



New South Wales

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

Dated this 18th day of October 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 Barwon-Darling Unregulated and Alluvial Water Sources 2012*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources Amendment Order 2013

under the

Water Management Act 2000

1 Name of Order

This Order is the *Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 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 Barwon-Darling Unregulated and Alluvial Water Sources 2012

[1] Clause 4 Application of this Plan

Insert “Water Source” after “specifies the Barwon–Darling Unregulated River” in clause 4 (3).

[2] Clause 46 Access rules for the taking of surface water

Insert “or Column 1 of Schedule 2A” after “Column 1 of Schedule 2” in clause 46 (6).

[3] Clause 46 (9A)

Insert after clause 46 (9):

(9A) Subject to subclauses (10), (11) and (15), a water supply work located in a management zone specified in Column 3 of Schedule 2A must not be used to take water under an access licence specified in Column 1 of Schedule 2A in contravention of the corresponding access rule specified in Column 2 of Schedule 2A.

[4] Clause 46 (11)

Omit and insert instead:

(11) Subject to subclause (10), if in the Minister’s opinion, on any day accurate flow data is not available from a flow measuring gauge used to determine whether water is permitted to be taken under an access rule specified in Column 2 of Schedule 2 or Column 2 of Schedule 2A, the Minister may determine whether water is permitted to be taken that day and notify the holders of access licences specified in Column 1 of Schedule 2 or Column 1 of Schedule 2A in writing whether water is permitted to be taken that day. For the purpose of this subclause, notification includes publishing a notice on the Department’s website.

[5] Clause 83 Schedules

Insert after clause 83 (1):

(1A) Schedule 2A may be amended to do any of the following:

- (a) remove an access licence or entitlement from Column 1 of Schedule 2A and remove the corresponding access rule from Column 2 of Schedule 2A,
- (b) amend the access rule specified in Column 2 of Schedule 2A,
- (c) add an access licence to Column 1 of Schedule 2A and specify an access rule in Column 2 of Schedule 2A.

[6] Schedule 2 Access licence with cease to pump rules that differ from the flow class cease to pump rules

Omit the matters relating to entitlements “85SL096220 (C Class)” and the matters relating to “85SL105065 (C Class)” from the table to the Schedule.

[7] Schedule 2A

Insert after Schedule 2:

Schedule 2A Unregulated river (C Class) access licences with cease to pump rules that differ from the flow class cease to pump rules

Those unregulated river (C Class) access licences which replace a *Water Act 1912* entitlement listed in Column 1 of the table below will have a mandatory condition imposed on the water supply work approval for all water supply works nominated by those access licences to give effect to the access rules specified in Column 2, as required by clause 46 (9A) of this Plan.

Column 1	Column 2	Column 3
Water Act 1912 entitlements that will be replaced by unregulated river (C Class) access licences on commencement of this Plan	Access rule	Management zone
85SL096220 (C Class)	Water must not be taken under an unregulated river (C Class) access licence when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day.	Culgoa River Junction to Bourke Management Zone
85SL105065 (C Class)	Water must not be taken under an unregulated river (C Class) access licence when the flow in the Barwon River at the Collarenebri gauge (422003) is equal to or less than 1,100 ML/day.	Downstream Mogil Mogil to Collarenebri Management Zone