



New South Wales

## **Water Sharing Plan for the Lachlan Regulated River Water Source 2016**

under the

**Water Management Act 2000**

I, Niall Blair, the Minister for Lands and Water, in pursuance of section 50 of the *Water Management Act 2000*, do, by this Order, make the following Minister's Plan for the Lachlan Regulated River Water Source.

Dated this 29th day of June 2016.

**NIALL BLAIR, MLC**

**Minister for Lands and Water**

### **Explanatory note**

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

The object of this Order is to make the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

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# Water Sharing Plan for the Lachlan Regulated River Water Source 2016

## Part 1 Introduction

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

### 1 Name of Plan

This Plan is the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016 (this Plan)*.

### 2 Nature and status of Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000 (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

- (1) This Plan commences on 1 July 2016.
- (2) This Plan replaces the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*.

#### **Notes.**

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2016. 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.
- 2 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 Commonwealth's Basin Plan 2012. The water resource plan for the Lachlan area is scheduled to commence on 1 July 2018. In order to make a water resource plan that commences by this date, amendments to the Act may be required to enable this Plan to be replaced prior to the end of its 10-year term.

#### 4 Application of Plan

- (1) This Plan applies to the water source known as the Lachlan Regulated River Water Source (*this water source*) within the Lachlan Water Management Area.

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

- (2) This water source includes all water:
- (a) between the banks of all rivers, from the upper limits of Wyangala Dam water storage (*Wyangala Dam*) downstream to the junction of the Lachlan River with the Murrumbidgee River, which have been declared by the Minister to be regulated rivers, and
  - (b) taken under a floodplain harvesting (regulated river) access licence with a share component that specifies this water source.

**Notes.**

- 1 A *regulated river* is a river that has been declared by the Minister, by order published in the New South Wales Government Gazette, to be a regulated river.
- 2 Rivers declared to be regulated rivers by the regulated river order as at the commencement of this Plan are listed in Appendix 1.
- 3 An overview map of the Lachlan Regulated River is shown in Appendix 2.
- 4 *Floodplain harvesting* and *water storage* are defined in the Dictionary.

#### 5 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 water supply work approvals contained in Part 11 of this Plan.

#### 6 Interpretation

- (1) Words and expressions that are defined in the Dictionary to this Plan have the meanings 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.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

## **Part 2 Vision, objectives, strategies and performance indicators**

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

### **7 Vision statement**

The vision for this Plan is to provide for:

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

### **8 Acknowledgment**

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within this water source.

### **9 Environmental objectives, strategies and performance indicators**

- (1) The environmental objectives of this Plan are to:
  - (a) maintain and enhance the ecological condition of this water source and its dependent ecosystems (instream, riparian and floodplain ecosystems) over the long term, and  
**Note.** The ecological condition of this water source includes high ecological value aquatic ecosystems and key ecosystem functions.
  - (b) contribute to the maintenance and enhancement of downstream processes and habitats including the downstream water sources, and
  - (c) contribute to the maintenance and enhancement of the water quality of this water source and downstream water sources.

(2) The environmental strategies of this Plan are to:

- (a) manage extractions within the long-term average annual extraction limit thereby maintaining all water in excess of the long-term average annual extraction limit for the environment, and

**Note.** The application of the long-term average annual extraction limit and the assessment and compliance rules in Division 1 of Part 7 of this Plan reserve all water remaining above the long-term average annual extraction limit for the environment.

- (b) mitigate alterations to natural flow regimes in this water source, and

**Note.** The environmental flow rules in clause 26 mitigate alterations to natural flow regimes in this water source by ensuring translucent flows are released from water storages in this water source for environmental use.

- (c) maintain hydrological connectivity between this water source and wetlands associated with this water source, and

**Note.** The rules in clause 26 maintain hydrological connectivity between this water source and wetlands associated with this water source by ensuring flows are achieved below Lake Brewster.

- (d) support environmental events in wetlands associated with this water source such as bird breeding, fish passage and weed management, and

**Note.** The rules in clause 27 ensure that environmental water allowances are maintained and may be released to support environmental events.

- (e) contribute to critical downstream environmental and water quality events, and

**Note.** The rules in clause 28 ensure that a water quality allowance is maintained and lists purposes, including mitigation of blue green algae and reduction in salinity levels, for which the water quality allowance water can be released from Wyangala Dam and Lake Brewster.

- (f) minimise the impact of the river regulation and water extraction on the environment in this water source and the wetlands associated with this water source.

**Notes.**

1 The following rules in this Plan ensure that the impact on the environment from Wyangala Dam releases and the delivery of water orders are minimised:

- (a) the rules in clause 32 for water delivery and channel capacity constraints,

- (b) the rules in clause 35 for rates of change to storage releases.
- 2 The environmental water allowance rules in clause 27 also minimise the impact of river regulation and water extraction.
- (3) The environmental performance indicator for this Plan is the extent to which the rules and strategies in this Plan have contributed to meeting the environmental objectives in subclause (1) over its term.
- (4) The performance indicator in subclause (3) will be assessed by:
  - (a) comparing the ecological condition of this water source at the commencement of this Plan and at the expiration of this Plan by measuring the change in factors including:
    - (i) condition indicators in this water source, which may include changes in:
      - (A) the diversity of ecological communities, reproductive success of key species and the habitat or recorded range of fish, macroinvertebrates or vegetation, or
      - (B) geomorphology, including evidence of fine sediment scour and instream habitat diversity, or
      - (C) the river condition index of key river reaches, and
    - (ii) the hydrological regime for this water source, including low, moderate and high flows, and
  - (b) considering the extent to which changes in the ecological condition of this water source can be attributed to the rules and strategies in this Plan.

## **10 Economic objectives, strategies and performance indicators**

- (1) The economic objectives of this Plan are to:
  - (a) support viable and sustainable water dependent industries over the long term, and
  - (b) encourage economic efficiency in the management and use of water.

- (2) The economic strategies of this Plan are to:
- (a) provide a stable and predictable framework for sharing water among individual licence holders and different categories of access licences, and  
**Note.** The available water determination rules in Division 2 of Part 7 of this Plan and the rules for managing access licences in Part 9 of this Plan provide certainty in how water will be shared between the different categories of access licences.
  - (b) provide flexibility for licence holders to use water in a way that reflects the reliability characteristics of their access licence category, and  
**Note.** The rules for managing access licences in Part 9 of this Plan provide flexibility that reflects the characteristics of the licence category.
  - (c) establish a long-term average annual extraction limit and rules for managing extractions within that extraction limit that recognise different climatic conditions in different years, and  
**Note.** The application of the long-term average annual extraction limit and the assessment and compliance rules in Part 7 of this Plan manage extractions to different climatic conditions in different years.
  - (d) provide opportunities for market-based trading of water within environmental and system constraints.  
**Note.** The rules in Part 10 of this Plan permit a variety of dealings within environmental and system constraints, including permanent trade of water access licences, trade of water allocations and ability to move a water access licence from one location to another.
- (3) The economic performance indicator for this Plan is the extent to which the rules and strategies in this Plan have contributed to meeting the economic objectives in subclause (1) over its term.
- (4) The performance indicator in subclause (3) will be assessed by:
- (a) comparing economic benefits of water extraction and use at the commencement of this Plan and at the expiration of this Plan by measuring factors including the following:
    - (i) the change in regional gross margins versus annual total extractions based on benchmarks established at the commencement of this Plan,

- (ii) the movement of water to higher value uses,
  - (iii) the change in unit price of water that is subject to a dealing,
  - (iv) the annual total volume of access licence share component that is subject to a dealing, and
- (b) considering the extent to which changes in the economic benefits of water extraction and use specified in paragraph (a) can be attributed to the rules and strategies in this Plan.

## 11 Social and cultural objectives, strategies and performance indicators

- (1) The social and cultural objectives of this Plan are to:
- (a) foster the social and cultural benefits of the sustainable and efficient use of water, and
  - (b) recognise spiritual, social, customary and economic values of water to Aboriginal people.
- (2) The social and cultural strategies of this Plan are to:
- (a) provide water for basic human needs including domestic and stock purposes, and
- Notes.**
- 1 The rules in Division 2 of Part 6 of this Plan provide for the maintenance of water supply and replenishment flows and ensure that water is available for basic human needs including domestic and stock purposes.
  - 2 **Replenishment flows** is defined in the Dictionary.
- (b) provide opportunities for Aboriginal people to access water, and
- Note.** The rules in Part 8 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) support water-dependent Aboriginal cultural values within this water source and in downstream water sources, and

**Note.** The rules in clause 27 ensure that an environmental water allowance is maintained and lists supporting environmental assets or functions that have been identified as water-dependent Aboriginal cultural values as a purpose for which this water can be released.

- (d) minimise the impact of water delivery on the community.

**Note.** The following rules in Part 6 of this Plan minimise the impact of water delivery on the community:

- (a) rules for water delivery and channel capacity constraints,
- (b) rules for priority of extraction for access licences,
- (c) rules for the minimum flow,
- (d) rules for the water quality allowance,
- (e) rules for the rates of change to storage releases,
- (f) rules for dam operation during floods and spills.

- (3) The social and cultural performance indicator for this Plan is the extent to which the rules and strategies in this Plan have contributed to meeting the social and cultural objectives in subclause (1) over its term.

- (4) The performance indicator in subclause (3) will be assessed by:

- (a) comparing the social and cultural uses of water at the commencement of this Plan and at the expiration of this Plan by measuring factors including the following:

- (i) the extent to which domestic and stock rights have been met,
- (ii) the extent to which native title rights have been met,
- (iii) the extent of recognition of spiritual, social and customary values of water to Aboriginal people,
- (iv) the extent to which local water utility access licence requirements have been met, and

- (b) considering the extent to which changes in the social and cultural use of water can be attributed to the rules and strategies in this Plan.

## **Part 3 Bulk access regime**

### **12 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in this water source, having regard to:
  - (a) the environmental water rules established under Division 1 of Part 6 of this Plan, and
  - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan, and
  - (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 under Part 10 of this Plan.
- (2) The bulk access regime for this water source:
  - (a) recognises and is consistent with the limits to the availability of water set in relation to this water source under Division 1 of Part 7 of this Plan, and
  - (b) establishes rules, according to which access licences are to be granted and managed, contained in Parts 8 and 9 of this Plan and available water determinations to be made under Division 2 of Part 7 of this Plan, and
  - (c) recognises the effect of climatic variability on the availability of water as described in clause 13, and
  - (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 under Division 1 of Part 7 of this Plan, and

- (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 set out in section 5 of the Act.

### 13 Climatic variability

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

- (a) manage the sharing of water in this water source within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in the average annual extraction against the long-term average annual extraction limit, under Division 1 of Part 7 of this Plan, and
- (b) manage the sharing of water between categories of access licences on an annual basis in this water source, through the available water determination rules specified in Division 2 of Part 7 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 sections 8, 8A and 20 of the Act.

### 14 General

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

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

### 15 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in this water source in the following ways:

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

### 16 Establishment and maintenance of planned environmental water

(1) Planned environmental water is established in this water source as follows:

- (a) it is the physical presence of water that results from:
  - (i) the environmental flow rules, as specified in clause 26, and

**Note.** The environmental flow rules in clause 26 ensure that environmental flows are released from water storages in this water source.

- (ii) the environmental water allowance rules, as specified in clause 27, and

**Note.** The environmental water allowance rules in clause 27 ensure water is reserved and released for environmental purposes from Wyangala Dam and Lake Brewster.

- (iii) the water quality allowance rules for water quality management purposes, as specified in clause 28,

**Note.** The water quality allowance rules in clause 28 ensure that water is credited to a water quality allowance and that releases may be made from this allowance for water quality purposes.

- (b) it is the long-term average annual commitment of water as planned environmental water in this water source that results from the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 7 of this Plan and the available water determination rules as specified in Division 2 of Part 7 of this Plan,

**Notes.**

- 1 By limiting long-term average annual extractions to an estimated 305,000 megalitres per year, this Plan ensures that approximately 75% of the long-term average annual flow in this water source (estimated to be 1,212,000 megalitres per year) will be preserved and will contribute to the maintenance of basic ecosystem health.
- 2 The rules in Part 7 of this Plan ensure that there will be water remaining in this water source over the long-term by maintaining compliance with the long-term average annual extraction limit. The rules in Part 7 of this Plan provide for a reduction in available water determinations when the long-term average annual extraction limit has been assessed to have been exceeded.

- (c) it is the water remaining in this water source after water has been taken pursuant to basic landholder rights and access licences, in accordance with the rules specified in Parts 7 and 9 of this Plan.

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

- (a) the environmental flow rules as specified in clause 26, and
- (b) the environmental water allowance rules as specified in clause 27, and
- (c) the water quality allowance rules as specified in clause 28.

- (3) The planned environmental water established under subclause (1) (b) is maintained in this water source by the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 7 of this Plan and the available water determinations as specified in Division 2 of Part 7 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained in this water source by the rules specified in Parts 7 and 9 of this Plan.

## Part 5 Requirements for water

### Division 1 General

#### 17 Application

- (1) This Part identifies the requirements for water from this water source for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The volumes of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in this water source and the total volumes or unit shares specified in the share components of all access licences in this water source. The actual volumes of water available for extraction in this water source at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in this water source and the total share components of all access licences authorised to take water from this water source may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Division 1 of Part 7 of this Plan.

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

- (a) the grant, surrender or cancellation of access licences in this water source, or
- (b) the variation of local water utility licences under section 66 of the Act.

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

#### 18 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in this water source are estimated to total 1,163 megalitres per year (*ML/year*).

**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. The figures for these rights listed in this clause do not refer to licensed volumes.
- 2 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from this water source should not be consumed without first being tested and, if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

## 19 Native title rights

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

**Note.** A change in the native title rights may occur pursuant to the provisions of *Native Title Act 1993* of the Commonwealth.

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

### Notes.

- 1 The share component estimates in this Division 3 include volumes for licensed environmental water. The Environmental Water Register established and maintained by the Department provides a record of environmental water licences, planned environmental water rules and adaptive environmental water plans approved by the Minister. The register can be accessed from <http://ewr.water.nsw.gov.au/ewr/main/ewrHome>.
- 2 In this water source there are two access licences with adaptive environmental water conditions held by the NSW Minister for Environment totalling 13,000 megalitres. There are 15 other access licences of held environmental water totalling 114,336 megalitres that do not have adaptive environmental water conditions. Some of these are held by the Commonwealth Government and others by the NSW Government. These access licences are regulated river (general security) or regulated river (high security) access licences.

## 20 Share component 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 this water source total 12,502 ML/year.

## 21 Share component 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 this water source total 15,545 ML/year.

**22 Share component of regulated river (high security) access licences**

It is estimated that at the time of commencement of this Plan the share components of regulated river (high security) access licences authorised to take water from this water source total 27,680 unit shares.

**23 Share component of regulated river (general security) access licences**

It is estimated that at the time of commencement of this Plan the share components of regulated river (general security) access licences authorised to take water from this water source total 592,801 unit shares.

**24 Share component of regulated river (conveyance) access licence**

It is estimated that at the time of commencement of this Plan the share components of regulated river (conveyance) access licences authorised to take water from this water source total 17,911 unit shares.

**25 Share component of supplementary water access licences**

There are no supplementary water access licences authorised to take water from this water source.

## Part 6 System operation requirements

### Notes.

- 1 This Part is made in accordance with section 21 (e) of the Act.
- 2 Part 12 allows for amendments to be made to this Part.

### Division 1 Environmental water rules

#### 26 Environmental flow rules for this water source

- (1) Environmental flows must be released according to the rules in this clause.
- (2) Subject to subclause (4), translucent flows must be released from Wyangala Dam:
  - (a) during the period of 15 May to 15 November in any given year, and
  - (b) when the inflows to Wyangala Dam since 1 January that calendar year have been greater than 250,000 megalitres (*ML*), and
  - (c) whenever the sum of inflows to Wyangala Dam plus tributary inflows downstream of Wyangala Dam are capable of producing a flow in the Lachlan River at Lachlan Lake Brewster Weir gauge (412048) greater than:
    - (i) 4,000 megalitres per day (*ML/day*), when the volume of water held in Wyangala Dam is less than or equal to 50% of the full supply volume, or
    - (ii) 3,500 ML/day, when the volume of water held in Wyangala Dam is more than 50% of the full supply volume.

**Note.** *Translucent flows* and *full supply volume* are defined in the Dictionary.

- (3) The rate of release of translucent flows released under subclause (2) must be the lesser of:
  - (a) inflows to Wyangala Dam, and
  - (b) the release necessary to achieve a flow in the Lachlan River at Lachlan Lake Brewster Weir gauge (412048) of:

- (i) 4,000 ML/day plus 25 ML/day for each 1% by which the volume of water held in Wyangala Dam exceeds 0% of the full supply volume, when the volume of water held is less than or equal to 50% of the full supply volume, and
  - (ii) 3,500 ML/day plus 31.25 ML/day for each 1% by which the volume of water held in Wyangala Dam exceeds 0% of the full supply volume, when the volume of water held is greater than 50% of the full supply volume but less than or equal to 80% of the full supply volume, and
  - (iii) 6,000 ML/day plus 100 ML/day for each 1% by which the volume of water held in Wyangala Dam is greater than 80% of the full supply volume.  
**Note.** Subclause (3) (b) (iii) is the maximum release from Wyangala Dam when it is full and is the release necessary to achieve a flow at Lachlan Lake Brewster Weir gauge (412048) of 8,000 ML/day.
- (4) Translucent flows must not be released when flows at Lachlan Lake Brewster Weir (412048), as measured since 1 June that water year, have exceeded 350,000 ML plus the sum of the following over the same period:
- (a) downstream water orders and any losses associated with delivery of these orders,
  - (b) replenishment flows to effluents downstream of Lake Brewster and any losses associated with the delivery of those replenishment flows,
  - (c) the volume of water downstream of Lake Brewster Weir resulting from evacuation of airspace made under clause 37,  
**Note.** *Airspace* is defined in the Dictionary.
  - (d) the volume of water released from the environmental water allowances and the water quality allowances under clauses 27 and 28,
  - (e) the volume of water released to maintain a visible flow at Geramy under clause 31.
- (5) Translucent flows must not be used to supply access licence requirements, basic landholder rights or be diverted to or stored in any weir or water storage.
- (6) Tributary inflows occurring when translucent flows are being released under this clause must not be used to supply access licence requirements or basic landholder

rights or be diverted to or stored in any weir or water storages, except to the extent that they are in excess of the flow required to meet the flow rates specified in subclause (2) (c).

**Note.** If flows are insufficient to satisfy subclause (2) (c), or the conditions specified in subclauses (2) (a) or (b) or (4), tributary inflows may be diverted and stored in Lake Cargelligo or Lake Brewster, consistent with normal operational management.

- (7) Releases of water from Lake Cargelligo and Lake Brewster may be substituted for all or part of the translucent flows released from Wyangala Dam if releasing the translucent flows from Wyangala Dam is likely to cause flooding.
- (8) Water released in accordance with subclause (7) from Lake Brewster must be accounted as translucent flows passing at Lake Brewster Weir for the purposes of subclause (4).
- (9) In the event that the release capacity of Wyangala Dam is insufficient to produce the release rates specified in subclause (3) (b) in addition to the releases required to satisfy access licence orders:
  - (a) releases are to equal the release capacity,
  - (b) releases to satisfy water orders are permitted to be taken in accordance with access licence water orders,
  - (c) the volume of the translucent flows released will equal the total volume of water released from Wyangala Dam minus the volume of water released to satisfy access licence holder orders,
  - (d) the volume of translucent flows required to be released under subclause (3) but not released under this subclause are to be accrued and released at the earliest opportunity, and
  - (e) releases made under paragraph (d) are not to be subject to the timing and release rate restrictions in subclauses (2) and (3), but are subject to the maximum release rules specified in subclause (4).

## **27 Environmental water allowances**

- (1) Two environmental water allowances (*EWAs*) will be maintained for environmental purposes:
  - (a) an environmental water allowance held in Wyangala Dam, known as the Wyangala Environmental Water Allowance (*Wyangala EWA*), and
  - (b) an environmental water allowance held in Lake Brewster, known as the Lake Brewster Environmental Water Allowance (*Brewster EWA*).
- (2) The Wyangala EWA and Brewster EWA will each be credited with a volume equal to 10,000 ML:
  - (a) on 1 July each year, if the total volume of water in the water allocation accounts of regulated river (general security) access licences exceeds 50% of the total volume of regulated river (general security) access licence share components, or
  - (b) in any water year when the EWAs were not credited on 1 July, when the sum of the volume of water in the water allocation accounts of regulated river (general security) access licences at 1 July, plus the volume of water provided by available water determinations for those licences during the water year, is equivalent to 75% of total regulated river (general security) share components.
- (3) Subject to subclause (4), releases from Wyangala EWA and Brewster EWA may be made for environmental purposes including, but not limited to, the following:
  - (a) to support the completion of waterbird breeding events,
  - (b) to support native fish breeding and fish passage,
  - (c) to provide wetland watering,
  - (d) to increase flow variability,

- (e) to support environmental assets or environmental functions within and downstream of this water source that have been identified as water-dependent Aboriginal cultural values,

**Note.** The values referred to in paragraph (e) will be identified by the Aboriginal Water Initiative and stored on the Aboriginal Water Initiative System database.

- (4) The volume of Brewster EWA available for release from Lake Brewster at any time must be the lesser of:

- (a) the volume of credit remaining in the Brewster EWA, and
- (b) the active storage in Lake Brewster,

minus any water transferred from Wyangala Dam for operational reasons.

**Note. Active storage** is defined in the dictionary.

- (5) Any credits remaining in Wyangala EWA and Brewster EWA are to be forfeited at the end of each water year.

**Note.** It is not possible to forecast when releases of water from the Wyangala EWA and Lake Brewster EWA will be required, as releases occur in response to unpredictable environmental circumstances. To allow estimation of the effect of the Wyangala EWA and Lake Brewster EWA rules on water extractions computer modelling has assumed that a total of 5,000 megalitres of Wyangala EWA and of Lake Brewster EWA were released at the end of each year when there was water in the accounts. It is expected that, over the life of the Plan, average releases from each account would not exceed these figures.

- (6) The Minister should seek the advice of an environmental water advisory group in making releases under this clause.

**Notes.**

- 1 At the commencement of this Plan the NSW Office of Environment and Heritage (**OEH**) is responsible for managing environmental water allowances established under water sharing plans. OEH also administers and supports Environmental Water Advisory Groups (**EWAGs**) to inform the management of environmental water allowances and licensed environmental water (Division 3 of Part 5), including providing advice to the Minister. Information on EWAGs is available from OEH's website at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).
- 2 At the commencement of this Plan, OEH manages an EWAG for the Lachlan catchment called the Lachlan Riverine Working Group.

## **28 Water quality allowance**

- (1) A water quality allowance (*WQA*) will be maintained for the management of water quality.
- (2) The WQA must be credited with a volume equal to 20,000 ML on 1 July each water year.
- (3) Releases from the WQA may be made for any water quality management purpose but in particular for reduction of salinity levels and mitigation of blue-green algae impacts.
- (4) At the end of each water year the volume remaining in the WQA must be forfeited.
- (5) Rules determining the volume and timing of releases of water credited to the WQA account will be specified in accordance with procedures established by the Minister.
- (6) The Minister may seek the advice of an environmental water advisory group in making releases under this clause.

## **Division 2 General system operations rules**

### **29 Maintenance of water supply**

- (1) The water supply system must be managed so that:
  - (a) it would be capable of maintaining supply on an annual basis to those exercising domestic and stock rights and native title rights in this water source through a repeat of the worst period of low inflows into this water source, as represented in flow information held by the Department when the first water sharing plan for this water source made under the Act came into force, and
  - (b) available water determinations of 100% of share components can be maintained for domestic and stock access licences and local water utility access licences through a repeat of the worst period of low inflows to this water source, as represented in flow information held by the Department

when the first water sharing plan for this water source made under the Act came into force, and

- (c) available water determinations for regulated river (high security) access licences of 1 ML per unit share can be maintained through a repeat of the worst period of low inflows to this water source, as represented in flow information held by the Department when the first water sharing plan for this water source made under the Act came into force.
- (2) To meet the requirements of subclause (1), sufficient volumes of water must be set aside from inflows into this water source and in reserves held in Wyangala Dam or other water storages.
  - (3) Sufficient volumes of water must be set aside from inflows into this water source and in reserves in Wyangala Dam or other water storages to provide for replenishment flows in clause 30.

**Notes.**

- 1 The first water sharing plan for this water source made under the Act was the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*.
- 2 **Water supply system** and **reserves** are defined in the Dictionary.

### 30 Replenishment flows

The Minister will determine the volume of replenishment flows to be provided in any water year that are necessary to meet the domestic and stock requirements for the following, up to the maximum volume specified:

- (a) 12,000 ML/year to Willandra Creek downstream from Homestead Weir to the Ivanhoe/Balranald Road (Grid Reference 229700 east, 6333000 north, Kilfera Map, 1:100,000, Sheet 7731),

**Note.** This volume includes water for the township of Ivanhoe and Morrison's Lake.

- (b) 9,000 ML/year to the Merrowie Creek Trust District downstream to Cuba Dam (Grid Reference 266800 east, 6249000 north, Tarwong Map, 1:50,000, Sheet 7730),

- (c) 9,000 ML/year to the Torigany, Muggabah and Merrimajeel Creeks Trust District downstream to the Murrumbidgee Swamp (Angorra Clump) (Grid Reference 281000 east, 6249000 north, Booligal Map, 1:50,000, Sheet 7830 on Merrimajeel Creek and the point on Muggabah Creek at Grid Reference 279000 east, 6239700 north, Booligal Map, 1:50,000, Sheet 7830).
- (2) Booberoi Creek is to receive a continuous supply at its off-take at a rate sufficient to provide for town and domestic supply and stock watering and produce a visible flow at the Ginniguldrie Road Bridge, providing that the net volume supplied does not exceed 12,500 ML in any water year.

**Note.** The circumstances under which the replenishment flows specified in subclause (1) are to be provided will be specified as conditions on the water supply work approval held by Water NSW.

### 31 Minimum flow rule

A visible flow should be maintained in the Lachlan River at Geramy.

**Note.** The visible flow at Geramy also ensures water is available for basic human needs including domestic and stock purposes at the end of this water source.

### 32 Water delivery and channel capacity constraints

- (1) Where necessary for determining numerical extraction components, managing water releases or providing water under access licences, the maximum delivery or operating channel capacity in this water source or in any section of this water source will be determined and specified in accordance with procedures established by the Minister, taking into account the following:

- (a) inundation of private land or interference with access,
- (b) the effects of inundation on the floodplain and associated wetlands,
- (c) the transmission losses expected to occur,

**Note.** *Transmission losses* is defined in the Dictionary.

- (d) capacities of water management structures controlled by the Minister.

**Note.** The capacities at the commencement of this Plan have been assessed as follows:

- (a) 15,000 ML/day between Wyangala Dam and Jemalong Weir,

- (b) 10,000 ML/day between Jemalong Weir and Condobolin,
- (c) 7,000 ML/day between Condobolin and Lake Cargelligo Weir,
- (d) 2,400 ML/day between Lake Cargelligo Weir and Willandra Weir,
- (e) 2,000 ML/day between Willandra Weir and Middle Creek Offtake,
- (f) 1,500 ML/day between Middle Creek Offtake and Hillston Weir,
- (g) 1,500 ML/day between Hillston Weir and Whealbah,
- (h) 1,000 ML/day between Whealbah and Torrigan Weir,
- (i) 500 ML/day in Willandra Creek,
- (j) 390 ML/day in the Wallamundry Creek system,
- (k) 2,000 ML/day in Goobang/Bumbuggan Creeks,
- (l) 800 ML/day between Booligal Weir and Corrong,
- (m) 600 ML/day downstream of Corrong.

### 33 Priority of extractions for access licences

- (1) Where the extraction component of an access licence in this water source does not specify a rate of extraction as a share of supply capability or a volume per unit of time, the following priority of extraction will apply whenever supply capability is insufficient to satisfy all orders for water in any section of this water source:
  - (a) water will be supplied to domestic and stock access licences, local water utility access licences and water ordered from the AWD subaccount of regulated river (high security) access licences that have placed orders for water, in that order,
  - (b) then, any remaining supply capability will be shared between regulated river (general security) access licences, regulated river (conveyance) access licences, and water ordered from the Spillable subaccount of regulated river (high security) access licences that have placed orders for water, in accordance with a method approved by the Minister.

**Note.** *Supply capability* is defined in the Dictionary.

- (2) For the purposes of subclause (1), *AWD subaccount* and *Spillable subaccount* have the same meaning as they have in clause 50.

- (3) Advice from water user representatives should be sought prior to the method in subclause (1) (b) being approved.

**Notes.**

- 1 During periods of channel capacity constraint, the implementation of the above provisions may result in ordering delays and an inability to supply water requirements from regulated water deliveries on a daily basis.
- 2 The Department will use meetings with the Lachlan Customer Service Committee as a means to consult with water user representatives.

**34 Numerical specification of extraction components**

- (1) The extraction of water components of access licences in this water source that are affected by a physical supply constraint may be amended under section 68A of the Act to specify a volume per unit of time or share of supply capability in order to share the impacts of any physical supply constraint among access licences.
- (2) The rate of shares specified in the amended extraction components under subclause (1) for domestic and stock access licences, local water utility access licences and regulated river (high security) access licences should, where possible, be the amount which, in the Minister's opinion, is sufficient to satisfy the maximum daily requirements of the access licences in that order.
- (3) the rate of shares specified in the amended extraction components under subclause (1) for regulated river (general security) access licences and regulated river (conveyance) access licences should be in proportion to the share components for each access licence.
- (4) When action under subclause (1) is undertaken, the Minister may also amend the extraction components of access licences in other sections of the water source that are not affected by the physical supply constraint to exclude extraction components in sections of the water source affected by that action.

**35 Rates of change of releases from water storages**

- (1) Changes in release rates from water storages in this water source must be made in accordance with rules established by the Minister.
- (2) The rules established by the Minister will take into account the following:

- (a) relevant environmental considerations,
- (b) damage to river banks,
- (c) public safety,
- (d) any other matters considered relevant by the Minister.

### **36 Dam operation during floods and spills**

- (1) The operation of Wyangala Dam during times of floods and spills of water is to be undertaken in a manner that maintains the safety of dam infrastructure.
- (2) To the extent that it is consistent with subclause (1), operation should leave Wyangala Dam as full as possible at the completion of the flood event, subject to maintenance of a target airspace volume as specified in clause 37 (b), and should aim to lessen downstream flood damage, where possible.

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

### **37 Airspace operation rules**

Airspace operation of Wyangala Dam must be undertaken in accordance with the following rules:

- (a) airspace is to be maintained in Wyangala Dam for the purpose of reducing downstream flood damage,
- (b) the target airspace volume that is to be maintained at any time, must be set so that the probability of the water storage volume being full by the time significant irrigation demand commences is at least 80%,
- (c) evacuation of airspace should not result in flow at Cotton's Weir, Forbes or Jemalong Weir exceeding the minor flood level at these sites,
- (d) when Wyangala Dam is within 1% of the airspace target, airspace evacuation releases are to be maintained at the Wyangala power station capacity, if practicable.

## Part 7 Limits to the availability of water

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

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

#### 38 General

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

#### 39 Volume of the long-term average annual extraction limit

- (1) The long-term average annual extraction limit for this water source is the lesser of the following:
  - (a) the long-term average annual extraction from this water source that would occur with:
    - (i) the water storages and water use development that existed in 1999/2000, and  
**Note.** *Water use development* is defined in the Dictionary.
    - (ii) the share components of water access licences existing at commencement of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*, and
    - (iii) the rules defined in the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*, and
    - (iv) the maximum crop area and the crop planting behaviour that was in place at the commencement of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*,
  - (b) the long-term average annual extraction from this water source that would occur under Cap baseline conditions as agreed under the Murray-Darling

Basin Agreement in Schedule 1 to the *Water Act 2007* of the Commonwealth.

- (2) The values referred to in subclauses (1) (a) and (b) will be adjusted for any access licence dealings under sections 71Q, 71R or 71U of the Act that occur between water sources within this water management area.

**Notes.**

- 1 An assessment of the long-term average annual extraction that would result from conditions specified in subclause (1) (a) has been made using the Lachlan IQQM computer model scenario run number E229. This indicates a long-term average annual extraction volume of 305,000 ML/year at the commencement of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*.
- 2 An assessment of the long-term average annual extractions that would result from Cap baseline conditions specified in subclause (1) (b) using the Lachlan IQQM computer model scenario run number C071A, indicated a long-term average annual extraction volume of 315,000 ML/year at the commencement of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*.
- 3 By limiting long term average annual extractions to an estimated 305,000 ML/year this Plan ensures that approximately 75% of the long-term average annual flow in this water source (estimated to be 1,212,000 ML/year) will be preserved and will contribute to the maintenance of basic ecosystem health.

#### **40 Calculation of the long-term average annual extraction limit and current average annual extractions**

- (1) For the purposes of calculating the long-term average annual extraction limit and the current average annual extractions, the following must be included:
- (a) all water extractions under all categories of access licences, except where subclause (2) (c) applies,
  - (b) all water extractions under domestic and stock rights and native title rights,
  - (c) all extractions from the floodplain, except those under a water access licence that specifies another water source, that are used in conjunction with extractions under a water access licence in this water source,
  - (d) water allocations assigned from water allocation accounts of access licences in this water source to water allocation accounts of access licences in another water source.

- (2) For the purposes of calculating the long-term average annual extraction limit and current average annual extractions, the following must not be included:
- (a) the use of water pursuant to the environmental water rules and environmental water allowance rules in Divisions 1 and 2 of Part 6,
  - (b) replenishment flows made in accordance with Part 6,
  - (c) water allocations assigned from water allocation accounts of access licences in any other water source to water allocation accounts of access licences in this water source.

**Note.** Under section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water, excluding water committed under section 8C of the Act. The variation in the long-term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

#### **41 Assessment of average annual extractions against long-term average annual extraction limit**

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted as set out in this clause.
- (2) The assessment referred to be in subclause (1) is to be undertaken after the end of each water year, using the hydrologic computer model that, at the time, is approved by the Department for assessing long-term water extraction from this water source.
- (3) To assess the long-term average annual extraction limit, the model referred to in subclause (2) must be set to represent as close as possible the conditions referred to in clause 39 (1) (a) and (b).
- (4) To assess current long-term average annual extraction from this water source the model referred to in subclause (2) must be set to represent as closely as possible all water use development, water supply system management and other factors affecting the quantity of long-term average annual extraction from this water source at the time of the assessment.

**42 Compliance with the long-term average annual extraction limit for this water source**

- (1) The long-term average annual extraction from this water source may not be permitted to exceed the long-term average annual extraction limit specified in clause 39.
- (2) Pursuant to subclause (1), if it has been assessed that current average annual extraction from this water source exceeds:
  - (a) the volume specified in clause 39 (1) (a) by 3% or more, or
  - (b) the volume specified in clause 39 (1) (a) by more than half the difference between the volume specified in clause 39 (1) (a) and the volume specified in clause 39 (1) (b), or
  - (c) the volume specified in clause 39 (1) (b), or
  - (d) the volume specified in clause 39 (1) (a) for 3 consecutive water years,then the maximum volume that may be taken from a regulated river (general security) access licence as specified in clause 54 (1) (a) must be reduced in accordance with subclause (3) of this clause.
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return the long-term average annual extractions in this water source to the long-term average annual extraction limit .
- (4) If action has been taken under subclause (2), and a subsequent assessment under clause 41 indicates that the current long-term average annual extraction is below the long-term average annual extraction limit by more than 3%, or by more than half the difference between the volume specified in clause 39 (1) (a) and the volume specified in clause 39 (1) (b), then previous reductions under subclause (2) may be reversed to the degree that is, in the Minister's opinion, necessary to return the long-term average annual extractions to the long-term average annual extraction limit.

- (5) The assessment of the degree of any reduction required under subclause (2) or any reversal under subclause (4) must be made using the same computer model used to carry out assessments under clause 41.
- (6) Before taking action under subclauses (2) or (4), the Minister should consult with water user representatives on:
  - (a) the data used in the computer model referred to in clause 41, and
  - (b) the proposed actions to be taken in accordance with subclause (2) or (4).

**Note.** The Department will use meetings with the Lachlan Customer Service Committee as a means to consult with water user representatives.

## **Division 2 Available water determinations**

### **43 General**

Available water determinations for access licences with share components that specify this water source are to be expressed as either:

- (a) a percentage of the share component for access licence where share components are specified as ML/year, or
- (b) megalitres per unit of share component (*ML/unit of share component*) for access licences where share components are specified as a number of unit shares.

### **44 Available water determinations for domestic and stock access licences**

- (1) In making available water determinations for domestic and stock access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for domestic and stock access licences if water is available.
- (3) If the available water determination made at the commencement of the water year under subclause (2) is less than 100% then further available water determinations

may be made for domestic and stock access licences when water becomes available.

- (4) The sum of available water determinations made for domestic and stock access licences in any water year must not exceed 100% of the share components.

#### **45 Available water determinations for local water utility access licences**

- (1) In making available water determinations for local water utility access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for local water utility access licences if water is available.
- (3) If the available water determination made at the commencement of the water year under subclause (2) is less than 100% then further available water determinations may be made for local water utility access licences when water becomes available.
- (4) The sum of available water determinations made for local water utility access licences in any water year must not exceed 100% of the share components.

#### **46 Available water determinations for regulated river (high security) access licences**

- (1) In making available water determinations for regulated river (high security) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year in which this Plan has effect, an available water determination of 1 ML/unit of share component should be made for regulated river (high security) access licences if water is available.
- (3) If the available water determination made at the commencement of the water year under subclause (2) is less than 1 ML/unit of share component, then further assessments of available water resources must be carried out at least monthly and further available water determinations made, if additional water can be provided.
- (4) The available water determinations made under subclauses (2) and (3) should not be made until water becomes available after making provision for the following:

- (a) sufficient water has been set aside to meet planned environmental water rules established in clause 16 (1) (a) (i), (ii) and (iii),
  - (b) sufficient water has been set aside to meet the requirements for domestic and stock rights,
  - (c) sufficient water has been set aside to meet the requirements for native title rights,
  - (d) the sum of available water determinations in that water year for domestic and stock access licences is 100% of the access licence share component,
  - (e) the sum of available water determinations in that water year for local water utility access licences is 100% of the access licence share component,
  - (f) sufficient water has been set aside to meet the water allocations already in the regulated river (general security) access licence water allocation accounts,
  - (g) sufficient water has been set aside to meet water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a) – (f),
  - (h) sufficient water has been set aside to meet water losses associated with the holding and delivery of water resulting from the available water determination made under this clause for regulated river (high security) access licences.
- (5) The sum of available water determinations made for regulated river (high security) access licences in any water year must not exceed 1 ML/unit of share component.

**Note.** Pursuant to clause 56 is that when Wyangala Dam spills or is deemed to have effectively spilled or water is released to create or maintain airspace and Lake Brewster and Lake Cargelligo are full or are deemed to be full or that they will fill, as defined in clause 56, all allocations within the Spillable subaccounts of regulated river (high security) access licences will be withdrawn.

**47 Available water determinations for regulated river (general security) access licences**

- (1) In making available water determinations for regulated river (general security) access licences, the Minister should consider the rules in this clause.
- (2) Available water determinations may be made for regulated river (general security) access licences when water becomes available after making provision for the following:
  - (a) sufficient water has been set aside to meet the planned environmental water rules established clause 16 (1) (a) (i), (ii) and (iii),
  - (b) sufficient water has been set aside to meet the requirements for domestic and stock rights,
  - (c) sufficient water has been set aside to meet the requirements for native title rights,
  - (d) the sum of available water determinations in that water year for domestic and stock access licences is 100% of the access licence share component,
  - (e) the sum of available water determinations in that water year for local water utility access licences is 100% of the access licence share component,
  - (f) the sum of available water determinations in that water year for regulated river (high security) access licences is 1 ML/unit of share component,
  - (g) sufficient water has been set aside to meet water allocations already in regulated river (general security) access licence water allocation accounts and the water allocations already in the Spillable subaccount of regulated river (high security) access licences,
  - (h) sufficient water has been set aside to meet water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a)– (g),

- (i) sufficient water has been set aside to meet water losses associated with the holding and delivery of water resulting from the available water determination made under this clause for regulated river (general security) access licences.
- (3) When all water allocations held in the water allocation accounts of regulated river (general security) access licences have been withdrawn under clause 56, an available water determination should be made for all regulated river (general security) access licences.

**Note.** The effect of clauses 56 and 47 (3) is that when Wyangala Dam spills or is deemed to have effectively spilled or water is released to create or maintain airspace and Lake Brewster and Lake Cargelligo are full or are deemed to be full or that they will fill, as defined in clause 56, all regulated river (general security) access licence accounts will be equalised. Assessments indicate that when Wyangala Dam, Lake Brewster and Lake Cargelligo are full it should be possible for each general security access licence account to hold a maximum 1.36 ML/unit of share component.

#### **48 Available water determinations for regulated river (conveyance) access licences**

- (1) In making available water determinations for regulated river (conveyance) access licences, the Minister should consider the rules in this clause.
- (2) Subject to subclauses (3)– (7), an available water determination for regulated river (conveyance) access licences should be made at the commencement of each water year and whenever an available water determination is made for regulated river (general security) access licences.
- (3) The available water determination made under subclause (2) should take into consideration the total water availability for regulated river (general security) access licences that are used to supply water to Jemalong Irrigation Limited’s area of operation and the total volume of water required to meet Jemalong Irrigation Limited’s conveyance loss in that water year.
- (4) Before making an available water determination under subclause (2), the total water availability in ML/unit of share component for regulated river (general security) access licences that are used to supply water to Jemalong Irrigation Limited’s area of operation should be determined using the formula:

$$(GS_1 + GS_2)/GS_{sc}$$

where:

$GS_1$  is the total water allocation in the Take subaccounts of regulated river (general security) access licences that are used to supply water to Jemalong Irrigation Limited's area of operation at the commencement of the water year, except where subclause (7) applies.

$GS_2$  is the total volume of water credited to the water allocation accounts of regulated river (general security) access licences that are used to supply water to Jemalong Irrigation Limited's area of operation, from regulated river (general security) access licence available water determinations made in that water year, except where subclause (7) applies.

$GS_{sc}$  is the total share components of regulated river (general security) access licences that are used to supply water to Jemalong Irrigation Limited's area of operation.

- (5) For the purposes of subclause (4), *Take subaccount* has the same meaning as it has in clause 50.
- (6) The total volume of water required to meet Jemalong Irrigation Limited's conveyance loss in that water year, should be equal to:
  - (a) 2,400 ML plus 570 ML for each 0.01 ML/unit of share component calculated under subclause (4), when the result of that calculation is less than or equal to 0.2 ML/unit of share component,
  - (b) 13,800 ML plus 74.745 ML for each 0.01 ML/unit of share component calculated above 0.2 ML/unit of share component under subclause (4), when the result of that calculation is greater than 0.2 ML/unit of share component and less than 0.75 ML/unit of share component, and
  - (c) 17,911 ML when the result of the calculation made under subclause (4) is equal to or greater than 0.75 ML/unit of share component.

- (7) The available water determination made under subclause (2) should be determined using the formula:

$$(CL_2 - CL_1) / TC_{sc}$$

where:

$CL_2$  is the total volume of water required to meet Jemalong Irrigation Limited's conveyance loss calculated under subclause (6).

$CL_1$  is the total volume of water required to meet Jemalong Irrigation Limited's conveyance loss calculated under subclause (6) at the time the previous available water determination for regulated river (conveyance) access licences was made in that water year, except where subclause (8) applies.

$TC_{sc}$  is the total share components of regulated river (conveyance) access licences.

- (8) Immediately following the withdrawal of water allocations from the water allocation accounts of regulated river (general security) access licences under clause 56 and prior to the making of an available water determination for regulated river (general security) access licences under clause 47 (3), the values of  $GS_1$  and  $GS_2$  to be used in subclause (4) and  $CL_1$  to be used in subclause (7) are zero.

## Part 8 Rules for granting access licences

### Notes.

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

### 49 Specific purpose access licences

**Note.** Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan. Only those specific purpose access licences listed in clause 10 of the *Water Management (General) Regulation 2011* can be granted under the regulations. The licences that may be applied for under subclause (2) of this clause are in addition to applications for the categories and subcategories of specific purpose access licences that may be made in accordance with clause 10 of the *Water Management (General) Regulation 2011*. The restrictions in subclause (3) of this clause apply to the granting of specific purpose access licences.

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

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

## Part 9 Rules for managing access licences

### Notes.

- 1 Part 12 of this Plan allows for amendments to be made to this Part.
- 2 The Act provides for the keeping of water allocation accounts for access licences. The rules in this Part impose further restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

### 50 General

- (1) The rules in this Part apply to the management of water allocations in the water allocation accounts of access licences with a share component that specifies this water source.
- (2) The water allocation accounts of all regulated river (high security) access licences must comprise two subaccounts, referred to as the available water determination subaccount (*AWD subaccount*) and the *Spillable subaccount*.
- (3) The water allocation accounts for regulated river (general security) access licences must comprise two subaccounts, referred to as the *Take subaccount* and the *Hold subaccount*.

### Notes.

- 1 The Spillable subaccount holds water allocations that are assigned to the regulated river (high security) access licence from the Take subaccount of a regulated river (general security) access licence during that water year under section 71T of the Act. The water in the Spillable subaccount will be withdrawn when Wyangala Dam spills and other storages are full. The AWD subaccount holds water allocations credited following an available water determination during that water year and any water allocations assigned from other access licences under section 71T of the Act and is unaffected when Wyangala Dam spills and other storages are full.
- 2 The Take subaccount holds water that may be taken by the licence holder this water year and the Hold subaccount holds water allocation that may not be taken by the licence holder during the current water year.

**51 Crediting rules for water allocation accounts for regulated river (general security) and regulated river (high security) access licences**

- (1) Water allocations for regulated river (high security) access licences must be credited into the AWD subaccount for those access licences in accordance with the available water determinations.
- (2) Water allocations accrued from available water determinations for regulated river (general security) access licences must be either of the following:
  - (a) credited to the Take subaccount of a regulated river (general security) access licence whenever the total volume placed into that subaccount from available water determinations during the water year is less than  $J - K + L$

where:

*J* equals the take limit multiplied by the number of unit shares in the share component of the access licence, where the take limit is as determined under clause 54 (1) (a).

*K* equals the volume in the Take subaccount at the commencement of the water year after any adjustments under clause 55.

*L* equals the volume of water withdrawn from the Take subaccount under clause 56.

- (b) otherwise credited to the Hold subaccount of a regulated river (general security) access licence.

**52 Accounting for allocations assigned to and from regulated river (high security) access licences and regulated river (general security) access licences**

- (1) Water allocations assigned under section 71T of the Act from an AWD subaccount of a regulated river (high security) access licence to another regulated river (high security) access licence must be credited to the AWD subaccount of the access licence.

- (2) Water allocations assigned under section 71T of the Act from a Spillable subaccount of a regulated river (high security) access licence to another regulated river (high security) access licence must be credited to the Spillable subaccount of the access licence.
- (3) Water allocations assigned under section 71T of the Act from the Spillable subaccount of a regulated river (high security) access licence to a regulated river (general security) access licence must be credited to the Take subaccount of the regulated river (general security) access licence.
- (4) Water allocations assigned under section 71T of the Act from the Take subaccount of a regulated river (general security) access licence to another regulated river (general security) access licence must be credited to the Take subaccount of the receiving access licence.
- (5) Water allocations assigned under section 71T of the Act from the Hold subaccount of a regulated river (general security) access licence to another regulated river (general security) access licence must be credited to the Hold subaccount of the receiving access licence.
- (6) Water allocations assigned under section 71T of the Act to a regulated river (general security) access from the account of an access licence of any category which is not permitted to carry over water allocation credits must be credited to the Take subaccount of the access licence.
- (7) Water allocations assigned under section 71T of the Act from the Take subaccount of a regulated river (general security) access licence or a regulated river (conveyance) access licence to a regulated river (high security) access licence must be credited to the Spillable subaccount of the regulated river (high security) access licence.  
  
**Note.** Clause 61 (2) prevents the assignment of water allocations held in the Hold subaccount of a regulated river (general security) access licence to a regulated river (high security) access licence.
- (8) Unless otherwise specified in the water return flow rules established under section 75 of the Act, water allocations re-credited to regulated river (general security) access licences must be re-credited to the:

- (a) Take subaccount of the access licence where re-crediting occurs in the water year in which the water allocations were used, or
- (b) Hold subaccount of the access licence where re-crediting occurs in a water year subsequent to that in which the water allocations were used.

### 53 Debiting rules for water allocation accounts

- (1) Subject to subclause (2), the water allocation taken under domestic and stock access licences, local water utility access licences, regulated river (high security) access licences, regulated river (general security) access licences and regulated river (conveyance) access licences must be assessed and debited as the volume of water taken by the approved water supply works nominated by the access licence.
- (2) Upon written notice from the Minister to the licence holder, the water allocation taken under a domestic and stock access licence, a local water utility access licence, a regulated river (general security) access licence, a regulated river (high security) access licence and a regulated river (conveyance) access licence must be assessed and debited as the greater of:
  - (a) the volume of water taken by the approved water supply works nominated by the access licence, or
  - (b) the volume of water ordered for extraction by the approved water supply works nominated by the access licence,for the term specified by the Minister.
- (3) The Minister should only take action under subclause (2) in accordance with the procedures specified in a water order debiting protocol approved by the Minister.

**Note.** It is intended that the Minister may take action under subclause (2) where water orders have been exceeding the volume of water being taken under an access licence and this cannot be explained by rainfall or other unavoidable factors.
- (4) The water allocations taken under a regulated river (general security) access licence must be debited from the Take subaccount of the access licence.
- (5) The water allocations taken under a regulated river (high security) access licence are to be debited from the Spillable subaccount until the volume in that subaccount

reaches zero, and then from the AWD subaccount, unless otherwise notified by the licence holder.

#### **54 Maximum volume taken or held under a regulated river (general security) access licence**

- (1) The maximum volume that may be taken during any water year from a regulated river (general security) access licence is equal to:
  - (a) a *take limit* of 1 ML multiplied by the number of unit shares specified in the access licence share component, or such lower amount as required by clause 42, plus
  - (b) the volume of water assigned to the access licence account from the Take subaccount of any regulated (general security) access licence during that water year, plus
  - (c) the volume of water assigned to the access licence account from the account of an access licence of any category other than regulated river (general security) during that water year, minus
  - (d) the volume of water assigned from the Take subaccount of the access licence to the Take subaccount of another access licence.
- (2) The sum of the volume of water allocations held in the Take subaccount of a regulated river (general security) access licence plus the volume of water allocations in the Hold subaccount of the access licence may not, at any time, exceed 2 ML per unit share of the access licence share component.

#### **55 Carryover rules for water allocation accounts**

- (1) Water allocations remaining in the accounts of domestic and stock access licences, local water utility access licences, regulated river (conveyance) access licences and regulated river (high security) access licences cannot be carried over from one water year to the next.

- (2) Subject to subclauses (3) and (4), water allocations remaining in accounts of regulated river (general security) access licences may be carried over from one water year to the next.
- (3) If the water allocations are carried over under subclause (2) and if water allocations in the Take subaccount of a regulated river (general security) access licence are greater than the take limit as specified in clause 54 (1) (a), then a volume of water allocations equal to the volume of exceedance must be moved from the Take subaccount into the Hold subaccount.
- (4) If water allocations are carried over under subclause (2) and if water allocations in the Take subaccount of a regulated river (general security) access licence are less than the take limit as specified in clause 54 (1) (a), a volume of water allocations must be moved from the Hold subaccount to the Take subaccount which is equal to the lesser of:
  - (a) the volume of water allocations in the Hold subaccount, and
  - (b) the volume which would increase the volume of water allocations in the Take subaccount to the take limit as specified in clause 54 (1) (a).

**56 Withdrawals from water allocation accounts for regulated river (high security) access licences, regulated river (general security) access licences and regulated river (conveyance) access licences**

All water allocations in water allocation accounts of regulated river (general security) access licences, the Spillable subaccounts of regulated river (high security) access licences and regulated river (conveyance) access licences must be withdrawn whenever:

- (a) a spill of water occurs from Wyangala Dam, or
- (b) the Minister deems that a spill of water has occurred from Wyangala Dam, or
- (c) water is released to create or maintain air space at Wyangala Dam, or

- (d) Lake Brewster and Lake Cargelligo are full, deemed by the Minister to be full, or the Minister is satisfied that they will fill from flows already in this water source or its tributaries.

**Notes.**

- 1 The effect of clauses 47 (3), 48 (8) and this clause is that when Wyangala Dam spills or is deemed to have effectively spilled or water is released to create or maintain airspace and Lake Brewster and Lake Cargelligo are full or are deemed to be full or that they will fill, as defined in this clause, all regulated river (general security) access licence accounts and regulated river (conveyance) access licence accounts will be equalised. Water remaining in the Spillable subaccounts of regulated river (high security) access licences must be withdrawn. Water remaining in the AWD subaccounts of regulated river (high security) access licences must remain. Assessments indicate that when Wyangala Dam, Lake Brewster and Lake Cargelligo are full it should be possible for each regulated river (general security) access licence account to hold a maximum 1.36 ML/ unit share component.
- 2 Airspace requirements at Wyangala Dam are determined in accordance with clause 37.
- 3 Under this 56, the Minister may from time to time, deem that the full volume of Lake Brewster and Lake Cargelligo is less than their physical full capacity. The reasons for this may include supporting a bird breeding event.

## **Part 10 Access licence dealing rules**

### **57 General**

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

#### **Notes.**

- 1 Access licence dealings in this water source are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established under this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.
- 3 Part 12 of this Plan allows for amendments to be made to this Part.

### **58 Conversion of access licence to new category**

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

### **59 Assignment of rights dealings**

- (1) Dealings under section 71Q of the Act within this water source are prohibited if the dealing involves an assignment of rights:
  - (a) to an access licence that nominates a water supply work located within the section of Willandra Creek that is within this water source, if it would cause the sum of the share components of all access licences that nominate a water supply work located in the section of Willandra Creek that is within this water source to exceed 23,457, or
  - (b) to an access licence that nominates a water supply work located in the section of the Lachlan River downstream of Booligal Weir that is within this water source, if it would cause the sum of the share components of all access licences that nominate a water supply work located in the section of the Lachlan River downstream of Booligal Weir that is within this water source to exceed 16,585, or

- (c) from an access licence that does not nominate a water supply work downstream of Lake Cargelligo Weir in this water source to an access licence that nominates a water supply work downstream of Lake Cargelligo Weir in this water source, or
  - (d) from an access licence that does not nominate a water supply work upstream of Lake Cargelligo Weir in this water source to an access licence that nominates a water supply work upstream of Lake Cargelligo Weir in this water source.
- (2) Dealings under section 71Q of the Act from this water source to another water source within the Lachlan Water Management Area are prohibited unless:
- (a) the access licence dealing rules in the water source in which the access licence to which rights are being assigned permit such a dealing, and
  - (b) a conversion factor, established by the Minister and published in an order made under section 71Z of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in the water source in which the access licence is being varied, has been applied, and
  - (c) the water source in which the access licence to which rights are being assigned is one of the following:
    - (i) the Belubula Regulated River Water Source, as defined in the *Water Sharing Plan for the Belubula Regulated River Water Source 2012*,
    - (ii) a water source from within the Lachlan Unregulated Extraction Management Unit, as defined in the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources 2012*, and not on a river that is primarily fed by effluent flows from the Lachlan River.
- (3) Dealings under section 71Q of the Act to this water source from another water source within the Lachlan Water Management Area are prohibited, unless:
- (a) the access licence dealing rules in the water source from which the access licence from which rights are being assigned permit such a dealing, and

- (b) a conversion factor, established by the Minister and published in an order made under section 71Z of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water has been applied, and
- (c) the water source in which the access licence from which rights are being assigned is the Belubula Regulated River Water Source, as defined in the *Water Sharing Plan for the Belubula Regulated River Water Source 2012*.

## 60 Amendment of share component (change of water source)

- (1) Dealings under 71R of the Act from this water source are prohibited if the dealing involves the cancellation of an access licence in this water source, unless:
  - (a) the access licence dealing rules in the water source in which the access licence is to be granted permit such a dealing, and
  - (b) a conversion factor, established by the Minister and published in an order made under section 71Z of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source has been applied, and
  - (c) the share component of the access licence to be granted specifies the Belubula Regulated River Water Source, as defined in the *Water Sharing Plan for the Belubula Regulated River Water Source 2012*, and
  - (d) the share component of the access licence to be granted specifies a water source within the Lachlan Unregulated Extraction Management Unit, as defined in the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources 2012*, and not on a river that is primarily fed by effluent flows from the Lachlan River.

**Note.** The prohibition on issue of licences within effluent rivers is included to stop licence trading leading to an increase in extractions from rivers feeding environmentally sensitive wetland areas.
- (2) Dealings under section 71R of the Act to this water source are prohibited if the dealing involves the granting of an access licence in this water source, unless:

- (a) the access licence dealing rules in the water source in which the access licence is cancelled permits such a dealing, and
- (b) a conversion factor, established by the Minister and published in an order made under section 71Z of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, has been applied, and
- (c) the water source in which the access licence is cancelled is the Belubula Regulated River Water Source, as defined in the *Water Sharing Plan for the Belubula Regulated River Water Source 2012*.

## 61 Assignment of water allocation dealings

- (1) Dealings under section 71T of the Act within the same water source are prohibited in this water source if the dealing involves an assignment of water allocation:
  - (a) that would result in  $A + B - C - D$  exceeding 82,000 ML, where:
    - A** is the total volume of water allocations assigned during a water year from the Take subaccounts of regulated river (general security) access licences whose extraction component only permits the taking of water upstream of Lake Cargelligo Weir, to the accounts of access licences whose extraction component only permits the taking of water downstream of Lake Cargelligo Weir.
    - B** is the total volume of water allocations assigned during a water year from the accounts of all categories of access licence, other than regulated river (general security) access licences, whose extraction component only permits the taking of water upstream of Lake Cargelligo Weir, to the accounts of access licences whose extraction component only permits the taking of water downstream of Lake Cargelligo Weir.
    - C** is the total volume of water allocations assigned during a water year from the Take subaccounts of regulated river (general security) access licences whose extraction component only permits the taking of water

downstream of Lake Cargelligo Weir, to the accounts of access licences whose extraction components only permit the taking of water upstream of Lake Cargelligo Weir.

*D* is the total volume of water allocations assigned during a water year from the accounts of all categories of access licences, other than regulated river (general security) access licences, whose extraction component only permits the taking of water downstream of Lake Cargelligo Weir to the accounts of access licences whose extraction component only permits the taking of water upstream of Lake Cargelligo Weir, or

- (b) from an access licence that does not nominate a water supply work located in the section of the Lachlan River downstream of the Booligal Weir that is within this water source to an access licence that nominates a water supply located in the section of the Lachlan River downstream of the Booligal Weir that is within this water source if it would result in the total volume of water allocation that may be taken in any water year, by access licences whose nominated water supply work are located on the section of the Lachlan River downstream of Booligal Weir that is within this water source, to exceed 16,585 ML, or
- (c) from an access licence that does not nominate a water supply work located downstream of the Willandra Creek Weir that is within this water source, to an access licence that nominates a water supply work located downstream of the Willandra Creek Weir that is within this water source if it would result in the total volume of water allocation that may be taken in any water year by access licences nominating water supply works downstream of the Willandra Creek Weir that is in this water source to exceed 23,457 ML.

- (2) Dealings under section 71T of the Act are prohibited if the dealing involves the assignment of water allocations held in the Hold subaccount of a regulated river (general security) access licence being assigned to the water allocation account of any other category of access licence.

- (3) Dealings under section 71T of the Act between different water sources are prohibited in this water source.

## **62 Rules for interstate access licence transfer**

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

## **63 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 downstream of the Willandra Creek Weir that is within this water source if it would cause the sum of the share components of all access licences nominating water supply works downstream of the Willandra Creek Weir that is in this water source to exceed 23,457 ML, or
  - (b) an access licence being amended to nominate a water supply work located downstream of Booligal Weir that is within this water source if it would cause the sum of the share components of all access licences nominating water supply works downstream of the Booligal Weir that is in this water source to exceed 16,585 ML, or
  - (c) an access licence that does not nominate a water supply work located downstream of Lake Cargelligo Weir in this water source being amended to nominate a water supply work located downstream of Lake Cargelligo Weir in this water source, or
  - (d) an access licence that does not nominate a water supply work upstream of Lake Cargelligo Weir in this water source being amended to nominate a water supply work that is upstream of Lake Cargelligo Weir in this water source.

- (2) Dealings under section 71W of the Act that involve the nomination of a water supply work located in a State other than NSW by an access licence in this water source are prohibited.
- (3) Dealings under section 71W of the Act that involve the nomination of a water supply work in this water source by an access licence from a State other than NSW are prohibited.

## Part 11 Mandatory conditions

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

### Division 1 General

#### 64 General

In this Part:

- (a) a requirement to notify the Minister in writing will be satisfied by writing to the addressee listed in Appendix 3 to this Plan or to the email address for the Department's Advisory Service, Water Regulation, and

**Note.** At the commencement of this Plan, the email address for the Department's Advisory Service, Water Regulation is [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au).

- (b) a *metered water supply work with a data logger* means a water supply work with:
- (i) a meter that complies with Australian Standard *AS 4747, Meters for non-urban water supply*, as may be updated or replaced from time to time, and
- (ii) a data logger, and
- (c) if the holder of a water supply work approval is the same 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.

## **65 General**

- (1) Access licences in this water source must have mandatory conditions where required to give effect to the following:
  - (a) the relevant water allocation account management and access rules for the taking of water specified in Part 9,
  - (b) the holder of the access licence upon becoming aware of a breach of any condition of the access licence must:
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,
  - (c) a mandatory condition that facilitates the provisions of clause 34,
  - (d) any other conditions required to implement the provisions of this Plan.
- (2) Access licences in this water source, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions where required to give effect to the following:
  - (a) the holder of the access licence must keep a Logbook,
  - (b) the holder of the access licence must record the following in the Logbook:
    - (i) each date and period of time during which water was taken under the access licence,
    - (ii) the volume of water taken on that date,
    - (iii) the water supply work approval number of the water supply work used to take the water on that date,
    - (iv) the purpose or purposes for which the water was taken on that date,

- (v) any other information required to be recorded in the Logbook under the rules of this Plan,
  - (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested,
  - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for 5 years from the date to which that information relates.
- (3) The Minister may require the holder of the access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements set out in subclause (2).
- (4) All access licences must have a mandatory condition that only allows the taking of water if it has been ordered in accordance with procedures established by the Minister.
- (5) All access licences in this water source must have mandatory conditions that specify whether water is permitted to be taken upstream or downstream of Lake Cargelligo Weir.

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

#### **66 General**

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions where required to give effect to the following:
- (a) 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 Part 9,
  - (b) unless exempted by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:

- (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
- (ii) the metering equipment must comply with Australian Standard *AS 4747, Meters for non-urban water supply*, as may be updated or replaced from time to time,
- (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
- (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between this water source and the metering equipment,
- (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,

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

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

- (f) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in this water source, 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 where required to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
  - (b) the holder of a water supply work approval must record the following in the Logbook:
    - (i) each date and period of time during which water was taken using the water supply work,
    - (ii) the volume of water taken on that date,
    - (iii) the number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
    - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
    - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time,
    - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,

- (c) the holder of the water supply work approval must produce the Logbook to the Minister for inspection when requested,
  - (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 of subclause (2).
- (4) Subclauses (1)– (3) do not apply to water supply work approval for water supply works held by Water NSW.
- (5) Water supply work approvals held by Water NSW must have mandatory conditions where required to give effect to the system operation rules in Part 6.

## Part 12 Amendment of this Plan

### 67 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 section 87AA of the Act.

### 68 Part 1

Part 1 may be amended to add a river or section of river to this water source or remove a river or section of river from this water source providing that:

- (a) any river or section of river that is added has been declared to be a regulated river by an order published in the Gazette, and
- (b) the Minister is satisfied that there will be no impact on environmental water, or on the available water to any access licences in this water source.

### 69 Part 6

- (1) Subject to subclause (2), Part 6 may be amended to decrease the volume of inflows to Wyangala Dam that must be exceeded in any calendar year beginning 1 January before environmental flows may be made from Wyangala Dam.
- (2) Before making an amendment under subclause (1), the Minister should:

- (a) carry out a review of the volume of inflows that must be exceeded before translucent releases may be made, and
- (b) assess the environmental and socio-economic impacts of reductions in the required volume of inflow, and
- (c) consult with relevant Government agencies and stakeholders.

## **70 Part 7**

- (1) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in this water source, the Minister may vary the respective long-term average annual extraction limit that applies to this water source, or
- (2) The Minister may amend clause 48 to provide available water determination rules for regulated river (conveyance) access licences that reflect the loss of water that occurs between the points of offtake of water from this water source and the points of delivery to water users within the Jemalong Irrigation Limited area of operation, if, in the Minister's opinion, it is necessary to do so to prevent third party impacts from dealings that manipulate future regulated river (conveyance) access licence water allocations.

## **71 Part 9**

Part 9 of this Plan may be amended to provide account management rules for regulated river (conveyance) access licences that reflect the loss of water that occurs between the points of offtake of water from this water source and the points of delivery to water users within the Jemalong Irrigation Limited area of operation, if, in the Minister's opinion, it is necessary to do so to prevent third party impacts from dealings that manipulate future regulated river (conveyance) access licence water allocations.

## **72 Part 10**

- (1) Part 10 may be amended to remove or reduce the prohibitions on dealings specified under clauses 59 (1) (c) and (d) and 61 (1) (a).

- (2) Before making an amendment to clauses 59 (1) (c) and (d) and 61 (1) (a), the Minister should consult with relevant Government agencies and stakeholders.

### **73 Part 11**

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

- (a) amend the rules in relation to record keeping including in relation to requirements for Logbooks,
- (b) amend clause 66 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

### **74 Dictionary**

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

### **75 Other**

- (1) This Plan may be amended to include rules for the management of floodplain harvesting within this water source, so long as the amendment does not:
  - (a) affect the outcomes of the long-term extraction limit specified in the Plan, or
  - (b) allow more water being taken pursuant to access licences for floodplain harvesting than permitted under the Murray-Darling Basin Agreement in Schedule 1 to the *Water Act 2007* of the Commonwealth.
- (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
- (3) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* of the Commonwealth to give effect to an entitlement granted under that claim.
- (4) This Plan may be amended to enable this Plan, or any part of this Plan, to be accredited as part of all of a water resource plan under the *Water Act 2007* of Commonwealth.

- (5) This Plan may be amended after year 5 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) restrict the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets,
  - (c) amend the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) Any amendment under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.

## 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 it has in the *Aboriginal Land Rights Act 1983*.

*Active storage* is the total volume of water in Lake Brewster minus dead storage. At the commencement of this Plan, dead storage in Lake Brewster is estimated to be approximately 2,000 ML.

*airspace* is a volume in a water storage, which is kept empty for the purpose of mitigating potential floods.

*floodplain harvesting* is the collection, extraction or impoundment of water flowing across the floodplain.

*full supply volume* is the volume of water held in a water storage at the storage level considered to be the limit for the purposes of storage of water, except in periods of flood operation.

*Logbook*, in relation to an access licence or water supply work approval, means a written record, kept in hard copy or electronic form, that 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.

*replenishment flows* are flows provided to unregulated river systems downstream of major headwater dams to address the flow related impacts within those systems caused by dam construction.

*reserves* are volumes of water put aside in a water storage to allow the supply of future water requirements.

*supply capability* is defined as the rate at which water can be supplied to a section of a water source after satisfying the environmental water provisions and the requirements for water to satisfy basic landholder rights.

*translucent flows* are releases made from water storages where some portion of the inflows to the water storage are released coincidentally with their occurrence.

*transmission losses* are any loss of water volume, through natural influences such as evaporation or seepage, which occurs as water travels down a river.

*water storage* means a state owned dam, weir or other structure, which is used to regulate and manage river flows in this water source and the water body impounded by this structure.

*water supply system* includes the water storages and all other factors influencing water supply that are under the control of the Minister.

*water use development* includes all privately owned water management structures, and all aspects of farm, industry, town or private household development which affect the volumes of water taken from the water source, and the management practices that are

applied in relation to them, not taking into account the maximum crop area and crop planting behaviour.

***Year 5 of this Plan*** means from the date of 1 July 2020 to 30 June 2021.

## Appendix 1 Rivers and lakes in the regulated river order

**Note.** Under the Act, regulated rivers are defined in an order made by the Minister. This appendix lists the rivers and lakes that were in the Order at the commencement of this Plan. This appendix is provided for informational purposes only. The legally binding version of the regulated river order published in the NSW Government Gazette. As at the commencement of this Plan, the Regulated River Order for the Lachlan Regulated River Water Source was found in the NSW Government Gazette No 92 on 14 September 2012 at page 3955.

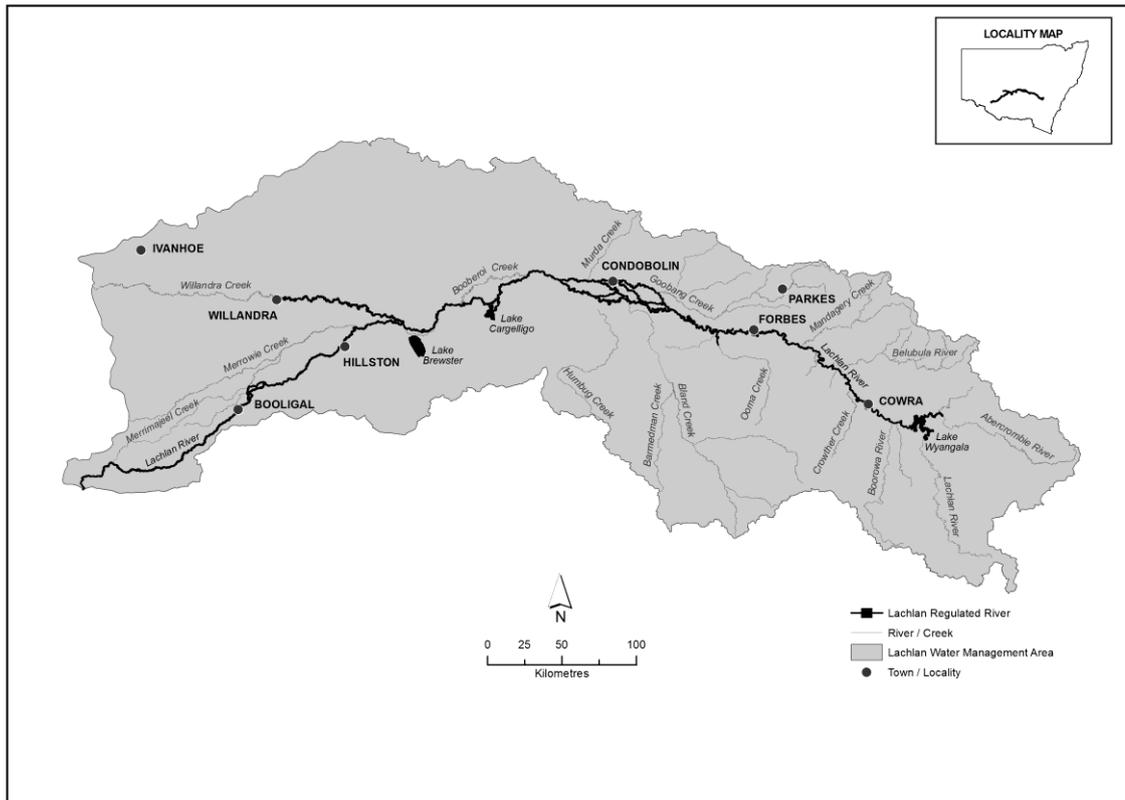
As at the commencement of this Plan, the Lachlan Lachlan Regulated River Water Source includes, but is not limited to:

- (a) Anabranche of Willandra Creek, offtaking within Lot 2, DP 750671, Parish of Gunnagai, County of Blaxland,
- (b) Bumbuggan Creek from its confluence with the Lachlan River to its confluence with Goobang Creek,
- (c) Carrawabbity Creek, to the northern boundary of Lot 148, DP 750146, Parish of Carrawabbity, County of Ashburnham, from its junction with the Lachlan River,
- (d) Goobang Creek from its confluence with Bumbuggan Creek to its confluence with the Lachlan River,
- (e) Island Creek from the upstream to the downstream confluences with the Lachlan River,
- (f) Jemalong Creek, from its confluence with the Lachlan River to the north-east boundary of Lot 18, DP 752953, Parish of Tallabung, County of Forbes,
- (g) Lachlan River, from the north-east corner of Lot 2, DP 545539, Parish of Yewrangara, Country of Georgiana, downstream to the junction with the Murrumbidgee River,
- (h) Abercrombie River, from the south-east corner of Lot 2, DP 531871, Parish of Grabine, County of Georgiana to the Wyangala Dam Storage,
- (i) All tributaries to the Wyangala Dam storage (named and unnamed, excluding the Lachlan River and the Abercrombie River), from the high water mark of the storage,
- (j) Lake Brewster,

- (k) Lake Cargelligo,
- (l) Nerathong Creek from its confluence with Wallamundry Creek to its confluence with the Lachlan River,
- (m) The channel or cutting connecting The Curlew Water and Lake Cargelligo,
- (n) The channel or cutting connecting The Sheet of Water and The Curlew Water,
- (o) The Curlew Water,
- (p) The cutting connecting the Lachlan River and The Sheet of Water,
- (q) The Lake Creek connecting Lake Cargelligo and Lachlan River,
- (r) The Sheet of Water,
- (s) Torriganny Creek,
- (t) Unnamed lagoon offtaking from the Lachlan River in Reserve 1013789, Parish of Jundrie, County of Blaxland,
- (u) Unnamed watercourse offtaking from the Lachlan River within Lot 1, DP 112549, Parish of Hunthawong, County of Nicholson,
- (v) Wallamundry Creek from its confluence with Island Creek to its confluence with Wallaroi Creek,
- (w) Wallaroi Creek from its confluence with Wallamundry Creek to its confluence with the Lachlan River,
- (x) Willandra Creek from the offtake of the Lachlan River downstream to the Willandra Homestead Weir located on Lot 1, DP 247335, Parish of Bundunglong, County of Franklin,
- (y) Mandagery Creek from GPS Location E619870, N6293815 (MGA 94 Datum) to its confluence with the Lachlan River.

## Appendix 2 Overview map of the Lachlan Regulated River Water Source

Overview map of the Lachlan Regulated River Water Source



## **Appendix 3      Office**

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

DPI Water

NSW Department of Primary Industries

9 Springs Street

PO Box 291

FORBES NSW 2871