



New South Wales

Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012

under the

Water Management Act 2000

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

Dated this 6th day of September 2012.

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

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

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

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Part 1 Introduction

Note. Part 12 allows for amendments to be made to Part 1.

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012* (hereafter **this Plan**).

2 Nature and status of this Plan

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

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

3 Commencement of this Plan

This Plan commences on 4 October 2012.

Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.

4 Application of this Plan

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

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- (a) the Macquarie Bogan Unregulated Water Sources (hereafter *the Macquarie Bogan Unregulated Water Sources*) comprised of:
- (i) Backwater Boggy Cowal Water Source,
 - (ii) Bell River Water Source,
 - (iii) Bulbodney Grahway Creek Water Source,
 - (iv) Burrendong Dam Tributaries Water Source,
 - (v) Campbells River Water Source,
 - (vi) Coolbaggie Creek Water Source,
 - (vii) Cooyal Wialdra Creek Water Source,
 - (viii) Ewenmar Creek Water Source,
 - (ix) Fish River Water Source,
 - (x) Goolma Creek Water Source,
 - (xi) Lawsons Creek Water Source,
 - (xii) Little River Water Source,
 - (xiii) Lower Bogan River Water Source,
 - (xiv) Lower Macquarie River Water Source,
 - (xv) Lower Talbragar River Water Source,
 - (xvi) Macquarie River above Burrendong Water Source,
 - (xvii) Marra Creek Water Source,
 - (xviii) Marthaguy Creek Water Source,
 - (xix) Maryvale Geurie Creek Water Source,
 - (xx) Molong Creek Water Source,
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- (xxi) Piambong Creek Water Source,
- (xxii) Pipeclay Creek Water Source,
- (xxiii) Queen Charlottes Vale Evans Plains Creek Water Source,
- (xxiv) Summerhill Creek Water Source,
- (xxv) Turon Crudine River Water Source,
- (xxvi) Upper Bogan River Water Source,
- (xxvii) Upper Cudgegong River Water Source,
- (xxviii) Upper Talbragar River Water Source,
- (xxix) Wambangalong Whylandra Creek Water Source, and
- (xxx) Winburndale Rivulet Water Source, and

(b) the Macquarie Bogan Alluvial Groundwater Sources (hereafter *the Macquarie Bogan Alluvial Groundwater Sources*) comprised of:

- (i) Bell Alluvial Groundwater Source,
- (ii) Cudgegong Alluvial Groundwater Source,
- (iii) Talbragar Alluvial Groundwater Source, and
- (iv) Upper Macquarie Alluvial Groundwater Source.

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

(2) These water sources are shown on the Plan Map called *Plan Map (WSP0026_Version 1), Macquarie Bogan Unregulated and Alluvial Water Sources 2012* (hereafter *the Plan Map*) held by the Department.

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

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- (3) Subject to subclause (5), the Macquarie Bogan Unregulated Water Sources include all water:
- (a) occurring naturally on the surface of the ground within the boundaries of the Macquarie Bogan Unregulated Water Sources shown on the Plan Map,
 - (b) in rivers, lakes, and wetlands within the boundaries of the Macquarie Bogan Unregulated Water Sources shown on the Plan Map, and
 - (c) contained within all sand beds or other alluvial sediments on or below the surface of the ground within the bed and the top of the high banks of rivers within the boundaries of the Macquarie Bogan Unregulated Water Sources shown on the Plan Map (hereafter *these sand beds*).

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

- (4) Subject to subclause (5), the Macquarie Bogan Alluvial Groundwater Sources include all water contained within all alluvial sediments below the surface of the ground within the boundaries of the Macquarie Bogan Alluvial Groundwater Sources shown on the Plan Map, except for those alluvial sediments described in paragraph (3) (c).

- (5) These water sources do not include water:

- (a) contained in any fractured rock or porous rock,

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

- (b) contained in the Macquarie and Cudgegong Regulated Rivers Water Source to which the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003* applies,
- (c) contained in the sections of the water courses specified in Column 2 of Schedule 1, and

Note. The sections of water courses specified in Schedule 1 are to be included in the proposed water sharing plan for the Barwon-Darling Unregulated Water Source.

- (d) taken under a floodplain harvesting access licence with a share component that specifies a water source to which this Plan does not apply.

5 Management zones

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

- (ii) Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone, and
- (f) Cudgegong Alluvial Groundwater Source:
 - (i) Cudgegong Alluvial Management Zone, and
 - (ii) Lawsons Creek Alluvial Management Zone.

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

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

6 Extraction management unit for these water sources

- (1) This Plan establishes the Macquarie Bogan Unregulated Rivers Extraction Management Unit (hereafter *the EMU*), which applies to the water sources specified in Column 2 of Table A to this clause.
- (2) The EMU specified in subclause (1) is shown on the Plan Map.

Note. A long-term average annual extraction limit is established in Part 6 of this Plan for the EMU. The long-term average annual extraction limit determines the maximum volume of water that may be extracted under access licences and pursuant to domestic and stock rights and native title rights from all water sources within the EMU on a long-term average annual basis.

Table A – Extraction management unit

Column 1 – Extraction management unit	Column 2 – Water sources
Macquarie Bogan Unregulated Rivers Extraction Management Unit	Backwater Boggy Cowal Water Source Bell River Water Source Bulbodney Grahway Creek Water Source Burrendong Dam Tributaries Water Source Campbells River Water Source

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Column 1 – Extraction management unit	Column 2 – Water sources
	Coolbaggie Creek Water Source Cooyal Wialdra Creek Water Source Ewenmar Creek Water Source Fish River Water Source Goolma Creek Water Source Lawsons Creek Water Source Little River Water Source Lower Bogan River Water Source Lower Macquarie River Water Source Lower Talbragar River Water Source Macquarie River above Burrendong Water Source Marra Creek Water Source Marthaguy Creek Water Source Maryvale Geurie Creek Water Source Molong Creek Water Source Piambong Creek Water Source Pipeclay Creek Water Source Queen Charlottes Vale Evans Plains Creek Water Source

Column 1 – Extraction management unit	Column 2 – Water sources
	Summerhill Creek Water Source Turon Crudine River Water Source Upper Bogan River Water Source Upper Cudgegong River Water Source Upper Talbragar River Water Source Wambangalong Whylandra Creek Water Source Winburndale Rivulet Water Source

7 Understanding the rules in this Plan

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

8 Interpretation

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

Part 2 Vision, objectives, strategies and performance indicators

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

9 Vision statement

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

10 Objectives

The objectives of this Plan are to:

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

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

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

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

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

11 Strategies

The strategies of this Plan are to:

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

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

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

Part 3 Bulk access regime

13 Bulk access regime

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

- (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

14 Climatic variability

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

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

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

Part 4 Planned environmental water provisions

Notes.

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

15 General

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

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

16 Commitment and identification of planned environmental water

- (1) Water is committed and identified as planned environmental water in the Macquarie Bogan Unregulated Water Sources and the Talbragar Alluvial Groundwater Source in the following ways:
 - (a) by reference to the commitment of the physical presence of water in the relevant water source,
 - (b) by reference to the long-term average annual commitment of water as planned environmental water, and
 - (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.
- (2) Water is committed and identified as planned environmental water in the Bell Alluvial Groundwater Source, Cudgegong Alluvial Groundwater Source and Upper Macquarie Alluvial Groundwater Source in the following ways:
 - (a) by reference to the commitment of the physical presence of water in the relevant water source, and

- (b) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

17 Establishment and maintenance of planned environmental water

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

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

- (i) in the Macquarie Bogan Unregulated Water Sources that results from the access rules specified in Division 2 of Part 8 of this Plan,

Note. The rules in Division 2 of Part 8 of this Plan for the Macquarie Bogan Unregulated Water Sources set flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (ii) in the Talbragar Alluvial Groundwater Source that is equal to 5% of the long-term average annual rainfall recharge,

Notes.

- 1 At the commencement of this Plan the long-term average annual rainfall recharge for the Talbragar Alluvial Groundwater Source is estimated to be 3,645 megalitres per year.
- 2 **Recharge** is defined in the Dictionary.

- (iii) in the Macquarie Bogan Alluvial Groundwater Sources that is within the groundwater storage of the Macquarie Bogan Alluvial Groundwater Sources over the long term,

Note. In highly connected alluvial groundwater sources a significant proportion of recharge comes from rivers. The average annual volume of water permitted to be extracted under the rules in this Plan is less than the average annual recharge of the Macquarie Bogan Alluvial Groundwater Sources from all recharge sources over the long term, ensuring that water within the groundwater storage of the Macquarie Bogan Alluvial Groundwater Sources is protected from extraction.

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

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

- (ii) the Talbragar Alluvial Groundwater Source that is equal to 5% of the long-term average annual rainfall recharge, and
- (c) it is the water remaining in these water sources after water has been taken pursuant to basic landholder rights and access licences, in accordance with the rules specified in Parts 6 and 8 of this Plan.

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

- (2) The planned environmental water established under subclause (1) (a) is maintained in:
 - (a) the Macquarie Bogan Unregulated Water Sources, by the rules specified in Division 2 of Part 8 of this Plan, and
 - (b) the Macquarie Bogan Alluvial Groundwater Sources, by the rules specified in Parts 6 and 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained in the Macquarie Bogan Unregulated Water Sources and the Talbragar Alluvial Groundwater Source by the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determinations as specified in Division 2 of Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained in these water sources by the rules specified in Parts 6 and 8 of this Plan.

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

Part 5 Requirements for water

Division 1 General

18 Application

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

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

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

Division 2 Requirements for water for basic landholder rights

19 Domestic and stock rights

At the commencement of this Plan the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 5,372 megalitres per year (hereafter *ML/year*), distributed as follows:

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- (a) 82 ML/year in the Backwater Boggy Cowal Water Source,
- (b) 237 ML/year in the Bell River Water Source,
- (c) 243 ML/year in the Bulbodney Grahway Creek Water Source,
- (d) 294 ML/year in the Burrendong Dam Tributaries Water Source,
- (e) 240 ML/year in the Campbells River Water Source,
- (f) 37 ML/year in the Coolbaggie Creek Water Source,
- (g) 169 ML/year in the Cooyal Wialdra Creek Water Source,
- (h) 42 ML/year in the Ewenmar Creek Water Source,
- (i) 294 ML/year in the Fish River Water Source,
- (j) 71 ML/year in the Goolma Creek Water Source,
- (k) 133 ML/year in the Lawsons Creek Water Source,
- (l) 274 ML/year in the Little River Water Source,
- (m) 262 ML/year in the Lower Bogan River Water Source,
- (n) 59 ML/year in the Lower Macquarie River Water Source,
- (o) 308 ML/year in the Lower Talbragar River Water Source,
- (p) 260 ML/year in the Macquarie River above Burrendong Water Source,
- (q) 64 ML/year in the Marra Creek Water Source,
- (r) 162 ML/year in the Marthaguy Creek Water Source,
- (s) 8 ML/year in the Maryvale Geurie Creek Water Source,
- (t) 45 ML/year in the Molong Creek Water Source,
- (u) 139 ML/year in the Piambong Creek Water Source,

- (v) 65 ML/year in the Pipeclay Creek Water Source,
- (w) 217 ML/year in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (x) 151 ML/year in the Summerhill Creek Water Source,
- (y) 257 ML/year in the Turon Crudine River Water Source,
- (z) 261 ML/year in the Upper Bogan River Water Source,
- (aa) 118 ML/year in the Upper Cudgegong River Water Source,
- (bb) 245 ML/year in the Upper Talbragar River Water Source,
- (cc) 51 ML/year in the Wambangalong Whylandra Creek Water Source,
- (dd) 178 ML/year in the Winburndale Rivulet Water Source,
- (ee) 6 ML/year in the Bell Alluvial Groundwater Source,
- (ff) 27 ML/year in the Cudgegong Alluvial Groundwater Source,
- (gg) 69 ML/year in the Talbragar Alluvial Groundwater Source, and
- (hh) 304 ML/year in the Upper Macquarie Alluvial Groundwater Source.

Notes.

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

20 Native title rights

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

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

21 Harvestable rights

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

Division 3 Requirements for water for extraction under access licences

22 Share components of domestic and stock access licences

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from these water sources total 1,952 ML/year, distributed as follows:

- (a) 40 ML/year in the Backwater Boggy Cowal Water Source,
- (b) 197 ML/year in the Bell River Water Source,
- (c) 126 ML/year in the Bulbodney Grahway Creek Water Source,
- (d) 7 ML/year in the Burrendong Dam Tributaries Water Source,
- (e) 58 ML/year in the Campbells River Water Source,
- (f) 16 ML/year in the Coolbaggie Creek Water Source,
- (g) 37 ML/year in the Cooyal Wialdra Creek Water Source,
- (h) 50.5 ML/year in the Ewenmar Creek Water Source,
- (i) 30 ML/year in the Fish River Water Source,
- (j) 0 ML/year in the Goolma Creek Water Source,
- (k) 56 ML/year in the Lawsons Creek Water Source,
- (l) 45 ML/year in the Little River Water Source,
- (m) 146 ML/year in the Lower Bogan River Water Source,

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- (n) 136 ML/year in the Lower Macquarie River Water Source,
 - (o) 40 ML/year in the Lower Talbragar River Water Source,
 - (p) 55 ML/year in the Macquarie River above Burrendong Water Source,
 - (q) 67.5 ML/year in the Marra Creek Water Source,
 - (r) 146 ML/year in the Marthaguy Creek Water Source,
 - (s) 2 ML/year in the Maryvale Geurie Creek Water Source,
 - (t) 156 ML/year in the Molong Creek Water Source,
 - (u) 12 ML/year in the Piambong Creek Water Source,
 - (v) 13 ML/year in the Pipeclay Creek Water Source,
 - (w) 47 ML/year in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (x) 131 ML/year in the Summerhill Creek Water Source,
 - (y) 12 ML/year in the Turon Crudine River Water Source,
 - (z) 154.5 ML/year in the Upper Bogan River Water Source,
 - (aa) 80.5 ML/year in the Upper Cudgegong River Water Source,
 - (bb) 12 ML/year in the Upper Talbragar River Water Source,
 - (cc) 28 ML/year in the Wambangalong Whylandra Creek Water Source,
 - (dd) 51 ML/year in the Winburndale Rivulet Water Source, and
 - (ee) 0 ML/year in the Bell Alluvial Groundwater Source,
 - (ff) 0 ML/year in the Cudgegong Alluvial Groundwater Source,
 - (gg) 0 ML/year in the Talbragar Alluvial Groundwater Source, and
 - (hh) 0 ML/year in the Upper Macquarie Alluvial Groundwater Source
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23 Share components of local water utility access licences

It is estimated that at the time of commencement of this Plan the share components of local water utility access licences authorised to take water from these water sources total 40,327 ML/year, distributed as follows:

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

- (s) 0 ML/year in the Maryvale Geurie Creek Water Source,
- (t) 502 ML/year in the Molong Creek Water Source,
- (u) 0 ML/year in the Piambong Creek Water Source,
- (v) 0 ML/year in the Pipeclay Creek Water Source,
- (w) 0 ML/year in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (x) 7,800 ML/year in the Summerhill Creek Water Source,
- (y) 0 ML/year in the Turon Crudine River Water Source,
- (z) 32 ML/year in the Upper Bogan River Water Source,
- (aa) 2,500 ML/year in the Upper Cudgegong River Water Source,
- (bb) 0 ML/year in the Upper Talbragar River Water Source,
- (cc) 0 ML/year in the Wambangalong Whylandra Creek Water Source,
- (dd) 1,000 ML/year in the Winburndale Rivulet Water Source,
- (ee) 70 ML/year in the Bell Alluvial Groundwater Source,
- (ff) 3,000 ML/year in the Cudgegong Alluvial Groundwater Source,
- (gg) 656 ML/year in the Talbragar Alluvial Groundwater Source,
- (hh) 4,320 ML/year in the Upper Macquarie Alluvial Groundwater Source.

24 Share components of unregulated river access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river access licences authorised to take water from these water sources total 113,358.5 unit shares, distributed as follows:

- (a) 4,409 unit shares in the Backwater Boggy Cowal Water Source,
 - (b) 6,886 unit shares in the Bell River Water Source,
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- (c) 4,433 unit shares in the Bulbodney Grahway Creek Water Source,
 - (d) 572 unit shares in the Burrendong Dam Tributaries Water Source,
 - (e) 2,058 unit shares in the Campbells River Water Source,
 - (f) 454 unit shares in the Coolbaggie Creek Water Source,
 - (g) 672 unit shares in the Cooyal Wialdra Creek Water Source,
 - (h) 1,248.5 unit shares in the Ewenmar Creek Water Source,
 - (i) 2,159.5 unit shares in the Fish River Water Source,
 - (j) 0 unit shares in the Goolma Creek Water Source,
 - (k) 1,443 unit shares in the Lawsons Creek Water Source,
 - (l) 2,200 unit shares in the Little River Water Source,
 - (m) 3,669 unit shares in the Lower Bogan River Water Source,
 - (n) 48,720.5 unit shares in the Lower Macquarie River Water Source,
 - (o) 1,661 unit shares in the Lower Talbragar River Water Source,
 - (p) 8,056 unit shares in the Macquarie River above Burrendong Water Source,
 - (q) 307 unit shares in the Marra Creek Water Source,
 - (r) 4,312 unit shares in the Marthaguy Creek Water Source,
 - (s) 735 unit shares in the Maryvale Geurie Creek Water Source,
 - (t) 4,960 unit shares in the Molong Creek Water Source,
 - (u) 962 unit shares in the Piambong Creek Water Source,
 - (v) 413 unit shares in the Pipeclay Creek Water Source,
 - (w) 1,861 unit shares in the Queen Charlottes Vale Evans Plains Creek Water Source,
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- (x) 4,320 unit shares in the Summerhill Creek Water Source,
- (y) 316 unit shares in the Turon Crudine River Water Source,
- (z) 1,553 unit shares in the Upper Bogan River Water Source,
- (aa) 3,882 unit shares in the Upper Cudgegong River Water Source,
- (bb) 370 unit shares in the Upper Talbragar River Water Source,
- (cc) 141 unit shares in the Wambangalong Whylandra Creek Water Source,
- (dd) 585 unit shares in the Winburndale Rivulet Water Source.

25 Share components of aquifer access licences

It is estimated that at the time of commencement of this Plan the share components of aquifer access licences authorised to take water from these water sources total 39,138 unit shares, distributed as follows:

- (a) 4,292 unit shares in the Bell Alluvial Groundwater Source,
- (b) 1,928 unit shares in the Cudgegong Alluvial Groundwater Source,
- (c) 5,156 unit shares in the Talbragar Alluvial Groundwater Source,
- (d) 27,721 unit shares in the Upper Macquarie Alluvial Groundwater Source.

26 Share components of aquifer (high security) access licences

It is estimated that at the time of commencement of this Plan the share components of aquifer (high security) access licences authorised to take water from these water sources total 8,667 unit shares, distributed as follows:

- (a) 8,667 unit shares in the Cudgegong Alluvial Groundwater Source,
- (b) 0 unit shares in all other water sources.

Note. Aquifer (high security) access licences can only be used to take water from the Cudgegong Alluvial Management Zone in the Cudgegong Alluvial Groundwater Source.

27 Share components of major utility access licences

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

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

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

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

- (a) 1,312 unit shares in the Bulbodney Grahway Creek Water Source,
- (b) 39,029 unit shares in the Lower Bogan River Water Source,
- (c) 3,078 unit shares in the Lower Macquarie River Water Source,
- (d) 1,082 unit shares in the Upper Bogan River Water Source,
- (e) 0 unit shares in all other water sources.

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

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

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

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

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

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

- (a) 4,150 ML/year in the Bulbodney Grahway Creek Water Source,
- (b) 63,836 ML/year in the Ewenmar Creek Water Source,
- (c) 915 ML/year in the Lower Bogan River Water Source,
- (d) 0 ML/year in all other water sources.

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

Part 6 Limits to the availability of water

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

Division 1 Long-term average annual extraction limit

31 General

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

32 Volume of the long-term average annual extraction limits

- (1) This clause establishes the long-term average annual extraction limits for the EMU and each of the Macquarie Bogan Alluvial Groundwater Sources.
- (2) Subject to any variation under subclause (7), the long-term average annual extraction limit for the EMU is:
 - (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the EMU, plus
 - (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the EMU at the commencement of this Plan, plus
 - (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in the EMU.
- (3) Subject to any variation under subclause (7), the long-term average annual extraction limit for the Bell Alluvial Water Groundwater Source is 3,299 ML/year.

Note. The long-term average annual extraction limit for the Bell Alluvial Water Groundwater Source is as follows:

- (a) an estimate of annual extractions of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source at the commencement of this Plan, plus
- (b) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.

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- (4) Subject to any variation under subclause (7), the long-term average annual extraction limit for the Cudgegong Alluvial Groundwater Source is 2,533 ML/year.

Note. The long-term average annual extraction limit for the Cudgegong Alluvial Groundwater Source consists of:

- (a) the sum of the maximum five-year average of annual extractions for each individual entitlement issued under Part 5 of the *Water Act 1912* in this water source in the period July 2000 to June 2010 that were metered, plus
- (b) an estimate of annual extractions of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered, plus
- (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.

- (5) Subject to any variation under subclause (7), the long-term average annual extraction limit for the Talbragar Alluvial Groundwater Source is 3,473 ML/year.

Note. The long-term average annual extraction limit for the Talbragar Alluvial Water Groundwater Source is as follows:

- (a) an estimate of annual extractions of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source at the commencement of this Plan, plus
- (b) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.

- (6) Subject to any variation under subclause (7), the long-term average annual extraction limit for the Upper Macquarie Alluvial Groundwater Source is 17,935 ML/year.

Note. The long-term average annual extraction limit for the Upper Macquarie Alluvial Groundwater Source consists of:

- (a) the sum of the maximum five-year average of annual extractions for each individual entitlement issued under Part 5 of the *Water Act 1912* in this water source in the period July 2000 to June 2010 that were metered, plus
- (b) an estimate of annual extractions of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered, plus
- (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.

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

Notes.

- 1 An example of where the Minister may vary the long-term average annual extraction limit under subclause (7) is where water is surrendered and cancelled to benefit the environment.
- 2 Under section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water, excluding water committed under section 8C of the Act. Water committed as licensed environmental water is not to be accounted for as extraction. The variation in the long-term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

33 Calculation of current levels of annual extraction

After each water year, the total volume of water taken during that water year:

- (a) under all categories of access licences, except for unregulated river (regulated supply – local water utility) access licences and unregulated river (regulated supply) access licences, and
- (b) pursuant to domestic and stock rights and native title rights,

must be calculated for the EMU and each of the Macquarie Bogan Alluvial Groundwater Sources.

34 Assessment of average annual extractions against long-term average annual extraction limits

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted for the EMU and each of the Macquarie Bogan Alluvial Groundwater Sources as set out in this clause.
 - (2) Commencing in the sixth water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 32 for the EMU against the average of the annual extractions in the preceding five water years as calculated under clause 33 for the EMU.
 - (3) Commencing in the third water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 32 for the Bell Alluvial Groundwater Source and the Talbragar Alluvial Groundwater Source against the average of the annual extractions in the preceding five water years (including years prior to the commencement of this Plan) as calculated under clause 33 for that water source.
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- (4) Commencing in the second water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 32 for the Cudgegong Alluvial Groundwater Source and the Upper Macquarie Alluvial Groundwater Source against the average of the annual extractions in the preceding five water years (including years prior to the commencement of this Plan) as calculated under clause 33 for that water source.

35 Compliance with the long-term average annual extraction limits for the EMU

- (1) Compliance with the long-term average annual extraction limits established for the EMU is to be managed in accordance with this clause.
- (2) Commencing in the sixth water year in which this Plan has effect, if in the Minister's opinion, the assessment under clause 34 demonstrates that the average of the annual extractions in the EMU in the preceding five water years has exceeded the long-term average annual extraction limit established under clause 32 for the EMU by 5% or more, then the available water determinations for unregulated river access licences and unregulated river (special additional high flow) access licences in the EMU are to be reduced for the following water year in accordance with subclause (3).
- (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 the EMU to the long-term average annual extraction limit for the EMU established in this Part, provided that available water determinations for unregulated river (special additional high flow) access licences must equal 80% of the available water determinations for unregulated river access licences.

36 Compliance with the long-term average annual extraction limits for the Bell and Talbragar Alluvial Groundwater Sources

- (1) Compliance with the long-term average annual extraction limits established for the following water sources is to be managed in accordance with this clause:
 - (a) Bell Alluvial Groundwater Source, and
 - (b) Talbragar Alluvial Groundwater Source.
 - (2) Commencing in the third water year in which this Plan has effect, if in the Minister's
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opinion, the assessment under clause 34 demonstrates that the average of the annual extractions in a water source listed in subclause (1) in the preceding five water years (including years prior to the commencement of this Plan) has exceeded the long-term average annual extraction limit established in this Part for that water source by 10% or more, then the available water determinations for aquifer access licences in that water source are to be reduced for the following water year in accordance with subclause (3).

- (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 the water source to the long-term average annual extraction limit for that water source established in this Part.

37 Compliance with the long-term average annual extraction limits for the Cudgegong and Upper Macquarie Alluvial Groundwater Sources

- (1) Compliance with the long-term average annual extraction limits established for the following water sources is to be managed in accordance with this clause:
- (a) Cudgegong Alluvial Groundwater Source, and
 - (b) Upper Macquarie Alluvial Groundwater Source.
- (2) Commencing in the second water year in which this Plan has effect, if in the Minister's opinion, the assessment under clause 34 demonstrates that the average of the annual extractions in a water source listed in subclause (1) in the preceding five water years (including years prior to the commencement of this Plan) has exceeded the long-term average annual extraction limit established in this Part for that water source by 10% or more, then the available water determinations for aquifer access licences and aquifer (high security) access licences in that water source are to be reduced for the following water year in accordance with subclause (3).
- (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 the water source to the long-term average annual extraction limit for that water source established in this Part.

Division 2 Available water determinations

38 General

- (1) Available water determinations for access licences with share components that specify one of these water sources are to be expressed as either:
 - (a) a percentage of the share component for access licences where share components are specified as megalitres per year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) Subject to subclause (3), the sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed:
 - (a) 100% of the access licence share component or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as megalitres per year, or
 - (b) 1 megalitre per unit share of the access licence share component or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as a number of unit shares.
- (3) For the first water year in which this Plan has effect, subclause (2) does not apply to access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.

39 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 this Plan, an available water determination of 200% of the access licence share component should be made for domestic and stock access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
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- (3) At the commencement of each water year after the first 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 with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
- (4) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for domestic and stock access licences with a share component that specifies one of the Macquarie Bogan Alluvial Groundwater Sources.

40 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 this Plan, an available water determination of 200% of the access licence share component should be made for local water utility access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
- (3) At the commencement of each water year after the first 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 with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
- (4) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for local water utility access licences with a share component that specifies one of the Macquarie Bogan Alluvial Groundwater Sources.

41 Available water determinations for major utility access licences

- (1) In making available water determinations for major utility access licences, the Minister should consider the rules in this clause.
 - (2) At the commencement of this Plan, an available water determination of 200% of the
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access licence share component should be made for major utility access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.

- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for major utility access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
- (4) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for major utility access licences with a share component that specifies one of the Macquarie Bogan Alluvial Groundwater Sources.

42 Available water determinations for unregulated river access licences

- (1) In making available water determinations for unregulated river access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 2 ML per unit of share component should be made for unregulated river access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for unregulated river access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.

Note. Division 1 of this Part provides for available water determinations for unregulated river access licences to be reduced where the long-term average annual extraction limit for the EMU has been assessed to have been exceeded, as per clauses 34 and 35.

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

- (1) In making available water determinations for unregulated river (special additional high flow) access licences, the Minister should consider the rules in this clause.
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- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for unregulated river (special additional high flow) access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.

Note. Division 1 of this Part provides for available water determinations for (special additional high flow) access licences to be reduced where the long-term average annual extraction limit for the EMU has been assessed to have been exceeded, as per clauses 34 and 35.

44 Available water determinations for aquifer access licences

- (1) In making available water determinations for aquifer access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for aquifer access licences with a share component that specifies one of the Macquarie Bogan Alluvial Groundwater Sources.

Note. Division 1 of this Part provides for available water determinations for aquifer access licences to be reduced where the long-term average annual extraction limit for the water source has been assessed to have been exceeded, as per clauses 34, 35 and 36.

45 Available water determinations for aquifer (high security) access licences

- (1) In making available water determinations for aquifer (high security) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination should be made for aquifer (high security) access licences in the Cudgegong Alluvial Groundwater Source, equal to:
- (a) 40% of the available water determination made for aquifer access licences, plus
 - (b) 60% of the available water determination made for regulated river (high security) access licences in the Macquarie and Cudgegong Regulated Rivers Water Source to which the *Water Sharing Plan for the Macquarie and*

Cudgegong Regulated Rivers Water Source 2003 applies,

or such lower amount that is determined under Division 1 of this Part.

Note. The available water determinations for aquifer (high security) access licences have been informed by hydrogeological modelling showing that 60% of the water extracted under an average annual pumping scenario originates from the Macquarie and Cudgegong Regulated Rivers Water Source.

- (3) After the available water determination under subclause (2) has been made, further available water determinations for aquifer (high security) access licences may be made whenever additional available water determinations for regulated river (high security) access licences in the Macquarie and Cudgegong Regulated Rivers Water Source are made.
- (4) Available water determinations made under subclause (3) shall be equal to 60% of the available water determinations for regulated river (high security) access licences in the Macquarie and Cudgegong Regulated Rivers Water Source or such lower amount that is determined under Division 1 of this Part.

Note. Division 1 of this Part provides for available water determinations for aquifer (high security) access licences to be reduced where the long-term average annual extraction limit for the Cudgegong Alluvial Groundwater Source has been assessed to have been exceeded, as per clauses 34 and 37.

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

- (1) In making available water determinations for unregulated river (regulated supply – local water utility) access licences, the Minister should consider the rules in this clause.

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

- (2) At the commencement of this Plan, an available water determination of 200% of the access licence share component should be made for unregulated river (regulated supply – local water utility) access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
 - (3) At the commencement of each water year after the first water year in which this Plan
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has effect, an available water determination of 100% of the access licence share component should be made for unregulated river (regulated supply – local water utility) access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.

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

- (1) In making available water determinations for unregulated river (regulated supply) access licences, the Minister should consider the rules in this clause.

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

- (2) At the commencement of this Plan, an available water determination of 200% of the access licence share component should be made for unregulated river (regulated supply) access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for unregulated river (regulated supply) access licences with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.

Part 7 Rules for granting access licences

Notes.

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

48 Specific purpose access licences

- (1) Applications may be made for unregulated river (regulated supply – local water utility) access licences and unregulated river (regulated supply) access licences in the Macquarie Bogan Unregulated Water Sources.

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

- (2) Applications may not be made for an access licence of the subcategory “Aboriginal cultural” if the share component of the proposed access licence is more than 10 ML/year.
 - (3) A specific purpose access licence must not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
 - (4) An unregulated river (regulated supply – local water utility) access licence must not be granted unless it is for the purpose of taking of water that has been extracted from a regulated river water source under a local water utility access licence and then transferred to the unregulated river water source.
 - (5) An unregulated river (regulated supply) access licence must not be granted unless it is for the purpose of taking of water that has been extracted from a regulated river water source under a regulated river (high security) access licence or a regulated river (general security) access licence and then transferred to the unregulated river water source.
 - (6) An access licence of the subcategory “Aboriginal cultural” may only be granted for
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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.

49 Granting of access licences as a result of controlled allocation

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

Part 8 Rules for managing access licences

Division 1 Water allocation account management rules

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

50 Individual access licence account management rules for the Macquarie Bogan Unregulated Water Sources

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of the Macquarie Bogan Unregulated Water Sources.
- (2) For the period of the first three water years of this Plan, water taken under a domestic and stock access licence, a local water utility access licence, a major utility access licence or an unregulated river access licence must not exceed a volume equal to:
 - (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
 - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, plus
 - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those water years, plus
 - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those water years.
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence, a major utility access licence or an unregulated river access licence must not exceed a volume equal to the lesser of:

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- (a) the sum of:
 - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
 - (ii) the water allocations carried over in the water allocation account for the access licence from the water year prior to those three water years under subclause (5),
 - (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (iv) any water allocations reccredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years, or
 - (b) the sum of:
 - (i) the share component of the access licence at the beginning of the first of those three water years,
 - (ii) the share component of the access licence at the beginning of the second of those three water years,
 - (iii) the share component of the access licence at the beginning of the third of those three water years,
 - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (v) any water allocations reccredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) In any water year in which this Plan has effect, water taken under an unregulated river (special additional high flow) access licence must not exceed a volume equal to:

- (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for a domestic and stock access licence, a local water utility access licence, a major utility access licence, an unregulated river access licence, an unregulated river (regulated supply – local water utility) access licence or an unregulated river (regulated supply) access licence is equal to:
- (a) 100% of the access licence share component, for access licences with share components expressed as ML/year, or
 - (b) 1 ML per unit share of the access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) Water allocations remaining in the water allocation account for an unregulated river (special additional high flow) access licence cannot be carried over from one water year to the next.

51 Individual access licence account management rules for the Macquarie Bogan Alluvial Groundwater Sources

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of the Macquarie Bogan Alluvial Groundwater Sources.
- (2) In any water year in which this Plan has effect, water taken under an access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus

- (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
 - (c) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) Water allocations remaining in the water allocation account for an access licence cannot be carried over from one water year to the next.

Division 2 Daily access rules

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

52 General

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

53 Access rules for the taking of surface water

- (1) This clause applies to the taking of water under an access licence from the Macquarie Bogan Unregulated Water Sources, excluding the taking of water under an access licence used only to account for the taking of water in association with an aquifer interference activity.
- (2) Subject to subclause (32), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to:
 - (a) the taking of water from an in-river pool or an off-river pool, or
 - (b) the taking of water under an access licence with a share component or extraction component that specifies:
 - (i) the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (ii) the Upper Nyngan Weir Pool Management Zone in the Bulbodney

Grahway Creek Water Source,

- (iii) the Campbells River Downstream Management Zone in the Campbells River Water Source,
- (iv) the Ewenmar Creek Water Source,
- (v) the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
- (vi) the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source, or
- (vii) the Queen Charlottes Vale Evans Plains Creek Downstream Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source.

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

- (3) Subject to subclause (32), water must not be taken under an access licence from an in-river pool or an off-river pool when the volume in that pool is less than the full capacity of the pool. This subclause does not apply to an access licence listed in Schedule 2.

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

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

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

- (5) The cease to take condition that arises from subclause (4) applies only to:
 - (a) any water supply works that were nominated by the access licence at the commencement of this Plan, and
 - (b) water supply works that are nominated by the access licence following a dealing under 71W of the Act and are located on the same in-river pool, off-river pool or in-river dam as the water supply works nominated by the access licence at the commencement of this Plan.
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- (6) The cease to take condition that arises from subclause (4) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P(1)(a) of the Act, if that water supply work was nominated by the original access licence at the commencement of this Plan or is located on the same in-river pool, off-river pool or in-river dam as the water supply works nominated by the access licence at the commencement of this Plan. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the Water Act 1912 entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.
- (7) Subject to subclause (32), water must not be taken under an access licence with a share component that specifies the Ewenmar Creek Water Source if there is no visible flow in Ewenmar Creek at the Oxley Highway Bridge.
- (8) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source when the water level is at or below 50% of the full capacity of Lower Nyngan Weir Pool. For the purposes of this subclause, the Minister may determine a water level at the telemetric gauge on the Bogan River at Nyngan (421138) that is to be considered equivalent to 50% of the full capacity of Lower Nyngan Weir Pool.
- (9) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Source when the water level in the Upper Nyngan Weir Pool is 70 centimetres or more below the concrete sill of Upper Nyngan Weir.
- (10) Subject to subclauses (11) and (32), the taking of water under an access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source must not be commenced following a period in which access was suspended under subclause (8) or (9) unless:
 - (a) there is a visible flow in the Bogan River at Neurie Plains gauge (421039), and
 - (b) water has spilled over Lower Nyngan Weir.

- (11) Subclause (10) does not apply to the taking of water under an access licence where:
- (a) the licence holder also holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source at the time of the taking of the water and has ordered water under that access licence to be delivered to Lower Nyngan Weir Pool or Upper Nyngan Weir Pool via the Albert Priest Channel,
 - (b) the licence holder is a member of the Albert Priest Channel Association,
 - (c) the volume of water taken is less than or equal to 80% of the volume of water ordered, and
 - (d) the water is taken within 30 days of the delivery of the water to Upper Nyngan Weir Pool.
- (12) Water must not be taken under an unregulated river (regulated supply - local water utility) access licence or an unregulated river (regulated supply) access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source unless:
- (a) the licence holder also holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source at the time of the taking of the water and has ordered water under that access licence to be delivered to the unregulated river water source that is specified in the share component of the unregulated river (regulated supply – local water utility) access licence or unregulated river (regulated supply) access licence, and
 - (b) the volume of water taken is less than or equal to 70% of the volume of water ordered.
- (13) Water must not be taken under an unregulated river (regulated supply - local water utility) access licence or an unregulated river (regulated supply) access licence with an extraction component that does not specify the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source, unless:
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- (a) the licence holder also holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source at the time of the taking of the water and has ordered water under that access licence to be delivered to the unregulated river water source that is specified in the share component of the unregulated river (regulated supply – local water utility) access licence or unregulated river (regulated supply) access licence, and
 - (b) the volume of water taken is less than or equal to the volume of water ordered.
- (14) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source when flow at the Oxley gauge (421022) is 500 megalitres per day (hereafter **ML/day**) or less.

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

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

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

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

Notes.

- 1 Those former *Water Act 1912* entitlements and the cease to take conditions that have been identified as being higher than the rules specified in subclauses (2)–(8), (12) and (13) are listed in Appendix 3.
 - 2 **Cease to take condition, in-river dam pool, runoff harvesting dam** and **Water Act 1912 entitlement** are defined in the Dictionary.
- (17) The cease to take condition that arises from subclause (16) only applies to water supply works that were nominated by the access licence at the commencement of this Plan.
- (18) The cease to take condition that arises from subclause (16) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P(1)(a) of the Act, if that water supply work was nominated by the original access licence at the commencement of this Plan. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the Water Act 1912 entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.
- (19) An access licence specified in Column 1 of Schedule 3 is subject to the access rules specified in Column 2 for the water sources specified in Column 3 of Schedule 3.
- Note.** This subclause establishes access rules for the unregulated river (special additional high flow) access licences that are listed in Schedule 3.
- (20) The cease to take condition that arises from subclause (19) applies to water supply works that are nominated by the access licence following a dealing under section 71W of the Act.
- (21) The cease to take condition that arises from subclause (19) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P(1)(a) of the Act. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the Water Act 1912 entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.
- (22) Subject to subclause (32), water must not be taken under an access licence with an extraction component that specifies the Lower Macquarie River Downstream
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Management Zone of the Lower Macquarie River Water Source if:

- (a) the access licence was the subject of a dealing:
 - (i) under section 71Q of the Act that involved an assignment of rights from an access licence with an extraction component that did not specify the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source,
 - (ii) under section 71R of the Act that involved the granting of a new access licence with a share component that specifies the Lower Macquarie River Water Source,
 - (iii) under section 71S of the Act that involved an access licence with an extraction component that did not specify the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source being varied to specify the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source,
 - (iv) under section 71T of the Act that involved an assignment of water allocations from an access licence with a share component that did not specify the Lower Macquarie River Water Source or an extraction component that did not specify the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source, or
 - (v) under section 71W of the Act that involved an access licence that did not nominate a work in the Lower Macquarie River Downstream Management Zone of the Lower Macquarie River Water Source being amended to nominate a work in the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source, and
 - (b) the flow at the Bells Bridge gauge (421012) is less than or equal to 50 ML/day.
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Note. This subclause provides that any entitlement or allocation traded into the Lower Macquarie River Downstream Management Zone of the Lower Macquarie River Water Source from Lower Macquarie River Upstream Zone or the Gum Cowal Management Zone of the Lower Macquarie River Water Source or from Marthaguy Creek Water Source is subject to a cease to take threshold of 50 ML/day. This has the effect of permitting limited trade where, in the absence of such a condition, no trade at all would be permitted.

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

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

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

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

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

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

Note. This subclause provides that any entitlement or allocation in the Lower Macquarie River Downstream Management Zone of the Lower Macquarie River Water Source from Lower Macquarie River Upstream Zone that is subject to a cease to take threshold of 50 ML/day under subclause (16) will remain subject to the 50 ML/day cease to take threshold upon a subsequent dealing within the Lower Macquarie River Downstream Management Zone.

(24) Water must not be taken from the Duckmaloi River in the Fish River Water Source

under a major utility access licence unless flow at the Duckmaloi Weir (421188) is 3 ML/day or more.

- (25) Water must not be taken under an access licence which nominates a water supply work located within the Queen Charlottes Vale Evans Plains Creek Downstream Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source if the water supply work approval permits that work to be operated in association with an excavation with a depth or base area greater than that permitted under clause 57 (6) and (7) of this Plan.
- (26) Water must not be taken from replenishment flows made according to clause 59 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003* under an access licence other than a domestic and stock access licence with a share component or extraction component that specifies:
- (a) the Backwater Boggy Cowal Water Source,
 - (b) the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (c) the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (d) the Lower Bogan River Water Source,
 - (e) the Lower Macquarie River Water Source,
 - (f) the Marra Creek Water Source, or
 - (g) the Marthaguy Creek Water Source.

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

- (27) Water must not be taken from flows resulting from releases made according to clause 15 (22) of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003* under an access licence with a share component that specifies:
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- (a) the Ewenmar Creek Water Source,
- (b) the Lower Bogan River Water Source,
- (c) the Lower Macquarie River Water Source,
- (d) the Marra Creek Water Source, or
- (e) the Marthaguy Creek Water Source.

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

- (28) Water must not be taken under an access licence from an in-river dam pool or a runoff harvesting dam created by a structure authorised by a water supply work approval when flows or storage levels in that pool or dam are at or less than a cease to take condition that was specified on the Water Act 1912 entitlement that the access licence replaces. This subclause does not apply to the taking of water under an access licence with an extraction component that nominates the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Water Source
- (29) Water must not be taken from an in-river dam pool unless the in-river dam is:
 - (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and
 - (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

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

- (30) The conditions for construction, operation and maintenance of the in-river dam to be specified on the water supply work approval for the in-river dam referred to in subclause (29) are:
 - (a) the conditions for construction, operation and maintenance that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
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- (b) where no conditions for construction, operation and maintenance were specified on the *Water Act 1912* entitlement, the conditions for construction, operation and maintenance determined by the Minister.
- (31) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (29) are:
 - (a) the flows and circumstances that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
 - (b) where no flows and circumstances were specified on the *Water Act 1912* entitlement, the flows and circumstances determined by the Minister.
- (32) Subclauses (2)–(4), (7)–(10), (14), (15), (22) and (23) do not apply to the following:
 - (a) the taking of water under an access licence or an access licence which replaces a *Water Act 1912* entitlement to which clause 1 of Schedule 4 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (26):
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting, or
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
 - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
 - (c) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first five years of this Plan,

provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day,

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

- (d) the taking of water using a runoff harvesting dam or from an in-river dam pool, except under an access licence:
 - (i) with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Source, or
 - (ii) listed in Schedule 2.
 - (e) the taking of water under an unregulated river (regulated supply – local water utility) access licence or a local water utility access licence, major utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 4 applies.
- (33) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (32) (a) for an access licence if the Minister is satisfied that the reduced volume is sufficient to meet the relevant purpose referred to in that subclause.

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

54 Total daily extraction limits

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

Notes.

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

55 Individual daily extraction limits

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

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

Part 9 Rules for water supply work approvals

Notes.

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

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

56 General

The rules in this Division apply to water supply work approvals for water supply works authorised to take water from the Macquarie Bogan Unregulated Water Sources.

57 Granting or amending water supply work approvals

- (1) If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via:
 - (a) a dealing,
 - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
 - (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
 - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act,

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

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

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

Notes.

- 1 The mandatory conditions provisions of this Plan require water supply works that are abandoned or replaced to be decommissioned (unless otherwise directed by the Minister) and that the Minister is notified within two months of decommissioning. See clause 75 (1) (c) and (d).
 - 2 Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, except for those listed in subclause (2), consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.
- (3) Subclause (2) does not apply to a replacement surface water supply work.
 - (4) For the purposes of this Plan, **replacement surface water supply work** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from one of the Macquarie Bogan Unregulated Water Sources where:
 - (a) the existing water supply work is authorised by a water supply work approval under the Act, and
 - (b) the replacement surface water supply work is to be constructed to extract water from the same water source and the same location as the existing water supply work.
 - (5) A water supply work approval must not be granted or amended to authorise the construction and use of a new in-river dam in the Fish River Water Source, unless:
 - (a) the water supply work approval is granted to State Water in connection with the Fish River water supply scheme, and
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- (b) State Water has demonstrated, to the Minister's satisfaction, that construction and/or use of a new in-river dam will have no more than minimal impacts on, but not limited to:
 - (i) Bathurst City Council's water supplies and inflows into Burrendong Dam,
 - (ii) environmental values throughout the water source, noting high in-stream environmental values in Duckmaloi Creek, and
 - (iii) other unregulated water access licence holders in the EMU from any growth-in-use response that could result from increased diversions from the new in-river dam.

- (6) A water supply work approval must not be granted or amended to authorise the construction and/or use of a water supply work which, in the Minister's opinion, is being used or is proposed to be used to take water in the Queen Charlottes Vale Evans Plains Creek Downstream Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source if the work approval permits that water supply work to be operated in association with an excavation with:
 - (a) a depth greater than 1 metre, and
 - (b) a base area that is greater than 4 square metres.

- (7) The size restrictions on excavations specified in subclause (6) may be varied in relation to the granting or amendment of a water supply work approval if the Minister is satisfied that permitting an excavation of a larger size would result in no greater impact on the water source and its dependent ecosystems.

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

58 General

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

59 Rules to minimise interference between water supply works

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

60 Rules for water supply works located near contamination sources

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

Note. *Drawdown* is defined in the Dictionary.

 - (c) within 500 metres of the plume associated with the site declared to be a remediation site by the Environment Protection Authority under Declaration Number 21107 made under the *Contaminated Land Management Act 1997*.

Note. Declaration Number 21107 applies to the land described as Lot 21 in DP 546045 on the corner of Brisbane Street and Cobra Street in Dubbo.
 - (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's
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opinion, is or is proposed to be located at a distance from a plume associated with a contamination source listed in Schedule 5 that is likely to be insufficient to protect the water source or public health and safety.

- (3) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the proposed distance is adequate to protect the water source, the environment and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.
- (4) For the purpose of subclause (3) (a), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance would result in no greater impact on the water source, the environment and public health and safety.

61 Rules for water supply works located near groundwater dependent ecosystems

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
 - (a) within 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 6 in the case of a water supply work that will be authorised to take water pursuant to basic landholder rights only,
 - (b) within 200 metres of a high priority groundwater dependent ecosystem listed in Schedule 6 in the case of a water supply work that will be nominated by an access licence,
 - (c) within 500 metres of a high priority karst environment groundwater dependent ecosystem listed in Schedule 6, or
 - (d) within 40 metres of the top of the high bank of a river.
 - (2) In addition to subclause (1), a water supply work approval must not be granted or
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amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a high priority groundwater dependent ecosystem or a high priority karst environment groundwater dependent ecosystem listed in Schedule 6 if the construction and use of the water supply work at that distance is likely to cause more than minimal drawdown of that high priority groundwater dependent ecosystem or high priority karst environment groundwater dependent ecosystem. This paragraph does not apply to water supply works that will be authorised to take water pursuant to basic landholder rights only.

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

62 Rules for water supply works located near groundwater dependent culturally significant sites

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
 - (a) 100 metres of a groundwater dependent culturally significant site, in the case of a water supply work that will be authorised to take water pursuant to basic landholder rights only, or
 - (b) 200 metres of a groundwater dependent culturally significant site, in the case of a water supply work that will be nominated by an access licence.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
 - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,
 - (c) the water supply work is a replacement groundwater work, or
 - (d) the location of the water supply work at a lesser distance will result in no more than minimal impact on these water sources and their groundwater dependent culturally significant sites.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no greater impact on these water sources and their groundwater dependent culturally significant sites.

63 Replacement groundwater works

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

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

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

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

64 Rules for the use of water supply works located within restricted distances

- (1) The rules in this clause apply to water supply work approvals for water supply works that are authorised to take water from the Macquarie Bogan Alluvial Groundwater Sources.
 - (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 59–62 must not, in any water year, be used to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan.
 - (3) Subject to subclause (4), a water supply work that becomes located within a restricted
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distance specified in clauses 59–62 as a result of an amendment to this Plan must not, in any water year, be used to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the date of the amendment.

- (4) Subclauses (2) and (3) do not apply:
- (a) where a restricted distance does not apply in accordance with clauses 59 (2) (a), (c) and (d), 60 (3), 61 (3), 61 (4) (a), (b) and (d) and 62 (2) (a) (b) and (d), or
 - (b) to the taking of water pursuant to basic landholder rights.
- (5) The Minister may specify a daily rate or an annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 59–62 pursuant to clauses 59 (2) (d), 60 (3) (a), 61 (3), 61 (34) (d) or 62 (2) (d).
- (6) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet relevant criteria specified in clauses 59 (2) (d), 60 (3) (a), 61 (3), 61 (4) (d) or 62 (2) (d).

Part 10 Access licence dealing rules

65 General

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

Notes.

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

66 Conversion of access licence to new category

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

67 Assignment of rights dealings (within water sources)

- (1) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from:
 - (a) an unregulated river (special additional high flow) access licence with an extraction component that specifies one management zone to an access licence with an extraction component that specifies a different management zone,
 - (b) an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source to an access licence that nominates a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source,
 - (c) an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone in the Bulbodney Grahway Creek Water Source to an access licence with an extraction component that specifies the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,

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

- (k) an access licence with an extraction component that specifies the Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence with an extraction component that specifies another management zone in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (l) an access licence that does not nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (m) an access licence that does not nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (n) an access licence that does not nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source to an access licence that nominates a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source,
- (o) an access licence with an extraction component that specifies a management zone in the Cudgegong Alluvial Groundwater Source to an access licence with an extraction component that specifies another management zone in the Cudgegong Alluvial Groundwater Source.

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

- (1) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following:
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- (a) the cancellation of an access licence with a share component specifying a water source in one extraction management unit in order to grant an access licence with a share component specifying a water source in another extraction management unit,
- (b) the granting of an access licence with a share component specifying a water source in one extraction management unit following the cancellation of an access licence with a share component specifying a water source in another extraction management unit,
- (c) an unregulated river (special additional high flow) access licence,
- (d) the granting of an access licence with a share component that specifies one of the following water sources:
 - (i) Backwater Boggy Cowal Water Source,
 - (ii) Coolbaggie Creek Water Source,
 - (iii) Cooyal Wialdra Creek Water Source,
 - (iv) Ewenmar Creek Water Source,
 - (v) Fish River Water Source,
 - (vi) Goolma Creek Water Source,
 - (vii) Lawsons Creek Water Source,
 - (viii) Little River Water Source,
 - (ix) Marra Creek Water Source,
 - (x) Maryvale Geurie Creek Water Source,
 - (xi) Molong Creek Water Source,
 - (xii) Piambong Creek Water Source,
 - (xiii) Pipeclay Creek Water Source,

- (xiv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (xv) Summerhill Creek Water Source,
 - (xvi) Turon Crudine River Water Source,
 - (xvii) Upper Cudgegong River Water Source,
 - (xviii) Upper Talbragar River Water Source,
 - (xix) Wambangalong Whylandra Creek Water Source,
 - (xx) Winburndale Rivulet Water Source,
 - (xxi) Bell Alluvial Groundwater Source,
 - (xxii) Cudgegong Alluvial Groundwater Source,
 - (xxiii) Talbragar Alluvial Groundwater Source, or
 - (xxiv) Upper Macquarie Alluvial Groundwater Source,
- (e) the granting of an access licence with a share component that specifies the Bell River Water Source, unless:
- (i) the new access licence does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River, and
 - (ii) the share component of the cancelled access licence specified the Molong Creek Water Source,
- (f) the granting of an access licence with a share component that specifies the Bulbodney Grahway Creek Water Source, unless:
- (i) the extraction component of the new access licence specifies the Bulbodney Grahway Management Zone, and
 - (ii) the share component of the cancelled access licence specified the Lower Bogan River Water Source or the Upper Bogan River Water Source,
- (g) the granting of an access licence with a share component that specifies the
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Burrendong Dam Tributaries Water Source, unless the share component of the cancelled access licence specified one of the following water sources:

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

- (o) the granting of an access licence with a share component that specifies the Upper Bogan River Water Source, unless the share component of the cancelled access licence specified one of the following water sources:
 - (i) Bulbodney Grahway Creek Water Source,
 - (ii) Lower Bogan River Water Source.
- (2) A dealing under subclause (1) is subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
- (3) The extraction component of a new access licence granted in accordance with a section 71R dealing will not carry over the extraction component from the cancelled access licence.

69 Amendment of extraction component dealings

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

- (a) the extraction component of an unregulated river (special additional high flow) access licence being varied to specify another management zone,
 - (b) an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone in the Bulbodney Grahway Creek Water Source being varied to specify the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (c) an access licence with an extraction component that specifies a management zone in the Campbells River Water Source being varied to specify another management zone in the Campbells River Water Source,
 - (d) an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source being varied to specify the Gum Cowal Management Zone in the Lower
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Macquarie River Water Source,

- (e) an access licence with an extraction component that specifies the Gum Cowal Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source being varied to specify the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
- (f) an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source being varied to specify the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- (g) an access licence with an extraction component that specifies a management zone in the Cudgegong Alluvial Groundwater Source being varied to specify another management zone in the Cudgegong Alluvial Groundwater Source, or
- (h) an access licence with an extraction component that specifies the Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source being varied to specify another management zone in the Queen Charlottes Vale Evans Plains Creek Water Source.

70 Assignment of water allocations dealings

- (1) Dealings under section 71T of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of water allocation from:
 - (a) an unregulated river (special additional high flow) access licence to an access licence in another management zone,
 - (b) an unregulated river (special additional high flow) access licence to an access licence of another category,
 - (c) an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water
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Source to an access licence that nominates a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source,

- (d) an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone in the Bulbodney Grahway Creek Water Source to an access licence with an extraction component that specifies the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (e) an access licence with an extraction component that specifies a management zone in the Campbells River Water Source to an access licence with an extraction component that specifies another management zone in the Campbells River Water Source,
 - (f) an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Gum Cowal Management Zone in the Lower Macquarie River Water Source,
 - (g) an access licence with an extraction component that specifies the Gum Cowal Management Zone or the Lower Macquarie River Downstream Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
 - (h) an access licence with an extraction component that specifies the Gum Cowal Management Zone in the Lower Macquarie River Water Source to another access licence which nominates a water supply work located in the Gum Cowal Management Zone upstream of the water supply work nominated by that access licence,
 - (i) an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source to another access licence which nominates a water supply work located in the Macquarie River Upstream Management Zone upstream of the
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water supply work nominated by that access licence,

- (j) an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source to an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
 - (k) an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source to an access licence that nominates a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source,
 - (l) an access licence with an extraction component that specifies the Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence with an extraction component that specifies another management zone in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (m) an access licence that does not nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (n) an access licence that does not nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (o) an access licence that does not nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source to an access licence that nominates a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source,
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- (p) an access licence with an extraction component that specifies a management zone in the Cudgegong Alluvial Groundwater Source to an access licence with an extraction component that specifies another management zone in the Cudgegong Alluvial Groundwater Source.
- (2) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves any of the following:
- (a) an assignment of water allocation from an access licence in one extraction management unit to an access licence in another extraction management unit,
 - (b) an unregulated river (special additional high flow) access licence,
 - (c) an assignment of water allocation to an access licence in one of the following water sources:
 - (i) Backwater Boggy Cowal Water Source,
 - (ii) Coolbaggie Creek Water Source,
 - (iii) Cooyal Wialdra Creek Water Source,
 - (iv) Ewenmar Creek Water Source,
 - (v) Fish River Water Source,
 - (vi) Goolma Creek Water Source,
 - (vii) Lawsons Creek Water Source,
 - (viii) Little River Water Source,
 - (ix) Marra Creek Water Source,
 - (x) Maryvale Geurie Creek Water Source,
 - (xi) Molong Creek Water Source,
 - (xii) Piambong Creek Water Source,
 - (xiii) Pipeclay Creek Water Source,

- (xiv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (xv) Summerhill Creek Water Source,
 - (xvi) Turon Crudine River Water Source,
 - (xvii) Upper Cudgegong River Water Source,
 - (xviii) Upper Talbragar River Water Source,
 - (xix) Wambangalong Whylandra Creek Water Source,
 - (xx) Winburndale Rivulet Water Source,
 - (xxi) Bell Alluvial Groundwater Source,
 - (xxii) Cudgegong Alluvial Groundwater Source,
 - (xxiii) Talbragar Alluvial Groundwater Source, or
 - (xxiv) Upper Macquarie Alluvial Groundwater Source,
- (d) an assignment of water allocation to an access licence with a share component that specifies the Bell River Water Source, unless the assignment:
- (i) is to an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River, and
 - (ii) is from an access licence with a share component that specifies the Molong Creek Water Source,
- (e) an assignment of water allocation to an access licence with a share component that specifies the Bulbodney Grahway Creek Water Source, unless the assignment:
- (i) is to an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone, and
 - (ii) is from an access licence with a share component that specifies the Lower Bogan River Water Source or the Upper Bogan River Water Source,
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- (f) an assignment of water allocation to an access licence with a share component that specifies the Burrendong Dam Tributaries Water Source, unless the assignment of allocation is from an access licence with a share component that specifies one of the following water sources:
 - (i) Campbells River Water Source,
 - (ii) Fish River Water Source,
 - (iii) Macquarie River above Burrendong Water Source,
 - (iv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (v) Turon Crudine River Water Source,
 - (vi) Summerhill Creek Water Source,
 - (vii) Winburndale Rivulet Water Source,
 - (g) an assignment of water allocation to an access licence with a share component that specifies the Campbells River Water Source, unless the assignment:
 - (i) is to an access licence with an extraction component that specifies the Campbells River Downstream Management Zone, and
 - (ii) is from an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
 - (h) an assignment of water allocation to an access licence with a share component that specifies the Lower Bogan River Water Source, unless the assignment of allocation is from an access licence with a share component that specifies one of the following water sources:
 - (i) Bulbodney Grahway Creek Water Source,
 - (ii) Upper Bogan River Water Source,
 - (i) an assignment of water allocation to an access licence with a share component that specifies the Lower Macquarie River Water Source, unless the assignment:
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- (i) is to an access licence with an extraction component that specifies the Lower Macquarie River Downstream Management Zone, and
 - (ii) is from an access licence with a share component that specifies the Marthaguy Creek Water Source,
 - (j) an assignment of water allocation to an access licence with a share component that specifies the Lower Talbragar River Water Source, unless the assignment:
 - (i) is to an access licence that only nominates a water supply work located on the main trunk of the Talbragar River, and
 - (ii) is from an access licence with a share component that specifies the Upper Talbragar River Water Source,
 - (k) an assignment of water allocation to an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source, unless the assignment is from an access licence with a share component that specifies one of the following water sources:
 - (i) Campbells River Water Source,
 - (ii) Fish River Water Source,
 - (iii) Queen Charlottes Vale Evans Plain Creek Water Source,
 - (iv) Turon Crudine River Water Source,
 - (v) Summerhill Creek Water Source,
 - (vi) Winburndale Rivulet Water Source,
 - (l) an assignment of water allocation to an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source, unless the assignment is from an access licence with an extraction component that specifies the Campbells River Downstream Management Zone in the Campbells
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River Water Source,

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

71 Interstate transfer of access licences and assignment of water allocation

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

72 Nomination of water supply works dealings

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

- (d) an access licence which nominates a water supply work that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source being amended to nominate a water supply work that is located upstream of the water supply work originally nominated and on a different lot and DP,
 - (e) an access licence within the Molong Creek Water Source which does not nominate a water supply work located upstream of the confluence of Molong Creek and Borenore Creek being amended to nominate a water supply work located upstream of the confluence of Molong Creek and Borenore Creek,
 - (f) an access licence which does not nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source being amended to nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (g) an access licence which does not nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source being amended to nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source, or
 - (h) an access licence that does not nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source being amended to nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source.
- (2) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources are prohibited.
 - (3) Dealings under section 71W of the Act that involve the nomination of water supply works by interstate access licences in these water sources are prohibited.
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Part 11 Mandatory conditions

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

Division 1 General

73 General

In this Part:

- (a) a requirement to notify the Minister in writing will be satisfied by making a notification in writing to one of the addresses listed in Appendix 4 of this Plan or to the email address for the Department's Licensing Enquiries Information Centre,

Note. At the commencement of this Plan, the email address for the Department's Licensing Enquiries Information Centre is information@water.nsw.gov.au.

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

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

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

Note. *Logbook* is defined in the Dictionary.

Division 2 Access licences

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

74 General

- (1) Access licences in these water sources must have mandatory conditions where required to give effect to the following:
 - (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
 - (b) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,
 - (c) the holder of the access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions where required to give effect to the following:
 - (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the access licence must record the following in the Logbook:
 - (i) each date and period of time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take the water on that date,
 - (iv) the purpose or purposes for which the water taken on that date was used,
 - (v) for domestic and stock access licences, local water utility access licences, major water utility access licences and unregulated river access licences with share components that specify one of the Macquarie Bogan

- Unregulated Water Sources, the volume of water taken in the first three water years of this Plan by comparison to the volume of water permitted to be taken in those years under clause 50 (2),
- (vi) for domestic and stock access licences, local water utility access licences, major water utility access licences and unregulated river access licences with share components that specify one of the Macquarie Bogan Unregulated Water Sources, the volume of water taken in any three consecutive water years after the first water year of this Plan by comparison to the volume of water permitted to be taken in those years under clause 50 (3),
 - (vii) for unregulated river (special additional high flow) access licences with share components that specify one of the Macquarie Bogan Unregulated Water Sources, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 50 (4),
 - (viii) for domestic and stock access licences, local water utility access licences, aquifer access licences and aquifer (high security) access licences with share components that specify one of the Macquarie Bogan Alluvial Groundwater Sources, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 51 (2), and
 - (ix) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
 - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) 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) An access licence for a development approved under Part 3A, Part 4 if the approval was for state significant development or Part 5.1 of the *Environmental Planning and Assessment Act 1979* must have mandatory conditions where required to give effect to:
- (a) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan, and
 - (b) the rules for the use of water supply works located within the restricted distances specified in clause 64.

Division 3 Water supply work approvals

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

75 General

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions where required to give effect to the following:
- (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 8 of this Plan,
 - (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
 - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
 - (ii) the metering equipment must comply with Australian Technical Specification ATS 4747, *Meters for non-urban water supply* as may be updated or replaced from time to time,
 - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
 - (iv) the metering equipment must be sited and installed at a place in the pipe,
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channel or conduit between the water source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between the water source and the metering equipment, and

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

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

- (c) the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned, in accordance with any direction by the Minister. The Minister may direct that any such water supply work need not be decommissioned,
 - (d) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
 - (e) the holder of the water supply work approval must notify the Minister in writing immediately upon becoming aware of a breach of any condition of the approval, and
 - (f) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
 - (b) the holder of a water supply work approval must record the following in the Logbook:
 - (i) each date and period of time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) the number of the access licence under which water was taken on that
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- date, or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
- (iv) the purpose or purposes for which the water was taken on that date,
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection when requested, and
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
- (4) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search) in the Logbook.
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- (5) Water supply work approvals for runoff harvesting dams and in-river dams must have a mandatory condition where required to give effect to clause 57 (1).
- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions where required to give effect to the requirements for a replacement surface water supply work specified in or specified by the Minister in accordance with clause 57 (4).

76 Water supply works authorised to take water from the Macquarie Bogan Alluvial Groundwater Sources

- (1) This clause applies to all water supply work approvals for water supply works that are authorised to take water from the Macquarie Bogan Alluvial Groundwater Sources.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions where necessary to give effect to the following:
 - (a) the rules for limiting the taking of water within the restricted distances specified in clause 64,
 - (b) the approval holder must ensure the water supply work is constructed so as to be:
 - (i) screened in the groundwater source specified in the share component of the access licence that nominates the work, and
 - (ii) sealed off from all other water sources,
 - (c) the construction of a new water supply work must:
 - (i) comply with the distance restrictions specified in or specified by the Minister in accordance with clauses 59–62,
 - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003,

Note. *Minimum Construction Requirements for Water Bores in Australia* is defined in the Dictionary.

- (iii) be constructed appropriately so as to prevent contamination between aquifers, and
 - (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
 - (d) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, unless otherwise directed by the Minister in writing,
 - (e) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
 - (f) the approval holder must, within two months of completion of the construction of the water supply work, or within two months after the issue of the water supply work approval if the water supply work is existing, submit the details of the water supply work to the Department in a form approved by the Minister,
 - (g) if, during the construction of the water supply work, contaminated water is encountered above the production aquifer, the approval holder must:
 - (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
 - (ii) take all reasonable steps to minimise contamination and environmental harm,
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work and, if specified by the Minister, place an impermeable seal between the casing and the walls of the water supply work from the bottom of the casing to ground level as specified by the Minister, and
 - (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister in writing,
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- (h) when directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work,
 - (i) the water supply work approval will lapse if the construction of the water supply work is not completed within three years of the issue of the water supply work approval, and
 - (j) any other conditions required to implement the provisions of this Plan.
- (3) A water supply work approval granted in circumstances where clause 59 (2) (d) applies must have a mandatory condition where required to give effect to clause 59 (4).
- (4) A water supply work approval for a water supply work must have mandatory conditions where required to give effect to the requirements for a replacement groundwater work specified in or specified by the Minister in accordance with clause 63.

Part 12 Amendment of this Plan

77 General

- (1) Amendments specified throughout this Plan and in this Part are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.
Note. For example, if Part 1 is amended to add a new management zone, this may require amendments to other parts of this Plan to include rules for that management zone.
- (3) An amendment authorised by this Plan which results in a variation of the bulk access regime is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

78 Part 1

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

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

79 Part 4

Part 4 may be amended to vary the amount of recharge reserved as planned environmental water in the Talbragar Alluvial Groundwater Source as a result of

recharge studies undertaken or assessed as adequate by the Minister.

80 Part 6

Part 6 may be amended to modify the long-term average annual extraction limits for the Talbragar Alluvial Groundwater Source as a result of recharge studies undertaken or assessed as adequate by the Minister.

81 Part 8

- (1) Division 1 of Part 8 of this Plan may be amended to specify different individual access licence account management rules for:
 - (a) unregulated river (regulated supply - local water utility) access licences or unregulated river (regulated supply) access licences, or
 - (b) major utility access licences in the Fish River Water Source following a review of those account management rules, provided that the Minister is satisfied that the outcome of the review is that:
 - (i) the functions or operations of State Water are unnecessarily restricted by the original account management rules, and
 - (ii) different account management rules would not have adverse impacts on other water users or the environment.
- (2) Division 2 of Part 8 of this Plan may be amended to do any of the following:
 - (a) establish new or additional flow classes in any water source where management zones are added or in any water source or management zone that is amended during the term of this Plan as specified in clause 78, provided that the Minister is satisfied that the amendments maintain, to the extent feasible, the same level of access for licence holders in the affected water source or management zone as prior to the establishment of the new or amended water source or management zone,
 - (b) amend clause 53 (Access rules for the taking of surface water) to:
 - (i) protect replenishment flows made according to clause 59 of the *Water*

Sharing Plan for the Macquarie and Cudgong Regulated Rivers Water Source 2003,

- (ii) protect flows resulting from releases made according to clause 15 of the *Water Sharing Plan for the Macquarie and Cudgong Regulated Rivers Water Source 2003,*
- (iii) protect flows released through the Albert Priest Channel for the purpose of town water supply,
- (iv) specify different access rules for unregulated river (local water utility – regulated supply) access licences or unregulated river (regulated supply) access licences,
- (v) specify different access rules for the Bell River Water Source if future studies demonstrate, in the opinion of the Minister, that Wellington Caves are dependent on surface water flows from that water source,
- (vi) specify different access rules for the Macquarie River Tributaries Management Zone of the Macquarie River above Burrendong Water Source after year 5 of this Plan, provided that:
 - (A) flow records are sufficient, in the opinion of the Minister, to determine flow levels accurately, and
 - (B) the cease to take threshold must not be set at a level that is less than visible flow or greater than the 95th percentile flows in January,
- (vii) specify a different access rule for an access licence if the access licence was the subject of a dealing under:
 - (A) section 71Q of the Act that involved an assignment of rights from an access licence that was subject to clause 53 (16),
 - (B) section 71R of the Act that involved the cancellation of an access licence that was subject to clause 53 (16),
 - (C) section 71S of the Act that involved an access licence that was

subject to clause 53 (16), or

- (E) section 71W of the Act that involved an access licence that was subject to clause 53 (16),

if in the Minister's opinion a different rule is required to protect the water source and its dependent ecosystems, and provided that the different rule maintains a commensurate level of access for the licence holder as was provided under the access licence that was subject to clause 53 (16),

- (viii) specify different access rules for any access licence used for the purposes of the Macquarie to Orange Pipeline Project. For the purposes of this clause, the Macquarie to Orange Pipeline Project is the Orange drought relief connection consisting of pipeline, pumping stations, transmission line and associated infrastructure to transfer water from the Macquarie River to Orange's water supply system, or
- (ix) extend the exemption to the cease to take conditions for stock watering purposes specified in clause 53 (32) (c) beyond year five of this Plan and/or modify the volume of water permitted to be taken for stock watering purposes after year five of this Plan,
- (x) remove reference to the Campbells River Downstream Management Zone in the Campbells River Water Source or the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source or both in clause 53 (2) if the Campbells River or the Macquarie River or both are no longer used by Bathurst Regional Council to convey town water supplies,
- (c) establish or assign TDELs in these water sources or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (d) establish or assign TDELs in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (e) amend or remove TDELs if TDELs have been established or assigned,

- (f) include rules for the establishment, assignment and removal of IDELs,
- (g) remove the existing access rules where TDELs or IDELs have been established under paragraphs (d) or (f) to protect a proportion of flow within each flow class for the environment, or
- (h) reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraphs (e) and (f).

82 Part 9

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

- (a) amend clause 57 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise in-river dams on third or higher order streams,
- (b) add, remove or modify a restricted distance specified in:
 - (i) clause 59 after year five of this Plan, or
 - (ii) clause 61 based on the outcomes of further studies of groundwater dependent ecosystems that are to the Minister's satisfaction,
- (c) amend the definition of a replacement groundwater work in clause 63, or
- (d) amend clause 64 to impose further restrictions on the rate and timing of extraction of water to mitigate impacts.

83 Part 10

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

- (a) specify different access licence dealing rules for the Bell River Water Source if future studies conclude that Wellington Caves are dependent on surface water flows from that water source, or
 - (b) specify different access licence dealing rules for the Fish River Water Source if State Water can demonstrate to the Minister's satisfaction that such rules will have no more than minimal impacts on, but not limited to:
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- (i) Bathurst City Council's water supplies and inflows into Burrendong Dam,
- (ii) the water source, noting high in-stream environmental values in Duckmaloi Creek, and
- (iii) other unregulated water access licence holders in the EMU from any growth-in-use response that could result from dealings into the water source.

84 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, or
- (b) amend clause 75 or 76 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

85 Dictionary

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

86 Schedules

- (1) Schedule 1 may be amended to remove or add sections of watercourses that are to be excluded from this Plan.
 - (2) Schedule 2 may be amended to do any of the following:
 - (a) remove an access licence or *Water Act 1912* entitlement specified in Column 1 and the corresponding access rule and water source in Column 2 and Column 3 of the Schedule,
 - (b) amend the access rule specified in Column 2 of the Schedule, or
 - (c) add an access licence to Column 1 and specify an access rule and water source in Column 2 and Column 3 of the Schedule, based on the following
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requirements:

- (i) the holder of an access licence has applied in writing to the Department within 12 months from the commencement of this Plan to have their access licence listed in the Schedule,
 - (ii) the applicant has held a *Water Act 1912* entitlement that has been converted to an access licence on commencement of this Plan, and
 - (iii) the applicant must demonstrate a history of extraction regarding the taking of water from off-river pools or in-river pools and provide any other information as required by the Minister.
- (3) Schedule 4 may be amended to do any of the following:
- (a) add a new access licence to clause 1 of Schedule 4, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 53 (32) (a) and that purpose was specified on or referred to in the conditions of the *Water Act 1912* entitlement that was replaced by the access licence,
 - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 4, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
 - (c) remove an access licence or *Water Act 1912* entitlement from clause 1 of Schedule 4 if:
 - (i) an access licence dealing results in water being taken under the licence from a different location,
 - (ii) an alternative water supply is obtained, or
 - (iii) the access licence is surrendered or cancelled, or
 - (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply”, or a *Water Act 1912* entitlement from clause 2 of Schedule 4 if:
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- (i) the Minister is satisfied that the water supply system used to extract, store and deliver water has undergone major augmentation since the commencement of this Plan, or
 - (ii) the access licence is surrendered or cancelled.
- (4) Schedule 4 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (5) Schedule 5 may be amended to add or remove a contamination source.
- (6) Schedule 6 may be amended to add or remove:
- (a) a high priority groundwater dependent ecosystem, or
 - (b) a high priority karst environment groundwater dependent ecosystem.

87 Other

- (1) This Plan may be amended to include rules for the following:
- (a) managed aquifer recharge,
Note. Managed aquifer recharge schemes involve taking water such as recycled water or urban stormwater, treating it and then storing it in underground aquifers under controlled conditions. This water can be extracted at a later time.
 - (b) the management of floodplain harvesting within these water sources,
 - (c) the shepherding of water,
Note. *Shepherding* is defined in the Dictionary.
 - (d) any new category of access licence established for the purpose of urban stormwater harvesting,
 - (e) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (f) the management of salt interception schemes,
 - (g) the management of aquifer interference activities, including the granting of
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aquifer interference approvals.

- (2) If the available water determination to be made at the commencement of a water year for aquifer access licences in the Cudgegong Alluvial Groundwater Source will be below 0.8 ML per unit share as a result of the long-term average annual extraction limit being exceeded, then this Plan may be amended as follows:
- (a) to permit the granting of a supplementary aquifer access licence to the holder of an aquifer access licence which arose from a *Water Act 1912* licence or group of licences listed in Column 1 of the table in clause 1 of Schedule 7 and which nominates the work or combined work and use approval that arose out of the same licence or licences, subject to:
 - (i) the share component of the supplementary aquifer access licence or the supplementary water (high security) access licence being equal to the number of unit shares specified in Column 2 of the table in clause 1 of Schedule 7, and
 - (ii) the supplementary aquifer access licence nominating the same work supply works and use approvals as the aquifer access licence or the aquifer (high security) access licence respectively,
 - (b) to include available water determination rules for supplementary aquifer access licences which will be reduced each year but not go below 0.2 ML per unit share except for the last year of this Plan where the available water determination shall be equal to 0 ML per unit share,
 - (c) to allow for supplementary aquifer access licences to be cancelled pursuant to section 77A of the Act in the last year of this Plan,
 - (d) to change the available water determination rules in clause 44 for aquifer access licences in the Cudgegong Alluvial Groundwater Source such that the available water determination made at the commencement of each water year for those licences shall be for the amount that, after an available water determination is made for supplementary aquifer access licences, is necessary to return total average annual extractions in the water source to the long-term average annual extraction limit established in clause 32 (4), as appropriate, provided that the

sum of available water determinations for aquifer access licences and supplementary aquifer access licences does not exceed 1 ML per unit share,

- (e) to change the available water determination rules in clause 45 for aquifer (high security) access licences in the Cudgegong Alluvial Groundwater Source such that the available water determinations for those licences shall be for the amount that, after an available water determination is made for supplementary aquifer access licences, is necessary to return total average annual extractions in the water source to the long-term average annual extraction limit established in clause 32 (4), provided that the sum of available water determinations for aquifer (high security) access licences and supplementary water (high security) access licences does not exceed 1 ML per unit share,
 - (f) any change made under paragraphs (e) will need to ensure that 60% of the available water determination for supplementary aquifer access licences is determined by the available water determinations made for regulated river (high security) access licences in the Cudgegong Alluvial Groundwater Source,
 - (g) to include provisions that change the relative priorities of the categories of aquifer access licence, supplementary aquifer access licence and aquifer (high security) access licence to the extent necessary to make the available water determinations as amended under paragraphs (b), (c), (d), (e) and (f),
 - (h) to include access licence dealing rules which prohibit dealings under sections 71Q, 71S, 71T and 71W of the Act for supplementary aquifer access licences,
 - (i) to include provisions that require, where an aquifer access licence and a supplementary aquifer access licence nominate the same water supply work, water to be debited from the supplementary aquifer access licence water allocation account before water is debited from the aquifer access licence water allocation account, and
 - (j) to include provisions that require, where an aquifer (high security) access licence and a supplementary aquifer access licence nominate the same water supply work, water to be debited from the supplementary aquifer access licence water allocation account before water is debited from the aquifer (high security) access licence water allocation account, and
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- (k) to include access rules for supplementary aquifer access licences and rules for the making of orders under section 70 of the Act to authorise the taking of water pursuant to supplementary aquifer access licences.
- (3) If the available water determination to be made at the commencement of a water year for aquifer access licences in the Upper Macquarie Alluvial Groundwater Source will be below 0.8 ML per unit share as a result of the long-term average annual extraction limit for that water source being exceeded, then this Plan may be amended as follows:
- (a) to permit the granting of a supplementary aquifer access licence to the holder of an aquifer access licence which arose from a *Water Act 1912* licence or group of licences listed in Column 1 of the table in clause 2 of Schedule 7 and which nominates the work or combined work and use approval that arose out of the same licence or licences, subject to:
 - (i) the share component of the supplementary aquifer access licence being equal to the number of unit shares specified in Column 2 of the table in clause 2 of Schedule 7, and
 - (ii) the supplementary aquifer access licence nominating the same water supply work and use approvals as the aquifer access licence,
 - (b) to include available water determination rules for supplementary aquifer access licences which will be reduced each year but not go below 0.2 ML per unit share except for the last year of this Plan where the available water determination shall be equal to 0 ML per unit share,
 - (c) to allow for supplementary aquifer access licences to be cancelled pursuant to section 77A of the Act in the last year of this Plan,
 - (d) to change the available water determination rules in clause 44 for aquifer access licences in the Upper Macquarie Alluvial Groundwater Source such that the available water determination made at the commencement of each water year for those licences shall be for the amount that, after an available water determination is made for supplementary aquifer access licences, is necessary to return total average annual extractions in the water source to the long-term average annual extraction limit established in clause 32 (6), provided that the
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- sum of available water determinations for aquifer access licences and supplementary aquifer access licences does not exceed 1 ML per unit share,
- (e) to include a clause that changes the relative priorities of the categories of aquifer access licence and supplementary aquifer access licence to the extent necessary to make the available water determinations as amended under paragraphs (b), (c) and (d),
 - (f) to include access licence dealing rules which prohibit dealings under sections 71Q, 71S, 71T and 71W of the Act for supplementary aquifer access licences, and
 - (g) to include provisions that require, where an aquifer access licence and a supplementary aquifer access licence nominate the same water supply work, water to be debited from the supplementary aquifer access licence water allocation account before water is debited from the aquifer access licence water allocation account.
- (4) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
 - (5) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* (Cth) to give effect to an entitlement granted under that claim.
 - (6) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* of the Commonwealth.
 - (7) This Plan may be amended after year five to provide rules for the protection of water dependent Aboriginal cultural assets to do any of the following:
 - (a) identify water dependent Aboriginal cultural assets,
 - (b) amend the access rules to protect water dependent Aboriginal cultural assets,
 - (c) restrict the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets, or
 - (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.
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- (8) Any amendments under subclause (7) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (9) Before making an amendment pursuant to subclause (7), 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 under section 4 of the *Aboriginal Land Rights Act 1983*.

alluvial sediments means unconsolidated fluvio-lacustrine sediments.

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

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

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

Fish River water supply scheme has the same meaning as under section 3 of the *State Water Corporation Act 2004*.

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

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

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

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

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

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

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

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

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

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

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and

- (b) any water declared by the regulations to be a lake,

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

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

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

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

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

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

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

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

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

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

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

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

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

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Schedule 1 Sections of watercourses to which this Plan does not apply

Column 1 Watercourse	Column 2 Section of the watercourse
Briery Anabranh	The section from the junction with Barwon River (NW corner of Lot 8, DP 751619) to the junction with the unregulated Macquarie River (NE corner of Lot 19, DP 42179).
Unnamed watercourse	The section within Lot 1, DP 751597, Parish of Stonehenge, County of Clyde

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

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

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

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Column 1 <i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Access rule	Column 3 Water Source
	storage is at or below 1.22 metres below the top of the spillway.	
80SL043517	Water must not be taken when the level of water in Rylstone Dam storage is at or below 1.22 metres below the top of the spillway.	Upper Cudgegong River

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

General

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

Column 1 <i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Access rule	Column 3 Water Source
80SL095326H	Water must not be taken unless the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day.	Bulbodney Grahway Creek
80SL096343H	Water must not be taken unless the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day.	Bulbodney Grahway Creek
85SL039638H	Water must not be taken unless the discharge of the Bogan River at the Gongolgon weir is greater than 160 megalitres per day.	Lower Bogan River
85SL043626H	Water must not be taken unless the discharge of the Bogan River at the Gongolgon weir is greater than 160 megalitres per day.	Lower Bogan River

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

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Column 1 <i>Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan</i>	Column 2 Access rule	Column 3 Water Source
80SL095134H	Water must not be taken unless unless the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day.	Upper Bogan River

Schedule 4 Access licences used to take surface water exempt from cease to pump rules

1 General

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

<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan

80SL047407

80SL050611

80SL095834

80SL095860

80SL033134

80SL045757

80SL035485

80AW000042

80SL095792

80SL095837

80SL095838

80SL095875

80SL095896

80SL095908

80SL095919

80SL095931

80SL095996

80SL096018

80SL096259

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<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan
80SA010637
80SL022577
80SL095829
80SL095933
80SL095947
80SL096011
80SL096107
80SL038852
80SL038510
80SL017881
Access licences

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

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

<i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences, major utility access licences or access licences of the subcategory “Town water supply”) on commencement of this Plan
80SL031767
80SL043858
80SL096331
80SL038036
80SL044916
80SL095434
80SL026734

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Water Act 1912 entitlements that will be replaced by local water utility access licences, major utility access licences or access licences of the subcategory “Town water supply”) on commencement of this Plan

80SL038132

80SL023051

80SL040563

80SL047511

80SL019053

80SL044703

80SL046895

80SL034214

80SL034224

80SL046857

80SL046300

80SL095851

80SL012407

80SL004674

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

Schedule 5 Contamination sources in these water sources

Contamination sources in these water sources comprise the following:

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

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Schedule 6 High priority groundwater dependent ecosystems

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

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

Schedule 7 Supplementary aquifer access licence share components

1 Cudgegong Alluvial Groundwater Source

Note. If the available water determination for aquifer access licences in the Cudgegong Alluvial Groundwater Source will be below 0.8 ML per unit share as result of the long-term average annual extraction limit being exceeded, this Plan may be amended under clause 87 (2) to permit the granting of a supplementary aquifer access licences to holders of aquifer access licences and aquifer (high security) access licences which replace the *Water Act 1912* entitlements listed in the tables below.

This clause applies to each aquifer access licence and aquifer (high security) access licence with a share component that specifies the Cudgegong Alluvial Groundwater Source which replaces a *Water Act 1912* entitlement or group of *Water 1912* entitlements listed in the table below.

Column 1 <i>Water Act 1912</i> Part 2 or Part 5 entitlement (Licence number(s))	Column 2 Supplementary aquifer access licence share component (unit shares)
80BL030351	1
80BL104960	20
80BL116865	23
80BL014451,80BL121002	101
80BL122223,80BL133206	59
80BL133025	4
80BL133032	4
80BL133037,80BL133038	10
80BL133045,80BL133046	7
80BL133047,80BL133048	104
80BL133051	1
80BL133052	8

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Column 1 <i>Water Act 1912</i> Part 2 or Part 5 entitlement (Licence number(s))	Column 2 Supplementary aquifer access licence share component (unit shares)
80BL133059,80BL133060,80BL143396	26
80BL133814,80BL133816	1
80BL135274	4
80BL136925	2
80BL141633	35
80BL130403	19
80BL022058,80BL133041	198
80BL017018,80BL133036	0
80BL020072,80BL020073,80BL020074	139
80BL023130,80BL133035	75
80BL023827,80BL023828,80BL023829, 80BL023830,80BL030671,80BL133053, 80BL133054,80BL133055	180
80BL133026,80BL133027	4
80BL010026,80BL010079,80BL133033	44
80BL017020,80BL017021,80BL133029	45
80BL011833,80BL133031	7
80BL011487,80BL019013	68
80BL006460	17
80BL008887,80BL008892,80BL008893, 80BL022966,80BL022968	68
80BL016991,80BL016992,80BL016993,	34

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Column 1 <i>Water Act 1912</i> Part 2 or Part 5 entitlement (Licence number(s))	Column 2 Supplementary aquifer access licence share component (unit shares)
80BL016994,80BL016995	
80BL009085,80BL020489	12
80BL022605	6
80BL131537	18
80BL020966	44
80BL238460	20
80BL238461	4
80BL238687	15
80BL133028,80BL133030	53
80BL237791	4
80BL238271	3
80BL022933,80BL242242	27
80BL115648,80BL238186	6
80BL019095,80BL022618,80BL133049,80BL133050	29
80BL237790	5
80BL018701,80BL244957	66
80BL016796, 80BL019538, 80BL133057 80BL133058, 80BL241743	93
80BL004359,80BL019832	42
80BL016797	40

2 Upper Macquarie Alluvial Groundwater Source

Note. If the available water determination for aquifer access licences in the Upper Macquarie Alluvial Groundwater Source will be below 0.8 ML per unit share as result of the long-term average annual extraction

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limit being exceeded, this Plan may be amended under clause 87 (3) to permit the granting of a supplementary aquifer access licences to holders of aquifer access licences which replace the *Water Act 1912* entitlements listed in the tables below.

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

Column 1 <i>Water Act 1912</i> Part 2 or Part 5 entitlement (Licence number(s))	Column 2 Supplementary aquifer access licence share component (unit shares)
80BL019233,80BL132003	3
80BL243160	59
80BL030466	15
80BL104389	100
80BL114453	43
80BL114945	115
80BL116543	16
80BL117174	180
80BL117345,80BL243627	48
80BL119718	105
80BL245444	48
80BL125099,80BL239733	379
80BL126215	59
80BL127363,80BL239504	24
80BL128563	4
80BL012440,80BL245230	19
80BL131780	19
80BL245343	46

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Column 1 Water Act 1912 Part 2 or Part 5 entitlement (Licence number(s))	Column 2 Supplementary aquifer access licence share component (unit shares)
80BL132516	25
80BL133587	72
80BL134021	74
80BL138679	95
80BL009460,80BL245037	41
80BL236485	6
80BL110005	153
80BL115705	236
80BL116544	145
80BL119631	12
80BL120565,80BL244787	56
80BL120565,80BL244787	56
80BL120867	350
80BL010123,80BL018196,80BL121759	499
80BL620165	434
80BL008928,80BL016011,80BL016593, 80BL238862,80BL242607	672
80BL245440	67
80BL016626,80BL127327,80BL236603, 80BL244835,80BL244902,80BL244994	323
80BL236540,80BL236874,80BL244537	486
80BL241534	544

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Column 1 Water Act 1912 Part 2 or Part 5 entitlement (Licence number(s))	Column 2 Supplementary aquifer access licence share component (unit shares)
80BL243075,80BL245726	191
80BL134025,80BL245364	434
80BL134953	356
80BL135231	2
80BL152908	364
80BL236310	235
80BL009381	480
80BL243971	57
80BL006648,80BL019070,80BL107398, 80BL236572,80BL245342	263
80BL137730,80BL131052	413
80BL115119,80BL120283,80BL242470, 80BL244857,80BL242703	1242
80BL132483	12
80BL007326,80BL236573,80BL242418	425
80BL101250,80BL242109,80BL243222	261
80BL017907	597
80BL237335,80BL243626,80BL244677	456
80BL011383	100
80BL236588	57
80BL237100	30
80BL236655	671

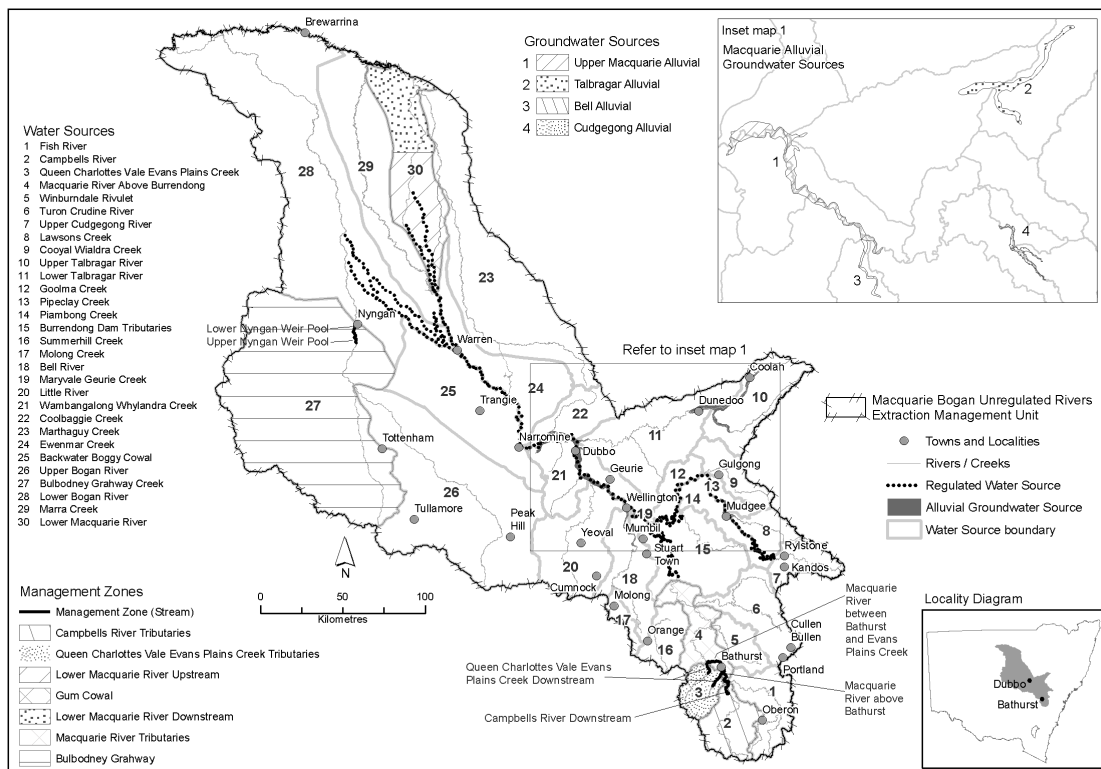
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Column 1 <i>Water Act 1912</i> Part 2 or Part 5 entitlement (Licence number(s))	Column 2 Supplementary aquifer access licence share component (unit shares)
80BL237342	1183
80BL237607,80BL242490,80BL243973	415
80BL238380	2
80BL021354	80
80BL238154	60
80BL238491	35
80BL241151	85
80BL238635	10
80BL241798	208
80BL135902,80BL237794	335
80BL237141	345

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Appendix 1 Overview of the Plan Map

Overview of the Plan Map (WSP0026_Version 1), Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012



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Appendix 2 Inspection of Plan Map

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

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

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

Appendix 3 Access licences with the cease to take condition specified in clause 53 (16) of this Plan

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

Column 1 <i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Water Source	Column 3 <i>Water Act 1912</i> conditions
80SL021976	Backwater Boggy Cowal	When there is a flow in Beleringar Creek the licensed work shall not be used for the purpose of irrigation until such flow has reached the junction of the said Beleringar Creek and Gunningbar Creek.
80SL031215	Backwater Boggy Cowal	When a flow of water in Beleringar Creek is caused by other than gravitational diversion of water into the creek from the Macquarie River near t.s.r. 34257, parish of Egelebra and Gunalgang, county of Oxley or from local run-off, the licensed work shall not be used for the purpose of irrigation.
80SL031215	Backwater Boggy Cowal	When there is a flow of water in Beleringar Creek entering the storage of the dam authorised by this licence, the pump shall not be used until such flow has reached the junction of the said Beleringar Creek and Gunningbar Creek or unless a flow is released into Beleringar Creek downstream of the said dam equivalent to the flow entering the storage for the time being.
80SL037807	Backwater Boggy Cowal	When there is a flow in Beleringar Creek the licensed work shall not be used for the purpose of irrigation until such flow has reached the junction of the said Beleringar Creek and Gunningbar Creek.

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

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80SL042124	Bell River	The licensed work shall not be used for the purpose of irrigation unless there is a visible surface flow in Store Creek at the Buck Swamp road crossing located at the northern boundary of lot 122 DP 756875, parish of Cooper, county of Wellington.
80SL043783	Bell River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Jenny Lind Creek at or near the western boundary of lot 3 DP 585277, parish of March county of Wellington.
80SL043960	Bell River	Diversion of water from Ploughmans Creek by way of the licensed work shall not be carried out unless there is a visible flow in the creek immediately downstream of the old weir located just downstream of the licensed works. The weir being located on lot 1 DP 816985, parish of Orange and lot 207 DP 1018862, parish of Borenore, both county of Wellington.
80SL095007	Bell River	The licensed work shall not be used for the purpose of irrigation unless the flow in the Bell River corresponds to a reading of 0.00 metres on the gauge located on the right bank immediately upstream of the Tantallon bridge adjacent to lot 319 DP 46481, parish of Mulyan, county of Wellington.
80SL096223	Bulbodney Grahway Creek	The licensed work shall not be used for the purpose of irrigation unless there is in the Bogan River either: 1) a discharge of not less than 85 megalitres per day at the gauge on the Mitchell highway road bridge (such discharge corresponding to a reading on the said gauge of 2.46 metres or such other readings as may be determined from time to time), or 2) a visible flow at the south eastern boundary of lot 6 DP 751320, parish of Grahweed, county of Canbelego, being a point about 3200 metres upstream of the junction of Gunningbar Creek with the Bogan River.
80SL096336	Bulbodney Grahway Creek	The licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the

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		Neurie Plains gauge exceeds 635 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.77 metres or such other reading as may be determined from time to time).
80SL096342	Bulbodney Grahway Creek	The authorised pump shall not be used for the purpose of irrigation unless there is a visible flow in the Bogan River passing over the weir located on lot 31 DP 755315, parish of Wera, county of Oxley, and lot 23 DP 752897, parish of Murrabudda, county of Flinders (known locally as Thora Weir).
80SL043575	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Gilmandyke Creek at, or immediately upstream of the Rockley Rockley-Burruga road crossing within part 98, parish of Rockley, county of Georgiana.
80SL044195	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a flow of water in the Campbells River, leaving the licensees property at the north-western corner of lot 15 DP 750400, parish of Oakley, county of Bathurst.
80SL044233	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Gilmandyke Creek at the road crossing in the north-eastern corner of lot 1 DP 1034678, parish of Mt. Lawson and also at or immediately upstream of the Rockley-Burruga road crossing within lot 4 DP 258535, parish of Rockley, both in the county of Georgiana.
80SL045148	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the crest of the Rockley town weir on Peppers Creek located within lot 7001 DP 1028627, parish of Arkell, county of Bathurst and authorised by licence 80SL004552.
80SL046460	Campbells River	The pump shall not be used to abstract water from Wiseman's Creek unless there is a flow equal to, or greater than, a reading of 0.15 metres (or such other reading as

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		may be determined from time to time) on a gauge installed in the said creek at the Mayfield road bridge crossing, located at the south eastern corner of portion 216, parish of Jocelyn, county of Westmoreland.
80SL035443	Cooyal Wialdra Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible surface flow in Cooyal Creek in the immediate vicinity of the concrete ford on the Spring Creek road, located in the northern corner of portion 193, parish of Gulgong, county of Phillip.
80SL039061	Cooyal Wialdra Creek	The pump shall not be used to irrigate any part of the authorised area unless there is a visible flow of water at the concrete road crossing on Slapdash Creek located between the southern boundary of portion 187, parish of Puggoon, county of Bligh and the southern boundary of portion 26, parish of Stubbo, county of Bligh.
80SL042879	Cooyal Wialdra Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible surface flow in Cooyal Creek in the immediate vicinity of the concrete ford on the Spring Creek road, located in the northern corner of lot 1 DP 802909 , parish of Gulgong, county of Phillip.
80SL044661	Cooyal Wialdra Creek	The authorised work shall not be used for the purpose of irrigation unless there is a clearly visible surface flow in Cooyal Creek in the immediate vicinity of the concrete ford on the Spring Creek road, located in the northern corner of portion 193, parish of Gulgong, county of Phillip.
80SL044925	Cooyal Wialdra Creek	The pump shall not be used to irrigate any part of the authorised area unless there is a visible flow in Cooyal Creek at the concrete road crossing on Lindburn road at the eastern boundary of portion 50, parish of Cooyal, county of Phillip.
80SL051931	Cooyal Wialdra Creek	The work shall not be used for the purpose of irrigation unless there is a visible surface flow in Cooyal Creek on the downstream side of the bridge on Henry Lawson drive located in the northern corner of part portion 67, parish of Eurundury, county of Phillip, equivalent to a depth of 0.20

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		metres and a width of 0.6 metres.
80SL016750	Fish River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the crest of the weir located on the Duckmaloi River on lot 4 DP 264133, parish of Duckmaloi, and lot 2 DP 632183, parish of Norway, county of Westmoreland.
80SL051088	Fish River	The licensed work shall not be used for the purpose of irrigation unless there is a flow present in Racecourse Creek at the northwest corner of portion 108, parish of Norway, county of Westmoreland, equivalent to a depth of 0.05 metres.
80SL095080	Lawsons Creek	The licensed work shall not be used for the purpose of irrigation unless there is a flow in Lawsons Creek corresponding to a reading of 0.54 on the gauge installed immediately upstream of the concrete causeway located in lot 12 DP 721239, formerly portion 45, parish of Bumberra, county of Phillip.
80SL096060	Lawsons Creek	The licensed work on Lawsons Creek shall not be used for the purpose of irrigation unless there is a flow in Lawsons Creek corresponding to a reading of 0.1 metres on the staff gauge installed on the upstream side of the Battens road culvert located adjacent to lot 1 deposited plan 758365, parish of Dungeree, county of Phillip.
80SL096179	Lawsons Creek	Whilst ever the licensed pump is situated on Lawsons Creek in the area between the confluence of the Cudgegong River and a point on Lawsons Creek 150 metres upstream from the confluence of the Cudgegong River, the pump shall not be used for the purpose of irrigation unless there is a visible flow in Lawsons Creek where it passes under the Mudgee-Cassilis road.
80SL095043	Little River	The licensed works shall not be used for the purpose of irrigation unless the three pipes under the road crossing on Buckinbah Creek located within portion 14, parish of Ganoo, county of Gordon and portion 41, parish of Obley,

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

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80SL026861	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation or filling the off creek storage from the Bogan River unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at the Monkey Bridge gauge is greater than 60 megalitres per day (such readings corresponding respectively to readings of 0.95 metres and 0.56 metres on the said gauges or such other reading as may be determined from time to time).
80SL026861	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation or filling the off creek storage from the Bogan River, unless the discharge at the Broomfield gauge is greater than 200 megalitres per day (corresponding to a reading of 1.17 metres on the said gauge or such other reading as may be determined from time to time).
80SL042086	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at Monkey Bridge gauge is greater than 60 megalitres per day (such discharges corresponding, respectively, to readings of 0.95 metres and 0.56 metres on the said gauges or such other readings as may be determined from time to time).
80SL042086	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.20 metres or such other reading as may be determined from time to time).
80SL045805	Lower Bogan River	The licensed work shall not be used to divert water from the Bogan River for the purpose of irrigation unless there is

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

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		irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.79 metres or such other reading as may be determined from time to time).
80SL048683	Lower Bogan River	The authorised work shall not be used for the purpose of irrigating the area authorised or any part thereof unless the discharge of the Monkey Bridge gauge exceeds 370 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.98 metres or such other reading as may be determined from time to time).
80SL049420	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 125 megalitres per day (such discharge corresponding to a reading of 0.68 metres on the said gauge or such other reading as may be determined from time to time).
80SL049420	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at Monkey Bridge gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.79 metres or such other reading as may be determined from time to time).
80SL049440	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 125 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.68 metres or such other reading as may be determined from time to time).
80SL049440	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the

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		Monkey Bridge gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.79 metres or such other reading as may be determined from time to time).
80SL049454	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 125 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.68 metres or such other readings as may be determined from time to time).
80SL049454	Lower Bogan River	During the period 1st May to 31st October next following the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 200 megalitres per day (corresponding to a reading of 0.79 metres on the said gauge or such other reading as may be determined from time to time).
80SL049837	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 130 megalitres per day (such discharges corresponding to a reading of 0.54 metres on the said gauge or such other reading as may be determined from time to time).
80SL049837	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 205 megalitres per day (corresponding to a reading of 0.68 metres on the said gauge or such other reading as may be determined from time to time).
80SL095553	Lower Bogan River	The licensed work shall not be used unless there is in the Bogan River either:- (1) a discharge of not less than 85 megalitres per day at

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		<p>the gauge on the Mitchell highway road bridge (such discharge corresponding to a reading on the said gauge of 2.583 metres or such other reading as may be determined from time to time), or</p> <p>(2) a visible flow at the south-eastern boundary of portion 6, parish of Grahweed, county of Canbelego, being a point about 3200 metres upstream of the junction of Gunningbar Creek with the Bogan River.</p>
80SL096282	Lower Bogan River	<p>Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at the Mulgawarrina homestead gauge is greater than 60 megalitres per day.</p>
80SL096282	Lower Bogan River	<p>During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 200 megalitres per day.</p>
85SL037364	Lower Bogan River	<p>Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or such other reading as may be determined from time to time).</p>
85SL037364	Lower Bogan River	<p>During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).</p>
85SL038663	Lower Bogan River	<p>Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan</p>

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

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		Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL040608	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL040608	Lower Bogan River	During the period 1st May to 31st October next following the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL042691	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or such other reading as may be determined from time to time).
85SL042691	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL049386	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan

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

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		Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL050003	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or other such reading as may be determined from time to time).
85SL050003	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL051027	Lower Bogan River	Except for the period of 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.24 metres on the said gauge or such other reading as may be determined from time to time).
85SL051027	Lower Bogan River	During the period 1st May to 31st October next following the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
85SL095246	Lower Bogan River	The licensed work shall not be used for the purpose of irrigation unless the little Bogan River flow exceeds ten (10) megalitres per day on the gauge established at the Bourke-

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

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80SL030628	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Bells Bridge gauge is equal to, or greater than 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.05 metres or such other reading as may be determined from time to time).
80SL047504	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Oxley gauge is equal to, or greater than, 500 megalitres per day (such discharge corresponding to a reading on the said gauge of 2.09 metres or such other reading as may be determined from time to time).
80SL049445	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Miltara gauge is equal to, or greater than 100 megalitres per day (such reading corresponding to a reading off 0.62 metres) and simultaneously the flow of water at the Bells Bridge is equal to, or greater than 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.71 metres) or such other reading as may be determined from time to time.
80SL049446	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Miltara gauge is equal to, or greater than, 100 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.62 metres or such other reading as may be determined from time to time).
80SL095209	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at the Oxley gauge is equal to, or greater than, 500 megalitres per day (such discharge corresponding to a reading on the said gauge of 2.09 metres or such other reading as may be determined from time to time).
80SL096132	Lower Macquarie	The licensed work shall not be used for the purpose of irrigation unless the flow of water in the Macquarie River at

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	River	the Miltara gauge is equal to, or greater than 100 megalitres per day (such reading corresponding to a reading off 0.62 metres) and simultaneously the flow of water at the Bells Bridge is equal to, or greater than 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.71 metres) or such other reading as may be determined from time to time.
80SL096140	Lower Macquarie River	The licensed work shall not be used for the purpose of irrigation unless there is a flow of not less than 75 megalitres per day passing the offtake of the pump sump channel. Such discharge is equivalent to a height of 0.95 metres (or such other reading as may be determined from time to time) on the Bells Bridge gauge.
80SL095238	Lower Talbragar River	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in the Talbragar River at Cobbora bridge adjacent to lot 48 DP 754301, parish of Cobbora, county of Lincoln.
80SL096207	Macquarie above Burrendong	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Macquarie River at the rock bar adjacent to lot 7005 DP 93448, parish of Piper, county of Roxburgh, located immediately upstream of the Freemantle road bridge.
80SL096264	Macquarie River above Burrendong	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Macquarie River at the rock bar adjacent to lot 7005 DP 93448, parish of Piper, county of Roxburgh, located immediately upstream of the Freemantle road bridge.
80SL037406	Marra Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in Marra Creek at the Yarrawin gauge is in excess of 24 megalitres per day such flow being equivalent to a reading of 0.21 metres on the said gauge or such other reading as may be determined from time to time.
80SL095027	Marthaguy Creek	The licensed work shall not be used to divert water unless the flow in Marthaguy Creek is 0.5 metres above the

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		concrete footing of the left bank bridge pier of the Wonbobbie bridge over the Marthaguy Creek located on portion e35, parish of Driel, county of Ewenmar.
80SL096358	Marthaguy Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water in Marthaguy Creek at the Carinda Gauge is greater than 50 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.53 metres or such other as may be determined from time to time).
80SL009679	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL012043	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within portion 5, parish of Bell, county of Ashburnham.
80SL014887	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL033794	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within portion 5, parish of Bell, county of Ashburnham.
80SL035146	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless the level of the flow in Molong Creek at the road bridge located within portion 86, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and

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

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		Creek under the road bridge on the Molong-Wellington road located within lot 5 DP 750133, parish of Bell, county of Ashburnham.
80SL045168	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL046780	Molong Creek	The licensed work on Molong Creek shall not be used for the purpose of irrigation or to augment the supply of water in the unnamed watercourse unless the level of the flow in Molong Creek at the road bridge located within lot 86 DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL047273	Molong Creek	The licensed work shall not be used to extract water from Heifer Station Creek for irrigation purposes unless there is a visible flow equal to, or greater than, 1.50 megalitres per day such discharge corresponding to a reading of 0.36 metres (or such other reading as may be determined from time to time) on a gauge established on the left bank of Molong Creek, within t.s. and c.r. 111, parish of Borenore, county of Wellington and the flow of water through the v-notch weir located within portion 96, parish of Borenore, county of Wellington, on Molong Creek, is in excess of 150 millimetres in depth, which represents a flow of approximately 1.00 ML per day.
80SL047515	Molong Creek	The licensed work shall not be used for the purpose of recreation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.

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80SL051842	Molong Creek	The licensed work shall not be used to supply water to the occupiers of lot 1 DP 1054393, lots 2 - 4 DP 1065466 and to the lots in the proposed subdivision of lots 18 19 20 section J DP 977127 unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 mm in depth, which represents a flow of approximately 1.05 ML per day.
80SL095217	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL095255	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the level of flow in Molong Creek at the road bridge located within portion 86, DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL095278	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.
80SL096156	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within portion 5, parish of Bell, county of Ashburnham.
80SL096169	Molong Creek	The authorised work shall not be used for irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong - Wellington road located within lot 5 DP 750133 parish of Bell county of Ashburnham.

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80SL096291	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless the level of the flow in Molong Creek at the road bridge located within lot pt 86 DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL096302	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the level of flow in Molong Creek at the road bridge located within lot pt 86 DP 756910, parish of Towac, county of Wellington, is at least 50 millimetres above the sill level off the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas dam.
80SL045071	Piambong Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water passing under the road bridge on Ben Buckley road, located in the south-eastern corner of portion 26, parish of Biraganbil, county of Wellington.
80SL015276	Pipeclay Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in that section of Eurundury Creek, fronting lot 95 DP 755418, parish of Bumberra, county of Phillip.
80SL026862	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.
80SL026862	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow of 8 litres per second is maintained through the 300 millimetre pipe under the concrete road crossing located on the property "Native Home", at the south east corner of portion 24, parish of Gratham, county of Bathurst.

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80SL038474	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.
80SL038474	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow of 8 litres per second is maintained through the 300 millimetre pipe under the concrete road crossing located on the property "Native Home", at the south east corner of lot 24 DP 750385, parish of Gratham, county of Bathurst.
80SL044741	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow at the Bathurst-Orange road bridge located within portion 2 rem, parish of Mount Pleasant, county of Bathurst.
80SL046136	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.
80SL046136	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a visible flow of 8 litres per second is maintained through the 300 millimetre pipe under the concrete road crossing located on the property "Native Home", at the south east corner of portion 24, DP 750385 parish of Gratham, county of Bathurst.
80SL048300	Queen Charlottes Vale Evans Plains Creek	The licensed pump shall not be used for the purpose of irrigation unless there is a visible flow in Evans Plains Creek at the concrete road bridge at the south western corner of lot 49 DP 750373, parish of Cole, county of Bathurst.
80SL095038	Queen Charlottes Vale Evans Plains Creek	The licensed pump shall not be used for irrigation unless there is a visible flow in the Evans Plains Creek at the concrete road bridge at the south west corner of portion 49, parish of Cole, county of Bathurst.
80SL095048	Queen Charlottes Vale	The licensed works shall not be used for the purpose of irrigation or to supply stock and domestic water to the

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	Evans Plains Creek	occupiers of lots 1 to 8, DP 817711 unless there is a visible flow under the road bridge located on the Mid Western Highway adjacent to lot 5 DP 750397, Parish of Mount Pleasant, County of Bathurst.
80SL095124	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow of 8 litres per second is maintained through the 300 millimetre pipe under the concrete road crossing located on the property "Native Home", at the south east corner of lot 24 DP 750385 parish Gratham county Bathurst.
80SL095124	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.
80SL095166	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow under the road bridge located on the Mid Western Highway adjacent to lot 72, DP 192661, parish of Mount Pleasant, county of Bathurst.
80SL096058	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow in Evans Plains Creek of at least 50 millimetres in depth is passing through the pipe crossing located within lot 8 DP 46484 in the parish of Mount Pleasant, county of Bathurst.
80SL022418	Summerhill Creek	Water shall not be diverted by means of the authorised work when the level of the storage of the city of Orange water supply dam, on Gosling Creek near the north-eastern corner of portion 58, parish of Huntley, county of Bathurst, is lower than 3.04 metres below the level of the crest of the sillway of the said dam, provided that, if the council of the city of Orange restricts the water supply to the residents of the city of Orange before the said storage falls below that level, the use of the authorised work shall be restricted to a period not exceeding 4 hours on each alternate day, provided further that, if the said council prohibits the use of water for commercial purposes, such as market gardens,

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		on agricultural lands within the boundaries of that city, water shall not be diverted by means of the authorised work.
80SL036982	Summerhill Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the said unnamed watercourse at the road crossing immediately upstream from the Great Western Railway, portion 34, parish Huntley, county Bathurst.
80SL044411	Summerhill Creek	<p>Water shall not be diverted by means of the licensed work when the level of the storage of the city of Orange water supply dam, near the north-eastern corner of portion 58, parish of Huntley, county of Bathurst, is lower than 1.00 metre below the level of the crest of the spillway of the said dam, provided that, if the council of the city of Orange restricts the water supply to the residents of the city of Orange before the said storage falls below that level, the use of the licensed work shall be restricted to a period not exceeding 4 hours on each alternate day, provided further that, if the said council prohibits the use of water for commercial purposes, such as market gardens, on agricultural lands within the boundaries of that city, water shall not be diverted by means of the licensed work.</p> <p>The licensed work shall not be used for the purpose of diverting water from Spring Creek for the purpose of irrigation unless there is a visible flow in Spring Creek under the Huntley road crossing on the western boundary of portion 268, parish of Huntley, county of Bathurst.</p>
80SL028915	Turon Crudine River	The pump shall not be used unless there is a visible flow in Cunningham's Creek at the bridge on the Mudgee-Lithgow Highway, adjacent to lot 1 DP 1067368 and lot 2 DP 703120, parish of Warranguina, county of Roxburgh.
80SL034977	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow at or immediately downstream of the road crossing at the south western

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		corner of lot 2 DP 795858, parish of Tunnabidgee, county of Wellington.
80SL042574	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the concrete ford across the Turon River between portion 57, parish of Dulabree and portion 50, parish of Stewart, county of Roxburgh.
80SL051828	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless the flow in the Crudine River exceeds a depth of 25 millimetres across a rock bar located at the downstream boundary being the south - western corner of lot 2 DP 740568, parish of Crudine, county of Roxburgh.
80SL051894	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow at or immediately downstream of the road crossing at the south-western corner of portion 21, parish of Tunnabidgee, county of Wellington.
80SL095301	Turon Crudine River	The licensed work shall not be used for the purpose of water supply to the occupiers of lots 1 to 20 in proposed subdivision of portion 97, parish of Bandamora, county of Roxburgh, unless there is a visible flow of water in the Turon River at the bridge located on the Upper Turon road adjacent to portion 97, parish of Bandamora, county of Roxburgh and portion 14, parish of Turon, county of Roxburgh.
80SL041452	Upper Bogan River	The pump on the Bogan River shall not be used unless there is a flow in the Bogan River at the Dandaloo bridge.
80SL047272	Upper Bogan River	The licensed work shall not be used to extract water from the Bogan River for irrigation purposes unless there is a flow equal to, or greater than 50 megalitres per day. Such discharge corresponding to a reading of 0.73 metres (or such other reading as may be determined from time to time) on a gauge on a bridge pier (Oak bridge) within a road reserve adjacent to portion 38, parish of Graddle, county of Kennedy.

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80SL050825	Upper Bogan River	The authorised work shall not be used to extract water from the Bogan River when the level of water stored in the overshot dam is lower than reduced level 249.02 metres (standard height datum) which is equivalent to a level 1.5 metres below the crest of the spillway of the said dam.
80SL045005	Upper Cudgegong River	The authorised work shall not be used for the purpose of irrigation from the storage of the dam known as the Great Western Dam, unless there is an inflow into the said dam at the time of pumping.
80SL095468	Upper Cudgegong River	The licensed works shall not be used for the purpose of irrigation unless there is a visible flow present in Cox's Creek at the rock bar on the downstream side of the bridge on Cox's Creek road located in lot 22 DP 621310, parish of Dabee, county of Phillip.
80SL026001	Upper Talbragar River	The authorised work shall not be used for the purpose unless there is a visible flow in the Coolaburragundy River at or near lot 133 DP 750744, parish of Collielblue, county of Bligh.
80SL026109	Upper Talbragar River	The licensed work shall not be used for irrigation unless there is a visible flow in the Coolaburragundy River at the Orana road crossing, within lot 8 DP 750745, parish of Collier, county of Bligh.
80SL031868	Upper Talbragar River	The pump shall not be used for the purpose of irrigation unless there is a visible flow in the Talbragar River at the flood warning gauging station located at the village of Uarbry.
80SL035618	Upper Talbragar River	The authorised work shall not be used for irrigation unless there is a visible flow in the Coolaburragundy River at the Orana road crossing, within portion 8, parish of Collier, county of Bligh.
80SL017881	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Cheshire Creek at or near its junction with Wiagdon Creek in lot 7 DP 755804, parish of Windburn, county of Roxburgh.

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80SL027365	Winburndale Rivulet	The authorised work shall not be used for the purpose of irrigation unless there is a flow in Winburndale Rivulet at the road crossing at the north-western corner of portion 31, parish of Winburn, county of Roxburgh, equivalent to a depth of 0.05 metres and a width of 0.91 metres.
80SL039517	Winburndale Rivulet	The subject pump shall not be used for the purpose of irrigation unless there is a visible flow in Clear Creek over a rock bar located approximately 180 metres upstream from the Limekilns road bridge and within ts&cr 53270, parish of Peel, county of Roxburgh.
80SL039702	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water in Wiagdon Creek in remainder of camping and water reserve 14505, parish of Millah Murrah, county of Roxburgh.
80SL041036	Winburndale Rivulet	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Cheshire's or Jesse Creek at or near its junction with Wiagdon Creek in portion 7, parish of Winburn, county of Roxburgh.
80SL043136	Winburndale Rivulet	The authorised work shall not be used for the purpose of irrigation unless there is a flow in Winburndale Rivulet at the road crossing at the north-western corner of portion 31, parish of Winburn, county of Roxburgh, equivalent to a depth of 0.05 metres and a width of 0.91 metres.
80SL048686	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Winburndale Rivulet under the bridge on Limekilns road at the north-eastern corner of lot 2 DP 196810 parish of Peel, county of Roxburgh.
80SL050857	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Winburndale Rivulet under the bridge on Limekilns road at the north-eastern corner of portion 3, parish of Peel, county of Roxburgh.
80SL095090	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation or to fill the storages numbered 1 & 2 as specified

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		on the licence, unless the water level in the Winburndale Rivulet at the bridge at the north-western corner of portion 31, parish of Winburn, county of Roxburgh, is flowing at a level greater than 1.68 metres below the upstream right bank concrete abutment to the said bridge.
80SL095118	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless the water level in the Winburndale Rivulet at the bridge at the north-western corner of portion 31, parish of Winburn, county of Roxburgh, is flowing at a level greater than 1.83 metres below the upstream right bank concrete abutment to the said bridge.

Appendix 4 Offices

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

NSW Office of Water

Department of Trade and Investment, Regional Infrastructure and Services

209 Cobra St

DUBBO NSW 2830