



New South Wales

# Water Sharing Plan for the Lachlan Regulated River Water Source Amendment Order 2013

under the

Water Management Act 2000

I, the Minister for Primary Industries, in pursuance of section 45 (1) (a) of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*.

Dated this 26th day of June 2013.

KATRINA HODGKINSON, MP

**Minister for Primary Industries**

## **Explanatory note**

This Order is made under section 45 (1) (a) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

# **Water Sharing Plan for the Lachlan Regulated River Water Source Amendment Order 2013**

under the

Water Management Act 2000

## **1 Name of Order**

This Order is the *Water Sharing Plan for the Lachlan Regulated River Water Source Amendment Order 2013*.

## **2 Commencement**

This Order commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Water Sharing Plan for the Lachlan Regulated River Water Source 2003

### [1] Clause 26

Omit the clause. Insert instead:

#### **26 Share component of regulated river (conveyance) access licences**

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (conveyance) access licences authorised to extract water from this water source will total 17,911 unit shares.

### [2] Clause 36

Omit the clause. Insert instead:

#### **36 Available water determinations**

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in this water source should be expressed as:
  - (a) a percentage of the share component for all categories of access licence where share components are specified as megalitres per year, and
  - (b) megalitres per unit share for all regulated river (high security) access licences, regulated river (general security) access licences, and regulated river (conveyance) access licences.

### [3] Clause 41

Omit the clause. Insert instead:

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

- (1) An available water determination for regulated river (conveyance) access licences should be made:
  - (a) at the commencement of each water year, and
  - (b) whenever an available water determination is made for regulated river (general security) access licences.

**Note.** The available water determinations made under subclause (1) take into consideration:

- (a) the total water availability for regulated river (general security) access licences that are used to supply water to Jemalong Irrigation Limited's area of operation, and
  - (b) the total volume of water required to meet Jemalong Irrigation Limited's conveyance loss in that water year.
- (2) Before making an available water determination under subclause (1), the total water availability in megalitres per unit share for regulated river (general security) access

licences that are used to supply water to Jemalong Irrigation Limited's area of operation should be determined using the formula:

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

where:

$GS_1$  is the total water allocation in the A sub-accounts of regulated river (general security) access licences that are used to supply water to Jemalong Irrigation Limited's area of operation at the commencement of the water year, except where subclause (5) applies.

$GS_2$  is the total volume of water credited to the water allocation accounts of regulated river (general security) access licences that are used to supply water to Jemalong Irrigation Limited's area of operation, from regulated river (general security) access licence available water determinations made in that water year, except where subclause (5) applies.

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

- (3) The total volume of water required to meet Jemalong Irrigation Limited's conveyance loss in that water year, should be equal to:
- (a) 2,400 megalitres plus 570 megalitres for each 0.01 megalitres per unit share calculated under subclause (2), when the result of that calculation is less than or equal to 0.2 megalitres per unit share,
  - (b) 13,800 megalitres plus 74.745 megalitres for each 0.01 megalitres per unit share calculated above 0.2 megalitres per unit share under subclause (2), when the result of that calculation is greater than 0.2 megalitres per unit share but less than 0.75 megalitres per unit share, and
  - (c) 17,911 megalitres when the result of the calculation made under subclause (2) is equal to or greater than 0.75 megalitres per unit share.
- (4) The available water determination made under subclause (1) should be determined using the formula:

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

where

$CL_2$  is the total volume of water required to meet Jemalong Irrigation Limited's conveyance loss calculated under subclause (3).

$CL_1$  is the total volume of water required to meet Jemalong Irrigation Limited's conveyance loss calculated under subclause (3) at the time the previous available water determination for regulated river (conveyance) access licences was made in that water year, except where subclause (5) applies.

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

- (5) Immediately following the withdrawal of water allocations from the water allocation accounts of regulated river (general security) access licences under clause 47 (7) and prior to the making of an available water determination for regulated river (general security) access licence under clause 40 (2), the values of  $GS_1$  and  $GS_2$  to be used in subclause (2) and  $CL_1$  to be used in subclause (4) are zero.

**[4] Clause 47 Carrying over of water allocations credits, water allocation account limits and withdrawal of water allocations**

Omit clause 47 (1). Insert instead:

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

**[5] Clause 47 (6)**

Omit the paragraph.

**[6] Clause 47 (7)**

Omit the paragraph. Insert instead:

- (7) Whenever:
  - (a) a spill of water occurs from Wyangala Dam, or
  - (b) the Minister deems that a spill of water has occurred from Wyangala Dam, or
  - (c) water is released to create or maintain air space at Wyangala Dam, and Lake Brewster and Lake Cargelligo are:
    - (d) full, or
    - (e) deemed by the Minister to be full, or
    - (f) the Minister is satisfied they will fill from flows already in this water source or its tributaries,

then all water allocations remaining in the water allocation accounts of regulated river (general security) access licences and regulated river (conveyance) access licences shall be withdrawn.

**Notes.**

1. The effect of subclause (7), clause 40 (2) and clause 41 is that when Wyangala Dam spills or is deemed to have effectively spilled or water is released to create or maintain airspace and Lake Brewster and Lake Cargelligo are full or are deemed to be full or they will fill, as defined in subclause (7), all general security access licence accounts and conveyance access licence accounts will be equalised. Assessments indicate that when Wyangala Dam, Lake Brewster and Lake Cargelligo are full it should be possible for each general security access licence account to hold a maximum 1.36 megalitres per unit share.
2. Airspace requirements at Wyangala Dam are determined in accordance with clause 65.
3. Under subclause (7), the Minister may from time to time, deem that the full volume of Lake Brewster and Lake Cargelligo is less than their physical full capacity. The reasons for this may include supporting a bird breeding event.

**[7] Clause 53 Rules for conversion of access licence category**

Omit clause 53 (5).

**[8] Clause 57 Mandatory conditions on access licences**

Omit clause 57 (6). Insert instead:

- (6) All domestic and stock access licences, local water utility access licences, regulated river (high security) access licences, regulated river (general security) and regulated river (conveyance) access licences shall have mandatory conditions that only allow the taking of water if it has been ordered in accordance with procedures established by the Minister.

**[9] Clause 69**

Omit the clause. Insert instead:

**69 Amendment of regulated river (conveyance) access licence rules**

- (1) The Minister may amend clauses 36, 41, 44 and 47 to provide available water determination rules and water allocation account management rules that more closely match or better cater for the loss of water that occurs between the points of offtake of water from the Lachlan Regulated River Water Source and the points of delivery to water users within the Jemalong Irrigation Limited area of operation.
- (2) The Minister may amend clauses 36, 41, 44 and 47 if the Minister considers that it is necessary to do so to prevent third party impacts from dealings that manipulate future regulated river (conveyance) access licence water allocations.