i) the extent to which native title rights are able to be exercised, consistently with any determination of native title,

- (ii) the extent to which access to water has achieved Aboriginal cultural outcomes,
  - (b) by comparing changes, or trends in, the recorded range or extent of target populations of native recreational fish,
  - (c) by comparing changes, or trends in, the recorded range or condition of target populations of riparian vegetation,
  - (d) by considering the extent to which the protection of identified cultural assets can be attributed to the strategies in subclause (3) and rules in this Plan,
  - (e) by considering the extent to which Aboriginal people have considered the operation of this Plan to be beneficial to meeting their needs for water-dependent cultural uses and values,
  - (f) by considering the extent to which changes in the use of water by Aboriginal people can be attributed to the strategies in subclause (3) and provisions in this Plan.
  - (g) by comparing changes, or trends in, the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen.  
**Note.** One or more performance indicators will be measured for each of the targeted objectives listed in subclause (2), and strategies listed in subclause (3).
- (6) In evaluating the effectiveness of the strategies in meeting the objectives of this clause, the following will be relevant:
- (a) the extent to which Aboriginal people have considered the operation of this Plan to be clearly explained and predictable,
  - (b) water made available during the term of this Plan through available water determinations and granting of new access licences,
  - (c) the extent to which changes in the use of water by Aboriginal people can be attributed to the strategies in subclause (3) and provisions in this Plan, and
  - (d) the extent to which external influences on this water source have affected progress toward achieving the Aboriginal cultural objectives.  
**Note.** External influences can include trends in Aboriginal cultural activity, urban, agricultural and industrial development, and changes in climate, policy or regulation.

## 12A Social and cultural objectives

**Note.** The Surface Water Monitoring, Evaluation and Reporting Plan for Socio-Economic Objectives prepared for the NSW water sources in the Murray-Darling Basin and published in the NSW Government Gazette No. XXX dated XXX on page XXX describes the following for these water sources:

- (a) the criteria and procedures for monitoring relevant external influences,
  - (b) the criteria and procedures for selecting, measuring and evaluating the performance indicators of the targeted economic objectives, and the corresponding strategies and rules to achieve them.
- (1) The broad social and cultural objective of this Plan is to maintain and, where possible, enhance the efficient and sustainable access to water to support critical human water needs, and water-dependent values, culture, heritage and recreational uses.

- (2) The targeted social and cultural objectives of this Plan are to maintain and, where possible, improve the following:

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

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

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

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

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

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

**Note.** The provisions in Part 3 of this Plan ensure that water is available for basic human needs, town water supply and domestic and stock purposes. These provisions contribute to the objectives in subclause (2).

- (b) restrict the take of water protect active environmental water and to restore connectivity within and between water sources following an extended dry period,

**Note.** The provisions in clauses 45A, 45B and 50 protect active environmental water and restrict access for consumptive use following extended dry periods. These provisions contribute to the objectives in subclause (2).



- (c) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water source, and
- Note.** The provisions in Division 2 of Part 8 of this Plan establish flow classes that restrict the take of water for each water source. These provisions contribute to the objectives in subclause (2).
- (d) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity, and
- Note** The provisions in clause 45C 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. These provisions contribute to the objectives in subclause (2).
- (e) reserve a portion of natural flows to maintain hydrological connectivity between water sources, riparian zones, wetlands and floodplains connected to the water source.
- Note.** The provisions in clauses 45A, 45B and 50 protect active environmental water and restrict access for consumptive use following extended dry periods. These provisions contribute to the objectives in subclause (2).
- (4) The performance indicators used to measure success in reaching the broad social and cultural objectives in subclause (1) will be evaluated by determining the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objectives.
- (5) The performance indicators used to measure success in reaching the targeted social and cultural objectives in subclause (2) will be evaluated as follows:
- (a) by comparing changes, or trends, in the social and cultural uses of water during the term of this Plan by measuring factors including:
- (i) the extent to which basic landholder rights have been met,
- (ii) the extent to which major utility access licence and local utility access licence requirements have been met,
- (b) by comparing changes, or trends, in the recorded range or extent of target populations of native fish that are important for recreational fishing,
- (c) by comparing changes, or trends in, the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
- (d) by comparing changes, or trends in, the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
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- (6) In evaluating the effectiveness of the strategies in meeting the objectives of this clause, the following will be relevant:
- (a) the extent to which stakeholders have considered the operation of this Plan to be clearly explained and predictable,
  - (b) water made available during the term of this Plan through available water determinations and granting of new access licences,
  - (c) the extent to which changes in the social and cultural use of water can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (d) the extent to which external influences on this water source have affected progress toward achieving the social and cultural objectives.

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

## **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 the water source, 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 the water source:
  - (a) recognises and is consistent with the limits to the availability of water set in relation to the water source contained in Part 6 of this Plan,
  - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 7 and 8 of this Plan and available water determinations to be made contained in Division 2 of 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 the water source by having provisions that:

- (a) manage the sharing of water in the water source within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in the average annual extraction against the long-term average annual extraction limit and long-term average sustainable diversion limit, contained in Division 1 of Part 6 of this Plan, and
- (b) manage the sharing of water on a daily basis in the water source , contained in Division 2 of Part 8 of this Plan.

### Notes.

- 1 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.
- 2 Temporary water restrictions under section 324 of the Act may be applied to the water source during times of severe water shortage.

## Part 4 Planned environmental water provisions

### Notes.

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

### 15 General

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

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

### 16 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in the water source 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, and
- (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

### 17 Establishment and maintenance of planned environmental water

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

**Note.** The rules in Division 2 of Part 8 of this Plan for 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 limits as specified in clause 36,

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

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

## Part 5 Requirements for water

### Division 1 General

#### 18 Application

- (1) This Part identifies the requirements for water from the water source for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in the water source and the total volumes or unit shares specified in the share components of all access licences in the water source as at 1 July 2020. The actual volumes of water available for extraction in the water source at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in the water source and the total share components of all access licences authorised to extract water from the water source may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Division 1 of Part 6 of this Plan.

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

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

#### Minister's note.

The estimates of share components for access licences referred to in this Part are as at September 2019. These will be updated before the amendments commence to be accurate as at 1 July 2020. .

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

#### 19 Domestic and stock rights

It is estimated that as 1 July 2020 the water requirements of persons entitled to domestic and stock rights in the water source total 824 megalitres per year (hereafter *ML/year*).

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**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 NCD2017/00),
- (b) any other determination of native title,
- (c) any relevant indigenous land use agreement.

**Notes.**

- 1 A map of the native title determination area can be viewed by search the National Native Title Tribunal website at [www.nntt.gov.au](http://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 to 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 requirement for water under harvestable rights in the water source is equal to the total amount of water that owners or occupiers of landholdings are entitled to capture and store pursuant to a harvestable rights order made under 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 as at 1 July 2020 the share components of domestic and stock access licences authorised to take water from the water source total 967.5 ML/year.



**23 Share components of local water utility access licences**

It is estimated that as at 1 July 2020 the share components of local water utility access licences authorised to take water from the water source total 5,373 ML/year.

**24 Share components of supplementary water (subcategory Aboriginal environmental) access licences**

It is estimated that as at 1 July 2020 the share components of supplementary water (subcategory “Aboriginal environmental”) access licences authorised to take water from the water source total 0 ML/year.

**25 Share components of unregulated river access licences**

It is estimated that as at 1 July 2020 the share components of unregulated river access licences authorised to take water from the water source total 1488 unit shares.

**26 Share components of unregulated river (A Class) access licences**

It is estimated that as at 1 July 2020 the share components of unregulated river (A Class) access licences authorised to take water from the water source total 9856 unit shares.

**27 Share components of unregulated river (B Class) access licences**

It is estimated that as at 1 July 2020 the share components of unregulated river (B Class) access licences authorised to take water from the water source total 133,069.2 unit shares.

**28 Share components of unregulated river (C Class) access licences**

It is estimated that as at 1 July 2020 the share components of unregulated river (C Class) access licences authorised to take water from the water source total 45,745.6 unit shares.

**29 (Repealed)**

**30 (Repealed)**

**31 Amendment of share components of access licences**

- (1) Subject to subclause (2), the Minister may amend the share component of an access licence under section 68A of the Act to increase it following a recalibration of the

hydrologic computer model that at the time is approved by the Department for assessing long term extraction from the water source.

- (2) The Minister may not amend the share component of an access licence under subclause (1) unless the Minister is satisfied that the sum of amended share components of unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences in the water source will equal the long-term average annual extractions for irrigation that would have occurred under the long-term average annual extraction limit conditions specified in clause 33 (2).
- (3) An amendment under this clause must maintain the weighting of active Annual Volumetric Limit to inactive Annual Volumetric Limit of 2.25:1 that was applied when Annual Volumetric Limits were converted to Barwon-Darling Cap-compliant shares as determined by the Minister. For the purpose of this paragraph:
- (a) *active* is the average annual extraction under a *Water Act 1912* entitlement between 1995/96 and 2004/5 with appropriate adjustment for years with zero extraction, as determined by the Minister, and
- (b) *inactive* is the difference between the *Water Act 1912* entitlement's Annual Volumetric Limit and active.

**Note.** Adjustments made to share components under this clause will be consistent with the method for converting Annual Volumetric Limits to Barwon-Darling Cap-compliant shares as agreed to in the *Heads of Agreement for the Barwon-Darling River System regarding proposed management actions to comply with the Murray-Darling Basin Cap on Diversions*.

## Part 6 Limits to the availability of water

**Note.** This Part sets out the rule 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, and
- (b) a long-term average sustainable diversion limit

### Division 1 Long-term average annual extraction limit

#### 32 General

The availability of water for extraction in the water source on a long-term basis is to be managed in accordance with this Part.

#### 33 Calculation of the long-term average annual extraction limit

- (1) Following the end of each water year, the Minister must calculate the long-term average annual extraction limit for the water source in accordance with this clause.
- (2) The long-term average annual extraction limit for the water source is the long-term average annual extraction from the water source that would occur under Cap baseline conditions as agreed under the Murray-Darling Basin Agreement in Schedule 1 of the *Water Act 2007* (Cth) at the commencement of this Plan.

**Notes.**

- 1 At the commencement of this Plan, an assessment of the long-term average annual extraction that would occur under the conditions specified in subclause (2) is 223 gigalitres per year. The component of this long-term average annual extraction that would be taken by irrigation and industry under the conditions specified in subclause (2) has been assessed using the Barwon-Darling IQQM computer model with system file LT92\_30.sqq. This computer model indicates a long-term average annual extraction volume of 214 gigalitres per year (189 gigalitres from 'within channel' extractions). This figure may change if the Barwon-Darling Cap IQQM is recalibrated with new observed data as a result of more accurate metering data.
  - 2 The long-term average annual extraction limit recognises the effect of known climatic variability on the availability of water, in accordance with section 20 (2) (c) of the Act, as historic climate and river flow information is used in its determination.
  - 3 Under section 8F of the Act the long-term average annual extraction limit is to be varied by any change to licensed environmental water, excluding water committed under section 8C of the Act. Supplementary water (subcategory "Aboriginal environmental") access licences will be prescribed as licensed environmental water under section 8 of the Act. Water committed as licensed environmental water is not to be accounted for as extraction.
  - 4 **Cap baseline conditions** is defined in the Dictionary.
- (3) For the purposes of subclause (2), the long-term average annual extraction limit is to be calculated over the duration of available water climate records using the hydrological computer model approved by the Minister.

- (4) (Repealed)

### **34 Calculation of average annual extraction**

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

- (a) all water extractions by holders of all categories of access licences in the water source,
- (b) floodplain harvesting extractions determined to be taken for use in conjunction with extractions under access licences in the water source, and
- (c) all water extractions pursuant to domestic and stock rights and native title rights in the water source, and
- (d) the level of development for plantation forestry in that water year.

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

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

## **Division 1A Long-term average sustainable diversion limit**

### **35A Calculation of the long-term average sustainable diversion limit**

The long-term average sustainable diversion limit for the water source is:

- (a) the baseline diversion limit for the Barwon-Darling surface water SDL resource unit determined under Schedule 3 of the Basin Plan, minus
- (b) 6,000 ML/year, minus
- (c) the shared reduction amount for the Barwon-Darling surface water SDL resource unit as determined under section 6.05 of the Basin Plan.

#### **Notes.**

- 1 ***Long-term average sustainable diversion limit, baseline diversion limit and SDL resource unit share reduction amount*** are defined in the Dictionary.
- 2 The subtraction of 6,000 ML/year and the SDL resource unit shared reduction amount is prescribed in Schedule 2 of the Basin Plan.

### **35B 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 accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to the water source.

**Notes.**

- 1 **Annual permitted take** and **annual actual take** are defined in the Dictionary. Under the Basin Plan take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in this assessment as they fall outside the definition of take for consumptive use.
- 2 **Consumptive use** is defined in the Dictionary.

### **35C Assessment of compliance with the long-term average sustainable diversion limit**

- (1) Following the calculations under clauses 35A and 35B at the end of each water year, the Minister is to, in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan:
  - (a) compare annual actual take of water against the annual permitted take, and
  - (b) maintain a cumulative balance of the difference between annual actual take and annual permitted take.

**Note.** **Annual actual take** is defined in the Dictionary.

- (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 1B Compliance with extraction and diversion limits**

### **36 Action following non-compliance**

- (1) Pursuant to section 58 (4) of the Act, this Plan amends the relative priorities of the categories of unregulated river access licences, unregulated river (A Class) access licences, unregulated river (B Class) access licences, unregulated river (C Class) access licences and supplementary water (subcategory “Aboriginal environmental”) access licences to the extent necessary to legally make the reductions to available water determinations as set out in this clause.

- (2) Subject to subclause (3), if an assessment under clauses 35 or 35C demonstrates that there is non-compliance with either the long-term average annual extraction limit or the long-term average sustainable diversion limit, the Minister is to make an available water determination for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences in accordance with clause 39 of less than 1 ML per unit share.

**Note.** Action under this clause will have effect for the water year following the assessment, which will be two water years after the non-compliance occurred.

- (3) An action under subclause (1) is to be taken to the extent to which the Minister considers the following necessary:
- (a) in the case of non-compliance with the long-term average annual extraction limit – to return long-term average annual extraction in the water source to the long-term average annual extraction limit,
  - (b) in the case of non-compliance with the long-term average sustainable diversion limit – to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.

### **37 (Repealed)**

## **Division 2 Available water determinations**

### **38 General**

- (1) Available water determinations for access licences with share components that specify the water source are to be expressed as either:
- (a) a percentage of share component, for access licences where share components are specified as ML/year, or
  - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies the water source, excluding unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, must not, in any water year, exceed:

- (a) 100% of the access licence share component, or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as ML/year, or
  - (b) 1 megalitre per unit share of the access licence share component or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as a number of unit shares.
- (3) The sum of available water determinations made for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, must not, in any water year, exceed an amount that is equal to  $A$  divided by  $B$  or such lower amount that is determined under Division 1 of this Part, where:
- $A$  is the long-term average annual extractions for irrigation that would have occurred under the long-term average annual extraction limit conditions specified in clause 33 (2) calculated using the hydrologic computer model that, at the time, is approved by the Department for assessing long-term extraction from the water source, and
- $B$  is the sum of share components of all unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences at that time.

### **39 Available water determinations**

- (1) In making available water determinations at the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, the Minister should consider the rules in this clause.
- (2) Unless the Minister otherwise determines, at the commencement of each water year the following available water determinations should be made for access licences with a share component that specifies the water source:
  - (a) 100% of the access licence share component for domestic and stock access licences,
  - (b) 100% of the access licence share component for local water utility access licences,
  - (c) 100% of the access licence share component for supplementary water (subcategory “Aboriginal environmental”) access licences,
  - (d) 1 megalitre per unit of share component for unregulated river access licences,

- (e) the volume in megalitres per unit of share component for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences calculated under clause 38 (3), or such lower amount that is determined under Division 1 of this Part.

**Notes.**

- 1 Division 1 of this Part provides for available water determinations for unregulated river (A Class) access licences, unregulated river (B Class) access licences and, unregulated river (C Class) access licences to be reduced where the long-term average annual extraction limit for the water source has been assessed to have been exceeded, as per clauses 34–36.
- 2 Division 1 of this Part allows available water determinations for unregulated river (A class) access licences, unregulated river (B class) access licences and unregulated river (C class) access licences in the water source to be reduced, if the Murray-Darling Basin Ministerial Council considers that the Barwon-Darling sub-valley within the Barwon/Upper Darling and Lower Darling Designated River Valley is in breach of Schedule E of the Murray Darling Basin Agreement in Schedule 1 of the *Water Act 2007* (Cth) and the Minister has agreed to address this breach.



## Part 7 Rules for granting access licences

### Notes.

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

### 40 Specific purpose access licences

**Note.** Section 61 of the Act allows for a person to apply for a specific purpose access licence where the regulations or relevant water sharing plan provides that an application can be made.

- (1) Applications may not be made for an access licence of the subcategory Aboriginal cultural if the share component of the proposed access licence is more than 10 ML/year.
- (2) Applications may be made for supplementary water (subcategory “Aboriginal environmental”) access licences in the water source provided the share component of the proposed access licence is less than or equal to 500 ML/year.
- (3) A specific purpose access licence must not be granted in the water source unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (4) An access licence of the subcategory Aboriginal cultural may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

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

- (5) A supplementary water (subcategory “Aboriginal environmental”) access licence may only be granted for the taking of water by an Aboriginal person or Aboriginal community for enhancing Aboriginal cultural value of important lagoons and billabongs.
- (6) A supplementary water (subcategory “Aboriginal environmental”) access licence must not be granted in these water sources if the granting of the access licence would cause the sum of the share components of all supplementary water (subcategory “Aboriginal environmental”) access licences in the water source to exceed 2,000 ML/year.

### 41 (Repealed)

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## Part 8 Rules for managing access licences

### Division 1 Water allocation account management rules

**Note.** The Act provides for the keeping of water allocation accounts for access licences. The rules in this Part impose further limits on the 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 the water source.
  - (2) In any water year in which this Plan has effect, water taken under, and assigned under section 71T of the Act from, an access licence, excluding unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, must not exceed a volume equal to:
    - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
    - (b) the net amount of any water allocations assigned to 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.
  - (3) In any water year in which this Plan has effect, water taken under, and assigned under section 71T of the Act from, an unregulated river (A Class) access licence, unregulated river (B Class) access licence or unregulated river (C Class) access licence must not exceed a volume equal to:
    - (a) three times the share component of the access licence at the commencement of that water year multiplied by 1 ML/unit share, plus
    - (b) the net amount of any water allocations assigned to 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.
  - (4) Subject to subclause (6), the Minister may determine that the maximum volume of water that may be taken under, and assigned under section 71T of the Act from, an unregulated
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river (A Class) access licence, unregulated river (B Class) access licence or an unregulated river (C Class) access licence over a period of three consecutive water years must not exceed a volume equal to the sum of:

- (a) the share component of the access licence at the commencement of the first of those three water years multiplied by 1 ML/unit share, plus
  - (b) the share component of the access licence at the commencement of the second of those three water years, multiplied by 1 ML/unit share, plus
  - (c) the share component of the access licence at the commencement of the third of those three water years, multiplied by 1 ML/unit share, plus
  - (d) the net amount of any water allocations assigned to the water allocation account for the access licence under section 71T of the Act in those water years, plus
  - (e) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those water years.
- (5) The Minister must notify the access licence holder in writing of a determination made in accordance with subclause (4).
- (6) The Minister may only make a determination under subclause (4) if:
- (a) the Murray-Darling Basin Ministerial Council considers that the Barwon-Darling sub-valley within the Barwon/Upper Darling and Lower Darling Designated River Valley is in breach of Schedule E of the Murray-Darling Basin Agreement in Schedule 1 of the *Water Act 2007* (Cth), and
  - (b) the Minister has agreed to address this breach.
- (7) An unregulated river (A Class) access licence, an unregulated river (B Class) access licence or an unregulated river (C Class) access licence must not be used to take more water than permitted by rules specified in a written notice to the holder from the Minister under subclause (5).
- (8) Water allocations can be carried over in the water allocation account for an unregulated river (A Class) access licence, an unregulated river (B Class) access licence or an unregulated river (C Class) access licence from one water year to the next.

**Note.** Water allocations remaining in the accounts of water licences under the *Water Act 1912* will transition across to an unregulated river (A Class) access licence, an unregulated river (B Class) access licence or an unregulated river (C Class) access licence immediately prior to the commencement of this Plan.

- (9) Water allocations remaining in the water allocation account of an access licence, excluding unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) licences, cannot be carried over from one water year to the next.

#### 42A Individual daily extraction components

- (1) The Minister is to maintain an account of the individual daily extraction component (*the IDEC*) for each access licence with daily flow shares specified in the extraction component.

**Notes.**

- 1 Daily flow shares are initially specified in the extraction component of an access licence under section 68A of the Act, in accordance with clause 52. An account of the IDEC will also be maintained under this clause for any access licence with daily flow shares specified in the extraction component.
- 2 **Daily flow share** and **IDEC** are defined in the Dictionary.

- (2) The IDEC is to consist of the following:
- (a) the number of daily flow shares specified in the extraction component of the access licence,
- (b) the volume of water that may be taken on any day as determined under subclause (3).

**Note.** Subclause (2) and clause 64A will be amended to account for the acquiring or assigning of daily flow shares specified in the IDEC on a temporary or short-term basis once such dealings are permitted under section 71QA of the Act. Permanent assignment of daily flow shares under section 71Q of the Act is permitted in the circumstances set out in clause 64.

- (3) The volume of water that may be extracted on any day under an access licence with an IDEC is 1 ML per daily flow share specified in the IDEC, or a lesser amount per daily flow share announced by the Minister in accordance with subclause (4).
- (4) The Minister may announce, in accordance with the Active Management Procedures Manual, that less than 1 ML per daily flow share is the maximum permitted to be taken under each access licence on any day to protect Active Environmental Water.

**Note. Active Environmental Water** is defined in the Dictionary.

**Minister's Note.**

The announcement made under subclause (4) above shares the water determined by the Minister to be available for extraction under A Class, B Class and C Class licences. It is currently intended that these announcements would share this available water amongst all of these licences, irrespective of whether the licence holder intends to extract water or not.

The Department is considering an option to allow licence holders to submit an expression of interest in

extracting water. This would allow the Minister to adjust these announcements, thereby optimising the extraction of consumptive water, whilst protecting Active Environmental Water. Under this option only those that submitted an expression of interest would be permitted to extract water.

Stakeholder feedback on a preferred method for sharing available consumptive water is sought.

### **43 Rules for access licences intending to protect water from extraction**

- (1) Where a licence holder intends to protect the water permitted to be taken under the licence, from extraction for consumptive use on a particular day, the holder must notify the Minister in accordance with the Active Management Procedures Manual established by the Minister.
- (2) The water allocation account of an access licence referred to in subclause (1) is to be debited in accordance with the Active Management Procedures Manual published by the Minister.

## **Division 2 Daily access rules and flow classes**

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

### **44 Access rules for supplementary water (subcategory Aboriginal environmental) access licences**

- (1) This clause applies to the taking of water under supplementary water (subcategory Aboriginal environmental) access licences from the water source.
- (2) Water may only be taken under a supplementary water (subcategory Aboriginal environmental) access licence in accordance with relevant announcements made by the Minister.
- (3) Water may only be taken under a supplementary water (subcategory Aboriginal environmental) access licence if the holder of the licence has written to the Minister expressing interest in taking water during that water year at least one week but no more than 12 months prior to the period during which access will be permitted by an announcement made under subclause (4).
- (4) The Minister may make announcements permitting the taking of water under a supplementary water (subcategory Aboriginal environmental) access licence in accordance with subclauses (5) and (6).
- (5) The Minister must not make an announcement permitting the taking of water by supplementary water (subcategory Aboriginal environmental) access licences in a

management zone specified in Column 1 of Table A when flows in that management zone are less than the corresponding flow threshold specified in Column 2 of Table A at the corresponding flow reference point specified in Column 3 of Table A.

**Table A Flow thresholds for supplementary water (Aboriginal environmental) access licences**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Management Zone</b>	<b>Flow threshold (ML/day)</b>	<b>Flow reference point</b>
Mungindi to Boomi River Confluence Management Zone	197	Barwon River upstream of Presbury Weir gauge (416050)
Boomi River Confluence to Upstream Mogil Mogil Weir Pool Management Zone	273	Barwon River at Mogil Mogil gauge (422004)
Mogil Mogil Weir Pool Management Zone	273	Barwon River at Mogil Mogil gauge (422004)
Downstream Mogil Mogil to Collarenebri Management Zone	435	Barwon River at Collarenebri Main Channel gauge (422003)
Collarenebri to Upstream Walgett Weir Pool Management Zone	440	Barwon River at Tara gauge (422025)
Walgett Weir Pool Management Zone	761	Barwon River at Dangar Bridge gauge (422001)
Downstream Walgett to Boorooma Management Zone	756	Barwon River at Boorooma gauge (422026)
Boorooma to Brewarrina Management Zone	916	Barwon River at Brewarrina gauge (422002)
Brewarrina to Culgoa River Junction Management Zone	958	Barwon River at Beemery gauge (422028)
Culgoa River Junction to Bourke Management Zone	1,339	Darling River at Bourke Town gauge (425003)
Bourke to Louth Management Zone	1,180	Darling River at Louth gauge (425004)

Louth to Tilpa Management Zone	1,074	Darling River at Tilpa gauge (425900)
Tilpa to Wilcannia Management Zone	942	Darling River at Wilcannia Main Channel gauge (425008)
Wilcannia to Upstream Lake Wetherell Management Zone	942	Darling River at Wilcannia Main Channel gauge (425008)

**Note.** These rules are intended to allow Aboriginal persons and Aboriginal communities to access water to enhance the Aboriginal cultural value of important lagoons and billabongs by restoring the natural filling sequence of that lagoon or billabong. The flows specified in Table A correspond to the estimated 41<sup>st</sup> percentile flow at the respective flow reference point. The 41<sup>st</sup> percentile flow relates to the frequency that the lowest floodplain lagoon or billabong in the water source would have received flow under pre-development conditions. The flows have been calculated using the Barwon-Darling IQQM based on simulated flows over the 1895–2009 period. The Barwon-Darling IQQM computer model that simulates these flows is based on 2009/2010 development levels and access conditions together with simulated tributary flows that would occur as a result of Queensland's Resource Operation Plans and NSW Water Sharing Plans.

- (6) Announcements made by the Minister permitting the taking of water under supplementary water (subcategory Aboriginal environmental) access licences must do the following:
- (a) ensure that the total amount of water permitted to be taken under these licences in any water year does not exceed 500 ML,
  - (b) share access according to the following order of priority:
    - (i) firstly – in order of least frequent to most frequent history of access provided by announcements made under this clause,
    - (ii) secondly – in the chronological order that a written expression of interest made under subclause (3), is received.
  - (c) only provide access to the holders of supplementary water (subcategory Aboriginal environmental) access licences that have written to the Minister expressing an interest in taking water in accordance with subclause (3).

#### **45 Access rules for domestic and stock, local water utility and unregulated river access licences**

**Note:** This clause does not apply to supplementary water (Aboriginal environmental) access licences, unregulated river (A class) access licences, unregulated river (B class) access licences or unregulated river (C class) access licences.

- (1) Subject to 46, water may only be taken under a domestic and stock access licence, local water utility access licence or an unregulated river access licence during a period for

which the Minister has announced under clause 49, that flows in the management zone specified in the access licence are in the Low Flow Class, A Class, B Class, or C Class.

**Note:** The taking of water under an access licence specified in Column 1 of Schedule 2 is subject to additional requirements specified in Column 2 of Schedule 2.

- (2) The volume of water taken under a domestic and stock access licence must not exceed 0.6 ML/day when the Minister has announced that flows in the management zone specified in the access licence are in the Low Flow Class.

#### **45A Access rules for unregulated river (A class), (B class) and (C class) access licences**

- (1) Subject to clauses 45B and 46, water may only be taken under an unregulated river (A Class) access licence during a period for which the Minister has announced under clause 49, that flows in the management zone specified in the access licence are in A Class, B Class, or C Class.
- (2) Subject to clauses 45B and 46, water may only be taken under an unregulated river (B Class) access licence during a period for which the Minister has announced under clause 49, that flows in the management zone specified in the access licence are in B Class or C Class.
- (3) Subject to clause 45B and 46, water may only be taken under an unregulated river (C Class) access licence during a period for which the Minister has announced under clause 49, that flows in the management zone specified in the access licence are in C Class.

##### **Notes.**

- 1 An order under section 324 of the Act may be made by the Minister to restrict or prohibit the taking of water under unregulated river (B Class) access licences and/or unregulated river (C Class) access licences if the Minister is satisfied that it is necessary to do so in the public interest to meet the following requirements:
- (a) a flow of 14,000 ML/day in the Darling River at Brewarrina for five consecutive days, or 10,000 ML/day in the Darling River at Bourke for five consecutive days, during September to February inclusive, providing two such flow events have not already occurred during that period in that water year,
  - (b) a flow of 2,000 ML/day in the Darling River at Wilcannia for five consecutive days during October to April, inclusive, providing flows of this quantity have not already been reached during the preceding three months within the October to April period, and
  - (c) a flow of:
    - (i) 150 ML/day in the Darling River at Wilcannia,
    - (ii) 280 ML/day in the Darling River at Louth,
    - (iii) 390 ML/day in the Darling River at Bourke,
    - (iv) 550 ML/day in the Darling River at Brewarrina,
    - (v) 700 ML/day in the Barwon River at Walgett,



- (vi) 760 ML/day in the Barwon River at Collarenebri, and
  - (vii) 850 ML/day in the Barwon River at Mungindi.
- 2 The intention of the flow requirement in 1 (a) above is to provide opportunity for the passage of fish across the major weirs in the Barwon-Darling.
  - 3 The intention of the flow requirement in 1 (b) above is to protect flows needed to suppress blue-green algae blooms.
  - 4 The intention of the flow requirement in 1 (c) above is to protect flows needed to meet basic landholder rights requirements along the Barwon-Darling River.

#### **45B Additional access rules for specified access licences**

- (1) This clause applies in addition to any entitlement to take water under clause 45 or 45A.
- (2) Water may only be taken under an access licence specified in Column 1 of Schedule 2 from a management zone specified in Column 3 of Schedule 2 in accordance with the access rule specified in Column 2 of Schedule 2 for that access licence.
- (3) Water may only be taken under an access licence specified in Column 1 of Schedule 2A from a management zone specified in Column 3 of Schedule 2A in accordance with the access rule specified in Column 2 of Schedule 2A.
- (4) On any day that accurate flow data is not available from a flow measuring gauge used to determine whether water is permitted to be taken under an access rule specified in Column 2 of Schedule 2 or Schedule 2A, then the following applies:
  - (a) the Minister is to determine and announce whether water is permitted to be taken, and
  - (b) water may only be taken under an access licence specified in Schedule 2 or Schedule 2A in accordance with announcements made by the Minister.

**Note.**

The effect of clauses 45A and 45B is that:

- (a) an unregulated river (A Class) access licence specified in Schedule 2 can only access flows when A Class, B Class or C Class flows have been announced,
  - (b) an unregulated river (B Class) access licence specified in Schedule 2 can only access flows when B Class or C Class flows have been announced,
  - (c) an unregulated river (C Class) access licence specified in Schedule 2 or Schedule 2A can only access flows when C Class flows has been announced,
- and the corresponding access rule specified in Schedule 2 is satisfied.

#### **45C Access rules for taking of water from an in-river dam pool**

Water must not be taken from an in-river dam pool unless the in-river 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 pool* and *in-river dam* are defined in the Dictionary.

#### 46 Exemptions from access rules

- (1) Despite clauses 45, 45A and 45B, the following take of water is permitted:
  - (a) the taking of water under an access licence specified in Table C of Schedule 3 of up to 20 kilolitres per day or as determined under subclause (2), for any of the following purposes:
    - (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 the purposes of hygiene,
  - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
  - (c) the taking of water from a runoff harvesting dam, and  
**Note.** *Runoff harvesting dam* is defined in the Dictionary.
  - (d) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” specified in Table D of Schedule 3.
- (2) The Minister may reduce the maximum daily volume limit imposed under subclause (1)
  - (a) 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.

#### 47 (Repealed)

**48 (Repealed)**

**49 Announcement of flow classes**

- (1) For the purposes of clauses 45 and 45A, the flow class that applies at any time in a management zone is as announced by the Minister.
- (2) Subject to subclauses (4), (5) and (6), and clause 50, for each management zone in Column 1 of Table B, the Minister is to announce the flow class specified in Column 2 of Table B corresponding to the flow class threshold in Column 3 of Table B as determined at the flow reference point in Column 4 of Table B.
- (3) The announcement referred to in subclause (2) is to apply for a 24 hour period from the time specified in the announcement.
- (4) The Minister is to adjust the flow class threshold referred to in subclause (2) by an amount determined by the Minister as necessary to protect Active Environmental Water in accordance with the Active Management Procedures Manual.  
**Note.** *Active Environmental Water* and *Active Management Procedures Manual* are defined in the Dictionary.
- (5) For flow classes that are determined based on flows at more than one gauge, on any day that it is not possible to determine the flow at a flow reference point specified in Column 4 of Table B due to flow data not being available from a gauge, the Minister is to announce the flow class using the flow class threshold that applies to the remaining functioning gauge, as adjusted in accordance with subclause (4).
- (6) Subject to subclause (5), if in the Minister's opinion, on any day accurate flow data is not available from a gauge used to determine a flow class, the Minister is to determine and announce the flow class that is to apply, as adjusted in accordance with subclause (4).

**Table B Flow class thresholds**

Column 1	Column 2	Column 3	Column 4
<b>Management zone</b>	<b>Flow class</b>	<b>Flow class thresholds (ML/day) as at 9:00am</b>	<b>Flow reference point</b>
Mungindi to Boomi River Confluence Management Zone	<b>No Flow Class</b>	0 ML/day at Mungindi gauge or 0 ML/day at Presbury gauge	Barwon River at Mungindi gauge (416001) and Barwon River upstream of
	<b>Low Flow Class</b>	1. More than 0 ML/day at Mungindi gauge and more than 0 ML/day at Presbury gauge, and 2. Less than or equal to 198 ML/day at Mungindi gauge or	

		less than or equal to 176 ML/day at Presbury gauge	Presbury Weir gauge (416050)
	<b>A Class</b>	1. More than 198 ML/day at Mungindi gauge and more than 176 ML/day at Presbury gauge, and 2. Less than or equal to 270 ML/day at Presbury gauge	
	<b>B Class</b>	1. More than 230 ML/day at Mungindi gauge and more than 270 ML/day at Presbury gauge, and 2. Less than or equal to 1,500 ML/day at Presbury gauge	
	<b>C Class</b>	More than 230 ML/day at Mungindi gauge and more than 1,500 ML/day at Presbury gauge	
Boomi River Confluence to Upstream Mogil Mogil Weir Pool Management Zone	<b>No Flow Class</b>	0 ML/day at Presbury gauge or 0 ML/day at Mogil Mogil gauge	Barwon River upstream of Presbury Weir gauge (416050) and Barwon River at Mogil Mogil gauge (422004)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Presbury gauge and more than 0 ML/day at Mogil Mogil gauge, and 2. Less than or equal to 176 ML/day at Presbury gauge or less than or equal to 220 ML/day at Mogil Mogil gauge	
	<b>A Class</b>	1. More than 176 ML/day at Presbury gauge and more than 220 ML/day at Mogil Mogil, and 2. Less than or equal to 270 ML/day at Presbury gauge or less than or equal to 230 ML/day at Mogil Mogil gauge	
	<b>B Class</b>	1. More than 270 ML/day at Presbury gauge and more than 230 ML/day at Mogil Mogil gauge, and 2. Less than or equal to 1,800 ML/day at Mogil Mogil gauge	
	<b>C Class</b>	More than 270 ML/day at Presbury gauge and more than 1,800 ML/day at Mogil Mogil gauge	
Mogil Mogil Weir Pool Management Zone	<b>No Flow Class</b>	0 ML/day	Barwon River at Mogil Mogil gauge (422004)
	<b>Low Flow Class</b>	More than 0 ML/day and less than or equal to 220 ML/day	
	<b>A Class</b>	More than 220 ML/day and less than or equal to 570 ML/day	
	<b>B Class</b>	More than 570 ML/day and less than or equal to 1,800 ML/day	
	<b>C Class</b>	More than 1,800 ML/day	
Downstream Mogil Mogil to Collarenebri Management Zone	<b>No Flow Class</b>	0 ML/day at Mogil Mogil gauge or 0 ML/day at Collarenebri gauge	Barwon River at Mogil Mogil (422004) and Barwon River at Collarenebri Main Channel gauge (422003)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Mogil Mogil gauge and more than 0 ML/day at Collarenebri gauge, and 2. Less than or equal to 220 ML/day at Mogil Mogil gauge or less than or equal to 317 ML/day at Collarenebri gauge	
	<b>A Class</b>	1. More than 220 ML/day at Mogil Mogil gauge and more than 317 ML/day at Collarenebri gauge, and 2. Less than or equal to 570 ML/day at Mogil Mogil gauge or	

		less than or equal to 500 ML/day at Collarenebri gauge	
	<b>B Class</b>	1. More than 570 ML/day at Mogil Mogil gauge and more than 500 ML/day at Collarenebri gauge, and 2. Less than or equal to 2,900 ML/day at Collarenebri gauge	
	<b>C Class</b>	More than 570 ML/day at Mogil Mogil gauge and more than 2,900 ML/day at Collarenebri gauge	
Collarenebri to Upstream Walgett Weir Pool Management Zone	<b>No Flow Class</b>	0 ML/day at Collarenebri gauge (422003) or 0 ML/day at Tara gauge (422025)	Barwon River at Collarenebri Main Channel gauge (422003) and Barwon River at Tara gauge (422025)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Collarenebri gauge and more than 0 ML/day at Tara gauge, and 2. Less than or equal to 317 ML/day at Collarenebri gauge or less than or equal to 275 ML/day at Tara gauge	
	<b>A Class</b>	1. More than 317 ML/day at Collarenebri gauge and more than 100 ML/day at Tara gauge, and 2. Less than or equal to 500 ML/day at Collarenebri gauge or less than or equal to 430 ML/day at Tara gauge	
	<b>B Class</b>	1. More than 500 ML/day at Collarenebri gauge and more than 430 ML/day at Tara gauge, and 2. Less than or equal to 3,050 ML/day at Tara gauge	
	<b>C Class</b>	More than 500 ML/day at Collarenebri gauge and more than 3,050 ML/day at Tara gauge	
Walgett Weir Pool Management Zone	<b>No Flow Class</b>	0 ML/day	Barwon River at Dangar Bridge gauge (422001)
	<b>Low Flow Class</b>	More than 0 ML/day and less than or equal to 600 ML/day or less	
	<b>A Class</b>	More than 600 ML/day and less than or equal to 900 ML/day	
	<b>B Class</b>	More than 900 ML/day and less than or equal to 5,650 ML/day	
	<b>C Class</b>	More than 5,650 ML/day	
Downstream Walgett to Boorooma Management Zone	<b>No Flow Class</b>	0 ML/day at Dangar Bridge gauge or 0 ML/day at Boorooma gauge	Barwon River at Dangar Bridge gauge (422001) and Barwon River at Boorooma gauge (422026)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Dangar Bridge gauge and more than 0 ML/day at Boorooma gauge, and 2. Less than or equal to 600 ML/day at Dangar Bridge gauge or less than or equal to 400 ML/day at Boorooma gauge	
	<b>A Class</b>	1. More than 600 ML/day at Dangar Bridge gauge and more than 400 ML/day at Boorooma gauge, and 2. Less than or equal to 900 ML/day at Dangar Bridge gauge or less than or equal to 870 ML/day at Boorooma gauge	
	<b>B Class</b>	1. More than 900 ML/day at Dangar Bridge gauge and more than 870 ML/day at Boorooma gauge, and	

		2. Less than or equal to 5,500 ML/day at Boorooma gauge	
	<b>C Class</b>	More than 900 ML/day at Dangar Bridge gauge and more than 5,500 ML/day at Boorooma gauge	
Boorooma to Brewarrina Management Zone	<b>No Flow Class</b>	0 ML/day at Geera gauge or 0 ML/day at Brewarrina gauge	Barwon River at Geera gauge (422027) and Barwon River at Brewarrina gauge (422002)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Geera gauge and more than 0 ML/day at Brewarrina gauge, and 2. Less than or equal to 496 ML/day at Geera gauge or less than or equal to 550 ML/day at Brewarrina gauge	
	<b>A Class</b>	1. More than 496 ML/day at Geera gauge and more than 550 ML/day at Brewarrina gauge, and 2. Less than or equal to 870 ML/day at Geera gauge or less than or equal to 840 ML/day at Brewarrina gauge	
	<b>B Class</b>	1. More than 870 ML/day at Geera gauge and more than 840 ML/day at Brewarrina gauge, and 2. Less than or equal to 6,800 ML/day at Brewarrina gauge	
	<b>C Class</b>	More than 870 ML/day at Geera gauge and more than 6,800 ML/day at Brewarrina gauge	
Brewarrina to Culgoa River Junction Management Zone	<b>No Flow Class</b>	0 ML/day at Brewarrina gauge or 0 ML/day at Beemery gauge	Barwon River at Brewarrina gauge (422002) and Barwon River at Beemery gauge (422028)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Brewarrina gauge and more than 0 ML/day at Beemery gauge, and 2. Less than or equal to 550 ML/day at Brewarrina gauge or less than or equal to 570 ML/day at Beemery gauge	
	<b>A Class</b>	1. More than 550 ML/day at Brewarrina gauge and more than 570 ML/day at Beemery gauge, and 2. Less than or equal to 840 ML/day at Brewarrina gauge or less than or equal to 760 ML/day at Beemery gauge	
	<b>B Class</b>	1. More than 840 ML/day at Brewarrina gauge and more than 760 ML/day at Beemery gauge, and 2. Less than or equal to 8,250 ML/day at Beemery gauge	
	<b>C Class</b>	More than 840 ML/day at Brewarrina gauge and more than 8,250 ML/day at Beemery gauge	
Culgoa River Junction to Bourke Management Zone	<b>No Flow Class</b>	0 ML/day at Warraweena gauge or 0 ML/day at Bourke Town gauge	Darling River at Warraweena gauge (425039) and Darling River at Bourke Town gauge (425003)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Warraweena gauge and more than 0 ML/day at Bourke Town gauge, and 2. Less than or equal to 645 ML/day at Warraweena gauge or less than or equal to 605 ML/day at Bourke Town gauge	
	<b>A Class</b>	1. More than 645 ML/day at Warraweena gauge and more than 605 ML/day at Bourke Town gauge, and 2. Less than or equal to 1,330 ML/day at Warraweena gauge	

		or less than or equal to 1,250 ML/day at Bourke Town gauge	
	<b>B Class</b>	1. More than 1,330 ML/day at Warraweena gauge and more than 1,250 ML/day at Bourke Town gauge, and 2. Less than or equal to 11,000 ML/day at Bourke Town gauge	
	<b>C Class</b>	More than 1,330 ML/day at Warraweena gauge and more than 11,000 ML/day at Bourke Town gauge	
Bourke to Louth Management Zone	<b>No Flow Class</b>	0 ML/day at Bourke Town gauge or 0 ML/day at Louth gauge	Darling River at Bourke Town gauge (425003) and Darling River at Louth gauge (425004)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Bourke Town gauge and more than 0 ML/day at Louth gauge, and 2. Less than or equal to 605 ML/day at Bourke Town gauge or less than or equal to 555 ML/day at Louth gauge	
	<b>A Class</b>	1. More than 605 ML/day at Bourke Town gauge and more than 555 ML/day at Louth gauge, and 2. Less than or equal to 1,250 ML/day at Bourke Town gauge or 1,130 ML/day at Louth gauge	
	<b>B Class</b>	1. More than 1,250 ML/day at Bourke Town gauge and more than 1,130 ML/day at Louth gauge, and 2. Less than or equal to 11,150 ML/day at Louth gauge	
	<b>C Class</b>	More than 1,250 ML/day at Bourke Town gauge and more than 11,150 ML/day at Louth gauge	
Louth to Tilpa Management Zone	<b>No Flow Class</b>	0 ML/day at Louth gauge or 0 ML/day at Tilpa gauge	Darling River at Louth gauge (425004) and Darling River at Tilpa gauge (425900)
	<b>Low Flow Class</b>	1. More than 0 ML/day at Louth gauge and more than 0 ML/day at Tilpa gauge, and 2. Less than or equal to 555 ML/day at Louth gauge or less than or equal to 505 ML/day at Tilpa gauge	
	<b>A Class</b>	1. More than 555 ML/day at Louth gauge and more than 505 ML/day at Tilpa gauge, and 2. Less than or equal to 1,130 ML/day at Louth gauge or less than or equal to 1,010 ML/day at Tilpa gauge	
	<b>B Class</b>	1. More than 1,130 ML/day at Louth gauge and more than 1,010 ML/day at Tilpa gauge, and 2. Less than or equal to 11,000 ML/day at Tilpa gauge	
	<b>C Class</b>	More than 1,130 ML/day at Louth gauge and more than 11,000 ML/day at Tilpa gauge	
Tilpa to Wilcannia Management Zone	<b>No Flow Class</b>	0 ML/day at Tilpa gauge or 0 ML/day at Wilcannia gauge	Darling River at Tilpa gauge (425900) and Darling River at Wilcannia Main
	<b>Low Flow Class</b>	1. More than 0 ML/day at Tilpa gauge and more than 0 ML/day at Wilcannia gauge, and 2. Less than or equal to 505 ML/day at Tilpa gauge or less	

		than or equal to 455 ML/day at Wilcannia gauge	Channel gauge (425008)
	<b>A Class</b>	1. More than 505 ML/day at Tilpa gauge and more than 455 ML/day at Wilcannia gauge, and 2. Less than or equal to 1,010 ML/day at Tilpa gauge or less than or equal to 850 ML/day at Wilcannia gauge	
	<b>B Class</b>	1. More than 1,010 ML/day at Tilpa gauge and more than 850 ML/day at Wilcannia gauge, and 2. Less than or equal to 12,000 ML/day at Wilcannia gauge	
	<b>C Class</b>	More than 1,010 ML/day at Tilpa gauge and more than 12,000 ML/day at Wilcannia gauge	
Wilcannia to Upstream Lake Wetherell Management Zone	<b>No Flow Class</b>	0 ML/day	Darling River at Wilcannia Main Channel gauge (425008)
	<b>Low Flow Class</b>	More than 0 ML/day and less than or equal to 455 ML/day	
	<b>A Class</b>	More than 455 ML/day and less than or equal to 850 ML/day	
	<b>B Class</b>	More than 850 ML/day and less than or equal to 12,000 ML/day	
	<b>C Class</b>	More than 12,000 ML/day	

**Minister's Note.**

The Natural Resources Commission, in its review of the *Water Sharing Plan for the Barwon Darling Unregulated and Alluvial Water Sources 2012*, has recommended to the NSW Government that the existing flow thresholds for A Class licences should be increased to protect low flows and be defined as the bottom of the baseflow range plus 10% of the baseflow range as set out by the environmental water requirements developed as part of the Long Term Environmental Water Plan for the Barwon-Darling.

The Department of Planning, Industry and Environment – Water has determined that the application of the NRCs proposal at Walgett and Mogil Mogil would result in additional risks that were not considered by the NRC and have substituted alternate threshold values.

We propose retaining the current A Class threshold of 600 ML/day for Walgett Weir Pool Management Zone which, under the NRC's methodology would have been reduced. This will ensure the water quality risks for Walgett's town water supplies are not increased.

For Mogil Mogil, the threshold generated using the NRC's methodology would have resulted in an A Class threshold being set within the existing in B Class thresholds. The proposed A Class threshold in the table above is set below the existing B Class threshold. The proposed A Class



threshold has been determined using the level of baseflow identified in the Barwon-Darling Long Term Water Plan that is being developed by DPIE – Biodiversity and Conservation to guide future decisions on the use of held environmental water.

Public feedback on the proposed changes to all A Class thresholds as set out in the table above is sought.

## 50 Resumption of flows

- (1) Despite clause 49, the Minister must make a No Flow Class announcement for a management zone in River Section 1 for each day following the occurrence of one or more of the following:
  - (a) the flow in the Barwon River at Dangar Bridge (Walgett) (422 001) has been less than 326 ML/day for more than 150 consecutive days,
  - (b) the flow in the Barwon River at Brewarrina (422 002) has been less than 468 ML/day for more than 150 consecutive days,
  - (c) the flow in the Darling River at Bourke Town (425 003) has been less than 450 ML/day for 120 days consecutive days,
  - (d) the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for 90 consecutive days.
- (2) Subclause (1) ceases to apply if, in the Minister’s opinion, an announcement of a flow class other than a No Flow Class under clause 49 will not prevent either of the following from occurring:
  - (a) each of:
    - (i) a flow greater than 706 ML/day for 10 consecutive days in the Barwon River at Dangar Bridge (Walgett) (422 001),
    - (ii) a flow greater than 1008 ML/day for more than 10 consecutive days in the Barwon River at Brewarrina (422 002),
    - (iii) a flow greater than 972 ML/day for more than 10 consecutive days in the Darling River at Bourke Town (425 003), and
    - (iv) a flow greater than 400 ML/day for more than 10 consecutive days in the Darling River at Wilcannia (425 008),

- (b) a total flow of 30,000 ML in the Darling River at Bourke Town (425 003) since the commencement of the period when the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for more than 90 consecutive days.
- (3) Despite clause 49, the Minister must make a No Flow Class announcement for a management zone in River Section 2 for each day following the occurrence of one or more of the following:
  - (a) the flow in the Barwon River at Brewarrina (422 002) has been less than 468 ML/day for more than 150 consecutive days,
  - (b) the flow in the Darling River at Bourke Town (425 003) has been less than 450 ML/day for 120 days consecutive days,
  - (c) the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for 90 consecutive days.
- (4) Subclause (3) ceases to apply if, in the Minister's opinion, an announcement of a flow class other than a No Flow Class under clause 49 will not prevent either of the following flows from occurring:
  - (a) each of:
    - (i) a flow greater than 1008 ML/day for more than 10 consecutive days in the Barwon River at Brewarrina (422 002),
    - (ii) a flow greater than 972 ML/day for more than 10 consecutive days in the Darling River at Bourke Town (425 003),
    - (iii) a flow greater than 400 ML/day for more than 10 consecutive days in the Darling River at Wilcannia (425 008),
  - (b) a total flow of 30,000 ML in the Darling River at Bourke Town (425 003) since the commencement of the period where the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for more than 90 consecutive days.
- (5) Despite clause 49, the Minister must make a No Flow Class announcement for a management zone in River Section 3 for each day following the occurrence of one or more of the following:
  - (a) the flow in the Darling River at Bourke Town (425 003) has been less than 450 ML/day for 120 consecutive days,

- (b) the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for 90 consecutive days.
- (6) Subclause (5) ceases to apply if, in the Minister's opinion, an announcement of a flow class other than a No Flow Class under clause 49 will not prevent either of the following flows from occurring:
  - (a) each of:
    - (i) a flow greater than 972 ML/day for more than 10 consecutive days in the Darling River at Bourke Town (425 003),
    - (ii) a flow greater than 400 ML/day for more than 10 consecutive days in the Darling River at Wilcannia (425 008),
  - (b) a total flow of 30,000 ML in the Darling River at Bourke Town (425 003) since the commencement of the period when the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for more than 90 consecutive days.
- (7) Despite clause 49, the Minister must make a No Flow Class announcement for a management zone in River Section 4 for each day following the occurrence of one or more of the following:
  - (a) the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for 90 consecutive days.
- (8) Subclause (7) ceases to apply if, in the Minister's opinion, an announcement of a flow class other than a No Flow Class under clause 49 will not prevent either of the following flows from occurring:
  - (a) a flow greater than 400 ML/day for more than 10 consecutive days in the Darling River at Wilcannia (425 008),
  - (b) a total flow of 30,000 ML in the Darling River at Bourke Town (425 003) since the commencement of the period when the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for more than 90 consecutive days.

**Minister's Note.**

The flows specified in clause 50 were developed using low flow and baseflow trigger values in a previous draft version of the Long Term Water Plan and are focused on achieving social, community and cultural outcomes as well as environmental outcomes. This is in line with the priorities under the Barwon Darling Incident Response Guideline.

Further consideration of these flow figures may occur following the finalisation of the Barwon-

Darling Long Term Water Plan and once suitable opportunity for evaluation of these resumption of flows rules has occurred. Clause 78 of this Plan therefore allows for amendments to be made to clause 50.

## 51 Total daily extraction limits

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

## 52 Amendment of access licence extraction components

- (1) The Minister may amend the extraction component of each unregulated river (A Class), unregulated river (B Class) and unregulated river (C Class) access licence, and access licence WAL36273, under section 68A of the Act to specify a number of daily flow shares.
- (2) The number of daily flow shares to be specified on establishment under subclause (1), in the extraction component of access licence WAL36273 is 123 shares.
- (3) The number of daily flow shares to be specified on establishment under subclause (1), in the extraction component of each unregulated river (A Class), unregulated river (B Class) and unregulated river (C Class) access licence is the number calculated under subclause (4) adjusted to the closest one decimal place with any value that is to two decimal places and ending in a “5” being adjusted upwards to the next one decimal place.
- (4) The following formula is to be applied for the purposes of calculating daily flow shares under subclause (3):

$$DFS = (SC/TSC) \times TDFS$$

where

*DFS* is the number of daily flow shares,

*SC* is the share component of the respective unregulated river (A Class), unregulated river (B Class) or unregulated river (C Class) access licence respectively, as at the date this plan is first publicly exhibited.

*TSC* is the sum of all share components for each of the following access licence categories:

- (a) unregulated river (A Class) access licence,

- (b) unregulated river (B Class) access licence,
- (c) unregulated river (C Class) access licence,

**TDFS** is the total daily flow shares for each category of access licence as set out in subclause (5).

- (5) The total daily flow shares to be used for the purpose of subclause (4) are as follows:
  - (a) unregulated river (A Class) access licences – 512.73,
  - (b) unregulated river (B Class) access licences – 10,962.25,
  - (c) unregulated river (C Class) access licences – 8,192.73.

## **52B Active Management Procedures Manual**

The Minister must prepare and publish on the Department's website an Active Management Procedures Manual that includes but is not limited to the following:

- (a) the requirements for access licence holders intending to protect water from extraction by consumptive use, to notify the Minister under clause 43,
- (b) the means for determining the amounts to be debited from access licence water allocation accounts under clause 43,
- (c) the means for determining the amounts necessary to protect Active Environmental Water under clause 49 and Schedule 2 and 2A,
- (d) the means for determining the circumstances set out in clause 50 to enable the management of resumption of flows,
- (e) the means for determining and making announcements under clause 42A (4) to protect Active Environmental Water,
- (f) any other matter the Minister considers relevant.

**Part 9 (Repealed)**

**Division 1 (Repealed)**

**53 (Repealed)**

**54 (Repealed)**

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## Part 10 Access licence dealing rules

### 62 General

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

**Notes.**

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

### 63 Conversion of access licence to new category

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

### 64 Assignment of rights dealings (within water sources)

- (1) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from:
  - (a) an unregulated river (A Class) access licence to an unregulated river (A Class) access licence that nominates a water supply work located in River Section 1 if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 1 to exceed 3,434,
  - (b) an unregulated river (B Class) access licence to an unregulated river (B Class) access licence that nominates a water supply work located in River Section 1 if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 1 to exceed 82,940,
  - (c) an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that nominates a water supply work located in River Section 1 if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 1 to exceed 26,040,
  - (d) an unregulated river (A Class) access licence to an unregulated river (A Class) access licence that nominates a water supply work located in River Section 2 if it

would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 2 to exceed 2,535,

- (e) an unregulated river (B Class) access licence to an unregulated river (B Class) access licence that nominates a water supply work located in River Section 2 if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 2 to exceed 38,282,
- (f) an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that nominates a water supply work located in River Section 2 if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 2 to exceed 114,197,
- (g) an unregulated river (A Class) access licence to an unregulated river (A Class) access licence that nominates a water supply work located in River Section 3 if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 3 to exceed 13,515,
- (h) an unregulated river (B Class) access licence to an unregulated river (B Class) access licence that nominates a water supply work located in River Section 3 if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 3 to exceed 126,019,
- (i) an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that nominates a water supply work located in River Section 3 if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 3 to exceed 34,344,
- (j) an unregulated river (A Class) access licence to an unregulated river (A Class) access licence that nominates a water supply work located in River Section 4 if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 4 to exceed 5,860,



- (k) an unregulated river (B Class) access licence to an unregulated river (B Class) access licence that nominates a water supply work located in River Section 4 if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 4 to exceed 38,246,
  - (l) an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that nominates a water supply work located in River Section 4 if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 4 to exceed 44,720.
- (2) Dealings under section 71Q of the Act are prohibited if the dealing involves the assignment of daily flow shares from an access licence specifying one river section to and access licence specifying another river section.
  - (3) Dealings under section 71Q of the Act are prohibited if the dealing involves the assignment of daily flow shares from one access licence to another access licence that is subject to more restrictive take conditions.

**Note.** An assignment of share component from one access licence to another under section 71Q of the Act does not affect the daily flow shares specified in the extraction components of those licences unless daily flow shares are also assigned under section 71Q.

#### **64A Assignment of individual daily extraction component**

Dealings under section 71QA of the Act involving assignment of daily flow shares from an IDEC are prohibited.

**Note.** The trading of daily flow shares under section 71Q of the Act within river sections is permitted under clause 64. However, it is intended that the short-term trading of daily flow shares in an IDEC will be considered as part of the remake of this Plan.

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

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

#### **66 Amendment of extraction component dealings**

- (1) Dealings under section 71S of the Act are permitted unless:
  - (a) the dealing involves the extraction component of an access licence being varied to specify a different river section, or
  - (b) the dealing involves the amendment of daily flow shares.

**Note:** Daily flow shares may be permanently traded as an assignment of rights under section 71Q.

- (2) [Repealed]

## **67 Assignment of water allocations dealings**

- (1) Dealings within a water source under section 71T of the Act are prohibited if the dealing involves an assignment of water allocation from an access licence to another access licence that is subject to more restrictive take conditions.
- (2) Dealings between water sources under section 71T of the Act are prohibited in the water source.

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

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

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

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
- (a) an access licence that does not nominate a water supply work located:
    - (i) within a natural pool, lagoon or lake that is not within a river or stream (regardless of size),
    - (ii) on a flood-runner or floodplain, or
    - (iii) on an effluent,being amended to nominate a water supply work located within a natural pool, lagoon or lake that is not within a river or stream (regardless of size), on a flood-runner or floodplain, or on an effluent,
  - (b) an unregulated river (A Class) access licence being amended to nominate a water supply work located in River Section 1, if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 1 to exceed 3,434,
  - (c) an unregulated river (B Class) access licence being amended to nominate a water supply work located in River Section 1, if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 1 to exceed 82,940,

- (d) an unregulated river (C Class) access licence being amended to nominate a water supply work located in River Section 1, if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 1 to exceed 26,040,
- (e) an unregulated river (A Class) access licence being amended to nominate a water supply work located in River Section 2, if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 2 to exceed 2,535,
- (f) an unregulated river (B Class) access licence being amended to nominate a water supply work located in River Section 2, if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 2 to exceed 38,282,
- (g) an unregulated river (C Class) access licence being amended to nominate a water supply work located in River Section 2, if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 2 to exceed 114,197,
- (h) an unregulated river (A Class) access licence being amended to nominate a water supply work located in River Section 3, if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 3 to exceed 13,515,
- (i) an unregulated river (B Class) access licence being amended to nominate a water supply work located in River Section 3, if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 3 to exceed 126,019,
- (j) an unregulated river (C Class) access licence being amended to nominate a water supply work located in River Section 3, if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 3 to exceed 34,344,
- (k) an unregulated river (A Class) access licence being amended to nominate a water supply work located in River Section 4, if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 4 to exceed 5,860,

- (l) an unregulated river (B Class) access licence being amended to nominate a water supply work located in River Section 4, if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 4 to exceed 38,246,
  - (m) an unregulated river (C Class) access licence being amended to nominate a water supply work located in River Section 4, if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 4 to exceed 44,720,
  - (n) an access licence being amended to nominate a water supply work that was nominated by an access licence specified in Column 1 of Schedule 2 at the commencement of this Plan, or
  - (o) an unregulated river (C Class) access licence that arose from the *Water Act 1912* entitlement 85SL105068 at the commencement of this Plan being amended to nominate a water supply work that is not located on Collymungle lagoon.
- (2) (Repealed)
- (3) (Repealed)

## Part 11 Mandatory conditions

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

### Division 1 General

#### 70 General

In this Part:

- (a) a requirement to notify the Minister in writing will be satisfied by making a notification in writing to the address listed in Schedule 4 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](mailto:water.enquiries@dpi.nsw.gov.au)

- (b) a *metered water supply work with a data logger* means a water supply work with:
- (i) a data logger, and
- (ii) a meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated and replaced from time to time, and
- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

**Note.** *Logbook* is defined in the Dictionary.

### Division 2 Access licences

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

#### 71 General

- (1) Access licences in the water source must have mandatory conditions to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
- (b) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,

- (c) the holder of the access licence upon becoming aware of a breach of any condition of the access 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 7 days of becoming aware of the breach, and
  - (d) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
  - (e) any other condition required to implement the provisions of this Plan.
- (2) Access licences in the water source, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions to give effect to the following:
- (a) the holder of the access licence must keep a Logbook,
  - (b) the holder of the access licence must record the following in the Logbook:
    - (i) each date and period of time during which water was taken under the access licence,
    - (ii) the volume of water taken on that date,
    - (iii) the water supply work approval number of the water supply work used to take the water on that date,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) for access licences, with share components that specify the water source, excluding unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 42 (2),
    - (vi) for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 42 (3) and the volume of water taken in any three consecutive water years by comparison to the volume of water permitted to be taken in those years under clause 42 (4), and

- (vii) (Repealed)
  - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
  - (c) (Repealed)
  - (d) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
  - (e) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of the access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements from subclause (2).
- (4) Subclause (2) and (3) cease to have effect in relation to the access licence if the access licence 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.
- (5) Subclause (2) and (3) are taken to be repealed on the day on which exemptions from the mandatory metering equipment condition cease to apply to the groundwater sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

**Note.** The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2020.

### **Division 3 Water supply work approvals**

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

#### **72 General**

- (1) Water supply work approvals for water supply works in the water source must have mandatory conditions to give effect to the following:
- (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 8, Schedule 2 and Schedule 2A of this Plan,
  - (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:

- (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
- (ii) the metering equipment must comply with the 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, and
- (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,

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

- (c) the approval holder must ensure that, if the water supply work is abandoned or replaced, it is decommissioned in accordance with any direction from the Minister. The Minister may direct that any such water supply work need not be decommissioned,
- (d) within sixty days of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
- (e) 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, and
  - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach, and
- (f) any other conditions required to implement the provisions of this Plan.

(1A) Subclause (1) (b) ceases to have effect in relation to an approval subject to a mandatory metering equipment condition on the day on which the condition applies to the approval.

(1B) Subclause (1) (b) is taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the groundwater

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sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

**Notes.**

- 1 **Mandatory metering equipment condition** is defined in clause 228 of the *Water Management (General) Regulation 2018*.
  - 2 Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in the water source from 1 December 2020.
- (2) Water supply work approvals for water supply works in the water source, excluding any 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 period of time during which water was taken using the water supply work,
    - (ii) the volume of water taken on that date,
    - (iii) the number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
    - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
    - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
    - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
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- (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) Subclause (2) and (3) cease to have effect in relation to the water supply work approval if the approval 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.
- (3B) Subclause (2) and (3) is taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the groundwater sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- Note.** The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2020.
- (4) All water supply works 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) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share component arising from:
- (a) a dealing under section 71Q or 71W of the Act,
  - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
  - (c) the amendment of the share component of an access licence by the Minister under section 68A of the Act, or
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- (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.
- (6) The water supply work approval for an in-river dam that replaces a *Water Act 1912* entitlement, must have mandatory conditions that give effect to the conditions for construction, operation and maintenance of the in-river dam, and the passing of flows in the circumstances referred to on the *Water Act 1912* entitlement that was replaced by the water supply work approval.

**Note.** *Water Act 1912 entitlement* is defined in the Dictionary.

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## Part 12 Amendment of this Plan

### 74 General

- (1) Amendments specified throughout this Plan and in this Part, are amendments authorised by this Plan.
- (2) Amendments authorised by this Plan are taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.  
**Note.** For example, if Part 1 is amended to add a new management zone, this may require amendments 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.

### 75 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 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) (Repealed)
- (d) amend the Plan Map.

### 76 (Repealed)

### 77 Part 6

Part 6 may be amended to increase the sum of available water determinations that can be made in a water year under clause 38 (3) and increase the available water determination that should be made at the commencement of each water year under clause 39 (2) for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, if a recalibration of the hydrologic computer model that at the time is approved by the Department for assessing long term

extraction from the water source results in an increase to the estimate of the long-term average annual extraction limit for the water source.

## 78 Part 8

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

- (a) amend the existing flow classes, establish new or additional flow classes and flow reference points and access rules for the Boorooma to Brewarrina Management Zone in the water source following a study that shows to the satisfaction of the Minister that the current access rules are having an adverse impact on the Aboriginal cultural value of the fish traps at Brewarrina, provided that such amendments:
  - (i) do not apply to domestic and stock access licences and local water utility access licences,
  - (ii) in the Minister's opinion, do not substantially alter the long-term average annual extractions under unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences in the water source,
  - (iii) take into account the socio-economic impacts of the proposed rules, and
  - (iv) the Minister has consulted with Government agencies and stakeholders,
- (b) amend the existing flow classes, establish new or additional flow classes and flow reference points and access rules after year five of this Plan for any management zone in the water source following a study that shows to the satisfaction of the Minister that the current access rules are having an adverse impact on an endangered aquatic ecological community in the water source, or an individual listed threatened fish species within that community, provided that such amendments:
  - (i) do not apply to domestic and stock access licences and local water utility access licences,
  - (ii) in the Minister's opinion, do not substantially alter the long-term average annual extractions under unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences in the water source,

- (iii) take into account the socio-economic impacts of the proposed rules, and
  - (iv) the Minister has consulted with Government agencies and stakeholders,  
**Note.** Amendments under paragraph (b) may be designed to protect refuge pools and connectivity between refuge pools, protect in-stream aquatic habitat values, maintain or improve water quality within pools and/or to allow longitudinal movement of native fish during key fish spawning and recruitment periods to support the recovery of an endangered aquatic ecological community in the water source, or an individual listed threatened fish species within that community.
- (c) establish new or additional flow classes in any water source where management zones are added or in any water source or management zone that is amended, during the term of this Plan as specified in clause 75,
  - (d) include rules providing that the Minister may, by notice in writing to the access licence holder, permit water to be taken under an access licence when flows are in the No Flow Class or Low Flow Class under any circumstance where written approval to access low flows had historically been provided under conditions imposed on the *Water Act 1912* entitlements, provided that:
    - (i) in establishing the rules, the Minister has consulted with NSW Government agencies involved in water management and other key stakeholders, as determined by the Minister,
    - (ii) the rules require that the Minister must provide notice in writing to the access licence holder of the conditions under which water may be taken when flows are in the No Flow Class or Low Flow Class,
    - (iii) the rules require that prior to giving notice in writing to the access licence holder that water may be taken when flows are in the No Flow Class or Low Flow Class, the Minister must consult with NSW Government agencies involved in water management and other key stakeholders, as determined by the Minister, and
    - (iv) the rules provide that the Minister may not permit the taking of water from flows in the No Flow Class or Low Flow Class if, in the opinion of the Minister, permitting access is likely to cause unacceptable downstream or local impacts on the environment or on other water users,
  - (e) (Repealed)
  - (f) amend clause 42 to allow alternative rules for the debiting of water taken under these clauses,

- (g) amend clause 44 to specify alternate rules to share water between holders of supplementary water (subcategory “Aboriginal environmental”) access licences,
- (g1) include rules for the establishment, amendment, assignment and removal of IDECs,
- (h) amend clause 51 to establish TDELs, or
- (i) amend or remove TDELs if TDELs have been established under paragraph (h),
- (j) include rules to facilitate active management to share flows, including requiring the taking of water to be carried out in accordance with Ministerial notices or announcements or to require licence holders to express interest in accessing their entitlement during an event,
- (k) amend clause 50 to specify alternate rules for the resumption of flows following a dry period.

**79 (Repealed)**

**80 Part 10**

Part 10 may be amended to:

- (a) include dealing rules to give effect to an interstate trading agreement for these water sources, or
- (b) amend the dealing rules in relation to sections 71O, 71Q, 71QA, 71S and 71W of the Act following the establishment of IDECs under clause 52.

**81 Part 11**

Part 11 may be amended to do any of the following:

- (a) amend the rules in relation to record keeping including amendments in relation to requirements for Logbooks, or
- (b) amend clause 72 to specify different standards or requirements for decommissioning water supply works.

**82 Dictionary**

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

**83 Schedules**

- (1) Schedule 2 may be amended to do any of the following:
-

- (a) remove an access licence or entitlement from Column 1 of Schedule 2 and to remove the corresponding access rule from Column 2 of Schedule 2,
  - (b) amend the access rule specified in Column 2 of Schedule 2, or
  - (c) add an access licence to Column 1 of Schedule 2 and to specify an access rule in Column 2 of Schedule 2.
- (1A) Schedule 2A may be amended to do any of the following:
- (a) remove an access licence or entitlement from Column 1 of Schedule 2A and remove the corresponding access rule from Column 2 of Schedule 2A,
  - (b) amend the access rule specified in Column 2 of Schedule 2A,
  - (c) add an access licence to Column 1 of Schedule 2A and specify an access rule in Column 2 of Schedule 2A.
- (2) Schedule 3 may be amended to do any of the following:
- (a) add a new access licence to Table C of Schedule 3, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 46 (1) (a) and that 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 Table D of Schedule 3, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
  - (c) remove an access licence from Table C of Schedule 3 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 or an access licence of the subcategory “Town water supply” from Table D of Schedule 3 if:



- (i) the Minister is satisfied that the water supply system used to take, 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 3 or part thereof may be deleted if the Minister is satisfied that it is no longer required.

#### 84 Other

- (1) This Plan may be amended to include rules for the following:
- (a) (Repealed)
  - (b) the management of floodplain harvesting within the water source,
  - (c) the shepherding of water,  
**Note.** *Shepherding* is defined in the Dictionary.
  - (d) any new category of access licence established for the purpose of urban stormwater harvesting,
  - (e) the interception of water before it reaches a stream or aquifer by plantations or other means,
  - (f) (Repealed)
  - (g) (Repealed)
  - (h) to accommodate any amendment to or replacement of the Interim Unregulated Flow Management Plan for the North-West, providing that such amendments:
    - (i) do not apply to domestic and stock access licences and local water utility access licences in the water source, and
    - (ii) in the Minister's opinion, do not substantially alter the long-term average annual extractions under unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences in the water source, and
    - (iii) take into account the socio-economic impacts of the proposed rules, and
    - (iv) the Minister has consulted with Government agencies and stakeholders.
- (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
-

- (3) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.
- (4) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* 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) identifying water dependent Aboriginal cultural assets,
  - (b) amending the access rules to protect water dependent Aboriginal cultural assets,
  - (c) restricting the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets, or
  - (d) amending 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 Government agencies and stakeholders.
- (8) This plan may be amended to allow holders of access licences to make expressions of interest to take water as part of alternate arrangements to protect Active Environmental Water under clause 52.

## 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*.

**Active Environmental Water** is, the water in the water source identified by the Minister on any given day as requiring protection from extraction, that arises from the following:

- (a) held environmental water flowing from a tributary of the water source,
- (b) the water the Minister identifies as requiring protection under clause 43 of this Plan,
- (c) planned environmental water flowing from a tributary of the water source that is identified as requiring protection by the water sharing plan covering that tributary,
- (d) other planned environmental water flowing from a tributary of the water source that requires protection from extraction as determined by the Minister.

**Active Management Procedures Manual** means the manual established by the Minister under clause 52B.

**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.

**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.

**broad objectives** are the long term outcomes of this Plan and are not directly measured, but evaluated by considering the cumulative achievement of the associated targeted objectives.

**Cap baseline conditions** has the same meaning as it has under the Murray Darling Basin Agreement in Schedule 1 of the *Water Act 2007* (Cth).

**cease to pump rules** 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.

**consumptive use** has the same meaning as it has in section 4 of the *Water Act 2007* of the Commonwealth.

**daily flow share** is a number specified in the extraction component of an access licence as part of the IDEC in accordance with clause 52.

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

**flow regimes** mean, collectively, the magnitudes, durations, frequency and patterns of flows that characterise a river or water source.

**held environmental water** has the same meaning as it has in section 4 of the *Water Act 2007* of the Commonwealth.

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**IDEC** is the individual daily extraction component established for an access licence in accordance with clause 42A.

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

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

**long-term average sustainable diversion limit** has the same meaning as it has in section 4 of the *Water Act 2007* of the Commonwealth.

**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.

**Long-term average sustainable diversion limit** has the same meaning as it has in section 4 of the *Water Act 2007* of the Commonwealth.

**low risk water sources** have been identified as having a low likelihood of extraction pressure and/or a low ecological consequence due to extraction pressure. Low risk water sources in this Plan have been identified in the Risk Assessment for the Barwon-Darling water resource plan area (SW12): Part 1.

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

**runoff harvesting dam** means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in any harvestable rights order 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.

**SDL resource unit shared reduction amount** has the same meaning as it has in Schedule 2 of the Basin Plan.

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

**targeted objectives** are specific outcomes that can be achieved by the strategies in this Plan, and can be directly measured so that success or failure to achieve the objective can be quantified. Targeted objective outcomes are used to evaluate progress towards achieving the broad objectives of this Plan.

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

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

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**Schedule 1 Sections of water courses included in the Barwon-Darling Unregulated River Water Source**

(Clause 45B)

<b>Column 1</b>	<b>Column 2</b>
<b>Water course</b>	<b>Section</b>
Barwon River	The section from the Mungindi Weir (end of Border Rivers Regulated River water source) to the junction with Culgoa River (formation of Darling, NW corner of Lot 4084, DP 766589)
Darling River	The section from the junction of Culgoa and Barwon Rivers (NW corner of Lot 4084 DP 766589) to Lake Wetherell (start of Darling Regulated River)
Briery Anabranh	The section from the junction with Barwon River (NW corner of Lot 8, DP 751619) to the junction with the unregulated Macquarie River (NE corner of Lot 19, DP 42179)
Collymongle Lagoon	The section from the junction with Gnungarah Creek (SE corner of Lot 32, DP 750445) to the junction with the unregulated Gwydir River (NW corner of Lot 17, DP 750445)
Dead Horse Creek	The section from the junction with Darling River to the border of Lot 6659, DP820415 and Lot 6657, DP 820416
Gnungarah Creek	The section from the junction with Barwon River (northern most point of Lot 61, DP 727897) to the junction with Collymongle Lagoon (SE corner of Lot 32, DP 750445)
Gwydir River	The section from the junction with Collymongle Lagoon (NW corner of Lot 17, DP 750445) to the junction with Ballone River.
Kiar Lagoon	The section from the upstream junction with Barwon River (within Lot 18, DP 752725) to the downstream junction with Barwon River (within Lot 18, DP 752725)
Little Weir River	The section from the junction with Barwon River to the Queensland Border
Orange Tree Lagoon	The section from the upstream junction with Darling River (within Lot 6683, DP 820484) to the downstream junction with Darling River (within Lot 6683, DP 820484)
Ross Billabong	The section from the junction with Darling River (within Lot 5185, DP 720967) to Pebbles Dam diversion bank
Talyawalka Creek	The section from the downstream junction with Darling River (near western corner of Lot 4, DP 1092567) to the crossing with Paka Tank Tilpa Rd (SE boundary of Lot 5758, DP 768658)
Pagan Creek	The section from the junction with Barwon River (most Northern

	point of Lot 7004, DP 1058926) to the junction with Thalaba Creek
Thalaba Creek	The section from the junction with Pagan Creek to the junction with the second crossing with a public road within Lot 2, DP 752231, between Ivanhoe crossing Rd and Mercadool Rd
The Big Billabong	The section from the upstream junction with the Darling River (near Barwon St) to the downstream junction with Darling River (within Lot 20, DP 753574)
Unnamed water courses	The section within Lot 6232, DP 769084, Parish of Werribilla, County of Finch
Unnamed water courses	The section within Lot 65, DP 827166 and Lot 20, DP 750445, Parish of Collymogle, County of Benarba
Unnamed water courses	The section within Lot 35, DP 752697, Parish of Gingie, County of Finch
Unnamed water courses	The section within Lot 6218, DP 769070, Parish of Townday, County of Finch
Unnamed water courses	The section within Lot 3990, DP 766463, Parish of Mohenia, County of Narran
Unnamed water courses	The section within Lot 25, DP 752745, Parish of Scott, County of Finch
Unnamed water courses	The section within Lot 1, DP 751597, Parish of Stonehenge, County of Clyde
Unnamed water courses	The section within Lot 6360, DP 769254, Parish of Euminbah, County of Finch
Unnamed water courses	The section within Lot 6709, DP 822028, Parish of Pera, County of Gunderbooka
Unnamed water courses	The section within Lot 2789, DP 764923, Parish of Milrea, County of Finch
Unnamed water courses	The section within Lots 2 and 31, DP 752725, Parish of Milrea, County of Finch
Unnamed water courses	The section within crown land adjacent to Lot 2, DP 752725 and Lot 2789, DP 764923, Parish of Milrea, County of Finch
Unnamed water courses	The section within Lots 20, 53, 54 and 60, DP 752263, Parish of Pokataroo, County of Denham
Unnamed water courses	The section within Lot 50, DP 1112131, Lot 13,5 DP 751848 and Lot 6568, DP 768113, Parish of Bourke, County of Cowper
Unnamed water courses	The section within Lot 6927, DP 1032628, Parish of Banga, County of Cowper
Unnamed water courses	The section within Lot 9, DP 753545, Parish of Boyong, County of Gunderbooka
Unnamed water courses	The section within Lot 6, DP 753545 and Lot 8, DP 815343, Parish of

	Boyong, County of Gunderbooka
Unnamed water courses	The section within Lot 5159, DP 720987, Parish of Nil, County of Gunderbooka
Unnamed water courses	The section within Lots 33 and 32, DP 750435, Parish of Bucknel, County of Benarba
Unnamed water courses	The section within Lots 20, 53, 54, 60, DP 752263, Parish of Pokataroo, County of Denham

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**Schedule 2 Access licences with cease to pump rules that are in addition to the flow class announcement rules**

(Clause 45B)

Those access licences listed in Column 1 of the table below will have the access rule specified in Column 2 imposed as a mandatory condition on all water supply work approvals nominated by that access licence to give effect to clause 45B of this Plan.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Water Management Act 2000 water access licence</b>	<b>Access rule</b>	<b>Management zone</b>
35396 36273 36274	Water must not be taken when the flow in the Barwon River at the Brewarrina gauge (422002) is equal to or less than 750 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Boorooma to Brewarrina Management Zone
33670 33671	Water must not be taken when the flow in the Darling River at the Louth gauge (425004) is equal to or less than 1,339 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Bourke to Louth Management Zone
33722 33622	Water must not be taken when water is flowing from Thalaba Creek into the Pagan Creek offtake adjacent to TSR 3677, Parish of Pagan, County of Denham.	Collarenebri to Upstream Walgett Weir Pool Management Zone
35432	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Downstream Walgett to Boorooma Management Zone
35402	Water must not be taken when the flow in the Barwon River at the Presbury Weir gauge (416050) is equal to or less than 1,500 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Mungindi to Boomi River Confluence Management Zone
33667	Subject to subclause (2), water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 1,610 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.  Notwithstanding subclause (1), when the flow in the Darling River at the Bourke Town gauge (425003) is more than 1,250 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water	Bourke to Louth Management Zone

	<p>and less than or equal to 1,610 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water, application may be made to the Department's Dubbo office at the address listed in Appendix 3 for permission to take water for the irrigation of an area equal to or less than 1,000 hectares on properties: Lot 4914 Plan 40034, Lot 5159 Plan 720987 (Western Land Lease 13652), and Lot 5183 Plan 720986 (Western Land Lease 13879) in Parish Paka and County Gunderbooka, Lot 6656 Plan 820416 (Western Land Lease 14082) in Parish Nulty and County Gunderbooka and/or Lot 7 Plan 815343 in Parish Boyong and County Gunderbooka.</p> <p>Permission to divert water, for limited periods, for the purpose of such irrigation is to only be granted by the Department when the quantity of water flowing in the Darling River exceeds the quantity considered by the Department to be required for all purposes. If any such application is granted in whole or in part by the Department, then the water may be taken for such period and under such conditions as specified by the Department in granting the application. The application and the granting thereof by the Department is to be in writing.</p>	
33667	Water must not be taken by the water supply work located on the Darling River unless the water supply work on Ross Billabong is operating and the storage in Ross Billabong is not increasing.	Bourke to Louth Management Zone
35411	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Brewarrina to Culgoa River Junction Management Zone
33688	Water must not be taken when the flow in the Barwon River at the Brewarrina gauge (422002) is equal to or less than 2,500 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Boorooma to Brewarrina Management Zone
33768	Water must not be taken when the flow in the Barwon River at the Brewarrina gauge (422002) is equal to or less than 2,500 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Boorooma to Brewarrina Management Zone
35393	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Brewarrina to Culgoa River Junction Management Zone
35417	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Brewarrina to Culgoa River Junction Management Zone

33692	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 4,894 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Brewarrina to Culgoa River Junction Management Zone
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**Schedule 2A Unregulated river (C Class) access licences with cease to pump rules in addition to the C Class flow announcement rule**

(Clause 45B)

Those unregulated river (C Class) access licences listed in Column 1 of the table below will have a mandatory condition imposed on the water supply work approval for all water supply works nominated by those access licences to give effect to the access rules specified in Column 2, as required by clause 45B of this Plan.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b><i>Water Management Act 2000</i> water access licence</b>	<b>Access rule</b>	<b>Management zone</b>
33773	Water must not be taken under an unregulated river (C Class) access licence when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Culgoa River Junction to Bourke Management Zone
33798	Water must not be taken under an unregulated river (C Class) access licence when the flow in the Barwon River at the Collarenebri gauge (422003) is equal to or less than 1,100 ML/day as adjusted by an amount announced by the Minister in order to protect Active Environmental Water.	Downstream Mogil Mogil to Collarenebri Management Zone

**Schedule 3 Access licences used to take surface water exempt from cease to pump rules**

(Clause 46)

**1 General**

Clause 46 applies to each access licence listed in Table C and Table D below.

**Table C**

33627

**Table D**

35197

36573

35198

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35420

#### **Schedule 4 Office**

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

Department of Planning, Industry and Environment - Water  
209 Cobra St  
DUBBO NSW 2830

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**Schedule 5 (Repealed)**

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**Schedule 6 (Repealed)**

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## **Appendix 1 Overview of the Plan Map**

**Overview of the Plan Map (WSP022\_Version 1), *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012***

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## **Appendix 2    Inspection of Plan Map**

Copies of the Plan Map may be inspected at the following offices:

NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
10 Valentine Ave  
PARRAMATTA NSW 2150

NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
209 Cobra St  
DUBBO NSW 2830

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