

Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012

[2012-490]



New South Wales

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Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012

[2012-490]



New South Wales

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Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012



New South Wales

Part 1 Introduction

Notes.

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

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Macquarie Bogan Unregulated Rivers 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

- (1) This Plan commences on 4 October 2012.

Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013.
 - 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.
 - 3 Under the *Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin* and the associated National Partnership Agreement, NSW has agreed to develop water resource plans for Murray-Darling Basin water resources that are consistent with the requirements of the Basin Plan. This Plan was amended in 2020, partly to meet NSW's commitments under these arrangements. Certain provisions of this Plan form part of the water resource plan for the Macquarie-Castlereagh surface water resource plan area.
 - 4 **Basin Plan** is defined in the Dictionary.
- (2) Despite subclause (1), the following provisions of this Plan commence on 1 December 2020—
 - (a) clause 51,

(b) clause 53A,

(c) clause 55A.

Notes.

1 This means that the rules to protect Active Environmental Water will not commence until 1 December 2020.

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

4 Application of this Plan

(1) This Plan applies to the following water sources known as the Macquarie Bogan Unregulated Rivers Water Sources (hereafter *these water sources*) within the Central West Water Management Area—

- (a) Backwater Boggy Cowal Water Source,
- (b) Bell River Water Source,
- (c) Bulbodney Grahway Creek Water Source,
- (d) Burrendong Dam Tributaries Water Source,
- (e) Campbells River Water Source,
- (f) Coolbaggie Creek Water Source,
- (g) Cooyal Wialdra Creek Water Source,
- (h) Ewenmar Creek Water Source,
- (i) Fish River Water Source,
- (j) Goolma Creek Water Source,
- (k) Lawsons Creek Water Source,
- (l) Little River Water Source,
- (m) Lower Bogan River Water Source,
- (n) Lower Macquarie River Water Source,
- (o) Lower Talbragar River Water Source,
- (p) Macquarie River above Burrendong Water Source,
- (q) Marra Creek Water Source,
- (r) Marthaguy Creek Water Source,
- (s) Maryvale Geurie Creek Water Source,
- (t) Molong Creek Water Source,
- (u) Piambong Creek Water Source,

- (v) Pipeclay Creek Water Source,
- (w) Queen Charlottes Vale Evans Plains Creek Water Source,
- (x) Summerhill Creek Water Source,
- (y) Turon Crudine River Water Source,
- (z) Upper Bogan River Water Source,
- (aa) Upper Cudgegong River Water Source,
- (ab) Upper Talbragar River Water Source,
- (ac) Wambangalong Whylandra Creek Water Source, and
- (ad) Winburndale Rivulet Water Source.

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

- (2) These water sources are shown on the [Plan Map](#) called [Plan Map \(WSP026_Version 2\), Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012](#) (hereafter *the Plan Map*) held by the Department.

Note. The [Plan Map](#) is part of this Plan and is available at the NSW Legislation website. An overview of the [Plan Map](#) is shown in Appendix 1.

- (3) Subject to subclause (5), these water sources include all water—
- (a) occurring naturally on the surface of the ground within the boundaries of these water sources as shown on the [Plan Map](#), and
 - (b) in rivers, lakes, and wetlands within the boundaries of these water sources as shown on the [Plan Map](#).
- (4) (Repealed)
- (5) These water sources do not include water—
- (a) (Repealed)
 - (b) contained in the Macquarie and Cudgegong Regulated Rivers Water Source to which the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016* applies,
 - (c) contained in the Barwon-Darling Unregulated River Water Source to which the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* applies,
 - (d) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence.

Note. *Floodplain harvesting* is defined in the Dictionary.

Note. This Plan, as amended by the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial*

Water Sources Amendment Order 2020, does not apply to the Bell Alluvial Groundwater Source, Cudgegong Alluvial Groundwater Source, Talbragar Alluvial Groundwater Source and Upper Macquarie Alluvial Groundwater Source. The *Water Sharing Plan for the Macquarie-Castlereagh Groundwater Sources 2020* now applies to those water sources.

5 Management zones

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones—
 - (a) Bulbodney Grahway Creek Water Source—
 - (i) Bulbodney Grahway Management Zone,
 - (ii) Lower Nyngan Weir Pool Management Zone, and
 - (iii) Upper Nyngan Weir Pool Management Zone,
 - (b) Campbells River Water Source—
 - (i) Campbells River Downstream Management Zone, and
 - (ii) Campbells River Tributaries Management Zone,
 - (c) Lower Macquarie River Water Source—
 - (i) Gum Cowal Management Zone,
 - (ii) Lower Macquarie River Downstream Management Zone, and
 - (iii) Lower Macquarie River Upstream Management Zone,
 - (d) Macquarie River above Burrendong Water Source—
 - (i) Macquarie River above Bathurst Management Zone,
 - (ii) Macquarie River between Bathurst and Evans Plains Creek Management Zone, and
 - (iii) Macquarie River Tributaries Management Zone,
 - (e) Queen Charlottes Vale Evans Plains Creek Water Source—
 - (i) Queen Charlottes Vale Evans Plains Creek Downstream Management Zone, and
 - (ii) Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone, and
 - (f) Marthaguy Creek Water Source—
 - (i) Upper Marthaguy Creek Management Zone, and
 - (ii) Lower Marthaguy Creek Management Zone.

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

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

6 (Repealed)

7 Understanding the rules in this Plan

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

8 Interpretation

- (1) Words and expressions that are defined in the Dictionary to this Plan have the meaning set out in the Dictionary.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations made under the Act have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) The Dictionary and Schedules to this Plan form part of this Plan.
- (4A) The [Plan Map](#) forms part of this Plan.
- (4B) A number in brackets following the name of a gauge is the gauge number.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 This Part describes broad objectives, which are the long term outcomes sought by this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in this Part are specific outcomes that can be achieved by the strategies in this Plan and can be directly measured so that success or failure to achieve the objective can be quantified.

8A Acknowledgement

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

9 Vision statement

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

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

10 Environmental objectives

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

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

- (2) The targeted environmental objective of this Plan is to protect, and contribute to the enhancement of, the following over the term of this Plan—

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

Notes.

1 *Target ecological populations* is defined in the Dictionary.

2 Target ecological populations in these water sources may include known or predicted populations of the following—

- (a) native fish including eel-tailed catfish, Murray cod, purple-spotted gudgeon and olive perchlet,
- (b) native vegetation including river red gum woodland and black box-coolibah woodland,
- (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds, native vegetation and low flow macroinvertebrate communities in water sources that are susceptible to increased frequency and duration of low flows and drying.

3 Ramsar wetlands, and the associated ecological communities such as waterbirds and lignum shrublands, are primarily managed by the NSW Environmental Water Manager. The targeted objectives and monitoring activities for these assets and communities are provided in the MER Plan for these water sources.

4 Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species population, or measures that describe the health and condition of species or populations.

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

Notes.

1 Longitudinal connectivity means flows along the length of the river and between hydrologically connected rivers. Lateral connectivity means flows between the river and its anabranches, riparian zones, wetlands and floodplains.

2 Target ecological processes in these water sources include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for these water sources.

3 Connectivity may be within or between these water sources or between these water sources and other water sources.

- (c) water quality within these water sources to support water-dependent ecosystems and ecosystem functions,

Note. Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Macquarie-Castlereagh Water Resource Plan Area SW11 and the NSW State Water Quality Assessment and Monitoring Plan.

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

- (a) establish and maintain compliance with a long-term average annual extraction limit and a long-term average sustainable diversion limit,

Note. Part 6 of this Plan sets out the provisions for maintaining compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit.

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

Notes.

1 *Flow regimes* is defined in the Dictionary.

2 The rules in Division 2 of Part 8 of this Plan establish daily access rules that manage the take of water for each water source. These rules contribute to all the objectives in subclause (2).

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

Notes.

1 *In-river pool* and *off-river pool* are defined in the Dictionary.

2 The provisions in clause 53 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity.

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

Notes.

1 The provisions in Part 9 of this Plan prevent the granting or amendment of a water supply work approval for an in-river dam on a third order or higher stream in the water sources listed in clause 57 (2).

2 References in this Plan to a third order or higher stream relate to the stream order defined by the Strahler stream ordering method. The Strahler stream ordering method is as described in Schedule 2 to the [Water Management \(General\) Regulation 2018](#).

- (e) reserve a portion of flows to maintain hydrological connectivity within and between these water sources and other connected water sources including the Macquarie and Cudgegong Regulated River Water Source,

Note. The provisions in clause 53 of this Plan ensure that very low flows are protected from extraction.

- (f) restrict the take of water to protect Active Environmental Water.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) has have contributed to achieving the broad objective.

- (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objectives in subclause (2) are the changes or trends in ecological condition during the term of this Plan, as assessed using one or more of the following—

(a) the recorded range, extent or condition of target ecological populations,

(b) measurements of fish movements through priority fish passage areas,

(c) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen.

- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant—

- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
- (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
- (d) the extent to which Schedule 2 of this Plan has accurately identified, and the provisions in this Plan have adequately protected, the off-river pools and off-river dam pools that have been recipients of environmental water deliveries,
- (e) the extent to which external influences on these water sources during the term of this Plan have affected progress toward achieving the environmental objectives.

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

11 Economic objectives

- (1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, surface water-dependent industries and local economies.
- (2) The targeted economic objectives of this Plan are as follows—
 - (a) to maintain, and where possible improve, water trading opportunities for surface water-dependent businesses,
 - (b) to maintain, and where possible improve, access to water for agriculture, surface water-dependent businesses and landholders,
 - (c) to contribute to maintaining water quality within target ranges for agriculture, surface water-dependent businesses and landholders.
- (3) The strategies for reaching the targeted economic objectives of this Plan are as follows—
 - (a) provide for trade of water allocations and share components subject to environmental constraints.

Note. The provisions in Part 10 of this Plan permit a variety of dealings within environmental constraints, including assignment of rights under access licences, assignment of water allocations between access licences, and the ability to move the share component of an access licence from one water source, or management zone within a water source, to another.

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

Note. The compliance with extraction and diversion limit provisions in Part 6 of this Plan and the access provisions in Part 8 of this Plan provide certainty in how water access will be shared between different categories of access licences.

- (c) provide flexibility of access to water,

Note. The individual account management rules in clause 50, including the limit on the volume of water that can be taken in any water year or over three consecutive water years and the amount of water that

may be carried over from one water year to the next, provide flexibility that reflects the characteristics of the licence category.

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

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

- (4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or trends in economic benefits during the term of this Plan, as assessed using one or more of the following—
 - (a) the economic benefits of surface water extraction and use,
 - (b) the economic benefits of water trading as demonstrated by—
 - (i) the annual number or volume of share components of access licences transferred or assigned,
 - (ii) the weighted average unit price of share components of access licences transferred or assigned,
Note. *Weighted average unit price* is defined in the Dictionary.
 - (iii) the annual volume of water allocations assigned,
 - (iv) the weighted average unit price of water allocations assigned,
 - (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant—
 - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the economic benefits of surface water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the economic objectives,
 - (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress toward achieving the economic objectives.

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

12 Aboriginal cultural objectives

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

Note. The provisions in Part 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory “Aboriginal cultural”.
 - (c) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,
 - (d) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

Note. The provisions in clause 53 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.
 - (e) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.

Note. The provisions in clause 53 of this Plan ensure that a portion of natural flows are protected from extraction.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in Aboriginal cultural benefits during the term of this Plan, as assessed using one or more of the following—
 - (a) the use of water by Aboriginal people by measuring factors including—
 - (i) the extent to which native title rights are capable of being exercised, consistently with any determination of native title or indigenous land use agreement,

- (ii) the extent to which access to water has contributed to achieving Aboriginal cultural outcomes,
 - (b) the recorded range or extent of target populations of native fish,
 - (c) the recorded range or condition of target populations of riparian vegetation,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant—
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the Aboriginal cultural objectives,
 - (d) the water made available for Aboriginal cultural values and uses during the term of this Plan through available water determinations and the granting of new access licences,
 - (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress toward achieving the Aboriginal cultural objectives.

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

12A Social and cultural objectives

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

- domestic and stock purposes,
- (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,
 - (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,
 - (d) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan, as assessed using one or more of the following—
- (a) the social and cultural uses of water during the term of this Plan, by measuring factors including—
 - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and
 - (ii) the extent to which major utility access licence and local utility access licence requirements have been met,
 - (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
 - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause the following will be relevant—
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
 - (d) the extent to which external influences on surface water-dependent social and cultural activities during the term of this Plan have affected progress toward achieving the social and cultural objectives.

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

Part 3 Bulk access regime

13 Bulk access regime

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

14 Climatic variability

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

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

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

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

Part 4 Planned environmental water provisions

Note. This Part is made in accordance with section 8 of the Act.

15 General

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

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

16 Commitment and identification of planned environmental water

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

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

17 Establishment and maintenance of planned environmental water

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

- (a) the physical presence of water resulting from the access rules specified in clause 53 of this Plan,

Note. The rules in clause 53 of this Plan set flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (b) the long-term average annual commitment of water as planned environmental water resulting from compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit as specified in Part 6 of this Plan, and
 - (c) the water remaining after water has been taken under basic landholder rights and access licences and any other rights under the Act in accordance with the rules specified in Parts 6 and 8 of this Plan.
- (2) The planned environmental water established under subclause (1) (a) is maintained by the rules specified in Division 2 of Part 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained by the provisions specified in Part 6 of this Plan.

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

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

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

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

Division 2 Requirements for water for basic landholder rights

19 Domestic and stock rights

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 4,966 megalitres per year (hereafter *ML/year*), distributed as follows—

- (a) 82 ML/year in the Backwater Boggy Cowal Water Source,
- (b) 237 ML/year in the Bell River Water Source,
- (c) 243 ML/year in the Bulbodney Grahway Creek Water Source,
- (d) 294 ML/year in the Burrendong Dam Tributaries Water Source,

- (e) 240 ML/year in the Campbells River Water Source,
- (f) 37 ML/year in the Coolbaggie Creek Water Source,
- (g) 169 ML/year in the Cooyal Wialdra Creek Water Source,
- (h) 42 ML/year in the Ewenmar Creek Water Source,
- (i) 294 ML/year in the Fish River Water Source,
- (j) 71 ML/year in the Goolma Creek Water Source,
- (k) 133 ML/year in the Lawsons Creek Water Source,
- (l) 274 ML/year in the Little River Water Source,
- (m) 262 ML/year in the Lower Bogan River Water Source,
- (n) 59 ML/year in the Lower Macquarie River Water Source,
- (o) 308 ML/year in the Lower Talbragar River Water Source,
- (p) 260 ML/year in the Macquarie River above Burrendong Water Source,
- (q) 64 ML/year in the Marra Creek Water Source,
- (r) 162 ML/year in the Marthaguy Creek Water Source,
- (s) 8 ML/year in the Maryvale Geurie Creek Water Source,
- (t) 45 ML/year in the Molong Creek Water Source,
- (u) 139 ML/year in the Piambong Creek Water Source,
- (v) 65 ML/year in the Pipeclay Creek Water Source,
- (w) 217 ML/year in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (x) 151 ML/year in the Summerhill Creek Water Source,
- (y) 257 ML/year in the Turon Crudine River Water Source,
- (z) 261 ML/year in the Upper Bogan River Water Source,
- (aa) 118 ML/year in the Upper Cudgegong River Water Source,
- (bb) 245 ML/year in the Upper Talbragar River Water Source,
- (cc) 51 ML/year in the Wambangalong Whylandra Creek Water Source, and
- (dd) 178 ML/year in the Winburndale Rivulet Water Source.
- (ee) (Repealed)
- (ff) (Repealed)

(gg) (Repealed)

(hh) (Repealed)

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.

Notes.

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

2 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these water sources should not be consumed without first being tested and, if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

20 Native title rights

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

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

Notes.

1 No determinations of native title in relation to these water sources have been made in accordance with the *Native Title Act 1993* of the Commonwealth at the commencement of this Plan.

2 This Plan may be amended if there is a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.

3 Native title rights may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

21 Harvestable rights

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

Division 3 Requirements for water for extraction under access licences

22 Share components of domestic and stock access licences

It is estimated that 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 1,952 ML/year, distributed as follows—

- (a) 40 ML/year in the Backwater Boggy Cowal Water Source,
- (b) 197 ML/year in the Bell River Water Source,
- (c) 126 ML/year in the Bulbodney Grahway Creek Water Source,

- (d) 7 ML/year in the Burrendong Dam Tributaries Water Source,
- (e) 58 ML/year in the Campbells River Water Source,
- (f) 16 ML/year in the Coolbaggie Creek Water Source,
- (g) 37 ML/year in the Cooyal Wialdra Creek Water Source,
- (h) 50.5 ML/year in the Ewenmar Creek Water Source,
- (i) 30 ML/year in the Fish River Water Source,
- (j) 0 ML/year in the Goolma Creek Water Source,
- (k) 56 ML/year in the Lawsons Creek Water Source,
- (l) 45 ML/year in the Little River Water Source,
- (m) 146 ML/year in the Lower Bogan River Water Source,
- (n) 136 ML/year in the Lower Macquarie River Water Source,
- (o) 40 ML/year in the Lower Talbragar River Water Source,
- (p) 55 ML/year in the Macquarie River above Burrendong Water Source,
- (q) 67.5 ML/year in the Marra Creek Water Source,
- (r) 146 ML/year in the Marthaguy Creek Water Source,
- (s) 2 ML/year in the Maryvale Geurie Creek Water Source,
- (t) 156 ML/year in the Molong Creek Water Source,
- (u) 12 ML/year in the Piambong Creek Water Source,
- (v) 13 ML/year in the Pipeclay Creek Water Source,
- (w) 47 ML/year in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (x) 131 ML/year in the Summerhill Creek Water Source,
- (y) 12 ML/year in the Turon Crudine River Water Source,
- (z) 154.5 ML/year in the Upper Bogan River Water Source,
- (aa) 80.5 ML/year in the Upper Cudgegong River Water Source,
- (bb) 12 ML/year in the Upper Talbragar River Water Source,
- (cc) 28 ML/year in the Wambangalong Whylandra Creek Water Source, and
- (dd) 51 ML/year in the Winburndale Rivulet Water Source.
- (ee) (Repealed)

- (ff) (Repealed)
- (gg) (Repealed)
- (hh) (Repealed)

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 32,281 ML/year, distributed as follows—

- (a) 0 ML/year in the Backwater Boggy Cowal Water Source,
- (b) 795 ML/year in the Bell River Water Source,
- (c) 1,924 ML/year in the Bulbodney Grahway Creek Water Source,
- (d) 0 ML/year in the Burrendong Dam Tributaries Water Source,
- (e) 0 ML/year in the Campbells River Water Source,
- (f) 0 ML/year in the Coolbaggie Creek Water Source,
- (g) 111 ML/year in the Cooyal Wialdra Creek Water Source,
- (h) 0 ML/year in the Ewenmar Creek Water Source,
- (i) 15 ML/year in the Fish River Water Source,
- (j) 0 ML/year in the Goolma Creek Water Source,
- (k) 0 ML/year in the Lawsons Creek Water Source,
- (l) 102 ML/year in the Little River Water Source,
- (m) 0 ML/year in the Lower Bogan River Water Source,
- (n) 0 ML/year in the Lower Macquarie River Water Source,
- (o) 0 ML/year in the Lower Talbragar River Water Source,
- (p) 17,500 ML/year in the Macquarie River above Burrendong Water Source,
- (q) 0 ML/year in the Marra Creek Water Source,
- (r) 0 ML/year in the Marthaguy Creek Water Source,
- (s) 0 ML/year in the Maryvale Geurie Creek Water Source,
- (t) 502 ML/year in the Molong Creek Water Source,
- (u) 0 ML/year in the Piambong Creek Water Source,
- (v) 0 ML/year in the Pipeclay Creek Water Source,

- (w) 0 ML/year in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (x) 7,800 ML/year in the Summerhill Creek Water Source,
- (y) 0 ML/year in the Turon Crudine River Water Source,
- (z) 32 ML/year in the Upper Bogan River Water Source,
- (aa) 2,500 ML/year in the Upper Cudgegong River Water Source,
- (bb) 0 ML/year in the Upper Talbragar River Water Source,
- (cc) 0 ML/year in the Wambangalong Whylandra Creek Water Source, and
- (dd) 1,000 ML/year in the Winburndale Rivulet Water Source.
- (ee) (Repealed)
- (ff) (Repealed)
- (gg) (Repealed)
- (hh) (Repealed)

24 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 these water sources total 113,358.5 unit shares, distributed as follows—

- (a) 4,409 unit shares in the Backwater Boggy Cowal Water Source,
- (b) 6,886 unit shares in the Bell River Water Source,
- (c) 4,433 unit shares in the Bulbodney Grahway Creek Water Source,
- (d) 572 unit shares in the Burrendong Dam Tributaries Water Source,
- (e) 2,058 unit shares in the Campbells River Water Source,
- (f) 454 unit shares in the Coolbaggie Creek Water Source,
- (g) 672 unit shares in the Cooyal Wialdra Creek Water Source,
- (h) 1,248.5 unit shares in the Ewenmar Creek Water Source,
- (i) 2,159.5 unit shares in the Fish River Water Source,
- (j) 0 unit shares in the Goolma Creek Water Source,
- (k) 1,443 unit shares in the Lawsons Creek Water Source,
- (l) 2,200 unit shares in the Little River Water Source,
- (m) 3,669 unit shares in the Lower Bogan River Water Source,

- (n) 48,720.5 unit shares in the Lower Macquarie River Water Source,
- (o) 1,661 unit shares in the Lower Talbragar River Water Source,
- (p) 8,056 unit shares in the Macquarie River above Burrendong Water Source,
- (q) 307 unit shares in the Marra Creek Water Source,
- (r) 4,312 unit shares in the Marthaguy Creek Water Source,
- (s) 735 unit shares in the Maryvale Geurie Creek Water Source,
- (t) 4,960 unit shares in the Molong Creek Water Source,
- (u) 962 unit shares in the Piambong Creek Water Source,
- (v) 413 unit shares in the Pipeclay Creek Water Source,
- (w) 1,861 unit shares in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (x) 4,320 unit shares in the Summerhill Creek Water Source,
- (y) 316 unit shares in the Turon Crudine River Water Source,
- (z) 1,553 unit shares in the Upper Bogan River Water Source,
- (aa) 3,882 unit shares in the Upper Cudgegong River Water Source,
- (bb) 370 unit shares in the Upper Talbragar River Water Source,
- (cc) 141 unit shares in the Wambangalong Whylandra Creek Water Source,
- (dd) 585 unit shares in the Winburndale Rivulet Water Source.

25, 26 (Repealed)

27 Share components of major utility access licences

It is estimated that at the time of commencement of this Plan the share components of major utility access licences authorised to take water from these water sources total 15,876 ML/year, distributed as follows—

- (a) 15,876 ML/year in the Fish River Water Source,
- (b) 0 unit shares in all other water sources.

28 Share components of unregulated river (special additional high flow) access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river (special additional high flow) access licences authorised to take water from these water sources total 44,501 unit shares, distributed as follows—

- (a) 1,312 unit shares in the Bulbodney Grahway Creek Water Source,
- (b) 39,029 unit shares in the Lower Bogan River Water Source,

- (c) 3,078 unit shares in the Lower Macquarie River Water Source,
- (d) 1,082 unit shares in the Upper Bogan River Water Source,
- (e) 0 unit shares in all other water sources.

29 Share components of unregulated river (regulated supply—local water utility) access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river (local water utility) access licences authorised to take water from these water sources total 1,850 ML/year, distributed as follows—

- (f) 1,850 ML/year in the Bulbodney Grahway Creek Water Source,
- (g) 0 ML/year in all other water sources.

Note. Unregulated river (regulated supply—local water utility) access licences allow the licence holder to extract water from an unregulated river water source that has been extracted from a regulated river water source under a local water utility access licence and then transferred to the unregulated river water source.

30 Share components of unregulated river (regulated supply) access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river (regulated supply) access licences authorised to take water from these water sources total 68,901 ML/year, distributed as follows—

- (h) 4,150 ML/year in the Bulbodney Grahway Creek Water Source,
- (i) 63,836 ML/year in the Ewenmar Creek Water Source,
- (j) 915 ML/year in the Lower Bogan River Water Source,
- (k) 0 ML/year in all other water sources.

Note. Unregulated river (regulated supply) access licences allow the licence holder to extract water from an unregulated river water source that has been extracted from a regulated river water source under a regulated river (general security) or regulated river (high security) licence and then transferred to the unregulated river water source.

Part 6 Limits to the availability of water

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

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

Division 1 Calculations under this Part

31 Exclusions, inclusions and variations in calculations

- (1) This clause applies to the calculation of the following—
 - (a) the long-term average annual extraction limit under clause 32,

- (b) the annual extraction under clause 33,
- (c) the annual permitted take under clause 36,
- (d) the annual actual take under clause 36.

Note. *Annual permitted take* and *annual actual take* are defined in the Dictionary.

- (2) The calculations by the Minister to which this clause applies must—
 - (a) exclude the following—
 - (i) allocations assigned from an access licence in one of these water sources to an access licence in a water source other than these water sources, under section 71T of the Act,
 - (ii) in relation to annual extraction under clause 33 only, water committed as licensed environmental water under section 8F of the Act, and
 - (b) include allocations assigned to an access licence in one of these water sources from an access licence in a water source other than these water sources, under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limit under clause 32 must be adjusted by a volume that appropriately reflects the following—
 - (a) the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act,
 - (b) any changes to the amount of water committed as licensed environmental water under section 8F of the Act.

Division 2 Long-term average annual extraction limit

32 Calculation of the long-term average annual extraction limit

The long-term average annual extraction limit for these water sources is—

- (l) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912*, plus
- (m) the annual water requirements pursuant to basic landholder rights at the commencement of this Plan, plus
- (n) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in these water sources, plus
- (o) the estimated annual take of water from these water sources by plantation forestry that existed on 30 June 2009.

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

33 Calculation of annual extraction

Following the end of each water year, the Minister is to calculate the total annual extraction from

these water sources based on the following—

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

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

- (1) Following the calculation under clause 33, the Minister is to compare the average of the total annual extraction for these water sources over the preceding three water years against the respective long-term average annual extraction limit.
- (2) There is non-compliance with a long-term average annual extraction limit if the average of the total annual extraction over the preceding five water years exceeds the long-term average annual extraction limit by 5% or more.

Division 3 Long-term average sustainable diversion limit

Note. *Macquarie-Castlereagh SDL resource unit* is defined in the Dictionary.

35 Calculation of the long-term average sustainable diversion limit

- (1) Subject to any variation in accordance with subclause (2), the long-term average sustainable diversion limit for these water sources is the component of the baseline diversion limit for the Macquarie-Castlereagh SDL resource unit as calculated in accordance with Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to these water sources.
- (2) The long-term average sustainable diversion limit is to be varied as determined under Chapter 7 of the Basin Plan

Notes.

- 1 **Baseline diversion limit** is defined in the Dictionary.
- 2 The long-term average sustainable diversion limit for the Macquarie-Castlereagh surface water SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from—
 - (i) the Macquarie and Cudgegong Regulated Rivers Water Source,
 - (ii) the Macquarie Bogan Unregulated Rivers Water Sources, and
 - (iii) the Castlereagh Unregulated River Water Sources.

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

- (1) Following the end of each water year, the Minister is to calculate the annual permitted take and annual actual take of water for the previous water year in these water sources in accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to these water sources.

Notes.

- 1 Under the Basin Plan take of licensed environmental water and under licences held by the Commonwealth

Environmental Water Holder are not included in the calculation as they fall outside the definition of take for consumptive use.

2 *Consumptive use* and *take* and are defined in section 4 of the *Water Act 2007* of the Commonwealth.

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

- (1) Following the calculation under clause 36 after the end of each water year, the Minister is to undertake an assessment of compliance with the long-term average sustainable diversion limit in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) There is non-compliance with the long-term average sustainable diversion limit in the circumstances set out in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

Division 4 Compliance with extraction and diversion limits

37A Action following non-compliance

- (1) Subject to subclauses (2) to (4), if an assessment under clauses 34 or 37 demonstrates non-compliance with either the long-term average annual extraction limit for these water sources or the long-term average sustainable diversion limit, the Minister is to take the following actions for the water year after the assessment—
 - (a) make available water determinations for unregulated river access licences of less than 1 ML per unit share,
 - (b) make available water determinations for unregulated river (special additional high flow) access licences of—
 - (i) less than 1 ML per unit share, and
 - (ii) equal to 80% of the available water determinations for unregulated river access licences.
- (2) The Minister may take the action specified in subclause (1) if an assessment under clause 37 would have demonstrated non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse, as provided for in Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (3) An action taken in accordance with subclause (1) and (2) is to be taken to the extent to which, and only for as long as, the Minister considers the following is necessary—
 - (a) in the case of non-compliance with the long-term average annual extraction limit— to return average annual extraction in these water sources to the long-term average annual extraction limit, or
 - (b) in the case of non-compliance with the long-term average sustainable diversion limit— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan,
 - (c) in the case where non-compliance with the long-term average sustainable diversion limit would have occurred but for there being a reasonable excuse— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (4) An action taken in accordance with subclause (1) and (2) to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan is to only apply to a water source to the extent to which

extractions from the water source—

- (a) have caused non-compliance with the long-term average sustainable diversion limit, or
- (b) would have caused non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse.

Division 5 Available water determinations

38 General

- (1) Available water determinations for access licences with share components that specify one of these water sources are to be expressed as either—
 - (a) a percentage of the share component for access licences where share components are specified as megalitres per year (ML/year), or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed—
 - (a) 100% of the access licence share component for all access licences where share components are specified as ML/year, or
 - (b) 1 megalitre per unit share of the access licence share component for all access licences where share components are specified as a number of unit shares.

39 Available water determinations for domestic and stock access licences

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

40 Available water determinations for local water utility access licences

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

41 Available water determinations for major utility access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for major utility access licences.

42 Available water determinations for unregulated river access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 37A is to be made for unregulated river access licences.

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

or the long-term average sustainable diversion limit for these water sources has been assessed to have been exceeded.

43 Available water determinations for unregulated river (special additional high flow) access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 37A is to be made for unregulated river (special additional high flow) access licences.

Note. Division 4 of this Part provides for available water determinations for unregulated river (special additional high flow) access licences that are less than 1 ML per unit of share component, and equal to 80% of the available water determinations for unregulated river access licences, where the long-term average annual extraction limit or the long-term average sustainable diversion limit for these water sources has been assessed to have been exceeded.

44, 45 (Repealed)

46 Available water determinations for unregulated river (regulated supply—local water utility) access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for unregulated river (regulated supply—local water utility) access licences.

Note. Unregulated river (regulated supply—local water utility) access licences allow the licence holder to extract, from an unregulated river water source, water that has been first extracted from a regulated river water source under a local water utility access licence and then transferred to the unregulated river water source. The rules in Part 8 of this Plan place volume restrictions on extractions under unregulated river (regulated supply—local water utility) access licences to ensure that no more water is taken from the unregulated river water source than is supplied from the regulated river water source.

47 Available water determinations for unregulated river (regulated supply) access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for unregulated river (regulated supply) access licences.

Note. Unregulated river (regulated supply) access licences allow the licence holder to extract, from an unregulated river water source, water that has been first extracted from a regulated river water source under a regulated river (general security) or regulated river (high security) licence and then transferred to the unregulated river water source. The rules in Part 8 of this Plan place volume restrictions on extractions under unregulated river (regulated supply) access licences to ensure that no more water is taken from the unregulated river water source than is supplied from the regulated river water source.

Part 7 Rules for granting access licences

Notes.

1 This Part is made in accordance with sections 20 and 61 of the Act.

2 Access licences granted in these water sources are subject to mandatory conditions and may be subject to discretionary conditions.

48 Specific purpose access licences

(1) Applications may be made for unregulated river (regulated supply—local water utility) access licences and unregulated river (regulated supply) access licences in these water sources.

- (2) 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 10ML/year.
- (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 unregulated river (regulated supply—local water utility) access licence must not be granted unless it is for the purpose of taking of water that has been extracted from a regulated river water source under a local water utility access licence and then transferred to the unregulated river water source.
- (5) An unregulated river (regulated supply) access licence must not be granted unless it is for the purpose of taking of water that has been extracted from a regulated river water source under a regulated river (high security) access licence or a regulated river (general security) access licence and then transferred to the unregulated river water source.
- (6) 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.

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

49 (Repealed)

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 Division 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.

50 Individual access licence account management rules

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of these water sources.
- (2) For the period of the first three water years of this Plan, water taken under a domestic and stock access licence, a local water utility access licence, a major utility access licence or an unregulated river access licence must not exceed a volume equal to—
 - (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
 - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, plus

- (c) 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
 - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those water years.
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence, a major utility access licence or an unregulated river access licence must not exceed a volume equal to the lesser of—
- (a) the sum of—
 - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
 - (ii) the water allocations carried over in the water allocation account for the access licence from the water year prior to those three water years under subclause (5),
 - (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (iv) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years, or
 - (b) the sum of—
 - (i) the share component of the access licence at the beginning of the first of those three water years,
 - (ii) the share component of the access licence at the beginning of the second of those three water years,
 - (iii) the share component of the access licence at the beginning of the third of those three water years,
 - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (v) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) In any water year in which this Plan has effect, water taken under an unregulated river (special additional high flow) 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.
- (5) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for a domestic and stock access licence, a local water utility access licence, a major utility access licence, an unregulated river access licence, an unregulated river (regulated supply—local water utility) access licence or an unregulated river (regulated supply) access licence is equal to—
 - (a) 100% of the access licence share component, for access licences with share components expressed as ML/year, or
 - (b) 1 ML per unit share of the access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) Water allocations remaining in the water allocation account for an unregulated river (special additional high flow) access licence cannot be carried over from one water year to the next.

51 Rules for access licences intending to protect water from extraction

- (1) A licence holder may notify the Minister of the licence holder's intent to have water that would otherwise be permitted to be taken under that access licence protected from extraction.
- (2) The licence holder must make, and the Minister must assess, a notification under subclause (1) in accordance with the Active Management Procedures Manual.

Note. *Active Management Procedures Manual* is defined in the Dictionary.

- (3) The water allocation account of an access licence referred to in subclause (1) is to be debited by an amount determined by the Minister, in accordance with the Active Management Procedures Manual.

Note. This clause 51 commences on 1 December 2020 (clause 3 (2) of this Plan).

Division 2 Daily access rules

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

52 General

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

53 Access rules for the taking of surface water

- (1) This clause applies to the taking of water under an access licence from these water sources, excluding the taking of water under an access licence used in association with an aquifer interference activity.
- (2) Subject to subclause (32), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to—
 - (a) the taking of water from an in-river pool or an off-river pool, or

Note. *Visible flow, in-river pool* and *off-river pool* are defined in the Dictionary.

- (b) the taking of water under an access licence with a share component or extraction component that specifies—
- (i) the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (ii) the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (iii) the Campbells River Downstream Management Zone in the Campbells River Water Source,
 - (iv) the Ewenmar Creek Water Source,
 - (v) the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
 - (vi) the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source, or
 - (vii) the Queen Charlottes Vale Evans Plains Creek Downstream Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source.
- (3) Subject to subclause (32), water must not be taken under an access licence from an in-river pool or an off-river pool when the volume in that pool is less than the full capacity of the pool. This subclause does not apply to an access licence listed in Schedule 2.

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

- (4) Subject to subclause (32), an access licence specified in Column 1 of Schedule 2 is subject to the access rules specified in Column 2 for the water sources specified in Column 3 of Schedule 2.

Note. This subclause establishes access rules for the access licences located on in-river pools, off-river pools and in-river dams that are listed in Schedule 2.

- (5) The cease to take condition that arises from subclause (4) applies only to—
- (a) any water supply works that were nominated by the access licence at the commencement of this Plan, and
 - (b) water supply works that are nominated by the access licence following a dealing under 71W of the Act and are located on the same in-river pool, off-river pool or in-river dam as the water supply works nominated by the access licence at the commencement of this Plan.
- (6) The cease to take condition that arises from subclause (4) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act, if that water supply work was nominated by the original access licence at the commencement of this Plan or is located on the same in-river pool, off-river pool or in-river dam as the water supply works nominated by the access licence at the commencement of this Plan. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.

- (7) Subject to subclause (32), water must not be taken under an access licence with a share component that specifies the Ewenmar Creek Water Source if there is no visible flow in Ewenmar Creek at the Oxley Highway Bridge.
- (8) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source when the water level is at or below 50% of the full capacity of Lower Nyngan Weir Pool. For the purposes of this subclause, the Minister may determine a water level at the telemetric gauge on the Bogan River at Nyngan (421138) that is to be considered equivalent to 50% of the full capacity of Lower Nyngan Weir Pool.
- (9) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Source when the water level in the Upper Nyngan Weir Pool is 70 centimetres or more below the concrete sill of Upper Nyngan Weir.
- (10) Subject to subclauses (11) and (32), the taking of water under an access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source must not be commenced following a period in which access was suspended under subclause (8) or (9) unless—
 - (a) there is a visible flow in the Bogan River at Neurie Plains gauge (421039), and
 - (b) water has spilled over Lower Nyngan Weir.
- (11) Subclause (10) does not apply to the taking of water under an access licence where—
 - (a) the licence holder also holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source at the time of the taking of the water and has ordered water under that access licence to be delivered to Lower Nyngan Weir Pool or Upper Nyngan Weir Pool via the Albert Priest Channel,
 - (b) the licence holder is a member of the Albert Priest Channel Association,
 - (c) the volume of water taken is less than or equal to 80% of the volume of water ordered, and
 - (d) the water is taken within 30 days of the delivery of the water to Upper Nyngan Weir Pool.
- (12) Water must not be taken under an unregulated river (regulated supply—local water utility) access licence or an unregulated river (regulated supply) access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source unless—
 - (a) the licence holder also holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source at the time of the taking of the water and has ordered water under that access licence to be delivered to the unregulated river water source that is specified in the share component of the unregulated river (regulated supply—local water utility) access licence or unregulated river (regulated supply) access licence, and
 - (b) the volume of water taken is less than or equal to 70% of the volume of water ordered.

- (13) Water must not be taken under an unregulated river (regulated supply—local water utility) access licence or an unregulated river (regulated supply) access licence with an extraction component that does not specify the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source, unless—
- (a) a licence holder who holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source at the time of the taking of the water has ordered water under that access licence to be delivered to the unregulated river water source that is specified in the share component of the unregulated river (regulated supply—local water utility) access licence or unregulated river (regulated supply) access licence for the purpose of taking the water under the unregulated river (regulated supply—local water utility) access licence or unregulated river (regulated supply) access licence, and
 - (b) the volume of water taken is less than or equal to the volume of water ordered.

- (14) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source when flow at the Oxley gauge (421022) is equal to or less than 500 megalitres per day (hereafter ML/day).

Note. At the Oxley gauge (421022), 500 ML/day corresponds to the estimated 46th percentile flow.

- (15) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies one of the following management zones when the volume of water in Ben Chifley Dam water storage is at or below 700.14 metres at the storage gauge at Ben Chifley Dam (site number 563008)—
- (a) the Campbells River Downstream Management Zone in the Campbells River Water Source, or
 - (b) the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source.

Note. The cease to take threshold of 700.14 metres at the storage gauge corresponds to 22% of the capacity of Ben Chifley Dam. At the commencement of this Plan, up-to-date information on the capacity of Ben Chifley Dam water storage was available on the website of Bathurst Regional Council (<http://www.bathurst.nsw.gov.au/chifleydam>).

- (16) Water must not be taken under an access licence where a cease to take condition that was imposed on the *Water Act 1912* entitlement that the access licence replaces is, in the Minister's opinion, more stringent than the relevant access rules imposed in subclauses (2)–(4), (7)–(10), (14) and (15), when flows or storage/containment levels are at or less than the cease to take condition that was imposed on the replaced *Water Act 1912* entitlement. This subclause does not apply to the taking of water from an in-river dam pool or a runoff harvesting dam.

Notes.

1 Those former *Water Act 1912* entitlements and the cease to take conditions that have been identified as being more stringent than the rules imposed in subclauses (2)–(8), (12) and (13) are listed in Appendix 2.

2 **Cease to take condition, in-river dam pool, runoff harvesting dam and Water Act 1912 entitlement** are defined in the Dictionary.

- (17) The cease to take condition that arises from subclause (16) only applies to water supply works that were nominated by the access licence at the commencement of this Plan.

(18) The cease to take condition that arises from subclause (16) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act, if that water supply work was nominated by the original access licence at the commencement of this Plan. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.

(19) An access licence specified in Column 1 of Schedule 3 is subject to the access rules specified in Column 2 for the water sources specified in Column 3 of Schedule 3.

Note. This subclause establishes access rules for the unregulated river (special additional high flow) access licences that are listed in Schedule 3.

(20) The cease to take condition that arises from subclause (19) applies to water supply works that are nominated by the access licence following a dealing under section 71W of the Act.

(21) The cease to take condition that arises from subclause (19) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.

(22) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone of the Lower Macquarie River Water Source if—

(a) the access licence was the subject of a dealing—

- (i) under section 71Q of the Act that involved an assignment of rights from an access licence with an extraction component that did not specify the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source,
- (ii) under section 71R of the Act that involved the granting of a new access licence with a share component that specifies the Lower Macquarie River Water Source,
- (iii) under section 71S of the Act that involved an access licence with an extraction component that did not specify the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source being varied to specify the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source,
- (iv) under section 71T of the Act that involved an assignment of water allocations from an access licence with a share component that did not specify the Lower Macquarie River Water Source or an extraction component that did not specify the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source, or

- (v) under section 71W of the Act that involved an access licence that did not nominate a work in the Lower Macquarie River Downstream Management Zone of the Lower Macquarie River Water Source being amended to nominate a work in the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source, and

(b) the flow at the Bells Bridge gauge (421012) is less than or equal to 50 ML/day.

Note. This subclause provides that any entitlement or allocation traded into the Lower Macquarie River Downstream Management Zone of the Lower Macquarie River Water Source from Lower Macquarie River Upstream Zone or the Gum Cowal Management Zone of the Lower Macquarie River Water Source or from Marthaguy Creek Water Source is subject to a cease to take threshold of 50 ML/day. This has the effect of permitting limited trade where, in the absence of such a condition, no trade at all would be permitted.

(23) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone of the Lower Macquarie River Water Source if—

(a) the access licence was the subject of a dealing—

- (i) under section 71Q of the Act that involved an assignment of rights from an access licence with an extraction component that specified the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source that is subject to subclause (22) to another access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source, or
- (ii) under section 71T of the Act that involved an assignment of water allocations from an access licence with an extraction component that specified the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source that is subject to subclause (22) to another access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source, and

(b) the flow at the Bells Bridge gauge (421012) is less than or equal to 50 ML/day.

For the purposes of this subclause, an access licence that is subject to subclause (16) will include any access licences that are the subject of subsequent dealings specified in paragraph (a) of this subclause.

Note. This subclause ensures that the effect of the more stringent 50ML/day cease to take condition which applies to relevant licences specified in Appendix 2, will continue to have effect if water that has been traded in from another management zone is subsequently traded within the Lower Macquarie River Downstream Management Zone.

(24) Water must not be taken from the Duckmaloi River in the Fish River Water Source under a major utility access licence unless flow at the Duckmaloi Weir (421188) is 3 ML/day or more.

(25) Water must not be taken under an access licence which nominates a water supply work located within the Queen Charlottes Vale Evans Plains Creek Downstream Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source if the water supply work approval permits that work to be operated in association with an excavation with a depth or base area greater than that permitted under clause 57 (6) and (7) of this Plan.

(26) Water must not be taken from replenishment flows made according to clause 84 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016* (or any relevant replacement plan) under an access licence other than a domestic and stock access licence with a share component or extraction component that specifies—

- (a) the Backwater Boggy Cowal Water Source,
- (b) the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
- (c) the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
- (d) the Lower Bogan River Water Source,
- (e) the Lower Macquarie River Water Source,
- (f) the Marra Creek Water Source, or
- (g) the Marthaguy Creek Water Source.

Note. The Minister may make an order under section 324 of the Act to temporarily restrict or prohibit the taking of water from the above-listed water sources, or other water sources, in order to protect replenishment flows, if the Minister is satisfied that it is necessary to do so in the public interest.

(27) Water must not be taken from flows resulting from releases made according to clause 75 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016* (or any relevant replacement plan) under an access licence with a share component that specifies—

- (a) the Ewenmar Creek Water Source,
- (b) the Lower Bogan River Water Source,
- (c) the Lower Macquarie River Water Source,
- (d) the Marra Creek Water Source, or
- (e) the Marthaguy Creek Water Source.

Note. The Minister may make an order under section 324 of the Act to temporarily restrict or prohibit the taking of water from the above-listed water sources, or other water sources, in order to protect environmental releases, if the Minister is satisfied that it is necessary to do so in the public interest.

(28) Water must not be taken under an access licence from an in-river dam pool or a runoff harvesting dam created by a structure authorised by a water supply work approval when flows or storage levels in that pool or dam are at or less than that specified in a cease to take condition that was imposed on the *Water Act 1912* entitlement that the access licence replaces. This subclause does not apply to the taking of water under an access licence with an extraction component that nominates the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Water Source.

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

- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and

- (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

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

- (30) 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 (29) are—
 - (a) the conditions for construction, operation and maintenance that were specified in conditions imposed on the *Water Act 1912* entitlement that the approval replaces, or
 - (b) where no conditions for construction, operation and maintenance were imposed on the *Water Act 1912* entitlement, the conditions for construction, operation and maintenance determined by the Minister.
- (31) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (29) 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.
- (32) Subclauses (2)–(4), (7)–(10), (14), (15), (22) and (23) 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 4 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 (26)—
 - (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) (Repealed)
 - (d) the taking of water using a runoff harvesting dam or from an in-river dam pool, except under an access licence—
 - (i) with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Source, or

- (ii) listed in Schedule 2.
 - (e) the taking of water under an unregulated river (regulated supply—local water utility) access licence or a local water utility access licence, major utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 4 applies.
- (33) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (32) (a) for an access licence if the Minister is satisfied that the reduced volume is sufficient to meet the relevant purpose referred to in that subclause.

Note. The Minister can reduce the maximum daily volume limit 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.

53A Additional access rules to protect Active Environmental Water

- (1) This clause applies to an unregulated river access licence with an extraction component that specifies any of the following management zones—
 - (a) Gum Cowal Management Zone,
 - (b) Lower Macquarie River Upstream Management Zone,
 - (c) Lower Macquarie River Downstream Management Zone,
 - (d) Lower Marthaguy Creek Management Zone.
- (2) The Minister may announce that, for a specified period, water must not be taken under a specified access licence from a management zone listed in subclause (1) if the Minister has determined and announced, in accordance with the Active Management Procedures Manual, that there is only either of the following present in that management zone—
 - (a) planned environmental water resulting from the access rules specified in clause 53 of this Plan and Active Environmental Water, or
 - (b) Active Environmental Water.
- (3) If the Minister has not made an announcement under subclause (2) the Minister may, in order to protect Active Environmental Water from extraction and in accordance with the Active Management Procedures Manual, announce a maximum amount of water permitted to be taken under a specified access licence from a management zone listed in subclause (1) for a specified period.

Note. The taking of water under an access licence to which an announcement under subclause (3) applies will still be subject to the access rules specified in clause 53 relevant to that access licence.

- (4) Water must not be taken under a licence in excess of that announced by the Minister under subclause (3).

Note. This clause 53A commences on 1 December 2020 (clause 3 (2) of this Plan).

54 Total daily extraction limits

At the commencement of this Plan, there are no total daily extraction limits (TDELs) established for

access licences in these water sources.

Notes.

1 TDELs are an assessment tool only and will be used by the Department to determine which access licences (if any) may require individual daily extraction limits. Where TDELs have been established, continued exceedance of the TDEL may result in the imposition of individual daily extraction limits under clause 55.

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

55 Individual daily extraction limits

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter **IDELs**) established for access licences in these water sources.
- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 54 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

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

55A Active Management Procedures Manual

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

- (a) the means for identifying and determining Active Environmental Water on any given day,
- (b) the requirements for access licence holders intending to protect water from extraction to notify the Minister under clause 51,
- (c) the means for assessing a notification and determining the amounts to be debited from access licence water allocation accounts under clause 51,
- (d) the means for determining and announcing the presence of planned environmental water and Active Environmental Water under clause 53A,
- (e) the means for announcing the water permitted to be taken under an access licence under clause 53A,
- (f) any other matter the Minister considers relevant.

Note. This clause commences on 1 December 2020 (clause 3 (2) of this Plan).

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

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

56 General

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

57 Granting or amending water supply work approvals

- (1) (Repealed)
- (2) A water supply work approval must not be granted or amended to authorise the construction and use of a new in-river dam which, in the Minister' opinion, is being used or is proposed to be used to take water from the following water sources—
 - (a) Backwater Boggy Cowal Water Source,
 - (b) Bell River Water Source,
 - (c) Bulbodney Grahway Creek Water Source,
 - (d) Burrendong Dam Tributaries Water Source,
 - (e) Campbells River Water Source,
 - (f) Cooyal Wialdra Creek Water Source,
 - (g) Goolma Creek Water Source,
 - (h) Lawsons Creek Water Source,
 - (i) Little River Water Source,
 - (j) Lower Bogan River Water Source,
 - (k) Lower Macquarie River Water Source,
 - (l) Lower Talbragar River Water Source,
 - (m) Macquarie River above Burrendong Water Source,
 - (n) Marra Creek Water Source,
 - (o) Marthaguy Creek Water Source,
 - (p) Maryvale Geurie Creek Water Source,
 - (q) Molong Creek Water Source,
 - (r) Piambong Creek Water Source,
 - (s) Pipeclay Creek Water Source,
 - (t) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (u) Summerhill Creek Water Source,
 - (v) Turon Crudine River Water Source,
 - (w) Upper Bogan River Water Source,
 - (x) Upper Talbragar River Water Source,

(y) Winburndale Rivulet Water Source.

Notes.

1 The mandatory conditions provisions of this Plan require water supply works that are abandoned or replaced to be decommissioned (unless otherwise directed by the Minister) and that the Minister is notified within two months of decommissioning. See clause 75 (1) (c) and (d).

2 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, except for those listed in subclause (2), consistent with the *NSW Weirs Policy*, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.

- (3) Subclause (2) does not apply to the following—
- (a) a replacement surface water supply work,
 - (b) a water supply work to be used for town water supply purposes by a local water utility.
- (4) For the purposes of this Plan, **replacement surface water supply work** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from one of these water sources where—
- (a) the existing water supply work is authorised by a water supply work approval under the Act, and
 - (b) the replacement surface water supply work is to be constructed to extract water from the same water source and the same location as the existing water supply work.
- (5) A water supply work approval must not be granted or amended to authorise the construction and use of a new in-river dam in the Fish River Water Source, unless—
- (a) the water supply work approval is granted to Water NSW in connection with the Fish River water supply scheme, and
 - (b) Water NSW has demonstrated, to the Minister's satisfaction, that construction and/or use of a new in-river dam will have no more than minimal impacts on, but not limited to—
 - (i) Bathurst City Council's water supplies and inflows into Burrendong Dam,
 - (ii) environmental values throughout the water source, noting high in-stream environmental values in Duckmaloi Creek, and
 - (iii) other unregulated water access licence holders in these water sources from any growth-in-use response that could result from increased diversions from the new in-river dam.
- (6) A water supply work approval must not be granted or amended to authorise the construction and/or use of a water supply work which, in the Minister's opinion, is being used or is proposed to be used to take water in the Queen Charlottes Vale Evans Plains Creek Downstream Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source if the work approval permits that water supply work to be operated in association with an excavation with—
- (a) a depth greater than 1 metre, and
 - (b) a base area that is greater than 4 square metres.
- (7) The size restrictions on excavations specified in subclause (6) may be varied in relation to the

granting or amendment of a water supply work approval if the Minister is satisfied that permitting an excavation of a larger size would result in no greater impact on the water source and its dependent ecosystems.

Divisions 2, 3

58–64 (Repealed)

Part 10 Access licence dealing rules

65 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.

66 Conversion of access licence to new category

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

67 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 (special additional high flow) access licence with an extraction component that specifies one management zone to an access licence with an extraction component that specifies a different management zone,
 - (b) an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source to an access licence that nominates a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source,
 - (c) an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone in the Bulbodney Grahway Creek Water Source to an access licence with an extraction component that specifies the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (d) an access licence with an extraction component that specifies a management zone in the Campbells River Water Source to an access licence with an extraction component that specifies another management zone in the Campbells River Water Source,
 - (e) an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Gum Cowal Management Zone in the Lower Macquarie River Water Source,

- (f) an access licence with an extraction component that specifies the Gum Cowal Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
- (g) an access licence with an extraction component that specifies the Gum Cowal Management Zone in the Lower Macquarie River Water Source to another access licence which nominates a water supply work located in the Gum Cowal Management Zone upstream of the water supply work nominated by that access licence,
- (h) an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source to another access licence which nominates a water supply work located in the Lower Macquarie River Upstream Management Zone upstream of the water supply work nominated by that access licence,
- (i) an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source to an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- (j) an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source to an access licence that nominates a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source,
- (k) an access licence with an extraction component that specifies the Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence with an extraction component that specifies another management zone in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (l) an access licence that does not nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (m) an access licence that does not nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (n) an access licence that does not nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source to an access licence that nominates a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source.
- (o) (Repealed)

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

- (1) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following—
- (a) an unregulated river (special additional high flow) access licence,
 - (b) the granting of an access licence with a share component that specifies one of the following water sources—
 - (i) Backwater Boggy Cowal Water Source,
 - (ii) Coolbaggie Creek Water Source,
 - (iii) Cooyal Wialdra Creek Water Source,
 - (iv) Ewenmar Creek Water Source,
 - (v) Fish River Water Source,
 - (vi) Goolma Creek Water Source,
 - (vii) Lawsons Creek Water Source,
 - (viii) Little River Water Source,
 - (ix) Marra Creek Water Source,
 - (x) Maryvale Geurie Creek Water Source,
 - (xi) Molong Creek Water Source,
 - (xii) Piambong Creek Water Source,
 - (xiii) Pipeclay Creek Water Source,
 - (xiv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (xv) Summerhill Creek Water Source,
 - (xvi) Turon Crudine River Water Source,
 - (xvii) Upper Cudgegong River Water Source,
 - (xviii) Upper Talbragar River Water Source,
 - (xix) Wambangalong Whylandra Creek Water Source, or
 - (xx) Winburndale Rivulet Water Source.
 - (xxi)–(xxiv) (Repealed)
 - (c) the granting of an access licence with a share component that specifies the Bell River Water Source, unless—

- (i) the new access licence does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River, and
 - (ii) the share component of the cancelled access licence specified the Molong Creek Water Source,
- (d) the granting of an access licence with a share component that specifies the Bulbodney Grahway Creek Water Source, unless—
 - (i) the extraction component of the new access licence specifies the Bulbodney Grahway Management Zone, and
 - (ii) the share component of the cancelled access licence specified the Lower Bogan River Water Source or the Upper Bogan River Water Source,
- (e) the granting of an access licence with a share component that specifies the Burrendong Dam Tributaries Water Source, unless the share component of the cancelled access licence specified one of the following water sources—
 - (i) Campbells River Water Source,
 - (ii) Fish River Water Source,
 - (iii) Macquarie River above Burrendong Water Source,
 - (iv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (v) Summerhill Creek Water Source,
 - (vi) Turon Crudine River Water Source,
 - (vii) Winburndale Rivulet Water Source,
- (f) the granting of an access licence with a share component that specifies the Campbells River Water Source, unless—
 - (i) the extraction component of the new access licence specifies the Campbells River Downstream Management Zone, and
 - (ii) the extraction component of the cancelled access licence specified the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- (g) the granting of an access licence with a share component that specifies the Lower Bogan River Water Source, unless the share component of the cancelled access licence specified one of the following water sources—
 - (i) Bulbodney Grahway Creek Water Source,
 - (ii) Upper Bogan River Water Source,
- (h) the granting of an access licence with a share component that specifies the Lower Macquarie River Water Source, unless—

- (i) the extraction component of the new access licence specifies the Lower Macquarie River Downstream Management Zone, and
 - (ii) the share component of the cancelled access licence specified the Marthaguy Creek Water Source,
 - (i) the granting of an access licence with a share component that specifies the Lower Talbragar River Water Source, unless—
 - (i) the access licence only nominates a water supply work located on the main trunk of the Talbragar River, and
 - (ii) the share component of the cancelled access licence specified the Upper Talbragar River Water Source,
 - (j) the granting of an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source, unless the share component of the cancelled access licence specified one of the following water sources—
 - (i) Campbells River Water Source,
 - (ii) Fish River Water Source,
 - (iii) Queen Charlottes Vale Evans Plain Creek Water Source,
 - (iv) Summerhill Creek Water Source,
 - (v) Turon Crudine River Water Source,
 - (vi) Winburndale Rivulet Water Source,
 - (k) the granting of an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source, unless the extraction component of the cancelled access licence specified the Campbells River Downstream Management Zone in the Campbells River Water Source,
 - (l) the granting of an access licence with a share component that specifies the Marthaguy Creek Water Source, unless the extraction component of the cancelled access licence specified the Gum Cowal Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source,
 - (m) the granting of an access licence with a share component that specifies the Upper Bogan River Water Source, unless the share component of the cancelled access licence specified one of the following water sources—
 - (i) Bulbodney Grahway Creek Water Source,
 - (ii) Lower Bogan River Water Source.
- (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) The extraction component of a new access licence granted in accordance with a section 71R dealing will not carry over the extraction component from the cancelled access licence.

69 Amendment of extraction component dealings

Dealings under section 71S of the Act are prohibited if the dealing involves—

- (a) the extraction component of an unregulated river (special additional high flow) access licence being varied to specify another management zone,
- (b) an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone in the Bulbodney Grahway Creek Water Source being varied to specify the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
- (c) an access licence with an extraction component that specifies a management zone in the Campbells River Water Source being varied to specify another management zone in the Campbells River Water Source,
- (d) an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source being varied to specify the Gum Cowl Management Zone in the Lower Macquarie River Water Source,
- (e) an access licence with an extraction component that specifies the Gum Cowl Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source being varied to specify the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
- (f) an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source being varied to specify the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source, or
- (g) (Repealed)
- (h) an access licence with an extraction component that specifies the Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source being varied to specify another management zone in the Queen Charlottes Vale Evans Plains Creek Water Source.

70 Assignment of water allocations dealings

- (1) Dealings under section 71T of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of water allocation from—
- (a) an unregulated river (special additional high flow) access licence to an access licence in another management zone,
 - (b) an unregulated river (special additional high flow) access licence to an access licence of another category,

- (c) an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source to an access licence that nominates a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source,
- (d) an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone in the Bulbodney Grahway Creek Water Source to an access licence with an extraction component that specifies the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
- (e) an access licence with an extraction component that specifies a management zone in the Campbells River Water Source to an access licence with an extraction component that specifies another management zone in the Campbells River Water Source,
- (f) an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Gum Cowl Management Zone in the Lower Macquarie River Water Source,
- (g) an access licence with an extraction component that specifies the Gum Cowl Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
- (h) an access licence with an extraction component that specifies the Gum Cowl Management Zone in the Lower Macquarie River Water Source to another access licence which nominates a water supply work located in the Gum Cowl Management Zone upstream of the water supply work nominated by that access licence,
- (i) an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source to another access licence which nominates a water supply work located in the Macquarie River Upstream Management Zone upstream of the water supply work nominated by that access licence,
- (j) an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source to an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- (k) an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source to an access licence that nominates a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source,
- (l) an access licence with an extraction component that specifies the Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence with an extraction component that specifies

- another management zone in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (m) an access licence that does not nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (n) an access licence that does not nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (o) an access licence that does not nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source to an access licence that nominates a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source.
 - (p) (Repealed)
- (2) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves any of the following—
- (a) (Repealed)
 - (b) an unregulated river (special additional high flow) access licence,
 - (c) an assignment of water allocation to an access licence in one of the following water sources—
 - (i) Backwater Boggy Cowal Water Source,
 - (ii) Coolbaggie Creek Water Source,
 - (iii) Cooyal Wialdra Creek Water Source,
 - (iv) Ewenmar Creek Water Source,
 - (v) Fish River Water Source,
 - (vi) Goolma Creek Water Source,
 - (vii) Lawsons Creek Water Source,
 - (viii) Little River Water Source,
 - (ix) Marra Creek Water Source,
 - (x) Maryvale Geurie Creek Water Source,
 - (xi) Molong Creek Water Source,
 - (xii) Piambong Creek Water Source,

- (xiii) Pipeclay Creek Water Source,
 - (xiv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (xv) Summerhill Creek Water Source,
 - (xvi) Turon Crudine River Water Source,
 - (xvii) Upper Cudgegong River Water Source,
 - (xviii) Upper Talbragar River Water Source,
 - (xix) Wambangalong Whylandra Creek Water Source,
 - (xx) Winburndale Rivulet Water Source.
 - (xxi)–(xxiv) (Repealed)
- (d) an assignment of water allocation to an access licence with a share component that specifies the Bell River Water Source, unless the assignment—
- (i) is to an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River, and
 - (ii) is from an access licence with a share component that specifies the Molong Creek Water Source,
- (e) an assignment of water allocation to an access licence with a share component that specifies the Bulbodney Grahway Creek Water Source, unless the assignment—
- (i) is to an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone, and
 - (ii) is from an access licence with a share component that specifies the Lower Bogan River Water Source or the Upper Bogan River Water Source,
- (f) an assignment of water allocation to an access licence with a share component that specifies the Burrendong Dam Tributaries Water Source, unless the assignment of allocation is from an access licence with a share component that specifies one of the following water sources—
- (i) Campbells River Water Source,
 - (ii) Fish River Water Source,
 - (iii) Macquarie River above Burrendong Water Source,
 - (iv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (v) Turon Crudine River Water Source,
 - (vi) Summerhill Creek Water Source,
 - (vii) Winburndale Rivulet Water Source,

- (g) an assignment of water allocation to an access licence with a share component that specifies the Campbells River Water Source, unless the assignment—
 - (i) is to an access licence with an extraction component that specifies the Campbells River Downstream Management Zone, and
 - (ii) is from an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- (h) an assignment of water allocation to an access licence with a share component that specifies the Lower Bogan River Water Source, unless the assignment of allocation is from an access licence with a share component that specifies one of the following water sources—
 - (i) Bulbodney Grahway Creek Water Source,
 - (ii) Upper Bogan River Water Source,
- (i) an assignment of water allocation to an access licence with a share component that specifies the Lower Macquarie River Water Source, unless the assignment—
 - (i) is to an access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone, and
 - (ii) is from an access licence with a share component that specifies the Marthaguy Creek Water Source,
- (j) an assignment of water allocation to an access licence with a share component that specifies the Lower Talbragar River Water Source, unless the assignment—
 - (i) is to an access licence that only nominates a water supply work located on the main trunk of the Talbragar River, and
 - (ii) is from an access licence with a share component that specifies the Upper Talbragar River Water Source,
- (k) an assignment of water allocation to an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source, unless the assignment is from an access licence with a share component that specifies one of the following water sources—
 - (i) Campbells River Water Source,
 - (ii) Fish River Water Source,
 - (iii) Queen Charlottes Vale Evans Plain Creek Water Source,
 - (iv) Turon Crudine River Water Source,
 - (v) Summerhill Creek Water Source,
 - (vi) Winburndale Rivulet Water Source,

- (l) an assignment of water allocation to an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source, unless the assignment is from an access licence with an extraction component that specifies the Campbells River Downstream Management Zone in the Campbells River Water Source,
- (m) an assignment of water allocation to an access licence with a share component that specifies the Marthaguy Creek Water Source, unless the assignment is from an access licence with an extraction component that specifies the Gum Cowal Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source,
- (n) an assignment of water allocation to an access licence with a share component that specifies the Upper Bogan River Water Source, unless the assignment is from an access licence with a share component that specifies one of the following water sources—
 - (i) Bulbodney Grahway Creek Water Source,
 - (ii) Lower Bogan River Water Source.

71 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.

72 Nomination of water supply works dealings

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves—
 - (a) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence,
 - (b) an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source being amended to nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source,
 - (c) an access licence which nominates a water supply work located in the Gum Cowal Management Zone in the Lower Macquarie River Water Source being amended to nominate a water supply work that is located upstream of the water supply work originally nominated and on a different lot and DP,
 - (d) an access licence which nominates a water supply work that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source being amended to nominate a water supply work that is located upstream of the water supply work originally nominated and on a different lot and DP,
 - (e) an access licence within the Molong Creek Water Source which does not nominate a water supply work located upstream of the confluence of Molong Creek and Borenore Creek being amended to nominate a water supply work located upstream of the confluence of Molong Creek and Borenore Creek,

- (f) an access licence which does not nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source being amended to nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (g) an access licence which does not nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source being amended to nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source, or
 - (h) an access licence that does not nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source being amended to nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source,
 - (i) a floodplain harvesting (unregulated river) access licence that nominates a water supply work if—
 - (i) the work is nominated by another access licence with a share component that specifies a water source that is a regulated river, or
 - (ii) all of the following apply—
 - (A) the work is located on land on which another water supply work is situated,
 - (B) that other water supply work is nominated by another access licence,
 - (C) the share component of that other access licence specifies a water source that is a regulated river.
- (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) A dealing under section 71W of the Act is prohibited if it involves an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence.

Part 11 Mandatory conditions

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

Division 1 General

73 General

In this Part—

- (a) a requirement to notify the Minister in writing will be satisfied by writing to the address listed in Schedule 5 of this Plan or to the email address for enquiries on the Department's website.

Note. At the commencement of this Plan, the email address for enquiries on the Department's website is water.enquiries@dpi.nsw.gov.au.

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

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

- (c) if the holder of a water supply work approval is the same person 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.

74 General

- (1) Access licences in these water sources must have mandatory conditions to give effect to the following—
- (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
 - (b) 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) water must not be taken otherwise than in accordance with the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
 - (e) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions to give effect to the following—
- (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the access licence must record the following in the Logbook—
 - (i) each date and 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 taken on that date was used,

- (v) for domestic and stock access licences, local water utility access licences, major water utility access licences and unregulated river access licences with share components that specify one of these water sources, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the volume of water permitted to be taken in those years under clause 50 (3),
 - (vi) for unregulated river (special additional high flow) access licences with share components that specify one of these water sources, 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 50 (4).
 - (vii) any other information required to be recorded in the Logbook under the rules of this Plan.
 - (viii) for domestic and stock access licences, local water utility access licences, aquifer access licences and aquifer (high security) access licences with share components that specify one of the Macquarie Bogan Alluvial Groundwater Sources, 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 51 (2), and
 - (ix) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
 - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) If required by the Minister, the holder of the access licence that nominates only a metered water supply work with a data logger must keep a Logbook in accordance with any requirements of subclause (2).
- (4) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclause (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the licence.

Note. The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2021.

- (5) Subclauses (2)–(4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

Note. *Mandatory metering equipment condition* is defined in clause 228 of the *Water Management (General) Regulation 2018*.

Division 3 Water supply work approvals

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

75 General

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions to give effect to the following—
- (a) 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 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 by 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.
- (1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in the relation to the work, subclause (1) (b) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (1B) Subclause (1) (b) and (1A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

Note. Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory

metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in these water sources from 1 December 2021.

- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger, or is used for the purpose of taking water under basic landholder rights only, must have mandatory conditions to give effect to the following—
- (a) the holder of a water supply work approval must keep a Logbook,
 - (b) the holder of a water supply work approval must record the following in the Logbook—
 - (i) each date and start and end time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) the number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
 - Note.** *Pump capacity* is defined in the Dictionary.
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
 - (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection when requested, and
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
- (3A) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the approval.

- (3B) Subclauses (2)–(3A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- (4) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search) in the Logbook.
- (5) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from—
- (a) a dealing under section 71Q or 71W of the Act,
 - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of an 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.
- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in or specified in clause 57 (4).

76 (Repealed)

Part 12 Amendment of this Plan

77 General

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

78 Part 1

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

- (a) apply this Plan to new or additional water sources or water management areas (including part

thereof) or to modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) from this Plan,

- (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone,
- (c) add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies, and
- (d) amend the Plan Map.

79 (Repealed)

80 Part 6

Division 3 of Part 6 may be amended to combine the long-term average sustainable diversion limit for these water sources with the long-term average sustainable diversion limit for the Macquarie and Cudgegong Regulated Rivers Water Source and the Castlereagh Unregulated River Water Sources.

81 Part 8

- (1) Division 1 of Part 8 of this Plan may be amended to specify different individual access licence account management rules for—
 - (a) unregulated river (regulated supply—local water utility) access licences or unregulated river (regulated supply) access licences, or
 - (b) major utility access licences in the Fish River Water Source following a review of those account management rules, provided that the Minister is satisfied that the outcome of the review is that—
 - (i) the functions or operations of Water NSW are unnecessarily restricted by the original account management rules, and
 - (ii) different account management rules would not have adverse impacts on other water users or the environment.
- (2) Division 2 of Part 8 of this Plan may be amended to do any of the following—
 - (a) 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 78, provided that the Minister is satisfied that the amendments maintain, to the extent feasible, the same level of access for licence holders in the affected water source or management zone as prior to the establishment of the new or amended water source or management zone,
 - (b) amend clause 53 (Access rules for the taking of surface water) to—
 - (i) protect replenishment flows made according to clause 84 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016* (or any relevant replacement plan),
 - (ii) protect flows resulting from releases made under Part 10 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016* (or any

- relevant replacement plan),
- (iii) protect flows released through the Albert Priest Channel for the purpose of town water supply,
 - (iv) specify different access rules for unregulated river (regulated supply—local water utility) access licences or unregulated river (regulated supply) access licences,
 - (v) specify different access rules for the Bell River Water Source if future studies demonstrate, in the opinion of the Minister, that Wellington Caves are dependent on surface water flows from that water source,
 - (vi) specify different access rules for the Macquarie River Tributaries Management Zone of the Macquarie River above Burrendong Water Source after year 5 of this Plan, provided that—
 - (A) flow records are sufficient, in the opinion of the Minister, to determine flow levels accurately, and
 - (B) the cease to take threshold must not be set at a level that is less than visible flow or greater than the 95th percentile flows in January,
 - (vii) specify a different access rule for an access licence if the access licence was the subject of a dealing under—
 - (A) section 71Q of the Act that involved an assignment of rights from an access licence that was subject to clause 53 (16),
 - (B) section 71R of the Act that involved the cancellation of an access licence that was subject to clause 53 (16),
 - (C) section 71S of the Act that involved an access licence that was subject to clause 53 (16), or
 - (E) section 71W of the Act that involved an access licence that was subject to clause 53 (16),

if in the Minister’s opinion a different rule is required to protect the water source and its dependent ecosystems, and provided that the different rule maintains a commensurate level of access for the licence holder as was provided under the access licence that was subject to clause 53 (16),
 - (viii) specify different access rules for any access licence used for the purposes of the Macquarie to Orange Pipeline Project. For the purposes of this clause, the Macquarie to Orange Pipeline Project is the Orange drought relief connection consisting of pipeline, pumping stations, transmission line and associated infrastructure to transfer water from the Macquarie River to Orange’s water supply system, or
 - (ix) (Repealed)
 - (x) remove reference to the Campbells River Downstream Management Zone in the Campbells River Water Source or the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source or both in clause 53 (2)

if the Campbells River or the Macquarie River or both are no longer used by Bathurst Regional Council to convey town water supplies,

- (c) establish or assign TDELS in these water sources or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (d) establish or assign TDELS in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (e) amend or remove TDELS if TDELS have been established or assigned,
- (f) include rules for the establishment, assignment and removal of IDELS,
- (g) remove the existing access rules where TDELS or IDELS have been established under paragraphs (d) or (f) to protect a proportion of flow within each flow class for the environment,
- (h) reinstate access rules that applied at the commencement of this Plan, where TDELS and IDELS have been removed under paragraphs (e) and (f),
- (i) include rules to facilitate active management to share flows, including requiring the taking of water to be carried out in accordance with Ministerial notices or announcements or to require licence holders to express interest in accessing their entitlement during an event.

82 Part 9

Part 9 may be amended to amend clause 57 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise in-river dams on third or higher order streams.

83 Part 10

Part 10 may be amended to do any of the following—

- (a) specify different access licence dealing rules for the Bell River Water Source if future studies conclude that Wellington Caves are dependent on surface water flows from that water source,
- (b) specify different access licence dealing rules for the Fish River Water Source if Water NSW can demonstrate to the Minister's satisfaction that such rules will have no more than minimal impacts on, but not limited to—
 - (i) Bathurst City Council's water supplies and inflows into Burrendong Dam,
 - (ii) the water source, noting high in-stream environmental values in Duckmaloi Creek, and
 - (iii) other unregulated water access licence holders in these water sources from any growth-in-use response that could result from dealings into the water source,
- (c) to provide for the conversion of regulated river (high security) access licences that specify regulated river water sources connected to, and downstream of, these water sources to access licences with share components that specify these water sources.

84 Part 11

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

85 Dictionary

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

86 Schedules

- (1) (Repealed)
- (2) Schedule 2 may be amended to do any of the following—
 - (a) remove an access licence or *Water Act 1912* entitlement specified in Column 1 and the corresponding access rule and water source in Column 2 and Column 3 of the Schedule,
 - (b) amend the access rule specified in Column 2 of the Schedule,
 - (c) add an access licence to Column 1 and specify an access rule and water source in Column 2 and Column 3 of the Schedule, based on the following requirements—
 - (i) (Repealed)
 - (ii) the applicant has held a *Water Act 1912* entitlement that has been converted to an access licence on commencement of this Plan, and
 - (iii) the applicant must demonstrate a history of extraction regarding the taking of water from off-river pools or in-river pools and provide any other information as required by the Minister.
- (3) Schedule 4 may be amended to do any of the following—
 - (a) add a new access licence to clause 1 of Schedule 4, 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 53 (32) (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 4, 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 4 if—
 - (i) an access licence dealing results in water being taken under the licence from a different location,
 - (ii) an alternative water supply is obtained, or
 - (iii) the access licence is surrendered or cancelled,
 - (d) remove a local water utility access licence, an access licence of the subcategory “Town

water supply”, or a *Water Act 1912* entitlement from clause 2 of Schedule 4 if—

- (i) the Minister is satisfied that the water supply system used to extract, store and deliver water has undergone major augmentation since the commencement of this Plan, or
- (ii) the access licence is surrendered or cancelled.

(4) Schedule 4 or part thereof may be deleted if the Minister is satisfied that it is no longer required.

(5), (6) (Repealed)

87 Other

(1) This Plan may be amended to include rules for any of the following—

- (a) the management of floodplain harvesting within these water sources,
- (b) the shepherding of water,

Note. *Shepherding* is defined in the Dictionary.

- (c) any new category of access licence established for the purpose of urban stormwater harvesting,

- (d) the interception of water before it reaches a stream or aquifer by plantations or other means,

(2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.

(3) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.

(4) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* of the Commonwealth.

(5) This Plan may be amended after year five to provide rules for the protection of water dependent Aboriginal cultural assets to do any of the following—

- (a) identify water dependent Aboriginal cultural assets,
- (b) amend the access rules to protect water dependent Aboriginal cultural assets,
- (c) restrict the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets, or
- (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.

(6) Any amendments under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.

(7) Before making an amendment pursuant to subclause (5), the Minister should consult with relevant Government agencies and stakeholders.

(8) This Plan may be amended to include or amend access rules for unregulated river access licences so as to protect Active Environmental Water from extraction.

Dictionary

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

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

Active Environmental Water is the water in these water sources identified or determined by the Minister on any given day as requiring protection from extraction, in accordance with the Active Management Procedures Manual, that arises from the following—

- (a) held environmental water flowing from a water source that is upstream of one of the following management zones—
 - (i) Gum Cowal Management Zone,
 - (ii) Lower Macquarie River Upstream Management Zone,
 - (iii) Lower Macquarie River Downstream Management Zone,
 - (iv) Lower Marthaguy Creek Management Zone,
- (b) a notification by a licence holder to the Minister of the licence holder's intention to protect the water from extraction under clause 51 of this Plan,
- (c) releases made according to clause 75 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*.

Active Management Procedures Manual means the manual established by the Minister under clause 55A.

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

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

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

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

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.

Fish River water supply scheme has the same meaning as in the *Water NSW Act 2014*.

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

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

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

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

individual daily extraction limit (IDEL) 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 as a result of an in-river dam.

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

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

Note.

In the Dictionary to the Act, a **lake** is defined to include—

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and
- (b) any water declared by the regulations to be a lake,

whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.

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.

Macquarie-Castlereagh SDL resource unit has the same meaning as provided for in section 6.02 of the Basin 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.

NSW Environmental Water Manager means the NSW Government department or agency with the conservation role for water-dependent assets. This responsibility extends to managing the NSW environmental water portfolio.

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

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

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

pump capacity means the volume of water in litres per second that a pump is able to take from a water source.

replacement surface water supply work has the meaning given to that term in clause 57(4) of this Plan.

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

shepherding means the delivery of a calculated volume of water that was created by the non-activation/reduced extraction at a nominated licence location to a more downstream location, after consideration of losses, where it will be made available for extraction or use for the environment.

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

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.

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

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

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

Schedule 1 (Repealed)

Schedule 2 Access rules for in-river pools, off-river pools and in-river dams

General

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

Column 1	Column 2	Column 3
<i>Water Act 1912</i> entitlements that were replaced by access licences on commencement of this Plan	Access rule	Water Source
80SL095335	Water must not be taken from an in-river pool when the water level of that in-river pool is less than 80% of full capacity.	Bell River
80SL095344	Water must not be taken from an in-river pool when the water level of that in-river pool is less than 50% of full capacity.	Piambong Creek
80SL039502	Water must not be taken from an in-river pool when the water level of that in-river pool is less than 50% of full capacity.	Turon Crudine River
80SL041163	Water must not be taken when the level of water in Rylstone Dam storage is at or below 1.22 metres below the top of the spillway.	Upper Cudgegong River
80SL043274	Water must not be taken when the level of water in Rylstone Dam storage is at or below 1.22 metres below the top of the spillway.	Upper Cudgegong River
80SL043517	Water must not be taken when the level of water in Rylstone Dam storage is at or below 1.22 metres below the top of the spillway.	Upper Cudgegong River

Schedule 3 Access rules for unregulated river (special additional high flow) access licences

General

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

Column 1	Column 2	Column 3
<i>Water Act 1912</i> entitlements that were replaced by access licences on commencement of this Plan	Access rule	Water Source
80SL095326H	Water must not be taken unless the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day.	Bulbodney Grahway Creek
80SL096343H	Water must not be taken unless the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day.	Bulbodney Grahway Creek
85SL039638H	Water must not be taken unless the discharge of the Bogan River at the Gongolgon weir is greater than 160 megalitres per day.	Lower Bogan River
85SL043626H	Water must not be taken unless the discharge of the Bogan River at the Gongolgon weir is greater than 160 megalitres per day.	Lower Bogan River
85SL049423H	Water must not be taken unless the Bogan River flow exceeds 300 megalitres per day at Monkey Bridge and 160 megalitres per day at the Gongolgon weir.	Lower Bogan River
85SL095775H	Water must not be taken unless the Bogan River flow exceeds 300 megalitres per day at Monkey Bridge and 160 megalitres per day at the Gongolgon weir gauge.	Lower Bogan River
80SA000480H	Water must not be taken unless the discharge of the Macquarie River at the Carinda gauge exceeds 245 megalitres per day.	Lower Macquarie River
80SL037527H	Water must not be taken unless the discharge of the Macquarie River at the Carinda gauge exceeds 245 megalitres per day.	Lower Macquarie River
80SL034332H	Water must not be taken unless the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day.	Upper Bogan River

80SL095134H	Water must not be taken unless unless Upper Bogan River the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day.
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Schedule 4 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 were replaced by access licences on commencement of this Plan**

80SL047407
80SL050611
80SL095834
80SL095860
80SL033134
80SL045757
80SL035485
80AW000042
80SL095792
80SL095837
80SL095838
80SL095875
80SL095896
80SL095908
80SL095919
80SL095931
80SL095996
80SL096018
80SL096259
80SA010637
80SL022577
80SL095829
80SL095933

80SL095947

80SL096011

80SL096107

80SL038852

80SL038510

80SL017881

2 Local water utility, major utility 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 were replaced by local water utility access licences, major utility access licences or access licences of the subcategory “Town water supply” on commencement of this Plan**

80SL031767

80SL043858

80SL096331

80SL038036

80SL044916

80SL095434

80SL026734

80SL038132

80SL023051

80SL040563

80SL047511

80SL019053

80SL044703

80SL046895

80SL034214

80SL034224

80SL046857

80SL046300

80SL095851

80SL012407

80SL004674

The deemed Part 9 licence held by Water NSW for the Fish River Water Supply Scheme or any successor to that licence

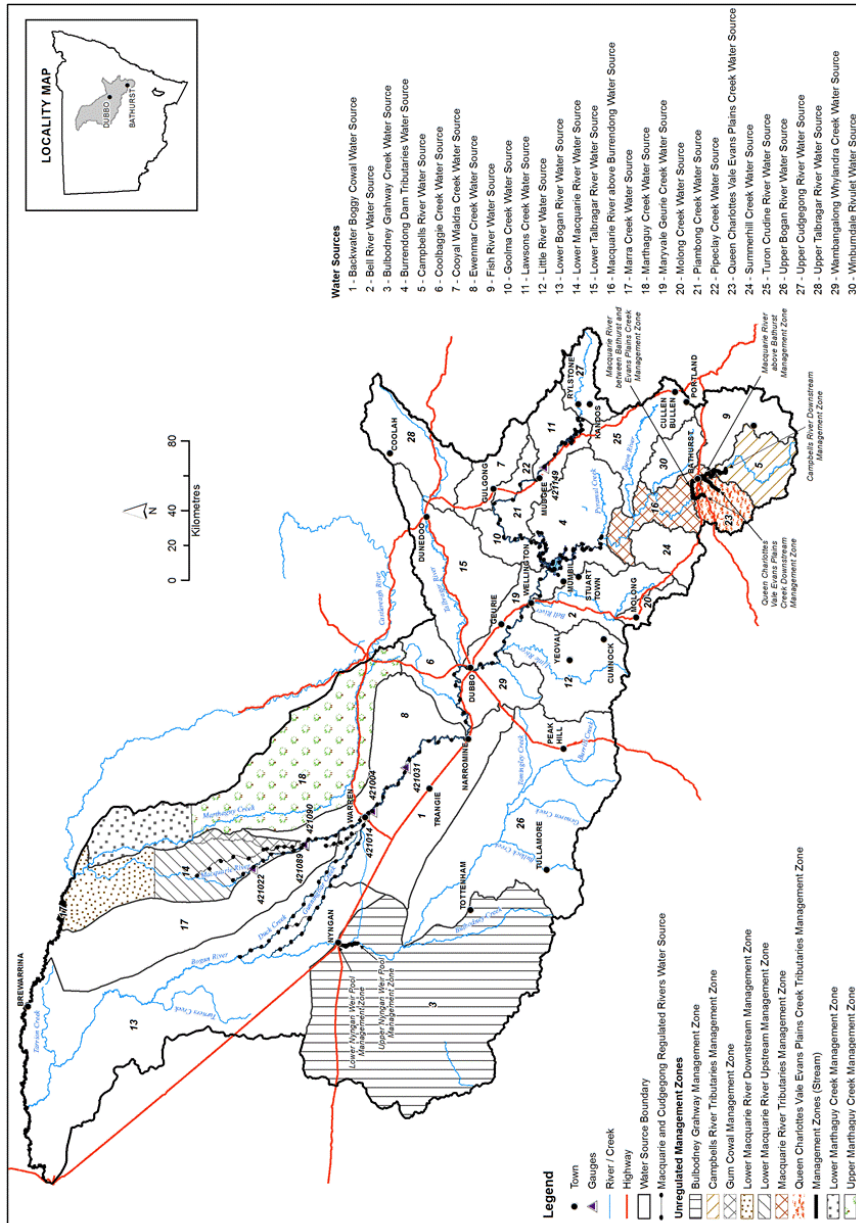
Schedule 5 Office

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

Schedules 6, 7 (Repealed)

Appendix 1 Overview of the Plan Map

Overview of the [Plan Map \(WSP026_Version 2\)](#), Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012



Appendix 2 Access licences with specific cease to take condition

It is expected that those access licences which replace a *Water Act 1912* entitlement listed in Column 1 of the table below and which have share components that specify the water sources listed in Column 2 of the table below, will have the applicable *Water Act 1912* conditions specified in Column 3 imposed as mandatory conditions on all water supply work approvals nominated by those access licences to give effect to clause 53 (16) of this Plan.

Column 1 Column 2 Column 3

**Water Act 1912 Water Source Water Act 1912 conditions
entitlements
that were
replaced by
access licences
on
commencement
of this Plan**

80SL021976	Backwater Boggy Cowal	When there is a flow in Beleringar Creek the licensed work shall not be used for the purpose of irrigation until such flow has reached the junction of the said Beleringar Creek and Gunningbar Creek.
80SL031215	Backwater Boggy Cowal	When a flow of water in Beleringar Creek is caused by other than gravitational diversion of water into the creek from the Macquarie River near t.s.r. 34257, parish of Egelebra and Gungalgang, county of Oxley or from local run-off, the licensed work shall not be used for the purpose of irrigation.
80SL031215	Backwater Boggy Cowal	When there is a flow of water in Beleringar Creek entering the storage of the dam authorised by this licence, the pump shall not be used until such flow has reached the junction of the said Beleringar Creek and Gunningbar Creek or unless a flow is released into Beleringar Creek downstream of the said dam equivalent to the flow entering the storage for the time being.
80SL037807	Backwater Boggy Cowal	When there is a flow in Beleringar Creek the licensed work shall not be used for the purpose of irrigation until such flow has reached the junction of the said Beleringar Creek and Gunningbar Creek.
80SL039097	Backwater Boggy Cowal	When a flow of water in Beleringar Creek is caused by other than gravitational diversion of water into the creek from the Macquarie River near t.s.r. 34257, parish of Egelebra and Gungalgang, county of Oxley, or from local run-off or tailwater from existing licensed or authorised areas of irrigation, the licensed work shall not be used for the purpose of irrigation.
80SL039097	Backwater Boggy Cowal	When there is a flow of water in Beleringar Creek entering the storage of the dam authorised by this licence the pump shall not be used until such flow has reached the junction of the said Beleringar Creek and Gunningbar Creek or unless a flow is released into Beleringar Creek downstream of the said dam equivalent to the flow entering the storage for the time being.
80SL045166	Backwater Boggy Cowal	The licensed work shall not be used for the purpose of irrigation or to fill the storage unless there is a visible flow in the Boggy Cowal equal to or greater than 150 millimetres in depth over the sill of the road culvert under the Farrandale road located on the northern boundary of portion 51, parish of Backwater, county of Narromine.
80SL051138	Backwater Boggy Cowal	When a flow of water in Beleringar Creek is caused other than by gravitational diversion of water into the creek from the Macquarie River near t.s.r.34257 parish of Egelebra and Gungalgang, county of Oxley, or from local run-off the licensed work shall not be used for the purpose of irrigation.
80SA010586	Bell River	The authorised work shall not be used for the purpose of irrigation unless the flow in the Bell River (measured at the Tantallon Road bridge over the Bell River adjacent to lot 319 DP 46481 parish of Gamboola, county of Wellington) is 50 megalitres per day assumed to correspond to a reading of 0.19m on the gauge located immediately upstream of the Belgravia Road crossing adjacent to lot 53 DP 756883, parish of Gamboola, county of Wellington.

80SL042124	Bell River	The licensed work shall not be used for the purpose of irrigation unless there is a visible surface flow in Store Creek at the Buck Swamp road crossing located at the northern boundary of lot 122 DP 756875, parish of Cooper, county of Wellington.
80SL043783	Bell River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Jenny Lind Creek at or near the western boundary of lot 3 DP 585277, parish of March county of Wellington.
80SL043960	Bell River	Diversion of water from Ploughmans Creek by way of the licensed work shall not be carried out unless there is a visible flow in the creek immediately downstream of the old weir located just downstream of the licensed works. The weir being located on lot 1 DP 816985, parish of Orange and lot 207 DP 1018862, parish of Borenore, both county of Wellington.
80SL095007	Bell River	The licensed work shall not be used for the purpose of irrigation unless the flow in the Bell River corresponds to a reading of 0.00 metres on the gauge located on the right bank immediately upstream of the Tantallon bridge adjacent to lot 319 DP 46481, parish of Mulyan, county of Wellington.
80SL096223	Bulbodney Grahway Creek	The licensed work shall not be used for the purpose of irrigation unless there is in the Bogan River either: 1) a discharge of not less than 85 megalitres per day at the gauge on the Mitchell highway road bridge (such discharge corresponding to a reading on the said gauge of 2.46 metres or such other readings as may be determined from time to time), or 2) a visible flow at the south eastern boundary of lot 6 DP 751320, parish of Grahweed, county of Canbelego, being a point about 3200 metres upstream of the junction of Gunningbar Creek with the Bogan River.
80SL096336	Bulbodney Grahway Creek	The licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.77 metres or such other reading as may be determined from time to time).
80SL096342	Bulbodney Grahway Creek	The authorised pump shall not be used for the purpose of irrigation unless there is a visible flow in the Bogan River passing over the weir located on lot 31 DP 755315, parish of Wera, county of Oxley, and lot 23 DP 752897, parish of Murrabudda, county of Flinders (known locally as Thora Weir).
80SL043575	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Gilmandyke Creek at, or immediately upstream of the Rockley Rockley-Burruga road crossing within part 98, parish of Rockley, county of Georgiana.
80SL044195	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a flow of water in the Campbells River, leaving the licensees property at the north-western corner of lot 15 DP 750400, parish of Oakley, county of Bathurst.
80SL044233	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Gilmandyke Creek at the road crossing in the north-eastern corner of lot 1 DP 1034678, parish of Mt. Lawson and also at or immediately upstream of the Rockley-Burruga road crossing within lot 4 DP 258535, parish of Rockley, both in the county of Georgiana.
80SL045148	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the crest of the Rockley town weir on Peppers Creek located within lot 7001 DP 1028627, parish of Arkell, county of Bathurst and authorised by licence 80SL004552.

80SL046460	Campbells River	The pump shall not be used to abstract water from Wiseman's Creek unless there is a flow equal to, or greater than, a reading of 0.15 metres (or such other reading as may be determined from time to time) on a gauge installed in the said creek at the Mayfield road bridge crossing, located at the south eastern corner of portion 216, parish of Jocelyn, county of Westmoreland.
80SL035443	Cooyal Wialdra Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible surface flow in Cooyal Creek in the immediate vicinity of the concrete ford on the Spring Creek road, located in the northern corner of portion 193, parish of Gulgong, county of Phillip.
80SL039061	Cooyal Wialdra Creek	The pump shall not be used to irrigate any part of the authorised area unless there is a visible flow of water at the concrete road crossing on Slapdash Creek located between the southern boundary of portion 187, parish of Puggoon, county of Bligh and the southern boundary of portion 26, parish of Stubbo, county of Bligh.
80SL042879	Cooyal Wialdra Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible surface flow in Cooyal Creek in the immediate vicinity of the concrete ford on the Spring Creek road, located in the northern corner of lot 1 DP 802909 , parish of Gulgong, county of Phillip.
80SL044661	Cooyal Wialdra Creek	The authorised work shall not be used for the purpose of irrigation unless there is a clearly visible surface flow in Cooyal Creek in the immediate vicinity of the concrete ford on the Spring Creek road, located in the northern corner of portion 193, parish of Gulgong, county of Phillip.
80SL044925	Cooyal Wialdra Creek	The pump shall not be used to irrigate any part of the authorised area unless there is a visible flow in Cooyal Creek at the concrete road crossing on Lindburn road at the eastern boundary of portion 50, parish of Cooyal, county of Phillip.
80SL051931	Cooyal Wialdra Creek	The work shall not be used for the purpose of irrigation unless there is a visible surface flow in Cooyal Creek on the downstream side of the bridge on Henry Lawson drive located in the northern corner of part portion 67, parish of Eurundury, county of Phillip, equivalent to a depth of 0.20 metres and a width of 0.6 metres.
80SL016750	Fish River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the crest of the weir located on the Duckmaloi River on lot 4 DP 264133, parish of Duckmaloi, and lot 2 DP 632183, parish of Norway, county of Westmoreland.
80SL051088	Fish River	The licensed work shall not be used for the purpose of irrigation unless there is a flow present in Racecourse Creek at the northwest corner of portion 108, parish of Norway, county of Westmoreland, equivalent to a depth of 0.05 metres.
80SL095080	Lawsons Creek	The licensed work shall not be used for the purpose of irrigation unless there is a flow in Lawsons Creek corresponding to a reading of 0.54 on the gauge installed immediately upstream of the concrete causeway located in lot 12 DP 721239, formerly portion 45, parish of Bumberra, county of Phillip.
80SL096060	Lawsons Creek	The licensed work on Lawsons Creek shall not be used for the purpose of irrigation unless there is a flow in Lawsons Creek corresponding to a reading of 0.1 metres on the staff gauge installed on the upstream side of the Battens road culvert located adjacent to lot 1 deposited plan 758365, parish of Dungeree, county of Phillip.
80SL096179	Lawsons Creek	Whilst ever the licensed pump is situated on Lawsons Creek in the area between the confluence of the Cudgegong River and a point on Lawsons Creek 150 metres upstream from the confluence of the Cudgegong River, the pump shall not be used for the purpose of irrigation unless there is a visible flow in Lawsons Creek where it passes under the Mudgee-Cassilis road.

80SL095043	Little River	The licensed works shall not be used for the purpose of irrigation unless the three pipes under the road crossing on Buckinbah Creek located within portion 14, parish of Ganoo, county of Gordon and portion 41, parish of Obley, county of Gordon are flowing at full capacity.
80SL095164	Little River	The licensed works shall not be used for the purpose of irrigation unless the three pipes under the road crossing on Buckinbah Creek located within portion 14, parish of Ganoo, county of Gordon and portion 41, parish of Obley, county of Gordon are flowing at full capacity.
80SL095219	Little River	The licensed work shall not be used for the purpose of irrigation unless the 100 mm pipe through a crossing constructed in Bulrudgery Creek, located in lot 59, DP 753256, parish of Warraberry, county of Gordon and lot 2, DP 763256, parish of Wagstaff, county of Gordon is flowing at full capacity.
80SL095248	Little River	The licensed work shall not be used for the purpose of irrigation when the discharge of the Little River at the Obley gauge is less than 5 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.80 metres or such other reading as may be determined from time to time).
80SL017302	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at the Mulgawarrina homestead gauge is greater than 60 megalitres per day (such discharges corresponding, respectively, to readings of 0.95 metres and 0.56 metres on the said gauges or such other readings as may be determined from time to time).
80SL017302	Lower Bogan River	During the period of 1st May to 31st October next following the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 200 megalitres per day (corresponding to a reading of 1.17 metres on the said gauge of such other reading as may be determined from time to time).
80SL026861	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation or filling the off creek storage from the Bogan River unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at the Monkey Bridge gauge is greater than 60 megalitres per day (such readings corresponding respectively to readings of 0.95 metres and 0.56 metres on the said gauges or such other reading as may be determined from time to time).
80SL026861	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation or filling the off creek storage from the Bogan River, unless the discharge at the Broomfield gauge is greater than 200 megalitres per day (corresponding to a reading of 1.17 metres on the said gauge or such other reading as may be determined from time to time).
80SL042086	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at Monkey Bridge gauge is greater than 60 megalitres per day (such discharges corresponding, respectively, to readings of 0.95 metres and 0.56 metres on the said gauges or such other readings as may be determined from time to time).
80SL042086	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.20 metres or such other reading as may be determined from time to time).

80SL045805	Lower Bogan River	The licensed work shall not be used to divert water from the Bogan River for the purpose of irrigation unless there is in the Bogan River either: (a) a discharge of not less than 85 megalitres per day at the gauge on the Mitchell highway road bridge (such discharge corresponding to a reading on the said gauge of 2.46 metres or such other reading as may be determined from time to time), or (b) a visible flow at the south eastern boundary of lot 6 DP 751320, parish of Grahweed, county of Canbelego, being a point about 3200 metres upstream of the junction of Gunningbar Creek with the Bogan River.
80SL045882	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at the Mulgawarrina homestead gauge is greater than 60 megalitres per day (such discharges corresponding, respectively, to readings of 0.95 metres and 0.56 metres on the said gauges or such other readings as may be determined from time to time).
80SL045882	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.17 metres or such other reading as may be determined from time to time).
80SL048294	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 125 megalitres per day (such discharges corresponding to a reading of 0.68 metres on the said gauge or such other reading as may be determined from time to time).
80SL048294	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.79 metres or such other reading as may be determined from time to time).
80SL048683	Lower Bogan River	The authorised work shall not be used for the purpose of irrigating the area authorised or any part thereof unless the discharge of the Monkey Bridge gauge exceeds 370 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.98 metres or such other reading as may be determined from time to time).
80SL049420	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 125 megalitres per day (such discharge corresponding to a reading of 0.68 metres on the said gauge or such other reading as may be determined from time to time).
80SL049420	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at Monkey Bridge gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.79 metres or such other reading as may be determined from time to time).
80SL049440	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 125 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.68 metres or such other reading as may be determined from time to time).

80SL049440	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.79 metres or such other reading as may be determined from time to time).
80SL049454	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 125 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.68 metres or such other readings as may be determined from time to time).
80SL049454	Lower Bogan River	During the period 1st May to 31st October next following the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 200 megalitres per day (corresponding to a reading of 0.79 metres on the said gauge or such other reading as may be determined from time to time).
80SL049837	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 130 megalitres per day (such discharges corresponding to a reading of 0.54 metres on the said gauge or such other reading as may be determined from time to time).
80SL049837	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 205 megalitres per day (corresponding to a reading of 0.68 metres on the said gauge or such other reading as may be determined from time to time).
80SL095553	Lower Bogan River	The licensed work shall not be used unless there is in the Bogan River either: (1) a discharge of not less than 85 megalitres per day at the gauge on the Mitchell highway road bridge (such discharge corresponding to a reading on the said gauge of 2.583 metres or such other reading as may be determined from time to time), or (2) a visible flow at the south-eastern boundary of portion 6, parish of Grahweed, county of Canbelego, being a point about 3200 metres upstream of the junction of Gunningbar Creek with the Bogan River.
80SL096282	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at the Mulgawarrina homestead gauge is greater than 60 megalitres per day.
80SL096282	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 200 megalitres per day.
85SL037364	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or such other reading as may be determined from time to time).
85SL037364	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).

85SL038663	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL038663	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL038683	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL038683	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL039762	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL039762	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL040608	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL040608	Lower Bogan River	During the period 1st May to 31st October next following the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL042691	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL042691	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).

85SL049386	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL049386	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL049408	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL049408	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL049417	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL049417	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL050003	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL050003	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL051027	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or such other reading as may be determined from time to time).
85SL051027	Lower Bogan River	During the period 1st May to 31st October next following the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).

85SL095246	Lower Bogan River	The licensed work shall not be used for the purpose of irrigation unless the little Bogan River flow exceeds ten (10) megalitres per day on the gauge established at the Bourke-Llandillo road bridge.
85SL095738	Lower Bogan River	The authorised work shall not be used for domestic, experimental, and teaching purposes unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.23 metres on the said gauge or other such reading as may be determined from time to time).
80SA001322	Lower Macquarie River	The authorised work shall not be operated as to divert water away from the Macquarie River unless there is a visible flow in the said river where it passes under the Brewon-Walgett road bridge located at the southern boundary of lot 19 DP 754277, parish of Wyabery, county of Leichardt.
80SA001514	Lower Macquarie River	The authorised work must not be used to take water unless the flow of water in Marthaguy Creek exceeds 30 megalitres per day at the Carinda gauge.
80SA002091	Lower Macquarie River	The authorised works shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Oxley gauge is equal to, or greater than, 500 megalitres per day (such discharge corresponding to a reading on the said gauge of 2.09 metres or such other reading as may be determined from time to time).
80SA002160	Lower Macquarie River	The authorised work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Bells Bridge gauge exceeds 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.84 metres or such other reading as may be determined from time to time).
80SL030455	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Bells Bridge gauge is equal to, or greater than, 50 megalitres per day (such reading corresponding to a reading on the said gauge of 1.05 metres) or such other reading as may be determined from time to time.
80SL030628	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Bells Bridge gauge is equal to, or greater than 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.05 metres or such other reading as may be determined from time to time).
80SL047504	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Oxley gauge is equal to, or greater than, 500 megalitres per day (such discharge corresponding to a reading on the said gauge of 2.09 metres or such other reading as may be determined from time to time).
80SL049445	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Miltara gauge is equal to, or greater than 100 megalitres per day (such reading corresponding to a reading off 0.62 metres) and simultaneously the flow of water at the Bells Bridge is equal to, or greater than 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.71 metres) or such other reading as may be determined from time to time.
80SL049446	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Miltara gauge is equal to, or greater than, 100 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.62 metres or such other reading as may be determined from time to time).

80SL095209	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Oxley gauge is equal to, or greater than, 500 megalitres per day (such discharge corresponding to a reading on the said gauge of 2.09 metres or such other reading as may be determined from time to time).
80SL096132	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Miltara gauge is equal to, or greater than 100 megalitres per day (such reading corresponding to a reading off 0.62 metres) and simultaneously the flow of water at the Bells Bridge is equal to, or greater than 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.71 metres) or such other reading as may be determined from time to time.
80SL096140	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless there is a flow of not less than 75 megalitres per day passing the offtake of the pump sump channel. Such discharge is equivalent to a height of 0.95 metres (or such other reading as may be determined from time to time) on the Bells Bridge gauge.
80SL095238	Lower Talbragar River	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in the Talbragar River at Cobbora bridge adjacent to lot 48 DP 754301, parish of Cobbora, county of Lincoln.
80SL096207	Macquarie above Burrendong	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Macquarie River at the rock bar adjacent to lot 7005 DP 93448, parish of Piper, county of Roxburgh, located immediately upstream of the Freemantle road bridge.
80SL096264	Macquarie River above Burrendong	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Macquarie River at the rock bar adjacent to lot 7005 DP 93448, parish of Piper, county of Roxburgh, located immediately upstream of the Freemantle road bridge.
80SL037406	Marra Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in Marra Creek at the Yarrowin gauge is in excess of 24 megalitres per day such flow being equivalent to a reading of 0.21 metres on the said gauge or such other reading as may be determined from time to time.
80SL095027	Marthaguy Creek	The licensed work shall not be used to divert water unless the flow in Marthaguy Creek is 0.5 metres above the concrete footing of the left bank bridge pier of the Wonbobbie bridge over the Marthaguy Creek located on portion e35, parish of Driel, county of Ewenmar.
80SL096358	Marthaguy Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water in Marthaguy Creek at the Carinda Gauge is greater than 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.53 metres or such other as may be determined from time to time).
80SL009679	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL012043	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within portion 5, parish of Bell, county of Ashburnham.
80SL014887	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.

80SL033794	Molong CreekInnes	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within portion 5, parish of Bell, county of Ashburnham.
80SL035146	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless the level of the flow in Molong Creek at the road bridge located within portion 86, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL035547	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within portion 5, parish of Bell, county of Ashburnham.
80SL038575	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the level of the flow in Molong Creek at the road bridge located within portion 86, DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL039198	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL043699	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL044280	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the level of the flow in Molong Creek at the road bridge located within portion 86, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL044346	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within lot 5 DP 750133, parish of Bell, county of Ashburnham.
80SL045168	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL046780	Molong Creek	The licensed work on Molong Creek shall not be used for the purpose of irrigation or to augment the supply of water in the unnamed watercourse unless the level of the flow in Molong Creek at the road bridge located within lot 86 DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.

80SL047273	Molong Creek	The licensed work shall not be used to extract water from Heifer Station Creek for irrigation purposes unless there is a visible flow equal to, or greater than, 1.50 megalitres per day such discharge corresponding to a reading of 0.36 metres (or such other reading as may be determined from time to time) on a gauge established on the left bank of Molong Creek, within t.s. and c.r. 111, parish of Borenore, county of Wellington and the flow of water through the v-notch weir located within portion 96, parish of Borenore, county of Wellington, on Molong Creek, is in excess of 150 millimetres in depth, which represents a flow of approximately 1.00 ML per day.
80SL047515	Molong Creek	The licensed work shall not be used for the purpose of recreation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL051842	Molong Creek	The licensed work shall not be used to supply water to the occupiers of lot 1 DP 1054393, lots 2 - 4 DP 1065466 and to the lots in the proposed subdivision of lots 18 19 20 section J DP 977127 unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 mm in depth, which represents a flow of approximately 1.05 ML per day.
80SL095217	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL095255	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the level of flow in Molong Creek at the road bridge located within portion 86, DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL095278	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL096156	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within portion 5, parish of Bell, county of Ashburnham.
80SL096169	Molong Creek	The authorised work shall not be used for irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong - Wellington road located within lot 5 DP 750133 parish of Bell county of Ashburnham.
80SL096291	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless the level of the flow in Molong Creek at the road bridge located within lot pt 86 DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL096302	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the level of flow in Molong Creek at the road bridge located within lot pt 86 DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level off the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.

80SL045071	Piambong Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water passing under the road bridge on Ben Buckley road, located in the south-eastern corner of portion 26, parish of Biraganbil, county of Wellington.
80SL015276	Pipeclay Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in that section of Eurundury Creek, fronting lot 95 DP 755418, parish of Bumberra, county of Phillip.
80SL026862	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.
80SL026862	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow of 8 litres per second is maintained through the 300 millimetre pipe under the concrete road crossing located on the property "Native Home", at the south east corner of portion 24, parish of Gratham, county of Bathurst.
80SL038474	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.
80SL038474	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow of 8 litres per second is maintained through the 300 millimetre pipe under the concrete road crossing located on the property "Native Home", at the south east corner of lot 24 DP 750385, parish of Gratham, county of Bathurst.
80SL044741	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow at the Bathurst-Orange road bridge located within portion 2 rem, parish of Mount Pleasant, county of Bathurst.
80SL046136	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.
80SL046136	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a visible flow of 8 litres per second is maintained through the 300 millimetre pipe under the concrete road crossing located on the property "Native Home", at the south east corner of portion 24, DP 750385 parish of Gratham, county of Bathurst.
80SL048300	Queen Charlottes Vale Evans Plains Creek	The licensed pump shall not be used for the purpose of irrigation unless there is a visible flow in Evans Plains Creek at the concrete road bridge at the south western corner of lot 49 DP 750373, parish of Cole, county of Bathurst.
80SL095038	Queen Charlottes Vale Evans Plains Creek	The licensed pump shall not be used for irrigation unless there is a visible flow in the Evans Plains Creek at the concrete road bridge at the south west corner of portion 49, parish of Cole, county of Bathurst.
80SL095048	Queen Charlottes Vale Evans Plains Creek	The licensed works shall not be used for the purpose of irrigation or to supply stock and domestic water to the occupiers of lots 1 to 8, DP 817711 unless there is a visible flow under the road bridge located on the Mid Western Highway adjacent to lot 5 DP 750397, Parish of Mount Pleasant, County of Bathurst.
80SL095124	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow of 8 litres per second is maintained through the 300 millimetre pipe under the concrete road crossing located on the property "Native Home", at the south east corner of lot 24 DP 750385 parish Gratham county Bathurst.
80SL095124	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.

80SL095166	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow under the road bridge located on the Mid Western Highway adjacent to lot 72, DP 192661, parish of Mount Pleasant, county of Bathurst.
80SL096058	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow in Evans Plains Creek of at least 50 millimetres in depth is passing through the pipe crossing located within lot 8 DP 46484 in the parish of Mount Pleasant, county of Bathurst.
80SL022418	Summerhill Creek	Water shall not be diverted by means of the authorised work when the level of the storage of the city of Orange water supply dam, on Gosling Creek near the north-eastern corner of portion 58, parish of Huntley, county of Bathurst, is lower than 3.04 metres below the level of the crest of the sillway of the said dam, provided that, if the council of the city of Orange restricts the water supply to the residents of the city of Orange before the said storage falls below that level, the use of the authorised work shall be restricted to a period not exceeding 4 hours on each alternate day, provided further that, if the said council prohibits the use of water for commercial purposes, such as market gardens, on agricultural lands within the boundaries of that city, water shall not be diverted by means of the authorised work.
80SL036982	Summerhill Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the said unnamed watercourse at the road crossing immediately upstream from the Great Western Railway, portion 34, parish Huntley, county Bathurst.
80SL044411	Summerhill Creek	Water shall not be diverted by means of the licensed work when the level of the storage of the city of Orange water supply dam, near the north-eastern corner of portion 58, parish of Huntley, county of Bathurst, is lower than 1.00 metre below the level of the crest of the spillway of the said dam, provided that, if the council of the city of Orange restricts the water supply to the residents of the city of Orange before the said storage falls below that level, the use of the licensed work shall be restricted to a period not exceeding 4 hours on each alternate day, provided further that, if the said council prohibits the use of water for commercial purposes, such as market gardens, on agricultural lands within the boundaries of that city, water shall not be diverted by means of the licensed work. The licensed work shall not be used for the purpose of diverting water from Spring Creek for the purpose of irrigation unless there is a visible flow in Spring Creek under the Huntley road crossing on the western boundary of portion 268, parish of Huntley, county of Bathurst.
80SL028915	Turon Crudine River	The pump shall not be used unless there is a visible flow in Cunningham's Creek at the bridge on the Mudgee-Lithgow Highway, adjacent to lot 1 DP 1067368 and lot 2 DP 703120, parish of Warranguina, county of Roxburgh.
80SL034977	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow at or immediately downstream of the road crossing at the south western corner of lot 2 DP 795858, parish of Tunnabidgee, county of Wellington.
80SL042574	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the concrete ford across the Turon River between portion 57, parish of Dulabree and portion 50, parish of Stewart, county of Roxburgh.
80SL051828	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless the flow in the Crudine River exceeds a depth of 25 millimetres across a rock bar located at the downstream boundary being the south - western corner of lot 2 DP 740568, parish of Crudine, county of Roxburgh

80SL051894	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow at or immediately downstream of the road crossing at the south-western corner of portion 21, parish of Tunnabidgee, county of Wellington.
80SL095301	Turon Crudine River	The licensed work shall not be used for the purpose of water supply to the occupiers of lots 1 to 20 in proposed subdivision of portion 97, parish of Bandamora, county of Roxburgh, unless there is a visible flow of water in the Turon River at the bridge located on the Upper Turon road adjacent to portion 97, parish of Bandamora, county of Roxburgh and portion 14, parish of Turon, county of Roxburgh.
80SL041452	Upper Bogan River	The pump on the Bogan River shall not be used unless there is a flow in the Bogan River at the Dandaloo bridge.
80SL047272	Upper Bogan River	The licensed work shall not be used to extract water from the Bogan River for irrigation purposes unless there is a flow equal to, or greater than 50 megalitres per day. Such discharge corresponding to a reading of 0.73 metres (or such other reading as may be determined from time to time) on a gauge on a bridge pier (Oak bridge) within a road reserve adjacent to portion 38, parish of Graddle, county of Kennedy.
80SL050825	Upper Bogan River	The authorised work shall not be used to extract water from the Bogan River when the level of water stored in the overshot dam is lower than reduced level 249.02 metres (standard height datum) which is equivalent to a level 1.5 metres below the crest of the spillway of the said dam.
80SL045005	Upper Cudgong River	The authorised work shall not be used for the purpose of irrigation from the storage of the dam known as the Great Western Dam, unless there is an inflow into the said dam at the time of pumping.
80SL095468	Upper Cudgong River	The licensed works shall not be used for the purpose of irrigation unless there is a visible flow present in Cox's Creek at the rock bar on the downstream side of the bridge on Cox's Creek road located in lot 22 DP 621310, parish of Dabee, county of Phillip.
80SL026001	Upper Talbragar River	The authorised work shall not be used for the purpose unless there is a visible flow in the Coolaburragundy River at or near lot 133 DP 750744, parish of Collielblue, county of Bligh.
80SL026109	Upper Talbragar River	The licensed work shall not be used for irrigation unless there is a visible flow in the Coolaburragundy River at the Orana road crossing, within lot 8 DP 750745, parish of Collier, county of Bligh.
80SL031868	Upper Talbragar River	The pump shall not be used for the purpose of irrigation unless there is a visible flow in the Talbragar River at the flood warning gauging station located at the village of Uarbry.
80SL035618	Upper Talbragar River	The authorised work shall not be used for irrigation unless there is a visible flow in the Coolaburragundy River at the Orana road crossing, within portion 8, parish of Collier, county of Bligh.
80SL017881	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Cheshire Creek at or near its junction with Wiagdon Creek in lot 7 DP 755804, parish of Windburn, county of Roxburgh.
80SL027365	Winburndale Rivulet	The authorised work shall not be used for the purpose of irrigation unless there is a flow in Winburndale Rivulet at the road crossing at the north-western corner of portion 31, parish of Winburn, county of Roxburgh, equivalent to a depth of 0.05 metres and a width of 0.91 metres.

80SL039517	Winburndale Rivulet	The subject pump shall not be used for the purpose of irrigation unless there is a visible flow in Clear Creek over a rock bar located approximately 180 metres upstream from the Limekilns road bridge and within ts 53270, parish of Peel, county of Roxburgh.
80SL039702	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water in Wiagdon Creek in remainder of camping and water reserve 14505, parish of Millah Murrrah, county of Roxburgh.
80SL041036	Winburndale Rivulet	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Cheshire's or Jesse Creek at or near its junction with Wiagdon Creek in portion 7, parish of Winburn, county of Roxburgh.
80SL043136	Winburndale Rivulet	The authorised work shall not be used for the purpose of irrigation unless there is a flow in Winburndale Rivulet at the road crossing at the north-western corner of portion 31, parish of Winburn, county of Roxburgh, equivalent to a depth of 0.05 metres and a width of 0.91 metres.
80SL048686	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Winburndale Rivulet under the bridge on Limekilns road at the north-eastern corner of lot 2 DP 196810 parish of Peel, county of Roxburgh.
80SL050857	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Winburndale Rivulet under the bridge on Limekilns road at the north-eastern corner of portion 3, parish of Peel, county of Roxburgh.
80SL095090	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation or to fill the storages numbered 1 & 2 as specified on the licence, unless the water level in the Winburndale Rivulet at the bridge at the north-western corner of portion 31, parish of Winburn, county of Roxburgh, is flowing at a level greater than 1.68 metres below the upstream right bank concrete abutment to the said bridge.
80SL095118	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless the water level in the Winburndale Rivulet at the bridge at the north-western corner of portion 31, parish of Winburn, county of Roxburgh, is flowing at a level greater than 1.83 metres below the upstream right bank concrete abutment to the said bridge.

Appendices 3, 4 (Repealed)