

# Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012

[2012-488]



New South Wales

## Status information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical Notes](#)

### Does not include amendments by:

[Statute Law \(Miscellaneous Provisions\) Act 2013 No 47](#) (not commenced — to commence on 5.7.2013)

### Note:

This Plan ceases to have effect on 1.7.2023—see cl 3.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012

[2012-488]



New South Wales

## Contents

<b>Explanatory Note</b>	7
<b>Part 1 Introduction</b>	7
Note	7
1 Name of this Plan	7
2 Nature and status of this Plan	7
3 Commencement of this Plan	7
4 Application of this Plan	8
5 Management zones	8
6 River sections	9
7 Understanding the rules in this Plan	9
8 Interpretation	9
<b>Part 2 Vision, objectives, strategies and performance indicators</b>	10
Note	10
9 Vision statement	10
10 Objectives	10
11 Strategies	11
12 Performance indicators	11
<b>Part 3 Bulk access regime</b>	12
13 Bulk access regime	12
14 Climatic variability	12
<b>Part 4 Planned environmental water provisions</b>	13
Notes	13
15 General	13
16 Commitment and identification of planned environmental water	13
17 Establishment and maintenance of planned environmental water	13

<b>Part 5 Requirements for water</b>	15
<b>Division 1 General</b>	15
18 Application	15
<b>Division 2 Requirements for water for basic landholder rights</b>	15
19 Domestic and stock rights	15
20 Native title rights	16
21 Harvestable rights	16
<b>Division 3 Requirements for water for extraction under access licences</b>	16
22 Share components of domestic and stock access licences	16
23 Share components of local water utility access licences	16
24 Share components of supplementary water (subcategory "Aboriginal environmental") access licences	16
25 Share components of unregulated river access licences	16
26 Share components of unregulated river (A Class) access licences	16
27 Share components of unregulated river (B Class) access licences	17
28 Share components of unregulated river (C Class) access licences	17
29 Share components of aquifer access licences	17
30 Share components of salinity and water table management access licences	17
31 Amendment of share components of access licences	17
<b>Part 6 Limits to the availability of water</b>	18
<b>Division 1 Long-term average annual extraction limits</b>	18
32 General	18
33 Volume of the long-term average annual extraction limits	18
34 Calculation of current levels of annual extraction	19
35 Assessment of average annual extraction against the long-term average annual extraction limits	19
36 Compliance with the long-term average annual extraction limit for the Barwon-Darling Unregulated River Water Source	20
37 Compliance with the long-term average annual extraction limit for the Upper Darling Alluvial Groundwater Source	20
<b>Division 2 Available water determinations</b>	21
38 General	21
39 Available water determinations	21
<b>Part 7 Rules for granting access licences</b>	22
Notes	22
40 Specific purpose access licences	22
41 Granting of access licences as a result of controlled allocation	23

<b>Part 8 Rules for managing access licences</b>	23
<b>Division 1 Water allocation account management rules</b>	23
Note	23
42 Individual access licence account management rules for the Barwon-Darling Unregulated River Water Source	23
43 Individual access licence account management rules for the Upper Darling Alluvial Groundwater Source	25
<b>Division 2 Flow classes and daily access rules</b>	25
Note	25
44 General	25
45 Flow classes	25
46 Access rules for the taking of surface water	47
47 Access for survival watering	51
48 Access for unregulated river (A Class) access licences when flows are imminent	52
49 Access for unregulated river (B Class) access licences when flows are imminent	53
50 Access rules for supplementary water (subcategory "Aboriginal environmental") access licences	54
51 Total daily extraction limits	56
52 Individual daily extraction limits	56
<b>Part 9 Rules for water supply work approvals</b>	58
Notes	58
<b>Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works that take surface water</b>	58
53 General	58
54 Granting or amending water supply work approvals	58
<b>Division 2 Rules applying to the granting or amending of water supply work approvals for water supply works that take groundwater</b>	59
55 General	59
56 Rules to minimise interference between water supply works	59
57 Rules for water supply works located near contamination sources	60
58 Rules for water supply works located near groundwater dependent ecosystems	60
59 Rules for water supply works located near groundwater dependent culturally significant sites	61
60 Replacement groundwater works	62
<b>Division 3 Rules for the use of water supply works used to take groundwater</b>	63
61 Rules for the use of water supply works located within restricted distances	63

<b>Part 10 Access licence dealing rules</b>	64
62 General	64
63 Conversion of access licence to new category	64
64 Assignment of rights dealings (within water sources)	67
65 Amendment of share component dealings (change of water source)	68
66 Amendment of extraction component dealings	68
67 Assignment of water allocations dealings	70
68 Interstate transfer of access licences and assignment of water allocation	70
69 Nomination of water supply works dealings	70
<b>Part 11 Mandatory conditions</b>	72
Note	72
<b>Division 1 General</b>	72
70 General	72
<b>Division 2 Access licences</b>	72
Note	72
71 General	72
<b>Division 3 Water supply work approvals</b>	74
Note	74
72 General	74
73 Water supply works authorised to take water from the Upper Darling Alluvial Groundwater Source	76
<b>Part 12 Amendment of this Plan</b>	77
74 General	77
75 Part 1	78
76 Part 4	78
77 Part 6	78
78 Part 8	78
79 Part 9	80
80 Part 10	80
81 Part 11	81
82 Dictionary	81
83 Schedules	81
84 Other	82
<b>Dictionary</b>	83
<b>Schedule 1 Sections of water courses included in the Barwon-Darling Unregulated River Water Source</b>	
	85

**Schedule 2 Access licences with cease to pump rules that differ from the flow class  
cease to pump rules**

..... 86

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

..... 89

**Schedule 4 Survival watering rates and access licences that may access water for  
survival watering**

..... 90

**Schedule 5 Contamination sources in these water sources** ..... 91

**Schedule 6 High priority groundwater dependent ecosystems** ..... 91

**Schedule 7 Concessional conversion limits** ..... 91

**Appendix 1 Overview of the Plan Map** ..... 93

**Appendix 2 Inspection of Plan Map** ..... 94

**Appendix 3 Office** ..... 95

**Historical notes** ..... 96

# Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012



New South Wales

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I, the Minister for Primary Industries, in pursuance of section 50 of the *Water Management Act 2000*, do, by this Order, make the following Minister's Plan for the Barwon-Darling Unregulated and Alluvial Water Sources.

Dated this 19th day of September 2012.

KATRINA HODGKINSON, MP Minister for Primary Industries

## Explanatory note

This Order is made under section 50 of the *Water Management Act 2000*.

The object of this Order is to make the *Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

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## 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 and Alluvial Water Sources 2012* (hereafter **this Plan**).

### 2 Nature and status of this Plan

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

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

### 3 Commencement of this Plan

This Plan commences on 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.

#### 4 Application of this Plan

- (1) This Plan applies to the following water sources (hereafter ***these water sources***) 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:

- (a) Barwon-Darling Unregulated River Water Source, and
- (b) Upper Darling Alluvial Groundwater 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) These water sources are shown on the Plan Map called [Plan Map \(WSP022\\_Version 1\), Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 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 Barwon-Darling Unregulated River Water Source includes all water 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 water taken under a floodplain harvesting access licence with a share component that specifies the Barwon-Darling Unregulated River.
- (4) Subject to subclause (5), the Upper Darling Alluvial Groundwater Source includes all water contained within all alluvial sediments below the surface of the ground within the boundaries of the Upper Darling Alluvial Groundwater Source shown on the Plan Map.

**Note.** ***Alluvial sediments*** is defined in the Dictionary.

- (5) These water sources do not include water contained in any fractured rocks or porous rocks.

**Note.** ***Fractured rock*** and ***porous rock*** are defined in the Dictionary.

#### 5 Management zones

- (1) For the purposes of this Plan, the Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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.

## **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.
- (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

**Note.** This Part is made in accordance with section 35 (1) of the Act.

### 9 Vision statement

The vision of this Plan is to provide for healthy and enhanced water sources and water dependent ecosystems and for equitable water sharing among users in these water sources.

### 10 Objectives

**Note.** Water sharing plans must include a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives and performance indicators to measure the success of those strategies. Socio-economic impacts were a major consideration in the development of the rules in this Plan and are reflected in the outcome to manage these water sources to ensure equitable sharing between users.

The objectives of this Plan are to:

- (a) protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,

**Note.** *Groundwater dependent ecosystems* is defined in the Dictionary.

- (b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these water sources,
- (c) protect basic landholder rights,
- (d) manage these water sources to ensure equitable sharing between users,
- (e) provide opportunities for enhanced market based trading of access licences and water allocations within environmental and system constraints,
- (f) provide water allocation account management rules which allow sufficient flexibility in water use,
- (g) contribute to the maintenance of water quality,
- (h) provide recognition of the connectivity between surface water and groundwater,
- (i) adaptively manage these water sources, and
- (j) contribute to the “environmental and other public benefit outcomes” identified under the “Water Access Entitlements and Planning Framework” in the *Intergovernmental Agreement on a National Water Initiative (2004)* (hereafter **the NWI**).

**Note.** Under the NWI, water that is provided by NSW to meet agreed environmental and other public benefit outcomes as defined within relevant water plans is to:

- (a) be given statutory recognition and have at least the same degree of security as water access entitlements for consumptive use and be fully accounted for,
- (b) be defined as the water management arrangements required to meet the outcomes sought, including water provided on a rules basis or held as a water access entitlement, and
- (c) if held as a water access entitlement, may be made available to be traded (where physically possible) on the temporary market, when not required to meet the environmental and other public benefit outcomes sought and provided such trading is not in conflict with these outcomes.

## **11 Strategies**

The strategies of this Plan are to:

- (a) establish performance indicators,
- (b) establish environmental water rules,
- (c) identify water requirements for basic landholder rights,
- (d) identify water requirements for access licences,
- (e) establish rules for the granting and amending of access licences and approvals,
- (f) establish rules that place limits on the availability of water for extraction,
- (g) establish rules for making available water determinations,
- (h) establish rules for the operation of water allocation accounts,
- (i) establish rules which specify the circumstances under which water may be extracted,
- (j) establish access licence dealing rules, and
- (k) identify triggers for and limits to changes to the rules in this Plan.

## **12 Performance indicators**

The following indicators are to be used to measure the success of the strategies to reach the objectives of this Plan:

- (a) change in low flow regime,
- (b) change in moderate to high flow regime,
- (c) change in surface water and groundwater extraction relative to the long-term average annual extraction limits,
- (d) change in local water utility access,
- (e) change in the ecological value of key water sources and their dependent ecosystems,
- (f) the extent to which domestic and stock rights and native title rights requirements have been met,
- (g) the extent to which local water utility requirements have been met,
- (h) the change in economic benefits derived from water extraction and use, and

- (i) the extent of recognition of spiritual, social and customary values of water to Aboriginal people.

## **Part 3 Bulk access regime**

### **13 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
  - (a) the environmental water rules established in Part 4 of this Plan,
  - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
  - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
  - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime for these water sources:
  - (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources contained in Division 1 of 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 reductions in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 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 and groundwater levels in these water sources by having provisions that:

- (a) manage the sharing of water in these water sources 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, contained in Division 1 of Part 6 of this Plan, and

- (b) manage the sharing of water in specified water sources on a daily basis in these water sources, contained in Division 2 of Part 8 of this Plan.

**Notes.**

1 Other statutory tools are available to manage 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 Barwon-Darling Unregulated River Water Source during times of severe water shortage to protect water for the Broken Hill town water supply.

## 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 these water sources.

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

### 16 Commitment and identification of planned environmental water

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

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

### 17 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established in these water sources as follows:

- (a) it is the physical presence of water:

- (i) in the Barwon-Darling Unregulated River Water Source that results 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 the Barwon-Darling Unregulated River Water Source set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (ii) in the Upper Darling Alluvial Groundwater Source that is equal to 50% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

**Notes.**

1 At the commencement of this Plan the long-term average annual rainfall recharge for the Upper Darling Alluvial Groundwater Source is estimated to be 34,240 megalitres per year (hereafter **ML**/

**year)** in those areas that are not high environmental value areas and 4,598 ML/year in high environmental value areas.

**2 Recharge and high environmental value areas** are defined in the Dictionary.

- (iii) in the Upper Darling Alluvial Groundwater Source that is within the groundwater storage of the Upper Darling Alluvial Groundwater Source over the long term,

**Note.** Groundwater sources generally store large volumes of water, often accumulated over thousands or even tens of thousands of years. The amount of annual recharge is often very small compared to this stored volume. The average annual volume of water permitted to be extracted under the rules in this Plan is less than the average annual recharge of the Vegetable Alluvial Groundwater Sources over the long term, ensuring that water within the groundwater storage of the Vegetable Alluvial Groundwater Sources is protected from extraction.

- (b) it is the long-term average annual commitment of water as planned environmental water in:

- (i) the Barwon-Darling Unregulated River Water Source that results from the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determination rules as specified in Division 2 of Part 6 of this Plan,

**Note.** At the commencement of this Plan the long-term average annual commitment of water to the environment in the Barwon-Darling Unregulated River Water Source has been estimated to be 2,607 gigalitres per year made using the Barwon-Darling IQQM with system file LT92\_30.sqq. This equates to approximately 94% of the long-term average annual flow in this water source.

- (ii) the Upper Darling Alluvial Groundwater Source that is equal to 50% of the long-term average annual rainfall recharge in those areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

- (iii) the Upper Darling Alluvial Groundwater Source that is within the groundwater storage of the Upper Darling Alluvial Groundwater Source over the long term,

- (c) it is the water remaining in these water sources after water has been taken pursuant to basic landholder rights and access licences in accordance with the rules specified in Parts 6 and 8 of this Plan.

**Note.** The water remaining in the Upper Darling Alluvial Groundwater Source over the long term after water has been taken pursuant to basic landholder rights and access licences is equal to the water within the groundwater storage plus all recharge in excess of the long-term average annual extraction limit for that water source.

- (2) The planned environmental water established under subclause (1) (a) is maintained in:

- (a) the Barwon-Darling Unregulated River Water Source by the rules specified in Division 2 of Part 8 of this Plan, and

- (b) the Upper Darling Alluvial Groundwater Source by the rules specified in Parts 6 and 8 of this Plan.

- (3) The planned environmental water established under subclause (1) (b) is maintained in these water sources by the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determination rules as specified in Division 2 of Part 6 of this Plan.

- (4) The planned environmental water established under subclause (1) (c) is maintained in these water sources 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 these water sources over the long-term by maintaining compliance with the long-term average annual extraction limit. The rules in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limit has been assessed to have been exceeded.

## Part 5 Requirements for water

### Division 1 General

#### 18 Application

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

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

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

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

#### 19 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 8.51 megalitres per day (hereafter **ML/day**), distributed as follows:

- (a) 2.26 ML/day in the Barwon-Darling Unregulated River Water Source, and
- (b) 6.25 ML/day in the Upper Darling Alluvial Groundwater Source.

**Notes.**

**1** Domestic and stock rights are set out in Division 1 of Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock watering.

**2** Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these water sources should not be consumed without first being tested and if necessary,

appropriately treated. Such testing and treatment is the responsibility of the water user.

## **20 Native title rights**

At the commencement of this Plan, there are no native title rights in these water sources. Therefore the water requirements for native title rights are 0 ML/year.

**Note.** A change in native title rights may occur pursuant to the provisions of the [Native Title Act 1993](#) (Cth).

## **21 Harvestable rights**

The requirement for water under harvestable rights in these water sources is equal to the total amount of water that owners or occupiers of landholdings are entitled to capture and store pursuant to a harvestable rights order made under Division 2 of Part 1 of Chapter 3 of the Act.

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

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

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from these water sources total 2,660 ML/year, distributed as follows:

- (a) 2,660 ML/year in the Barwon-Darling Unregulated River Water Source, and
- (b) 0 ML/year in the Upper Darling Alluvial Groundwater Source.

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

It is estimated that at the time of commencement of this Plan the share components of local water utility access licences authorised to take water from these water sources total 5,624 ML/year, distributed as follows:

- (a) 5,404 ML/year in the Barwon-Darling Unregulated River Water Source, and
- (b) 220 ML/year in the Upper Darling Alluvial Groundwater Source.

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

It is estimated that at the time of commencement of this Plan the share components of supplementary water (subcategory “Aboriginal environmental”) access licences authorised to take water from the Barwon-Darling Unregulated River Water Source total 0 ML/year.

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

It is estimated that at the time of commencement of this Plan the share components of unregulated river access licences authorised to take water from the Barwon-Darling Unregulated River Water Source total 0 unit shares.

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

It is estimated that at the time of commencement of this Plan the share components of unregulated river (A Class) access licences authorised to take water from the Barwon-Darling Unregulated River Water Source total 8,996 unit shares.



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

It is estimated that at the time of commencement of this Plan the share components of unregulated river (B Class) access licences authorised to take water from the Barwon-Darling Unregulated River Water Source total 119,288 unit shares.

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

It is estimated that at the time of commencement of this Plan the share components of unregulated river (C Class) access licences authorised to take water from the Barwon-Darling Unregulated River Water Source total 44,754 unit shares.

## **29 Share components of aquifer access licences**

It is estimated that at the time of commencement of this Plan the share components of aquifer access licences authorised to take water from the Upper Darling Alluvial Groundwater Source total 0 unit shares.

## **30 Share components of salinity and water table management access licences**

It is estimated that at the time of commencement of this Plan the share components of salinity and water table management access licences authorised to take water from the Upper Darling Alluvial Groundwater Source total 3,300 ML/year.

## **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 Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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

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

#### 32 General

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

#### 33 Volume of the long-term average annual extraction limits

- (1) This clause establishes the long-term average annual extraction limits for the Barwon-Darling Unregulated River Water Source and the Upper Darling Alluvial Groundwater Source.
- (2) Subject to any variation under subclause (4), the long-term average annual extraction limit for the Barwon-Darling Unregulated River Water Source is the long-term average annual extraction from this 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) Subject to any variation under subclause (4), the long-term average annual extraction limit for the Upper Darling Alluvial Groundwater Source is 17,120 ML/year.

**Notes.**

1 The long-term average annual extraction limit for the Upper Darling Alluvial Groundwater Source is equal to the estimated long-term average annual rainfall recharge minus the amount of rainfall recharge reserved as planned environmental water under clause 17 (1) (b) (ii).

2 The long-term average annual extraction limit for the Upper Darling Alluvial Groundwater Source results in unassigned water estimated to be 11,319 ML at the commencement of this Plan.

- (4) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these water sources, the Minister may vary the respective long-term average annual extraction limit that applies to that water source.

**Notes.**

1 An example of where the Minister may vary the long-term average annual extraction limit under subclause (4) is where water is surrendered and cancelled to benefit the environment.

2 Under section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as 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. The variation in the long-

term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

#### **34 Calculation of current levels of annual extraction**

- (1) After each water year, in the Barwon-Darling Unregulated River Water Source:
  - (a) the long-term average annual extraction limit, as defined in clause 33 (2), may be reassessed to incorporate new information,
  - (b) the long-term average annual extraction limit and current levels of long-term average annual extraction will be calculated using the hydrologic computer model that, at the time, is approved by the Department for assessing long-term extraction from this water source,
  - (c) the calculation under paragraph (b) of the long-term average annual extraction limit, as defined in clause 33 (2), and current levels of long-term average annual extraction will comprise of:
    - (i) all water extractions by holders of all categories of access licences in the water source,
    - (ii) floodplain harvesting extractions determined to be taken for use in conjunction with extractions under access licences in the water source, and
    - (iii) all water extractions pursuant to domestic and stock rights and native title rights in the water source, and
  - (d) to calculate current levels of long-term average annual extraction under paragraph (b), the model must be set to represent as closely as possible all water use development, supply system management and other factors affecting the long-term average annual extraction volume from this water source at the time of assessment.

**Note.** The reassessment of the long-term average annual extraction limit in paragraph (a) assists in meeting this Plan's objective of adaptive management of these water sources.

- (2) After each water year, the total volume of water taken during that water year from the Upper Darling Alluvial Groundwater Source:
  - (a) under all categories of access licence, and
  - (b) pursuant to domestic and stock rights and native title rights,must be calculated for the Upper Darling Alluvial Groundwater Source.

#### **35 Assessment of average annual extraction against the long-term average annual extraction limits**

- (1) An assessment of the current levels of long-term average annual extraction against the long-term average annual extraction limit is to be conducted for the Barwon-Darling Unregulated River Water Source as set out in subclause (2).
- (2) For the Barwon-Darling Unregulated River Water Source, commencing in the second water year in which this Plan has effect, the current levels of long-term average annual extraction must be compared to the long-term average annual extraction limit as calculated under clause 34 (1).
- (3) An assessment of average annual extractions against the long-term average annual extraction

limit is to be conducted for the Upper Darling Alluvial Water Source as set out in subclause (4).

- (4) For the Upper Darling Alluvial Water Source, commencing in the fourth water year in which this Plan has effect, the assessment referred to in subclause (3) must compare the long-term average annual extraction limit established in clause 33 (3) against the average of the annual extractions in the preceding three water years as calculated under clause 34 for the Upper Darling Alluvial Water Source.

**36 Compliance with the long-term average annual extraction limit for the Barwon-Darling Unregulated River Water Source**

- (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) Compliance with the long-term average annual extraction limit established for the Barwon-Darling Unregulated River Water Source is to be managed in accordance with this clause.
- (3) Commencing in the second water year in which this Plan has effect, if, in the Minister’s opinion, the assessment undertaken under clause 35 (1) demonstrates that current levels of long-term average annual extraction have exceeded the long-term average annual extraction limit by 3% or more, then available water determinations for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences are to be reduced for the following water year by an amount that, in the Minister’s opinion, is necessary to return the long-term average annual extractions in the water source to the long-term average annual extraction limit established in this Part.

**37 Compliance with the long-term average annual extraction limit for the Upper Darling Alluvial Groundwater Source**

- (1) Pursuant to section 58 (4) of the Act, this Plan amends the relative priorities of the categories of aquifer access licences and salinity and water table management access licences to the extent necessary to make the reductions to available water determinations as set out in this clause.
- (2) Compliance with the long-term average annual extraction limit established for the Upper Darling Alluvial Groundwater Source is to be managed in accordance with this clause.
- (3) Commencing in the fourth water year in which this Plan has effect, if, in the Minister’s opinion, the assessment under clause 35 (3) demonstrates that the average of the annual extractions in the Upper Darling Alluvial Groundwater Source in the preceding three water years has exceeded the long-term average annual extraction limit established under clause 33 (3) for the Upper Darling Alluvial Groundwater Source by 5% or more, then available water determinations for aquifer access licences in that water source are to be reduced for the following water year in accordance with subclause (4).
- (4) The reduction under subclause (3) is to be of an amount that is, in the Minister’s opinion, necessary to return the long-term average annual extractions in the Upper Darling Alluvial Groundwater Source to the long-term average annual extraction limit established in this Part.

## Division 2 Available water determinations

### 38 General

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
  - (a) a percentage of share component for access licences where share components are specified as ML/year, or
  - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these water sources, 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 Barwon-Darling Unregulated River 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) At the commencement of this Plan and the commencement of each water year after the first water year in which this Plan has effect, the following available water determinations should be made for access licences with a share component that specifies one of these water sources:
  - (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),
- (f) 1 megalitre per unit of share component for aquifer access licences,
- (g) 100% of the access licence share component for salinity and water table management access licences,

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, unregulated river (C Class) access licences and aquifer access licences to be reduced where the long-term average annual extraction limit for a 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 Barwon-Darling Unregulated River 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 these water sources will be subject to mandatory conditions and discretionary conditions.

### 40 Specific purpose access licences

- (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.

**Note.** Subject to the restrictions in subclause (1), applications for categories and subcategories of specific purpose access licences may be made in accordance with clause 10 of the [Water Management \(General\) Regulation 2011](#).

- (2) Applications may be made for the following specific purpose access licences:

- (a) supplementary water (subcategory “Aboriginal environmental”) access licences in the Barwon-Darling Unregulated River Water Source provided the share component of the proposed access licence is less than or equal to 500 ML/year, and
- (b) salinity and water table management access licences in the Upper Darling Alluvial Groundwater Source.

**Note.** The licences that may be applied for under subclause (2) are in addition to applications for the categories and subcategories of specific purpose access licences that may be made in accordance with clause 10 of the [Water Management \(General\) Regulation 2011](#), subject to the restrictions in subclause (1).

- (3) A specific purpose access licence must not be granted in these water sources unless the Minister

is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.

- (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 Barwon-Darling Unregulated River Water Source to exceed 2,000 ML/year.

#### **41 Granting of access licences as a result of controlled allocation**

The Minister may grant an access licence where the right to apply for the licence has been acquired in a matter prescribed by an order made under section 65 of the Act.

## **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 restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

#### **42 Individual access licence account management rules for the Barwon-Darling Unregulated River Water Source**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Barwon-Darling Unregulated River Water Source.
- (2) In any water year in which this Plan has effect, water taken under 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 or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
  - (c) any water allocations reccredited 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 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 or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
  - (c) any water allocations reccredited 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 an unregulated 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 or from the water allocation account for the access licence under section 71T of the Act in those water years, plus
  - (e) any water allocations reccredited 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.

#### **43 Individual access licence account management rules for the Upper Darling Alluvial Groundwater Source**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Upper Darling Alluvial Groundwater Source.
- (2) In any water year in which this Plan has effect, water taken under an access licence must not exceed a volume equal to:
  - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
  - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
  - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) Water allocations remaining in the water allocation account for an access licence cannot be carried over from one water year to the next.

### **Division 2 Flow classes and daily access rules**

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

#### **44 General**

- (1) The rules in this Division apply to the taking of water under an access licence with a share component that specifies one of these water sources.
- (2) For the purposes of this Division, a requirement to write to the Minister will be satisfied by writing to the address listed in Appendix 3 of this Plan or to the email address for the Department's Licensing Enquiries Information Centre. The application or expression of interest must include all necessary information required to assess the application or expression of interest. The Minister may require additional information to be provided.

**Note.** At the commencement of this Plan, the email address for the Department's Licensing Enquiries Information Centre is [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au).

#### **45 Flow classes**

- (1) This Plan establishes the flow classes specified in Column 3 of Table A for the sharing of flows on a daily basis in the Barwon-Darling Unregulated River Water Source.
- (2) The flow classes in Column 3 and the flow reference points specified in Column 6 of Table A are established for the water source specified in Column 1 and each management zone specified in Column 2 of Table A.

- (3) Subject to subclauses (4) and (5), a flow class applies in the respective water source or management zone on the day specified in Column 7 of Table A when flows (the flow of water in ML/day) as measured at the flow reference points specified in Column 6 of Table A are equal to the flows specified in Column 5 of Table A.
- (4) For flow classes that are determined based on flows at more than one flow measuring gauge, on any day that it is not possible to determine the flow at a flow reference point specified in Column 6 of Table A due to flow data not being available from a flow measuring gauge, then the flow class applies for the relevant management zone when flows as measured at the remaining functioning gauge specified in Column 6 of Table A are equal to the flows specified in Column 5 of Table A for that gauge.
- (5) Subject to subclause (4), if in the Minister's opinion, on any day accurate flow data is not available from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.
- Note.** There is a general requirement for holders of water supply work approvals to record in a Logbook, where one is required to be kept, a confirmation and means of confirmation that the relevant cease to take conditions do not apply before taking water. Holders of access licences may contact the Department's Dubbo office at the address listed in Appendix 3 or check the Department's website to find out what flow class applies that day and note this as required in the Logbook. In determining the flow class that applies that day, the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.
- (6) The flow classes commence in the year specified in Column 4 of Table A.
- (7) For the purpose of Table A, **Year 1 of this Plan** means from the date of commencement of this Plan.

**Table A—Flow Classes**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Water source	Management zone	Flow class	Commencement	Flow (ML/day)	Flow reference point	Day on which flow class applies
Barwon-Darling Unregulated River Water Source	Mungindi to Boomi River Confluence Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	0 ML/day at Mungindi gauge or 0 ML/day at Presbury gauge	Barwon River at Mungindi gauge (416001) and Barwon River upstream of Presbury Weir gauge (416050)	Same day

<b>Low Flow Class</b>	Year 1 of this Plan	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 230 ML/day at Mungindi gauge or less than or equal to 220 ML/day at Presbury gauge	Same day
<b>A Class</b>	Year 1 of this Plan	1. More than 230 ML/day at Mungindi gauge and more than 220 ML/day at Presbury gauge, and 2. Less than or equal to 270 ML/day at Presbury gauge	Same day
<b>B Class</b>	Year 1 of this Plan	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	Same day

	<b>C Class</b>	Year 1 of this Plan	More than 230 ML/day at Mungindi gauge and more than 1,500 ML/day at Presbury gauge		Same day
Boomi River Confluence to Upstream Mogil Mogil Weir Pool Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	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)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 220 ML/day at Presbury gauge or less than or equal to 190 ML/day at Mogil Mogil gauge		Same day
	<b>A Class</b>	Year 1 of this Plan	1. More than 220 ML/day at Presbury gauge and more than 190 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		Same day

Mogil Mogil Weir Pool Management Zone	<b>B Class</b>	Year 1 of this Plan	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		Same day
	<b>C Class</b>	Year 1 of this Plan	More than 270 ML/day at Presbury gauge and more than 1,800 ML/day at Mogil Mogil gauge		Same day
	<b>No Flow Class</b>	Year 1 of this Plan	0 ML/day	Barwon River at Mogil Mogil gauge (422004)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	More than 0 ML/day and less than or equal to 190 ML/day		Same day
	<b>A Class</b>	Year 1 of this Plan	More than 190 ML/day and less than or equal to 570 ML/day		Same day
	<b>B Class</b>	Year 1 of this Plan	More than 570 ML/day and less than or equal to 1,800 ML/day		Same day
	<b>C Class</b>	Year 1 of this Plan	More than 1,800 ML/day		Same day

Downstream Mogil Mogil to Collarenebri Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	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)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 190 ML/day at Mogil Mogil gauge or less than or equal to 165 ML/day at Collarenebri gauge		Same day
	<b>A Class</b>	Year 1 of this Plan	1. More than 190 ML/day at Mogil Mogil gauge and more than 165 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		Same day

	<b>B Class</b>	Year 1 of this Plan	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		Same day
	<b>C Class</b>	From year 1 of this plan	More than 570 ML/day at Mogil Mogil gauge and more than 2,900 ML/day at Collarenebri gauge		Same day
Collarenebri to Upstream Walgett Weir Pool Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	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)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 165 ML/day at Collarenebri gauge or less than or equal to 100 ML/day at Tara gauge		Same day

	<b>A Class</b>	Year 1 of this Plan	1. More than 165 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		Same day
	<b>B Class</b>	Year 1 of this Plan	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		Same day
	<b>C Class</b>	Year 1 of this Plan	More than 500 ML/day at Collarenebri gauge and more than 3,050 ML/day at Tara gauge		Same day
Walgett Weir Pool Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	0 ML/day	Barwon River at Dangar Bridge gauge (422001)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	More than 0 ML/day and less than or equal to 600 ML/day or less		Same day



	<b>A Class</b>	Year 1 of this Plan	More than 600 ML/day and less than or equal to 900 ML/day		Same day
	<b>B Class</b>	Year 1 of this Plan	More than 900 ML/day and less than or equal to 5,650 ML/day		Same day
	<b>C Class</b>	Year 1 of this Plan	More than 5,650 ML/day		Same day
Downstream Walgett to Boorooma Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	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)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 530 ML/day at Boorooma gauge		Same day

<b>A Class</b>	Year 1 of this Plan	1. More than 600 ML/day at Dangar Bridge gauge and more than 530 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	Same day
<b>B Class</b>	Year 1 of this Plan	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	Same day
<b>C Class</b>	Year 1 of this Plan	More than 900 ML/day at Dangar Bridge gauge and more than 5,500 ML/day at Boorooma gauge	Same day

Boorooma to Brewarrina Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	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)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 530 ML/day at Geera gauge or less than or equal to 460 ML/day at Brewarrina gauge		Same day
	<b>A Class</b>	Year 1 of this Plan	1. More than 530 ML/day at Geera gauge and more than 460 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		Same day

	<b>B Class</b>	Year 1 of this Plan	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		Same day
	<b>C Class</b>	Year 1 of this Plan	More than 870 ML/day at Geera gauge and more than 6,800 ML/day at Brewarrina gauge		Same day
Brewarrina to Culgoa River Junction Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	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)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 460 ML/day at Brewarrina gauge or less than or equal to 400 ML/day at Beemery gauge		Same day

<b>A Class</b>	Year 1 of this Plan	1. More than 460 ML/day at Brewarrina gauge and more than 400 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	Same day
<b>B Class</b>	Year 1 of this Plan	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	Same day
<b>C Class</b>	Year 1 of this Plan	More than 840 ML/day at Brewarrina gauge and more than 8,250 ML/day at Beemery gauge	Same day

Culgoa River Junction to Bourke Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	0 ML/day at Warraweena gauge or 0 ML/day at Bourke Town gauge	Darling River at Warraweena gauge (425029) and Darling River at Bourke Town gauge (425003)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 400 ML/day at Warraweena gauge or less than or equal to 350 ML/day at Bourke Town gauge		Same day
	<b>A Class</b>	Year 1 of this Plan	1. More than 400 ML/day at Warraweena gauge and more than 350 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		Same day

Bourke to Louth Management Zone	<b>B Class</b>	Year 1 of this Plan	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		Same day
	<b>C Class</b>	Year 1 of this Plan	More than 1,330 ML/day at Warraweena gauge and more than 11,000 ML/day at Bourke Town gauge		Same day
	<b>No Flow Class</b>	Year 1 of this Plan	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)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 350 ML/day at Bourke Town gauge or less than or equal to 260 ML/day at Louth gauge		Same day

	<b>A Class</b>	Year 1 of this Plan	1. More than 350 ML/day at Bourke Town gauge and more than 260 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	Same day
	<b>B Class</b>	Year 1 of this Plan	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	Same day
	<b>C Class</b>	Year 1 of this Plan	More than 1,250 ML/day at Bourke Town gauge and more than 11,150 ML/day at Louth gauge	Same day
Louth to Tilpa Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	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) Same day



<b>Low Flow Class</b>	Year 1 of this Plan	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 260 ML/day at Louth gauge or less than or equal to 215 ML/day at Tilpa gauge	Same day
<b>A Class</b>	Year 1 of this Plan	1. More than 260 ML/day at Louth gauge and more than 215 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	Same day
<b>B Class</b>	Year 1 of this Plan	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	Same day

	<b>C Class</b>	Year 1 of this Plan	More than 1,130 ML/day at Louth gauge and more than 11,000 ML/day at Tilpa gauge		Same day
Tilpa to Wilcannia Management Zone	<b>No Flow Class</b>	Year 1 of this Plan	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 Channel gauge (425008)	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	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 215 ML/day at Tilpa gauge or less than or equal to 123 ML/day at Wilcannia gauge		Same day
	<b>A Class</b>	Year 1 of this Plan	1. More than 215 ML/day at Tilpa gauge and more than 123 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		Same day

Wilcannia to Upstream Lake Wetherell Management Zone	<b>B Class</b>	Year 1 of this Plan	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		Same day
	<b>C Class</b>	Year 1 of this Plan	More than 1,010 ML/day at Tilpa gauge and more than 12,000 ML/day at Wilcannia gauge		Same day
	<b>No Flow Class</b>	Year 1 of this Plan	0 ML/day	Darling River at Wilcannia	Same day
	<b>Low Flow Class</b>	Year 1 of this Plan	More than 0 ML/day and less than or equal to 123 ML/day	Main Channel gauge (425008)	Same day
	<b>A Class</b>	Year 1 of this Plan	More than 123 ML/day and less than or equal to 850 ML/day		Same day
	<b>B Class</b>	Year 1 of this Plan	More than 850 ML/day and less than or equal to 12,000 ML/day		Same day
	<b>C Class</b>	Year 1 of this Plan	More than 12,000 ML/day		Same day

**Notes.**

**1**

For the Mungindi to Boomi River Confluence Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 39% of all days,
- the top of A Class are estimated to occur in excess of 34% of all days, and
- the top of B Class are estimated to occur in excess of 9% of all days.

**2**

For the Boomi River Confluence to Upstream Mogil Mogil Weir Pool Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 39% of all days,
- the top of A Class are estimated to occur in excess of 33% of all days, and
- the top of B Class are estimated to occur in excess of 12% of all days.

**3**

For the Mogil Mogil Weir Pool Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 49% of all days,
- the top of A Class are estimated to occur in excess of 33% of all days, and
- the top of B Class are estimated to occur in excess of 12% of all days.

**4**

For the Downstream Mogil Mogil to Collarenebri Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 48% of all days,
- the top of A Class are estimated to occur in excess of 26% of all days, and
- the top of B Class are estimated to occur in excess of 11% of all days.

**5**

For the Collarenebri to Upstream Walgett Weir Pool Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 64% of all days,
- the top of A Class are estimated to occur in excess of 35% of days, and
- the top of B Class are estimated to occur in excess of 11% of all days.

**6**

For the Walgett Weir Pool Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 45% of all days,
- the top of A Class are estimated to occur in excess of 37% of all days, and
- the top of B Class are estimated to occur in excess of 13% of all days.

**7**

For the Downstream Walgett to Boorooma Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 43% of all days,
- the top of A Class are estimated to occur in excess of 35% of all days, and
- the top of B Class are estimated to occur in excess of 13% of all days.

**8**

For the Boorooma to Brewarrina Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 52% of all days,
- the top of A Class are estimated to occur in excess of 40% of all days, and
- the top of B Class are estimated to occur in excess of 12% of all days.

**9**

For the Brewarrina to Culgoa River Junction Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 56% of all days,
- the top of A Class are estimated to occur in excess of 42% of all days, and
- the top of B Class are estimated to occur in excess of 12% of all days.

**10**

For the Culgoa River Junction to Bourke Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 56% of all days,
- the top of A Class are estimated to occur in excess of 42% of all days, and
- the top of B Class are estimated to occur in excess of 12% of all days.

**11**

For the Bourke to Louth Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 76% of all days,
- the top of A Class are estimated to occur in excess of 42% of all days, and
- the top of B Class are estimated to occur in excess of 11% of days.

**12**

For the Louth to Tilpa Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 80% of all days,
- the top of A Class are estimated to occur in excess of 42% of all days, and
- the top of B Class are estimated to occur in excess of 11% of all days.

**13**

For the Tilpa to Wilcannia Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 88% of all days,
- the top of A Class are estimated to occur in excess of 38% of all days, and
- the top of B Class are estimated to occur in excess of 11% of all days.

**14**

For Wilcannia to Upstream Lake Wetherell Management Zone, flows greater than:

- the top of the Low Flow Class are estimated to occur in excess of 91% of all days,
- the top of A Class are estimated to occur in excess of 43% of all days, and
- the top of B Class are estimated to occur in excess of 11% of all days.

The percentages of days specified in the above notes 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.

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

- (1) This clause applies to the taking of water under an access licence from the Barwon-Darling Unregulated River Water Source, excluding the taking of water under:
  - (a) access licences used only to account for the taking of water in association with activities authorised by aquifer interference approvals, and
  - (b) supplementary water (subcategory "Aboriginal environmental") access licences.
- (2) Subject to subclause (15), water must not be taken under a domestic and stock access licence, local water utility access licence or an unregulated river access licence when flows in the management zone in which the water supply work used to take the water is located are in the No Flow Class. This subclause does not apply to the taking of water under an access licence specified in Column 1 of Schedule 2.
- (3) The volume of water taken under a domestic and stock access licence must not exceed 0.6 ML/day when flows in the management zone specified in the extraction component of the access licence are in the Low Flow Class.
- (4) Subject to subclause (15), water must not be taken under an unregulated river (A Class) access licence when flows in the management zone in which the water supply work used to take the water is located are in the No Flow Class or Low Flow Class unless water is taken in accordance with a written notice from the Minister issued under clause 47 or 48. This subclause does not apply to the taking of water under an access licence specified in Column 1 of Schedule 2.

- (5) Subject to subclause (15), water must not be taken under an unregulated river (B Class) access licence when flows in the management zone in which the water supply work used to take the water is located are in the No Flow Class, Low Flow Class or A Class unless water is taken from the No Flow Class in accordance with a written notice from the Minister issued under clause 49. This subclause does not apply to the taking of water under an access licence specified in Column 1 of Schedule 2.
- (6) Subject to subclause (15), water must not be taken under an unregulated river (C Class) access licence when flows in the management zone in which the water supply work used to take the water is located are in the No Flow Class, Low Flow Class, A Class or B Class. This subclause does not apply to the taking of water under an access licence specified in Column 1 of Schedule 2.
- (7) Following a period of access to the No Flow Class or Low Flow Class by an unregulated river (A Class) access licence under clause 48, water must not be taken under the unregulated river (A Class) access licence when flows in the management zone in which the water supply work used to take the water is located are next in A Class for a period equal to the number of hours that water was pumped from the No Flow Class or Low Flow Class during that period of access.
- (8) Following a period of access to the No Flow Class by an unregulated river (B Class) access licence under clause 49, water must not be taken under the unregulated river (B Class) access licence when flows in the management zone in which the water supply work used to take the water is located are next in B Class for a period equal to the number of hours that water was pumped from the No Flow Class during that period of access.
- (9) Subject to subclauses (10), (11) and (15), water must not be taken by a water supply work located in a management zone specified in Column 3 of Schedule 2 under an access licence specified in Column 1 of Schedule 2 in contravention of the corresponding access rule specified in Column 2 of Schedule 2.
- (10) Where an access rule specified in Column 2 of Schedule 2 is based on flows at more than one flow measuring gauge, on any day that it is not possible to determine the flow at a flow reference point due to flow data not being available from a flow measuring gauge, then the access rule that applies for the access licence specified in Column 1 of Schedule 2 will be based on flows at the remaining functioning gauge(s).
- (11) Subject to subclause (10), if in the Minister's opinion, on any day 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, the Minister may determine whether water is permitted to be taken that day and notify the holders of access licences specified in Column 1 of Schedule 2 in writing whether water is permitted to be taken that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.  
  
**Note.** There is a general requirement for holders of water supply work approvals to record in a Logbook, where one is required to be kept, a confirmation and means of confirmation that the relevant cease to take conditions do not apply before taking water. Holders of access licences may contact the Department's Dubbo office at the address listed in Appendix 3 to find out whether water is permitted to be taken that day and note this as required in the Logbook. In determining whether access to water is permitted that day, the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.
- (12) 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/or
- (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.

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

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

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

- (b) where no conditions for construction, operation and maintenance were specified on the *Water Act 1912* entitlement, the conditions for construction, operation and maintenance determined by the Minister.

- (14) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (12) are:

- (a) the flows and circumstances that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
- (b) where no flows and circumstances were specified on the *Water Act 1912* entitlement, the flows and circumstances determined by the Minister.

- (15) Subclauses (2), (4)–(6) and (9) do not apply to the following:

- (a) the taking of water under an access licence, or an access licence which replaces a *Water Act 1912* entitlement to which clause 1 of Schedule 3 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (16):
  - (i) fruit washing,
  - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
  - (iii) poultry watering and misting, or
  - (iv) cleaning of enclosures used for intensive animal production for 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 for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first five years of this Plan, provided the volume of water taken does not exceed the lesser of 14 litres per hectare of grazeable area per day and 0.6 ML/day and the

water is distributed by pipe and trough reticulated systems,

**Note.** *Grazeable area* is defined in the Dictionary.

- (d) the taking of water from a runoff harvesting dam, and

**Note.** *Runoff harvesting dam* is defined in the Dictionary.

- (e) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 3 applies.

- (16) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (15) (a) for an access licence if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

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

**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 requirements of the Interim Unregulated Flow Management Plan for the North-West.

**2** The requirements of the Interim Unregulated Flow Management Plan for the North-West are:

- (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.

**3** The intention of the flow requirement in 2 (a) above is to provide opportunity for the passage of fish across the major weirs in the Barwon-Darling.

**4** The intention of the flow requirement in 2 (b) above is to protect flows needed to suppress blue-green algae blooms.

**5** The intention of the flow requirement in 2 (c) above is to protect flows needed to meet basic landholder rights requirements along the Barwon-Darling River.

#### 47 Access for survival watering

- (1) Subject to subclause (2) and (3), the Minister may, by notice in writing to the access licence holder, permit the taking of water by an unregulated river (A Class) access licence from:
  - (a) the Bourke weir pool when flows in the Culgoa River Junction to Bourke Management Zone are within the No Flow Class, or
  - (b) anywhere within the Barwon-Darling Unregulated River Water Source when flows in the management zone in which the water supply work used to take the water is located are in the Low Flow Class,within the first five water years in which this Plan has effect.
- (2) The Minister may not permit the taking of water under subclause (1) from flows in the No Flow Class or Low Flow Class unless:
  - (a) the access licence holder has written to the Minister to request access to the No Flow Class or Low Flow Class under this clause,
  - (b) the unregulated river (A Class) access licence arose from a [Water Act 1912](#) entitlement specified in Column 1 of table to clause 2 of Schedule 4, and
  - (c) the Minister has consulted with NSW Government agencies involved in water management and other key stakeholders, as determined by the Minister.
- (3) The Minister may not permit the taking of water under subclause (1) from flows in the No Flow Class or Low Flow Class if in the opinion of the Minister:
  - (a) granting access is likely to cause unacceptable downstream or local impacts on the environment or on other water users, taking into account requests for access to flows in the No Flow Class or Low Flow Class under this clause, clause 48 and 49 for the same period,
  - (b) the access licence holder has previously breached the conditions of the access licence, or
  - (c) the access licence holder has previously failed to pay water charges.
- (4) If the Minister permits the taking of water under subclause (1), the Minister must include in the notice to the access licence holder the requirement that any water taken must be pumped directly to a crop.
- (5) If the Minister permits the taking of water under subclause (1), the Minister must include one or more of the following requirements in the notice to the access licence holder to mitigate impacts downstream or local impacts on the environment or on other water users:
  - (a) a maximum volume that may be extracted no greater than the volume calculated by multiplying the survival watering rate for a type of planting specified in the table to clause 1 of Schedule 4 by the area of planting specified in Column 2 of the table to clause 2 of Schedule 4 for the access licence, or
  - (b) a rate in ML/day that water may be taken or a number of days or hours over which a volume of water may be taken, provided the total volume of water that may be taken does not exceed the maximum volume calculated under paragraph (a).

- (6) If the Minister permits the taking of water under subclause (1), the Minister may include in the notice to the access licence holder a requirement that specific records of extraction to be kept and provided to the Minister, as determined by the Minister.

**Note.** As access for survival watering is only permitted for the first five years in which this Plan has effect, holders of unregulated river (A Class) access licences are advised to investigate alternative reliability measures during the first five years of this Plan, such as capacity sharing of a joint off-river storage or connection to reticulated town water supplies.

#### **48 Access for unregulated river (A Class) access licences when flows are imminent**

- (1) Subject to subclause (2) and (3), the Minister may, by notice in writing to the access licence holder, permit the taking of water by an unregulated river (A Class) access licence from:
- (a) an in-river dam pool created by a structure authorised by a water supply work approval when flows in the management zone in which the water supply work used to take the water is located are in the No Flow Class, or
  - (b) anywhere within the Barwon-Darling Unregulated River Water Source when flows in the management zone in which the water supply work used to take the water is located are in the Low Flow Class,
- (2) The Minister may not permit the taking of water under subclause (1) from flows in the No Flow Class or Low Flow Class unless:
- (a) the access licence holder has written to the Minister to request access to the No Flow Class or Low Flow Class under this clause,
  - (b) the unregulated river (A Class) access licence arose from a [Water Act 1912](#) entitlement at the commencement of this Plan,
  - (c) the Minister has consulted with NSW Government agencies involved in water management and other key stakeholders, as determined by the Minister, and
  - (d) the Minister considers that a flow will exceed the bottom of A Class for the relevant management zone by a volume of water permitted to be taken under this clause within three weeks from the beginning of the period for which access is granted.
- (3) The Minister may not permit the taking of water under subclause (1) from flows in the No Flow Class or Low Flow Class if in the opinion of the Minister:
- (a) granting access is likely to cause unacceptable downstream or local impacts on the environment or on other water users, taking into account requests for access to flows in the No Flow Class or Low Flow Class under this clause, clause 47 and 49 for the same period,
  - (b) the access licence holder has previously breached the conditions of the access licence,
  - (c) where access is to be permitted from an in-river dam pool, the volume of water in the in-river dam pool is less than 50% of the full capacity of the pool, or
  - (d) the access licence holder has previously failed to pay water charges.
- (4) If the Minister permits the taking of water under subclause (1), the Minister must include the following requirements in the notice to the access licence holder:

- (a) any water taken must be pumped directly to a crop,
  - (b) where access is to be permitted from an in-river dam pool, water must not be taken when the volume of water in that in-river dam pool is less than 50% of the full capacity of the pool, and
  - (c) the number of days that water is taken when flows are in the No Flow Class or Low Flow Class must not exceed 10 days in any period when access is permitted under subclause (1) unless a lesser number of days is specified under subclause (5) (c).
- (5) If the Minister permits the taking of water under subclause (1), the Minister must include one or more of the following requirements in the notice to the access licence holder to mitigate impacts downstream or local impacts on the environment or on other water users:
- (a) a maximum volume that may be extracted,
  - (b) a rate in ML/day that water may be taken, or
  - (c) a number of days or hours over which a volume of water may be taken, provided the total number of days (or equivalent number of hours) does not exceed 10.
- (6) If the Minister permits the taking of water under subclause (1), the Minister may include in the notice to the access licence holder a requirement that specific records of extraction be kept and provided to the Minister, as determined by the Minister.

**49 Access for unregulated river (B Class) access licences when flows are imminent**

- (1) Subject to subclause (2) and (3), the Minister may, by notice in writing to the access licence holder, permit the taking of water by an unregulated river (B Class) access licence from an in-river dam pool created by a structure authorised by a water supply work approval when flows in the management zone in which the water supply work used to take the water is located are in the No Flow Class.
- (2) The Minister may not permit the taking of water under subclause (1) from flows in the No Flow Class unless:
- (a) the access licence holder has written to the Minister to request access to the No Flow Class under this clause,
  - (b) the unregulated river (B Class) access licence arose from a [Water Act 1912](#) entitlement at the commencement of this Plan,
  - (c) the Minister has consulted with NSW Government agencies involved in water management and other key stakeholders, as determined by the Minister, and
  - (d) the Minister considers that a flow will exceed the bottom of B Class for the relevant management zone by a volume of water permitted to be taken under this clause within two weeks from the beginning of the period for which access is granted.
- (3) The Minister may not permit the taking of water under subclause (1) from flows in the No Flow Class if in the opinion of the Minister:
- (a) granting access is likely to cause unacceptable downstream or local impacts on the

- environment or on other water users, taking into account requests for access to flows in the No Flow Class under this clause, clause 47 and 48 for the same period,
- (b) the access licence holder has previously breached the conditions of the access licence,
  - (c) the volume of water in the in-river dam pool is less than 50% of the full capacity of the pool, or
  - (d) the access licence holder has previously failed to pay water charges.
- (4) If the Minister permits the taking of water under subclause (1), the Minister must include the following requirements in the notice to the access licence holder:
- (a) any water taken must be pumped directly to a crop for the last or second last watering of that crop only,
  - (b) water must not be taken when the volume of water in the in-river dam pool is less than 50% of the full capacity of the pool, and
  - (c) the number of days that water is taken when flows are in the No Flow Class must not exceed 10 days in any period when access is permitted under subclause (1) unless a lesser number of days is specified under subclause (5) (c).
- (5) If the Minister permits the taking of water under subclause (1), the Minister must include one or more of the following requirements in the notice to the access licence holder to mitigate impacts downstream or local impacts on the environment or on other water users:
- (a) a maximum volume that may be extracted,
  - (b) a rate in ML/day that water may be taken, or
  - (c) a number of days or hours over which a volume of water may be taken, provided the total number of days (or equivalent number of hours) does not exceed 10.
- (6) If the Minister permits the taking of water under subclause (1), the Minister may include in the notice to the access licence holder a requirement that specific records of extraction be kept and provided to the Minister, as determined by the Minister.

#### **50 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 Barwon-Darling Unregulated River Water Source.
- (2) Water must not be taken under a supplementary water (subcategory “Aboriginal environmental”) access licence in the Barwon-Darling Unregulated River Water Source when flows in the management zone specified in the extraction component of the access licence are less than the flow threshold specified in Column 2 of Table B at the flow reference point specified in Column 3 of Table B for that management zone specified in Column 1 of Table B.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Management Zone</b>	<b>Flow (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 B 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 this 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.

- (3) An order under section 70 authorising the taking of water under supplementary water (subcategory "Aboriginal environmental") access licences must not permit the total volume of water taken under supplementary water (subcategory "Aboriginal environmental") access licences to exceed 500 ML in any water year in which this Plan has effect.
- (4) Subject to subclause (5), an order under section 70 authorising the taking of water under

supplementary water (subcategory “Aboriginal environmental”) access licences must distribute access to the total volume of water available to be taken, as determined by the Minister, under supplementary water (subcategory “Aboriginal environmental”) access licences in the following order of priority:

(a) first in order of least frequent to most frequent history of access under orders made under section 70 of the Act, and

(b) then in chronological order of receipt of a written expression of interest,

as determined by the Minister.

- (5) A supplementary water (subcategory “Aboriginal environmental”) access licence must not be given a share under subclause (4) of the total volume of water available to be taken under supplementary water (subcategory “Aboriginal environmental”) access licences if the holder of that access licence did not write 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 under the order.

**Note.** Water may only be taken under a supplementary water (subcategory “Aboriginal environmental”) access licence in the Barwon-Darling Unregulated River Water Source in accordance with an order made by the Minister under section 70 of the Act.

## 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 these water sources.

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

## 52 Individual daily extraction limits

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

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

- (2) Subject to subclause (7), the Minister may amend the extraction component of an unregulated river (A Class) access licence, an unregulated river (B Class) access licence or an unregulated river (C Class) access licence under section 68A of the Act that arose from a [Water Act 1912](#) entitlement (excluding 85SL105065) to impose an IDEL subject to the IDEL being equal to the maximum of X or Y specified in ML/day or specified as a share and applying only in the River Section that the access licence was in at the commencement of this Plan. For the purpose of this subclause:

**X** is the sum of average pump capacities for all pumps authorised to be located on the Barwon River, Darling River or Collymongle lagoon that were attached to the [Water Act 1912](#) entitlement at the commencement of this Plan, as determined by the Minister, and

**Y** is the sum of State Water Corporation’s agreed pumping rates for any installed pumps located on the Barwon River, Darling River or Collymongle lagoon that were attached to the [Water Act 1912](#) entitlement at the commencement of this Plan, as determined by the Minister.

- (3) Subject to subclause (7), the Minister may amend the extraction component of an access licence



under section 68A of the Act that arose from the [Water Act 1912](#) entitlement 85SL105065 to impose an IDEL on that access licence subject to the IDEL applying only in the River Section that the access licence was in at the commencement of this Plan and being equal to the sum of average pump capacities for all pumps authorised to be located on the Barwon River or Collymongle lagoon that were attached to the following [Water Act 1912](#) entitlements at 1 December 2010, as determined by the Minister:

- (a) 85SA000852,
- (b) 85SA001091,
- (c) 85SA001705,
- (d) 85SL033742,
- (e) 85SL036564,
- (f) 85SL036666,
- (g) 85SL039847,
- (h) 85SL040124, and
- (i) 85SL045977.

**Note.** During the life of this Plan, it is intended that IDELs will be issued to water access licences that arose from [Water Act 1912](#) entitlements in accordance with the formula specified in clause 52 (2) or (3). These will not be adjusted as the result of a dealing under section 71O, 71Q or 71S of the Act. Access licence holders should be aware that new access licences that result from a dealing will not receive an IDEL and that where an access licence holder reduces the share component of an access licence to zero as part of a dealing, the access licence holder should continue to hold the access licence with a zero share component in order to receive an IDEL. Where an access licence is cancelled as the result of a dealing, the IDEL associated with that access licence will not be assigned to any access licence.

- (4) Subject to subclause (7), on application the Minister may amend an IDEL imposed under subclause (2) or (3) if the Minister determines that the sum of pump capacities for pumps that were authorised to be located on the Barwon River, Darling River or Collymongle lagoon by the [Water Act 1912](#) entitlement is greater than the IDEL imposed.

**Note.** The purpose of subclause (4) is to allow an IDEL to be amended where the sum of pump capacities for pumps that were authorised by the [Water Act 1912](#) entitlement has increased because of the replacement or refurbishment of pumps resulting in greater pumping efficiency and/or a change in metering device and/or installation of new pumps that were authorised by the [Water Act 1912](#) entitlement.

- (5) For the purpose of subclause (4), the Minister may require the applicant to submit a hydraulics study, to demonstrate to the Minister's satisfaction that the sum of pump capacities for pumps that were authorised to be located on the Barwon River, Darling River or Collymongle lagoon by the [Water Act 1912](#) entitlement is greater than the IDEL imposed.
- (6) The Minister may amend the extraction component of an unregulated river (A Class) access licence, an unregulated river (B Class) access licence or an unregulated river (C Class) access licence under section 68A of the Act that did not arise from a [Water Act 1912](#) entitlement to impose an IDEL subject to the IDEL being equal to 0 ML/day or 0 shares.
- (7) An IDEL imposed on an access licence must not apply when flows are in:

- (a) the No Flow Class or Low Flow Class for an unregulated river (A Class) access licence,
- (b) the No Flow Class, Low Flow Class or A Class for an unregulated river (B Class) access licence, and
- (c) the No Flow Class, Low Flow Class, A Class or B Class for an unregulated river (C Class) access licence.

**Note.** Restrictions on the taking of water in the flow classes specified in subclause (5) for the respective category of access licence may apply under clauses 46–49.

## Part 9 Rules for water supply work approvals

### Notes.

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

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

### 53 General

The rules in this Division apply to water supply work approvals for water supply works authorised to take water from the Barwon-Darling Unregulated River Water Source.

### 54 Granting or amending water supply work approvals

If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via:

- (a) a dealing,
- (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
- (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
- (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act,

the Minister may require the modification of the dam to ensure that the capability of the dam to capture water is reduced to reflect that reduction in share component.

### Notes.

- 1 Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, consistent with the NSW Weirs Policy, the principles of the Act, the [Fisheries Management Act 1994](#) and any other relevant legislation.
- 2 The method by which the Minister can require the modification of the dam 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 give effect to a relevant management plan.

## **Division 2 Rules applying to the granting or amending of water supply work approvals for water supply works that take groundwater**

### **55 General**

- (1) The rules in this Division apply to water supply work approvals for water supply works that are authorised to take water from the Upper Darling Alluvial Groundwater Source.
- (2) In this Division, a reference to a water supply work is limited to a water supply work that is authorised take water from the Upper Darling Alluvial Groundwater Source.

### **56 Rules to minimise interference between water supply works**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
  - (a) 200 metres of a water supply work located on another landholding that is authorised to take water from the same water source and is nominated by another access licence,
  - (b) 200 metres of a water supply work located on another landholding that is authorised to take water from the same water source pursuant to basic landholder rights only,
  - (c) 100 metres from the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing,
  - (d) 500 metres of a water supply work that is authorised to take water from the same water source and is nominated by a local water utility access licence or a major utility access licence, unless the licence holder has provided consent in writing, or
  - (e) 100 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the water supply work is solely for basic landholder rights,
  - (b) the water supply work is a replacement groundwater work,
  - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
  - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on existing extractions within these water sources.
- (4) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extraction, if the Minister is satisfied at a later time that the location of the water supply work is causing more

than minimal impact on existing water levels or extraction.

#### **57 Rules for water supply works located near contamination sources**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
  - (a) within 250 metres of the plume associated with a contamination source listed in Schedule 5, or
  - (b) between 250 metres and 500 metres of the plume associated with a contamination source listed in Schedule 5, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of that plume.

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

- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a plume associated with a contamination source listed in Schedule 5 that is likely to be insufficient to protect the water source or public health and safety.
- (3) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the proposed distance is adequate to protect the water source, the environment and public health and safety, or
  - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.
- (4) For the purpose of subclause (3) (a), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance would result in no greater impact on the water source, the environment and public health and safety.

#### **58 Rules for water supply works located near groundwater dependent ecosystems**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
  - (a) within 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 6 in the case of a water supply work that will be authorised to take water pursuant to basic landholder rights only,
  - (b) within 200 metres of a high priority groundwater dependent ecosystem listed in Schedule 6 in the case of a water supply work that will be nominated by an access licence, or
  - (c) within 40 metres of the top of the high bank of a river.
- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a high priority groundwater dependent ecosystem

listed in Schedule 3 if the construction and use of the water supply work at that distance is likely to cause more than minimal drawdown of that high priority groundwater dependent ecosystem. This paragraph does not apply to water supply works that will be authorised to take water pursuant to basic landholder rights only.

- (3) The distance restrictions specified in subclauses (1) (a) and (b) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 6.
- (4) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
  - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,
  - (c) the water supply work is a replacement groundwater work, or
  - (d) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent ecosystems.
- (5) The Minister may require the applicant to submit a hydrogeological study, to demonstrate to the Minister's satisfaction that:
  - (a) for the purpose of subclause (3), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 6, or
  - (b) for the purpose of subclause (4) (d), the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent ecosystems.

#### **59 Rules for water supply works located near groundwater dependent culturally significant sites**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
  - (a) 100 metres of a groundwater dependent culturally significant site, in the case of a water supply work that will be authorised to take water pursuant to basic landholder rights only, or
  - (b) 200 metres of a groundwater dependent culturally significant site, in the case of a water supply work that will be nominated by an access licence.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
  - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,

- (c) the water supply work is a replacement groundwater work, or
  - (d) the location of the water supply work at a lesser distance will result in no more than minimal impact on these water sources and their groundwater dependent culturally significant sites.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study, to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no greater impact on these water sources and their groundwater dependent culturally significant sites.

## 60 Replacement groundwater works

- (1) For the purposes of this Plan, **replacement groundwater work** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from the Upper Darling Alluvial Groundwater Source where:
- (a) the existing water supply work is authorised by a water supply work approval under the Act,
  - (b) the replacement groundwater work is to be constructed to extract water from the same water source as the existing water supply work,
  - (c) the replacement groundwater work is to be constructed to extract water from:
    - (i) the same depth as the existing water supply work, or
    - (ii) a different depth if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
  - (d) the replacement groundwater work is to be located:
    - (i) within 20 metres of the existing water supply work, or
    - (ii) more than 20 metres from the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
  - (e) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located:
    - (i) within 20 metres of the existing water supply work but no closer to the high bank of the river, or
    - (ii) more than 20 metres from the existing water supply work but no closer to the high bank of the river if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
  - (f) the replacement groundwater work must not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 110% of the internal diameter of the existing water supply work it replaces. For the purposes of this paragraph, **internal diameter** means the diameter of the inside of the casing of the water supply work which is a water bore and **excavation footprint** means the authorised dimensions of a water supply work which is an unlined excavation constructed for the

purposes of water supply only.

- (2) For the purpose of subclause (1) (c) (ii), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the construction of the water supply work at a different depth to the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.
- (3) For the purpose of subclauses (1) (d) (ii) or (e) (ii), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a distance greater than 20 metres from the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.

**Note.** The Minister may amend an approval on the application of the holder of the approval, under section 107 of the Act. The operation of section 107 (3) of the Act may further restrict the replacement of an existing water supply work.

### **Division 3 Rules for the use of water supply works used to take groundwater**

#### **61 Rules for the use of water supply works located within restricted distances**

- (1) The rules in this clause apply to water supply work approvals for water supply works that are authorised to take water from the Upper Darling Alluvial Groundwater Source.
- (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 56–59 must not, in any water year, be used to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan.
- (3) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clauses 56–59 as a result of an amendment to this Plan must not, in any water year, be used to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the time of the amendment.
- (4) Subclauses (2) and (3) do not apply:
  - (a) where a restricted distance does not apply in accordance with clauses 56 (2) (a), (c) and (d), 57 (3), 58 (3), 58 (4) (a), (b) and (d) and 59 (2) (a) (b) and (d), or
  - (b) to the taking of water pursuant to basic landholder rights.
- (5) The Minister may specify a daily rate or annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 56 to 59 pursuant to clauses 56 (2) (d), 57 (2) (a), 58 (2), 58 (3) (d) or 59 (2) (d).
- (6) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clauses 56 (2) (d), 57 (2) (a), 58 (2), 58 (3) (d) or 59 (2) (d).

## Part 10 Access licence dealing rules

### 62 General

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

#### Notes.

- 1 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.
- 3 During the life of this Plan, it is intended that IDELs will be issued to water access licences that arose from [Water Act 1912](#) entitlements in accordance with the formula specified in clause 52 (2) or (3). These will not be adjusted as the result of a dealing under sections 71O, 71Q or 71S of the Act. Access licence holders should be aware that new access licences that result from a dealing will not receive an IDEL and that where an access licence holder reduces the share component of an access licence to zero as part of a dealing, the access licence holder should continue to hold the access licence with a zero share component in order to receive an IDEL. Where an access licence is cancelled as the result of a dealing, the IDEL associated with that access licence will not be assigned to any access licence.
- 4 Once IDELs have been issued to access licences under clause 52, it is intended that the access licence dealing rules in this Part will be amended to allow dealings under sections 71O, 71Q, 71S and 71W of the Act between river sections above the share component limits currently specified in clauses 63 (3), 64, 65 and 69. IDELs will not be permitted to be traded between river sections or from unregulated river (C Class) access licences that arose from the [Water Act 1912](#) entitlement 85SL105068 to access licences on the Barwon-Darling Unregulated River. Dealings under section 71W that involve access licences nominating water supply works in a different river section will not be permitted.

### 63 Conversion of access licence to new category

- (1) Subject to subclauses (2) and (3), dealings under section 71O of the Act are prohibited unless the conversion involves:
  - (a) the cancellation of an unregulated river (B Class) access licence and the grant of a new unregulated river (A Class) access licence provided:
    - (i) the new unregulated river (A Class) access licence is held by the holder of an access licence that arose from a [Water Act 1912](#) entitlement specified in Column 1 of the table to clause 1 of Schedule 7, and
    - (ii) the dealing would not cause the sum of the share components of all unregulated river (A Class) access licences to be held by that holder granted by dealings under this clause to exceed the sum of the concessional conversion limits specified in Column 2 of the table to clause 1 of Schedule 7 for the [Water Act 1912](#) entitlements specified in Column 1 of the table to clause 1 of Schedule 7 that became access licences that are held by that holder,
  - (b) the cancellation of an unregulated river (C Class) access licence and the grant of a new unregulated river (A Class) access licence provided:
    - (i) the new unregulated river (A Class) access licence is held by the holder of an access licence that arose from a [Water Act 1912](#) entitlement specified in Column 1 of the table to clause 1 of Schedule 7, and
    - (ii) the dealing would not cause the sum of the share components of all unregulated river (A Class) access licences to be held by that holder granted by dealings under this



clause to exceed the sum of the concessional conversion limits specified in Column 2 of the table to clause 1 of Schedule 7 for the *Water Act 1912* entitlements specified in Column 1 of the table to clause 1 of Schedule 7 that became access licences that are held by that holder,

- (c) the cancellation of an unregulated river (C Class) access licence and the grant of a new unregulated river (B Class) access licence provided:
  - (i) the new unregulated river (B Class) access licence is held by the holder of an access licence that arose from a *Water Act 1912* entitlement specified in Column 1 of the table to clause 2 of Schedule 7, and
  - (ii) the dealing would not cause the sum of the share components of all unregulated river (B Class) access licences to be held by that holder granted by dealings under this clause to exceed the sum of the concessional conversion limits specified in Column 2 of the table to clause 2 of Schedule 7 for the *Water Act 1912* entitlements specified in Column 1 of the table to clause 2 of Schedule 7 that became access licences that are held by that holder,
- (d) the cancellation of an unregulated river (A Class) access licence and the grant of a new unregulated river (B Class) access licence provided:
  - (i) the new unregulated river (B Class) access licence is held by the holder of an access licence that arose from a *Water Act 1912* entitlement specified in Column 1 of the table to clause 2 of Schedule 7, and
  - (ii) the dealing would not cause the sum of the share components of all unregulated river (B Class) access licences to be held by that holder granted by dealings under this clause to exceed the sum of the concessional conversion limits specified in Column 2 of the table to clause 2 of Schedule 7 for the *Water Act 1912* entitlements specified in Column 1 of the table to clause 2 of Schedule 7 that became access licences that are held by that holder,
- (e) the cancellation of an unregulated river (A Class) access licence and the grant of a new unregulated river (C Class) access licence provided:
  - (i) the new unregulated river (C Class) access licence is held by the holder of an access licence that arose from a *Water Act 1912* entitlement specified in Column 1 of the table to clause 3 of Schedule 7, and
  - (ii) the dealing would not cause the sum of the share components of all unregulated river (C Class) access licences to be held by that holder granted by dealings under this clause to exceed the sum of the concessional conversion limits specified in Column 2 of the table to clause 3 of Schedule 7 for the *Water Act 1912* entitlements specified in Column 1 of the table to clause 3 of Schedule 7 that became access licences that are held by that holder,
- (f) the cancellation of an unregulated river (B Class) access licence and the grant of a new unregulated river (C Class) access licence provided:
  - (i) the new unregulated river (C Class) access licence is held by the holder of an access licence that arose from a *Water Act 1912* entitlement specified in Column 1 of the table

to clause 3 of Schedule 7, and

- (ii) the dealing would not cause the sum of the share components of all unregulated river (C Class) access licences to be held by that holder granted by dealings under this clause to exceed the sum of the concessional conversion limits specified in Column 2 of the table to clause 3 of Schedule 7 for the *Water Act 1912* entitlements specified in Column 1 of the table to clause 3 of Schedule 7 that became access licences that are held by that holder.
- (2) A dealing under subclause (1) is subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
- (3) Dealings under section 71O of the Act are prohibited if the dealing:
- (a) occurs after 30 June 2017,
  - (b) would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in:
    - (i) River Section 1 to exceed 3,434,
    - (ii) River Section 2 to exceed 2,535,
    - (iii) River Section 3 to exceed 13,515, or
    - (iv) River Section 4 to exceed 5,860,
  - (c) would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in:
    - (i) River Section 1 to exceed 82,940,
    - (ii) River Section 2 to exceed 38,282,
    - (iii) River Section 3 to exceed 126,019, or
    - (iv) River Section 4 to exceed 38,246, or
  - (d) would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in:
    - (i) River Section 1 to exceed 26,040,
    - (ii) River Section 2 to exceed 114,197,
    - (iii) River Section 3 to exceed 34,344, or
    - (iv) River Section 4 to exceed 44,720.

**Note.** This clause allows for concessional conversions as provided for within the *Heads of Agreement for the Barwon-Darling River System regarding proposed management actions to comply with the Murray-Darling Basin Cap on Diversions*.

**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, or
- (m) an access licence to another access licence that is subject to lower cease to take condition unless:
  - (i) the dealing involves an assignment of rights from an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that arose from a [Water Act 1912](#) entitlement specified in Column 1 of the table to clause 3 of Schedule 7,
  - (ii) the dealing would not cause the sum of the share components of all unregulated river (C Class) access licences to be held by that holder acquired by dealings under this subclause and clause 63 to exceed the sum of the concessional conversion limits specified in Column 2 of the table to clause 3 of Schedule 7 for the [Water Act 1912](#) entitlements specified in Column 1 of the table to clause 3 of Schedule 7 that became access licences that are held by that holder, and
  - (iii) the dealing occurs before 1 July 2017.

**Note.** *Cease to take condition* is defined in the Dictionary.

## **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 prohibited if the dealing involves the extraction component of an access licence being varied to specify a different river section.
- (2) Dealings under section 71S of the Act are prohibited if the dealing involves:
  - (a) the extraction component of an unregulated river (A Class) access licence being varied to specify 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) the extraction component of an unregulated river (B Class) access licence being varied to specify 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) the extraction component of an unregulated river (C Class) access licence being varied to

- specify 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) the extraction component of an unregulated river (A Class) access licence being varied to specify 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) the extraction component of an unregulated river (B Class) access licence being varied to specify 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) the extraction component of an unregulated river (C Class) access licence being varied to specify 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) the extraction component of an unregulated river (A Class) access licence being varied to specify 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) the extraction component of an unregulated river (B Class) access licence being varied to specify 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) the extraction component of an unregulated river (C Class) access licence being varied to specify 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) the extraction component of an unregulated river (A Class) access licence being varied to specify 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) the extraction component of an unregulated river (B Class) access licence being varied to specify 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, or
  - (l) the extraction component of an unregulated river (C Class) access licence being varied to specify 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.

## **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 lower cease to take conditions.
- (2) Dealings between water sources under section 71T of the Act are prohibited in these water sources.

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

## **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 2 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 Collymongle lagoon.
- (2) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources are prohibited.
- (3) Dealings under section 71W of the Act that involve the nomination of water supply works in

these water sources by interstate access licences are prohibited.

## 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 Appendix 3 of this Plan or to the email address for the Department's Licensing Enquiries Information Centre,

**Note.** At the commencement of this Plan, the email address for the Department's Licensing Enquiries Information Centre is [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au).

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

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

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

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

### Division 2 Access licences

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

#### 71 General

- (1) Access licences in these water sources must have mandatory conditions where required 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 must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
  - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only metered



water supply works with a data logger, must have mandatory conditions where required to give effect to the following:

- (a) the holder of the access licence must keep a Logbook,
- (b) the holder of the access licence, excluding salinity and water table management access licences, 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 Barwon-Darling Unregulated River 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),
  - (vii) for access licences with share components that specify the Upper Darling Alluvial Groundwater Source, 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 43 (2), and
  - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of a salinity and water table management access licence must record the following in the Logbook:
  - (i) the dates and periods of time during which water was taken under the access licence for the previous monthly accounting period,
  - (ii) the volume of water taken for the previous monthly accounting period,
  - (iii) the water supply work approval number for the water supply work used to take water during the previous monthly accounting period,
  - (iv) the volume of water taken in any water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 43 (2), and
  - (v) any other information required to be recorded in the Logbook under the rules of this Plan,

- (d) the holder of an access licence must produce the Logbook to the Minister for inspection, when requested, and
  - (e) the holder of an 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) An access licence for a development approved under Part 3A, Part 4 if the development was for state significant development or Part 5.1 of the *Environmental Planning and Assessment Act 1979* must have mandatory conditions where required to give effect to:
- (a) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan, and
  - (b) the rules for the use of water supply works located within restricted distances specified in clause 61.
- (5) All salinity and water table management access licences must have a mandatory condition that specifies that water must only be taken under the access licence for the purpose of reducing or preventing an increase in salinity levels in a water source.

### 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 these water sources must have mandatory conditions where required to give effect to the following:
- (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 8 of this Plan,
  - (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
    - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
    - (ii) the metering equipment must comply with the Australian Technical Specification ATS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time,
    - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
    - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water 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 that it is decommissioned in accordance with any direction from the Minister. The Minister may direct that any such water supply work need not be decommissioned,
  - (d) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
  - (e) the holder of the water supply work approval must notify the Minister in writing immediately upon becoming aware of a breach of any condition of the approval, and
  - (f) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
  - (b) the holder of a water supply work approval must record the following in the Logbook:
    - (i) each date and period of time during which water was taken using the water supply work,
    - (ii) the volume of water taken on that date,
    - (iii) the number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
    - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
    - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
    - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
  - (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection when requested, and

- (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
- (4) All water supply works, except those authorising water supply works taking water from the Upper Darling Alluvial Groundwater Source, 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 have a mandatory condition where required to give effect to clause 54.

**73 Water supply works authorised to take water from the Upper Darling Alluvial Groundwater Source**

- (1) This clause applies to all water supply work approvals for water supply works that are authorised to take water from the Upper Darling Alluvial Groundwater Source.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
  - (a) the rules for limiting the taking of water within the restricted distances as specified in clause 61,
  - (b) the approval holder must ensure the water supply work is constructed so as to be:
    - (i) screened in the groundwater source specified in the share component of the access licence that nominates the work, and
    - (ii) sealed off from all other water sources,
  - (c) the construction of a new water supply work must:
    - (i) comply with the restricted distances specified in or specified by the Minister in accordance with clauses 56–59,
    - (ii) comply with the construction standards for that type of bore prescribed in the Minimum Construction Requirements for Water Bores in Australia, 2003,  
**Note.** *Minimum Construction Requirements for Water Bores in Australia* is defined in the Dictionary.
    - (iii) be constructed appropriately so as to prevent contamination between aquifers, and
    - (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
  - (d) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in compliance with the “minimum requirements for decommissioning

bores” prescribed in the Minimum Construction Requirements for Water Bores in Australia, unless otherwise directed by the Minister in writing,

- (e) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
  - (f) the approval holder must, within two months of completion of the construction of the water supply work, or within two months after the issue of the water supply work approval if the water supply work is existing, submit the details of the water supply work to the Department in a form approved by the Minister,
  - (g) if, during the construction of the water supply work contaminated water is encountered above the production aquifer, the approval holder must:
    - (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
    - (ii) take all reasonable steps to minimise contamination and environmental harm,
    - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work and, if specified by the Minister, place an impermeable seal between the casing(s) and the walls of the water supply work from the bottom of the casing to ground level as specified by the Minister, and
    - (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister in writing,
- provided that this paragraph does not apply where the water supply work is being constructed for the purpose of taking saline water through a salinity or water management table access licence and the only contaminated water encountered is saline water,
- (h) when directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work,
  - (i) the water supply work approval will lapse if the construction of the water supply work is not completed within three years of the issue of the water supply work approval, and
  - (j) any other conditions required to implement the provisions of this Plan.
- (3) A water supply work approval granted in circumstances where clause 56 (2) (d) applies must have a mandatory condition where required to give effect to clause 56 (4).
  - (4) A water supply work approval for a water supply work must have mandatory conditions where required to give effect to the requirements for a replacement groundwater work specified in or specified by the Minister in accordance with clause 60.

## **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) add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies, and
- (d) amend the Plan Map.

## **76 Part 4**

Part 4 may be amended to vary the amount of recharge reserved as planned environmental water in the Upper Darling Alluvial Groundwater Source as a result of recharge studies undertaken or assessed as adequate by the Minister.

## **77 Part 6**

Part 6 may be amended to do any of the following:

- (a) modify the long-term average annual extraction limits for the Upper Darling Alluvial Groundwater Source as a result of recharge studies undertaken or assessed as adequate by the Minister, and
- (b) 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 Barwon-Darling Unregulated River Water Source results in an increase to the estimate of the long-term average annual extraction limit for the Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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) amend clause 46 to extend the exemption to the cease to take conditions for stock watering purposes specified in clause 46 (15) (c) beyond year five of this Plan and/or modify the volume of water permitted to be taken for stock watering purposes after year five of this Plan,
- (f) amend clauses 48 and 49 to allow alternative rules for the debiting of water taken under these clauses,
- (g) amend clause 50 to specify alternate rules to share water between holders of supplementary water (subcategory “Aboriginal environmental”) access licences,
- (h) amend clause 51 to establish TDELs, or
- (i) amend or remove TDELs if TDELs have been established under paragraph (h).

## **79 Part 9**

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

- (a) add, remove or modify a restricted distance specified in:
  - (i) clause 56 after year five of this Plan, or
  - (ii) clause 58 based on the outcomes of further studies of groundwater dependent ecosystems that are to the Minister’s satisfaction,
- (b) amend the definition of a replacement groundwater work in clause 60, or
- (c) amend clause 61 to impose further restrictions on the rate and timing of extraction of water to mitigate impacts.

## **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 under sections 71O, 71Q, 71S and 71W of the Act following the establishment of IDELs under clause 52.

**Note.** Once IDELs have been issued to access licences under clause 52, it is intended that the access licence dealing rules in this Part will be amended to allow dealings under sections 71O, 71Q, 71S and 71W between river sections above the share component limits currently specified in clauses 63 (3), 64, 65 and 69. IDELs will not be permitted to be traded between river sections or from the access licence that arose from the [Water Act 1912](#)



entitlement 85SL105068. Dealings under section 71W that involve access licences nominating water supply works in a different river section will not be permitted.

## **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,
- (b) amend clause 72 to specify different standards or requirements for decommissioning water supply works, or
- (c) amend clause 73 to specify different standards for decommissioning water supply works or construction requirements for 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.

(2) Schedule 3 may be amended to do any of the following:

- (a) add a new access licence to clause 1 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 (15) (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 clause 2 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 or *Water Act 1912* entitlement from clause 1 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” or *Water Act 1912* entitlement from clause 2 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.
- (4) Schedule 4 may be amended to do any of the following:
  - (a) remove an access licence or entitlement from Column 1 of the table to clause 2 of Schedule 4 and to remove the corresponding area and type of planting from Column 2 of the table to clause 2 of Schedule 4,
  - (b) amend the area and type of planting specified in Column 2 of the table to clause 2 of Schedule 4, or
  - (c) add an access licence to Column 1 of the table to clause 2 of Schedule 4 and to specify an area and type of planting in Column 2 of the table to clause 2 of Schedule 4.
- (5) Schedule 5 may be amended to add or remove a contamination source.
- (6) Schedule 6 may be amended to add or remove:
  - (a) a high priority groundwater dependent ecosystem, or
  - (b) a high priority karst environment groundwater dependent ecosystem.
- (7) Schedule 7 may be amended to:
  - (a) remove an access licence or entitlement from Column 1 of a table to Schedule 7 and to remove the corresponding concessional conversion limit in Column 2 of a table to Schedule 7,
  - (b) amend the concessional conversion limit specified in Column 2 of a table to Schedule 7, or
  - (c) add an access licence to Column 1 of a table to Schedule 7 and to specify a concessional conversion limit in Column 2 of a table to Schedule 7.

#### 84 Other

- (1) This Plan may be amended to include rules for the following:
  - (a) managed aquifer recharge,
    - Note.** Managed aquifer recharge schemes involve taking water such as recycled water or urban stormwater, treating it and then storing it in underground aquifers under controlled conditions. This water can then be extracted at a later time.
  - (b) the management of floodplain harvesting within these water sources,
  - (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) the management of aquifer interference activities, including the granting of aquifer interference approvals,
- (g) to specify rules for water that is currently unassigned water in the Upper Darling Alluvial Groundwater Source, or
- (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 Barwon-Darling Unregulated River 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 Barwon-Darling Unregulated River 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 following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* (Cth) to give effect to an entitlement granted under that claim.
- (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.

## 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*.

**alluvial sediments** means unconsolidated fluvio-lacustrine sediments.

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

**drawdown** means a lowering of the level to which water will rise in cased bores.

**Note.** Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

**fractured rock** means sedimentary, igneous and metamorphic rocks with fractures, joints, bedding planes and cavities in the rock mass that are capable of transmitting water.

**grazeable area** means, for an individual landholding, the area of pasture in hectares for a pasture type that is accessible for stock grazing and able to grow appropriate vegetation for stock grazing, but does not include impervious surfaces (such as rocks or rocky terrain, man-made structures, mines or quarries) or other such surfaces that do not support grazing vegetation, such as water bodies and forested floors with no undergrowth.

**groundwater dependent ecosystems** includes ecosystems which have their species composition and natural ecological processes wholly or partially determined by groundwater.

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

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

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

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

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

**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.

**Minimum Construction Requirements for Water Bores in Australia** means the document published by the National Uniform Drillers Licensing Committee entitled *Minimum Construction Requirements for Water Bores in Australia, 2012*, ISBN 978-0-646-56917-8, as amended or replaced from time to time.

**porous rock** means consolidated sedimentary rock containing voids, pores or other openings (such as joints, cleats and/or fractures) which are interconnected, in the rock mass and are capable of transmitting water.

**recharge** means the addition of water, usually by infiltration, to an aquifer.

**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.

**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.

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

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

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

Column 1	Column 2
Water course	Section
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)
Collymungle 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 Collymungle Lagoon (SE corner of Lot 32, DP 750445)
Gwydir River	The section from the junction with Collymungle 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 Collymongle, 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

## **Schedule 2 Access licences with cease to pump rules that differ from the flow class cease to pump rules**

Those access licences which replace a [Water Act 1912](#) entitlement 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 46 (9) of this Plan.

Column 1	Column 2	Column 3
<b>Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>Access rule</b>	<b>Management zone</b>
85SA001308	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.	Boorooma to Brewarrina Management Zone
85SA001653	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.	Bourke to Louth Management Zone
85SA011581	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
85SL029660H	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.	Downstream Walgett to Boorooma Management Zone
85SL036884H	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.	Mungindi to Boomi River Confluence Management Zone

85SL040057	<p>(1) 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.</p> <p>(2) Notwithstanding subclause (1), when the flow in the Darling River at the Bourke Town gauge (425003) is more than 1,250 ML/day and less than or equal to 1,610 ML/day, 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 Gunterbooka, Lot 6656 Plan 820416 (Western Land Lease 14082) in Parish Nulty and County Gunterbooka and/or Lot 7 Plan 815343 in Parish Boyong and County Gunterbooka.</p> <p>Permission to divert water, for limited periods, for the purpose of such irrigation shall 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 be granted in whole or in part by the Department, then the water may be taken for such period and under such conditions as may be specified by the Department in granting the application. The application and the granting thereof by the Department shall be in writing.</p>	Bourke to Louth Management Zone
85SL044420	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
85SL045946	Water must not be taken when the flow in the Darling River at the Louth gauge (425004) is less than 1,339 ML/day.	Bourke to Louth Management Zone
85SL045946	Water must not be taken by the water supply work located on the Darling River when the flow in the Darling River at the Louth gauge (425004) is equal to or less than 1,584 ML/day unless the water supply work on Ross Billabong is operating and the storage in Ross Billabong is not increasing.	Bourke to Louth Management Zone
85SL045946	When the flow in the Darling River at the Louth gauge (425004) is equal to or less than 1,829 ML/day, water must not be taken at a rate that exceeds 80 ML/day.	Bourke to Louth Management Zone
85SL048672	Water must not be taken when the flow in the Darling River at the Walgett (Dangar Bridge) gauge (422001) is less than 1,000 ML/day and the flow in the Barwon River at the Macquarie River Junction (upstream) Boorooma gauge (422026) is less than 870 ML/day.	Downstream Walgett to Boorooma Management Zone



85SL049394H	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.
85SL051430H	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.
85SL095718	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.
85SL095951	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.
85SL096220 (C Class)	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.
85SL105056H	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.
85SL105057H	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.
85SL105059	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.
85SL105065 (C Class)	Water must not be taken when the flow in the Barwon River at the Collarenebri gauge (422003) is equal to or less than 1,100 ML/day.

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

### 1 General

This clause applies to each access licence which replaces a [Water Act 1912](#) entitlement listed in the table below.

**[Water Act 1912](#) entitlements that will be replaced by access licences on commencement of this Plan**

85SL029986

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

This clause applies to each access licence which replaces a [Water Act 1912](#) entitlement listed in the table below.

**[Water Act 1912](#) entitlements that will be replaced by local water utility access licences or access licences of the subcategory “Town water supply” on commencement of this Plan**

85SL006388

85SL034505

85SL039893

85SL045798

85SL045826

85SL095450

85SL100347

## Schedule 4 Survival watering rates and access licences that may access water for survival watering

### 1 Survival watering rates

Column 1	Column 2											
Type of planting	Survival watering rate (kilolitres per hectare per day)											
Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Winegrapes and Dried Fruit	12.9	10.7	9.7	6.7	0.0	0.0	0.0	0.0	0.0	6.5	10.0	12.9
Tablegrapes	12.9	10.7	9.7	6.7	0.0	0.0	0.0	0.0	0.0	6.5	10.0	12.9
Citrus	19.4	17.9	14.5	10.0	6.5	6.7	6.5	6.5	10.0	12.9	16.7	19.4
Fruit Trees	24.2	24.6	15.5	8.0	3.9	0.0	0.0	0.0	6.0	11.6	18.0	23.2
Nuts	29.0	30.0	13.5	5.0	0.0	0.0	0.0	0.0	5.0	9.7	18.0	29.0

**Note.** The watering rates contained in the above table are designed for survival watering of plantings only and assume that reasonable steps to reduce the water demand of the plantings, such as radical canopy pruning, are undertaken simultaneously.

### 2 Access licences that may access water for survival watering

Those access licences which replace a [Water Act 1912](#) entitlement listed in Column 1 of the table below may, subject to approval, access water for survival watering in accordance with clause 47.

Column 1	Column 2
<a href="#">Water Act 1912</a> entitlements that will be replaced by access licences on commencement of this Plan	Area and type of plantings
85SL105049	10.5 hectares citrus
85SL047803	13 hectares citrus

85SL096168	1.3 hectares tablegrapes
85SA012503	129 hectares citrus

## Schedule 5 Contamination sources in these water sources

Contamination sources in these water sources comprise the following:

- (a) on-site sewage disposal systems or septic tanks,
- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*,
- (c) any sites that are or have been the subject of an activity listed in Table 1 of the contaminated land planning guidelines published under the *Environmental Planning and Assessment Act 1979* from time to time, and
- (d) any sites listed in an agency database relating to contamination sources.

## Schedule 6 High priority groundwater dependent ecosystems

At the commencement of this Plan, no high priority groundwater dependent ecosystems have been identified in this Schedule.

**Note.** High priority groundwater dependent ecosystems (hereafter **GDEs**) are currently under investigation and some may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Departmental GDE Register and as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the area of this Plan. If it becomes verified as a high priority GDE, this Schedule will be amended to include the GDE.

## Schedule 7 Concessional conversion limits

### 1 A Class concessional conversion limits

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

Column 1	Column 2
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>A Class concessional conversion limit Unit shares</b>
85SL021298	36
85SL029986	6
85SL040876	109
85SL044614	43
85SL045530	2
85SL047088	2
85SL096050	24
85SL096168	18

85SL105049

45

**2 B Class concessional conversion limits**

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

<b>Column 1</b>	<b>Column 2</b>
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>B Class concessional conversion limit Unit shares</b>
85SA001836	50
85SA012502	1783
85SA010578	7442
85SL027632	620
85SL030049	884
85SL031658	558
85SL036565	83
85SL037049	16
85SL038627	426
85SL044420	1090
85SL049419	216
85SL051368	230
85SL051372	484
85SL051650	1154
85SL051895	314
85SL051976	356
85SL052000	834
85SL052153	309
85SL095034	1127
85SL095208	592
85SL095365	1154
85SL095725	526
85SL096134	848

85SL096196	39
85SL096254	3851
85SA001710	74
85SL100380	169
85SL100792	30
85SL105002	328
85SL105059	90

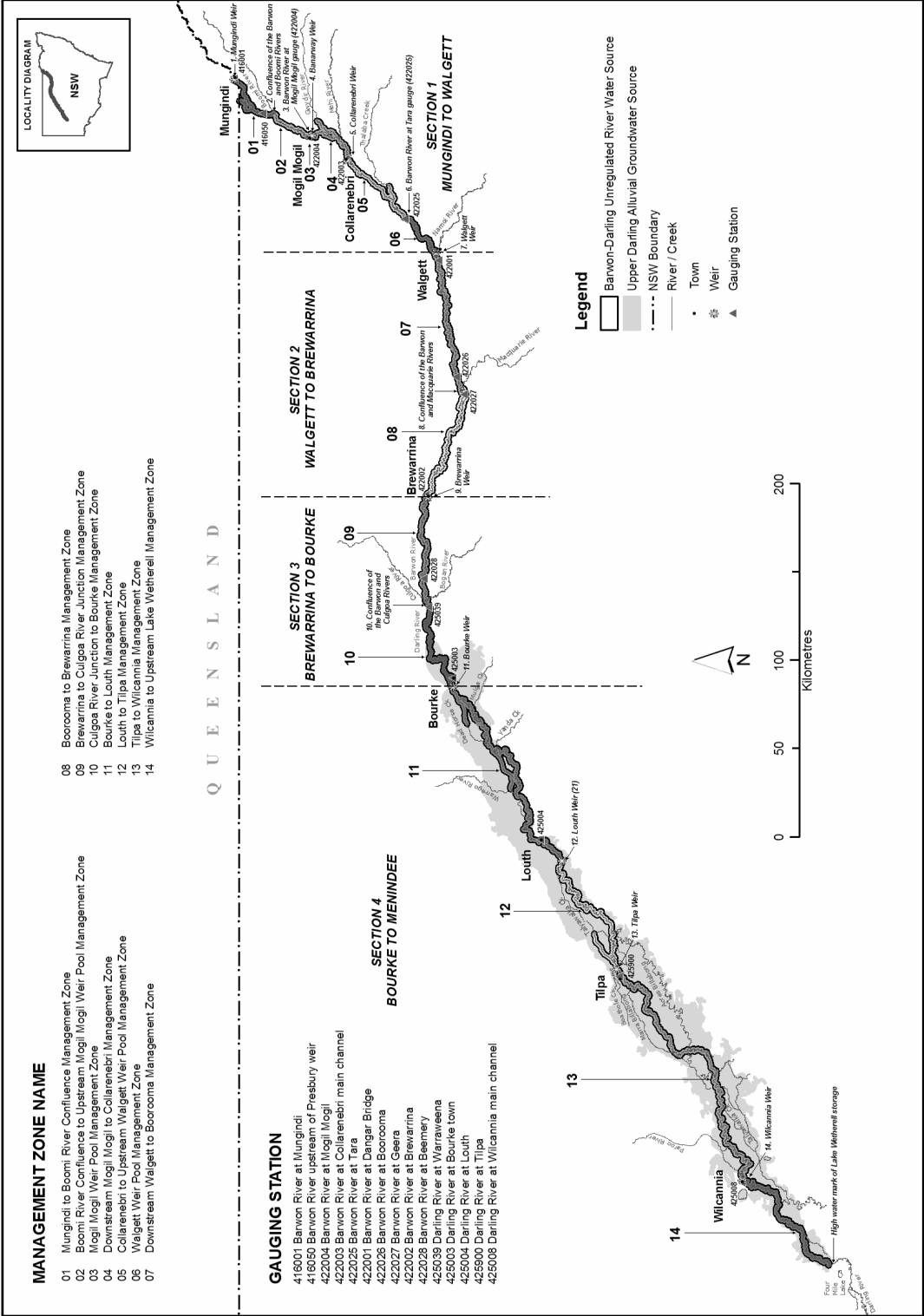
### 3 C Class concessional conversion limits

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

Column 1	Column 2
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>C Class concessional conversion limit Unit shares</b>
85SA001653	130
85SL040057	1005
85SL045946	1214
85SL048672	879
85SL105065	699

## Appendix 1 Overview of the Plan Map

Overview of the [Plan Map \(WSP022\\_Version 1\)](#), Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012



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

### **Appendix 3 Office**

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

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

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

### Table of amending instruments

[\*Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012 \(488\)\*](#). LW 4.10.2012. Date of commencement, 4.10.2012, cl 3.