



# **Water Sharing Plan for the Greater Metropolitan Region Unregulated River 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 Greater Metropolitan Region Unregulated River Water Sources 2011*.

Dated this 30<sup>th</sup> day of March 2014.

**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 Greater Metropolitan Region Unregulated River Water Sources 2011*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

# **Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources Amendment Order 2013**

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Water Management Act 2000

## **1 Name of Order**

This Order is the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River 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 to the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011**

### **[1] Clause 4 Application of this Plan**

Omit clause 4 (2) and (3). Insert instead:

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP016\_Version 1), Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011* (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 3 and are available on the NSW legislation website.

- (3) Subject to subclause (4), these water sources include all water:
- (a) occurring naturally on the surface of the ground within the boundaries of these water sources shown on the Plan Map, and
  - (b) in rivers, lakes, estuaries and wetlands within the boundaries of these water sources show on the Plan Map.

### **[2] Clauses 5 (2), 6 (2) and 74 (d), Appendix 1, heading, Appendix 1 and Appendix 3, heading**

Omit “Registered” from clause 5 (2) and 6 (2). Insert instead “Plan”.

### **[3] Clause 8 Interpretation**

Omit “*Water Management (General) Regulations 2004* (hereafter **the Regulation**)” from clause 8 (2).

Insert instead “regulations made under the Act”.

### **[4] Clause 13 Bulk access regime**

Omit “Division 1 of” from clause 13 (1) (a).

### **[5] Clause 13 (2) (e)**

Omit “Division 1”. Insert instead “Division 2”.

### **[6] Part 4 Environmental water provisions**

Omit “Environmental water provisions” from the part heading.

Insert instead “Planned environmental water provisions”.

### **[7] Part 4, Note**

Omit the note to Part 4. Insert instead:

**Note.** This Part is made in accordance with sections 8, 8A and 20 of the Act.

### **[8] Part 4**

Omit the heading to Division 1.

### **[9] Part 4, Division 2**

Omit the division.

### **[10] Clause 28 Environmental flow releases in the Shoalhaven River Water Source**

Insert “and/or spilt” after “released” in clause 28 (1) (a).

### **[11] Clause 28 (2) (b) Note and Table B**

Omit “monthly environmental release thresholds” and “Monthly environmental release thresholds” wherever occurring in the notes and table to the paragraph.

Insert instead “monthly 80<sup>th</sup> percentile flow”.

**[12] Clause 31**

Omit the clause. Insert instead:

**31 Interchange rules for Fitzroy Falls Reservoir and Lake Yarrunga in the Shoalhaven River Water Source**

The interchange of water between Fitzroy Falls Reservoir in the Fitzroy Falls Management Zone, Lake Yarrunga in the Lower Kangaroo River Management Zone and the Shoalhaven River Gorge Management Zone in the Shoalhaven River Water Source must be managed in accordance with the following:

- (a) Subject to paragraph (d), Eraring Energy may interchange up to 4,021 megalitres between Fitzroy Falls Reservoir and Lake Yarrunga, provided that the interchange is made in accordance with procedures determined in writing by the Minister. This paragraph does not apply where paragraphs (c) and (e) apply;

**Note.** Water is interchanged by Eraring Energy between Fitzroy Falls Reservoir and Lake Yarrunga via Bendeela Pondage.

- (c) Eraring Energy may, under conditions of unusually high power demand or in the event of a failure of other power generating stations in the State energy network, interchange up to 10,000 megalitres between Fitzroy Falls Reservoir and Lake Yarrunga, subject to the agreement in writing of the Sydney Catchment Authority. This paragraph does not apply where paragraph (e) applies;
- (d) Eraring Energy may divert water for the purpose of electricity generation from Fitzroy Falls Reservoir to Lake Yarrunga, provided that:
- (a) any requirements for daily releases under clause 28 (1) are being met, and
  - (b) water diverted from Fitzroy Falls Reservoir for the purpose of electricity generation is surplus to the requirements of the Sydney Catchment Authority.

This paragraph does not apply where paragraphs (c) and (e) apply;

- (e) in the event that Eraring Energy is required to operate for the purposes of ‘black start’ then it may undertake power generation for the period required to restore the State electrical system; and

**Note.** *Black start* is defined in the Dictionary. Any power generation which occurs under paragraph (e) will be under the direction and control of the National Electricity Market Management Company in accordance with the powers given to it via the National Electricity Code.

- (f) for the purpose of this clause, the volumes of water interchanged or diverted are to be measured in a manner approved in writing by the Minister.

**[13] Clause 32 Environmental flow releases in the Upper Nepean and Upstream Warragamba Water Source**

Omit “to” where firstly occurring in clause 32 (7) (a) (ii) (B).

**[14] Clause 32 (9)**

Omit “In” where firstly occurring in the subclause.

Insert instead “Subject to subclause (12), in”.

**[15] Clause 32 (10) (a)**

Omit “Coxs River Flow gauge”. Insert instead “Coxs River at Lithgow flow gauge”.

**[16] Clause 34 Environmental flow releases in the Hawkesbury and Lower Nepean Rivers Water Source**

Omit “0.734” from clause 34 (6) (c) and from the note to clause 34 (6) (c). Insert instead “0.721”.

**[17] Clause 35 Releases for environmental and town water supply purposes in the Hawkesbury and Lower Nepean Rivers Water Source**

Omit “Dame” from the note to clause 35 (2). Insert instead “Dam”.

**[18] Clause 35 (4) (b)**

Omit “due to” where firstly occurring.

**[19] Clause 36 Environmental flow releases in the Southern Sydney Rivers Water Source**

Omit “due to” where firstly occurring in clause 36 (f) (ii).

**[20] Clause 37 Environmental contingency allowance rules for these water sources**

Insert “in accordance with the written direction of the Minister” after “for these dams” in clause 37 (2).

**[21] Clause 37 (5)**

Omit the subclause. Insert instead:

- (5) Water credited to an ECA account established under subclause (1) for the purposes determined in accordance with subclause (3) must be released from a dam referred in subclause (1) in accordance with the written direction of the Minister.

**[22] Clause 37 (6)**

Omit “that water storage”. Insert instead “a dam referred to in subclause (1)”.

**[23] Clause 37**

Renumber the subclause numbering of subclauses (5) – (8) to (4) – (7) in clause 37.

**[24] Clause 38 Banked environmental flow rules for these water sources**

Omit clause 38 (2). Insert instead:

- (2) Subject to subclause (3), where releases were altered or were not required because:
- (a) the release requirements could not be met due to an emergency situation and the holder of the water supply work approval notified the Minister in writing within 7 days of becoming aware of the emergency, or
  - (b) the Minister was satisfied that the release requirements could not be met due to water supply work capacity constraints or necessary maintenance, refurbishment or modification work that had the potential to temporarily affect the flow rate or behaviour of water for a period of more than 24 hours and granted permission in writing, or
  - (c) the Minister required an alternate release to be made due to an emergency situation or a maintenance activity and notified this in writing,

the difference between the recorded release and the required release shall be set aside in the water storage of the respective water supply work and credited to the respective BEF

account established for the water supply work from which the release could not be made or was altered in accordance with the requirements of the Minister.

**[25] Clause 38 (5)**

Omit “The volume”. Insert instead “Subject to subclause (6), the volume”.

**[26] Clause 38 (5) (c)**

Omit “per day, and”. Insert instead “per day.”

**[27] Clause 38 (5) (d)**

Omit the paragraph.

**[28] Clause 38 (6)**

Insert after clause 38 (5):

- (6) Any reductions under subclauses (5) (a)–(c) must be limited so that the BEF account cannot have a negative balance.

**[29] Clause 39 Environmental flow reference group for these water sources**

Omit “37 (5)” from clause 39 (2). Insert instead “37 (4)”.

**[30] Clause 39A**

Insert after clause 39:

**39A Investigations into environmental release rules**

- (1) Subject to subclause (2), Sydney Water Corporation must conduct an investigation into the need for environmental releases from Manly Dam and undertake infrastructure modifications as determined by the Minister during the term of this Plan in accordance with the following stages:
- (a) Stage 1: feasibility and suitability of environmental releases from Manly Dam to be completed by the end of Year 5 of this Plan,
  - (b) Stage 2: if required by the Minister under subclause (2), design of environmental flows to be completed by the end of Year 7 of this Plan subject to the Minister’s approval,
  - (c) Stage 3: if required by the Minister, any infrastructure modifications as determined by the Minister necessary to deliver flows identified in Stage 2 to commence by the end of Year 8 of this Plan and to be completed by the implementation date established by the Minister under subclause (2).
- (2) The Minister must, in consultation with Sydney Water Corporation, determine end the by Year 5 of this Plan whether the investigations referred to in subclause (1) should proceed to Stage 2 and, if determined to be necessary, determine an implementation date for the environmental flows by the end of Year 7 of this Plan.
- (3) Subject to subclause (4), Goulburn Mulwaree Shire Council, Wingecarribee Shire Council and Shoalhaven City Council each must conduct an investigation into the need for environmental releases from water supply works selected by agreement between the respective council and the Minister and undertake infrastructure modifications as determined by the Minister during the term of this Plan in accordance with the following stages:
- (a) Stage 1: feasibility and suitability of environmental releases from the selected water supply works to be completed by the end of Year 5 of this Plan,

- (b) Stage 2: if required by the Minister under subclause (4), design of environmental flows to be completed by the end of Year 7 of this Plan subject to the Minister's approval,
  - (c) Stage 3: if required by the Minister, any infrastructure modifications as determined by the Minister necessary to deliver flows identified in Stage 2 to commence by the end of Year 8 of this Plan and to be completed by the implementation date established by the Minister under subclause (4).
- (4) The Minister must, in separate consultation with each of Goulburn Mulwaree Shire Council, Wingecarribee Shire Council and Shoalhaven City Council, determine by the end of Year 5 of this Plan whether each investigation referred to in subclause (3) should proceed to Stage 2 and, if determined to be necessary, determine an implementation date for any environmental flows by the end of Year 7 of this Plan.
- (5) Subject to subclause (6), Delta Electricity must conduct an investigation into the need for environmental releases from Wallerawang Dam (Lake Wallace) and undertake infrastructure modifications as determined by the Minister during the term of this Plan in accordance with the following stages:
- (a) Stage 1: feasibility and suitability of environmental releases from Wallerawang Dam (Lake Wallace) to be completed by the end of Year 5 of this Plan,
  - (b) Stage 2: if required by the Minister under subclause (6), design of environmental flows to be completed by the end of Year 7 of this Plan subject to the Minister's approval,
  - (c) Stage 3: if required by the Minister, any infrastructure modifications as determined by the Minister necessary to deliver flows identified in Stage 2 to commence by the end of Year 8 of this Plan and to be completed by the implementation date established by the Minister under subclause (6).
- (6) The Minister must, in consultation with Delta Electricity, determine by the end of Year 5 of this Plan whether the investigations referred to in subclause (5) should proceed to Stage 2 and, if determined to be necessary, determine an implementation date for the environmental flows by the end of Year 7 of this Plan.
- (7) Subject to subclause (8), Sydney Catchment Authority must conduct an investigation into the need for environmental releases from Wingecarribee Reservoir and undertake infrastructure modifications as determined by the Minister during the term of this Plan in accordance with the following stages:
- (a) Stage 1: feasibility and suitability of environmental releases from Wingecarribee Reservoir to be completed by the end of Year 5 of this Plan,
  - (b) Stage 2: if required by the Minister under subclause (8), design of environmental flows to be completed by the end of Year 7 of this Plan subject to the Minister's approval,
  - (c) Stage 3: if required by the Minister, any infrastructure modifications as determined by the Minister necessary to deliver flows identified in Stage 2 to commence by the end of Year 8 of this Plan and to be completed by the implementation date established by the Minister under subclause (8).
- (8) The Minister must, in consultation with Sydney Catchment Authority, determine by the end of Year 5 of this Plan whether the investigations referred to in subclause (7) should proceed to Stage 2 and, if determined to be necessary, determine an implementation date for the environmental flows by the end of Year 7 of this Plan.
- (9) Delta Electricity must conduct an independent and peer reviewed investigation into the feasibility, suitability and adequacy of transparent and translucent flow dam releases,

annual channel maintenance flow releases and drought triggers, including options and recommendations for these rules, for Lilyvale Dam by the end of Year 5 of this Plan.

- (10) The holder of the water supply work approval for Thompsons Creek Dam must conduct an independent and peer reviewed investigation into the feasibility, suitability and adequacy of environmental flow and other dam releases, including options and recommendations for these rules, for Thompsons Creek Dam by the end of Year 5 of this Plan.
- (11) Any new environmental release rules required to be developed under this clause must be developed in consultation with appropriate stakeholders as determined by the Minister.

**[31] Clause 41 Volume of the long-term average annual extraction limits**

Omit clause 41 (3) (b) and (c) and the note to the subclause. Insert instead:

- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the respective extraction management unit at the commencement of this Plan, plus
- (c) the share components of access licences granted in the respective extraction management unit under the *Water Management (General) Regulation 2011* that authorise the taking of water from a water source which includes a tidal pool for which no entitlement was required under the *Water Act 1912*.

**Note.** The *Water Management (General) Regulation 2011* will provide for the creation of new access licences that authorise the taking of tidal pool water from water sources in the EMUs listed in subclause (3) (for which no entitlement has previously been required under the *Water Act 1912*).

**[32] Clause 41 (4)**

Omit paragraphs (a)–(c). Insert instead:

- (a) the annual extraction of water averaged over the period from July 1993 to June 1999 under entitlements issued under Parts 2 and 9 of the *Water Act 1912* in the respective extraction management unit, excluding entitlements held by the Sydney Catchment Authority that were replaced by major utility access licences on commencement of this Plan, plus
- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the respective extraction management unit at the commencement of this Plan, plus
- (c) the share components of access licences granted in the respective extraction management unit under the *Water Management (General) Regulation 2011* that authorise the taking of water from a water source which includes a tidal pool for which no entitlement was required under the *Water Act 1912*.

**[33] Clause 41 (4), Note**

Omit “Regulation” from the first note to the subclause.

Insert instead “*Water Management (General) Regulation 2011*”.

**[34] Clause 41 (4), Note**

Omit the second note to the subclause.

**[35] Clause 41 (4), Note**

Omit the third note to the subclause. Insert instead:

- 3 The Minister may amend the long-term average annual extraction limit for this EMU under Part 13 to account for growth in use by Sydney Water Corporation to a limit of 5% of Sydney Water Corporation’s average annual usage, estimated to be 374 ML at the commencement of this Plan.

**[36] Clause 41 (5)**



Omit “ML/yr” wherever occurring.

Insert instead “ML/year”.

**[37] Clause 41 (6)**

Omit “purchase and/or cancellation”. Insert instead “surrender under section 77 of the Act and then the cancellation under section 77A (6) of the Act”.

**[38] Clause 42 Calculation of current levels of annual extraction**

Insert “under subclause (1)” after “during a water year” in clause 42 (2).

**[39] Clause 42 (2) (a)**

Omit “, except for those access licences to which section 8C of the Act relates”.

**[40] Clause 42 (4)**

Insert “under subclause (3)” after “during a water year”.

**[41] Clause 42 (4) (a)**

Omit “, except for those access licences to which section 8C of the Act relates”.

**[42] Clause 52 (1) (b) and (c)**

Omit “one of” wherever occurring.

**[43] Clause 52 (1) (c) (ii)**

Omit the subparagraph.

**[44] Clause 52 (3) (c) (ii)**

Omit the subparagraph.

**[45] Clause 52 (3) (c) note**

Omit the note. Insert instead:

**Note.** An unregulated river (subcategory “Aboriginal community development”) access licence is a specific purpose access licence and as such can only be the subject of limited trade that is consistent with the purpose for which the licence was granted. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase other categories of access licence if they require fully tradable licences.

**[46] Clause 52 (7)**

Insert after subclause (6):

(7) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

**[47] Clause 52A**

Insert after clause 52:

**52A 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 under section 65 of the Act.

**[48] Clause 54 Individual access licence account management rules**

Omit “may” from clause 54 (3) where secondly occurring. Insert instead “must”.

**[49] Clause 56 Flow classes**

Omit “falling” where firstly occurring in the matter relating to A Class in column 5 in the matter relating to the Macquarie Rivulet Management Zone in the Illawarra Rivers Water Source in Table C.

Insert instead “rising”.

**[50] Clause 56, Table C**

Omit the text in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Maldon Weir Management Zone in the Upper Nepean and Upstream Warragamba Water Source.

Insert instead “The volume of water released in the prior 24-hour period from Pheasants Nest Weir under clause 32 (7), when the volume is greater than zero, and the stage of the Maldon Weir is less than the signal stage”.

**[51] Clause 56, Table C**

Insert “and” before “28 ML/day or less on a falling river” in the matter relating to A Class in column 5 in the matter relating to the Dharabuladh Management Zone in the Upper Nepean and Upstream Warragamba Water Source.

**[52] Clause 56, Table C**

Insert “, when the sum” before “is greater than zero” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Menangle Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[53] Clause 56, Table C**

Omit “stage of the weir” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Menangle Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “stage of the Menangle Weir”.

**[54] Clause 56, Table C**

Omit “Mengangle” in column 6 in the matter relating to the Menangle Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “Menangle”.

**[55] Clause 56, Table C**

Insert “, when the sum” before “is greater than zero” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Camden Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[56] Clause 56, Table C**

Omit “stage of the weir” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Camden Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “stage of the Camden Weir”.

**[57] Clause 56, Table C**

Insert “, when the sum” before “is greater than zero” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Sharpes Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[58] Clause 56, Table C**

Omit “stage of the weir” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Sharpes Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “stage of the Sharpes Weir”.

**[59] Clause 56, Table C**

Insert “, when the sum” before “is greater than zero” for the Very Low Flow Class in column 5 for Cobbity Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[60] Clause 56, Table C**

Omit “stage of the weir” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Cobbity Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “stage of the Cobbity Weir”.

**[61] Clause 56, Table C**

Insert “, when the sum” before “is greater than zero” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Mount Hunter Rivulet Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[62] Clause 56, Table C**

Omit “stage of the weir” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Mount Hunter Rivulet Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “stage of the Mount Hunter Rivulet Weir”.

**[63] Clause 56, Table C**

Insert “, when the sum” before “is greater than zero” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Brownlow Hill Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[64] Clause 56, Table C**

Omit “stage of the weir” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Brownlow Hill Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “stage of the Brownlow Hill Weir”.

**[65] Clause 56, Table C**

Insert “, when the sum” before “is greater than zero” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Theresa Park Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[66] Clause 56, Table C**

Omit “stage of the weir” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Theresa Park Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “stage of the Theresa Park Weir”.

**[67] Clause 56, Table C**

Insert “, when the sum” before “is greater than zero” in the matter relating to the the Very Low Flow Class in column 5 in the matter relating to the Wallacia Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[68] Clause 56, Table C**

Omit “stage of the weir” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Wallacia Weir Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

Insert instead “stage of the Wallacia Weir”.

**[69] Clause 56, Table C**

Insert a full stop after “30 ML/day or less” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Warragamba River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[70] Clause 56, Table C**

Insert a full stop after “more than 30 ML/day” in the matter relating to A Class in column 5 in the matter relating to the Warragamba River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[71] Clause 56, Table C**

Omit “212010” in Column 6 of Table C in the matter relating to the Macdonald River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source. Insert instead “212228”.

**[72] Clause 56, Table C**

Insert a full stop after “1” and “2” in the matter relating to the Very Low Flow Class in column 5 in the matter relating to the Lower Woronora River Management Zone in the Southern Sydney Rivers Water Source.

**[73] Clause 56 (5), Note**

Omit the tenth note. Insert instead:

**10** For Yarrunga Creek at Wildes Meadow gauge (215233), 0.4 ML/day corresponds to the estimated 98<sup>th</sup> percentile flow.

**[74] Clause 56 (5), Notes**

Omit “Creek” from the 25<sup>th</sup> note. Insert instead “Crossing”.

**[75] Clause 56 (5), Notes**

Omit “212010” from the 32<sup>nd</sup> note. Insert instead “212228”.

**[76] Clause 56 (6)–(11)**

Omit the subclauses. Insert instead:

(6) From Years 1 to 5 of this Plan, the Very Low Flow Class for the Lower Nepean River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source is when flows in the Nepean River at Yarramundi gauge (2122001) are equal to or less than:

(a)  $A \times 0.9 + B \times C + 3.3$  when  $(B \times C + 3.3) \leq C$ , and

(b)  $A \times 0.9 + B \times C$  when  $(B \times C + 3.3) > C$ .

For the purposes of this subclause:

**A** = the volume of water released from Wallacia Weir over the previous 24-hour period under clause 34 (9),

**B** = the respective factor specified in Column 2 of Table D when total inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are at the percentile specified in rows (a)–(f) of Column 1 of Table D, or for intermediate percentiles to

those specified in rows (a)–(f) of Column 1 of Table D, the factor derived by linear interpolation between the two factors specified in Column 2 of Table D, and

**C** = the volume of water released from St Marys Water Recycling Plant to the Nepean River over the previous 24-hour period.

- (7) Subject to subclause (12), from Year 6 of this Plan, the Very Low Flow Class for the Lower Nepean River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source is when flows in the Nepean River at Yarramundi gauge (2122001) are equal to or less than:

(a)  $A \times 0.9 + B \times C + 3.3 + D$  when  $(B \times C + 3.3) \leq C$ , and

(b)  $A \times 0.9 + B \times C + D$  when  $(B \times C + 3.3) > C$ .

For the purposes of this subclause:

**A** = the volume of water released from Wallacia Weir over the previous 24-hour period under clause 34 (9),

**B** = the respective factor specified in Column 2 of Table D when total inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are at the percentile specified in rows (a)–(f) of Column 1 of Table D, or for intermediate percentiles to those specified in rows (a)–(f) of Column 1 of Table D, the factor derived by linear interpolation between the two factors specified in Column 2 of Table D,

**C** = the volume of water released from St Marys Water Recycling Plant to the Nepean River over the previous 24-hour period, and

**D** = the lesser of gauged tributary inflows between Warragamba Dam and the confluence of the Nepean River and the Grose River or the 95<sup>th</sup> percentile for those gauged tributary inflows.

- (8) From Years 1 to 5 of this Plan, A Class for the Lower Nepean River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source is when flows in the Nepean River at Yarramundi gauge (2122001) are greater than:

(a)  $(A \times 0.9 + B \times C + 3.3)$  and equal to or less than  $(A \times 0.9 + B \times C + 3.3 + E)$ , when  $(B \times C + 3.3) \leq C$ , and

(b)  $(A \times 0.9 + B \times C)$  and equal to or less than  $(A \times 0.9 + B \times C + E)$ , when  $(B \times C + 3.3) > C$ .

For the purposes of this subclause:

**A** = the volume of water released from Wallacia Weir over the previous 24-hour period under clause 34 (9),

**B** = the respective factor specified in Column 2 of Table D when total inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are at the percentile specified in rows (a)–(f) of Column 1 of Table D, or for intermediate percentiles to those specified in rows (a)–(f) of Column 1 of Table D, the factor derived by linear interpolation between the two factors specified in Column 2 of Table D,

**C** = the volume of water released from St Marys Water Recycling Plant to the Nepean River over the previous 24-hour period, and

**E** = 25 ML from 1 November to 31 March and 17 ML from 1 April to 31 October.

- (9) Subject to subclause (12), from Year 6 of this Plan, A Class for the Lower Nepean River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source is when flows in the Nepean River at Yarramundi gauge (2122001) are greater than:

(a)  $(A \times 0.9 + B \times C + 3.3 + D)$  and equal to or less than  $(A \times 0.9 + B \times C + 3.3 + D + E)$ , when  $(B \times C + 3.3) \leq C$ , and

- (b)  $(A \times 0.9 + B \times C + D)$  and equal to or less than  $(A \times 0.9 + B \times C + D + E)$ , when  $(B \times C + 3.3) > C$ .

For the purposes of this subclause:

**A** = the volume of water released from Wallacia Weir over the previous 24-hour period under clause 34 (9);

**B** = the respective factor specified in Column 2 of Table D when total inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are at the percentile specified in rows (a)–(f) of Column 1 of Table D, or for intermediate percentiles to those specified in rows (a)–(f) of Column 1 of Table D, the factor derived by linear interpolation between the two factors specified in Column 2 of Table D;

**C** = the volume of water released from St Marys Water Recycling Plant to the Nepean River over the previous 24-hour period;

**D** = the lesser of gauged tributary inflows between Warragamba Dam and the confluence of the Nepean River and the Grose River or the 95<sup>th</sup> percentile for those gauged tributary inflows; and

**E** = 25 ML from 1 November to 31 March and 17 ML from 1 April to 31 October.

- (10) From Years 1 to 5 of this Plan, B Class for the Lower Nepean River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source is when flows in the Nepean River at Yarramundi gauge (2122001) are greater than:

(a)  $A \times 0.9 + B \times C + 3.3 + E$  when  $(B \times C + 3.3) \leq C$ , and

(b)  $A \times 0.9 + B \times C + E$  when  $(B \times C + 3.3) > C$ .

For the purposes of this subclause:

**A** = the volume of water released from Wallacia Weir over the previous 24-hour period under clause 34 (9),

**B** = the respective factor specified in Column 2 of Table D when total inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are at the percentile specified in rows (a)–(f) of Column 1 of Table D, or for intermediate percentiles to those specified in rows (a)–(f) of Column 1 of Table D, the factor derived by linear interpolation between the two factors specified in Column 2 of Table D,

**C** = the volume of water released from St Marys Water Recycling Plant to the Nepean River over the previous 24-hour period, and

**E** = 25 ML from 1 November to 31 March and 17 ML from 1 April to 31 October.

- (11) Subject to subclause (12), from Year 6 of this Plan, B Class for the Lower Nepean River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source is when flows in the Nepean River at Yarramundi gauge (2122001) are greater than:

(a)  $A \times 0.9 + B \times C + 3.3 + D + E$  when  $(B \times C + 3.3) \leq C$ , and

(b)  $A \times 0.9 + B \times C + D + E$  when  $(B \times C + 3.3) > C$ .

For the purposes of this subclause:

**A** = the volume of water released from Wallacia Weir over the previous 24-hour period under clause 34 (9),

**B** = the respective factor specified in Column 2 of Table D when total inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are at the percentile specified in rows (a)–(f) of Column 1 of Table D, or for intermediate percentiles to those specified in rows (a)–(f) of Column 1 of Table D, the factor derived by linear interpolation between the two factors specified in Column 2 of Table D,

*C* = the volume of water released from St Marys Water Recycling Plant to the Nepean River over the previous 24-hour period,

*D* = the lesser of gauged tributary inflows between Warragamba Dam and the confluence of the Nepean River and the Grose River or the 95<sup>th</sup> percentile for those gauged tributary inflows, and

*E* = 25 ML from 1 November to 31 March and 17 ML from 1 April to 31 October.

**[77] Clause 56 (18)**

Omit “≤”. Insert instead “>”.

**[78] Clause 56 (20)**

Omit “≤”. Insert instead “>”.

**[79] Clause 57 Access rules for the taking of surface water**

Insert “in the Hawkesbury and Lower Nepean Rivers Water Source” after “the Lower Nepean River Management Zone” in clause 57 (1) (b).

**[80] Clause 57 (1) (e)**

Omit the paragraph. Insert instead:

- (e) by the end of Year 5 of this Plan, the Minister is to conduct a review, in consultation with the Department of Primary Industries and the Office of Environment and Heritage, of the access rules specified in paragraphs (c) and (d) and subclauses (2) and (3).

**[81] Clause 57 (12)**

Omit the subclause. Insert instead:

(12) Subject to subclause (19), water must not be taken under an access licence if there is no visible flow in the water source at the location at which water is proposed to be taken. This environmental flow protection rule does not apply to:

- (a) the taking of water from natural pools, lagoons and lakes to which subclause (16) applies,
- (b) the taking of water from Maldon Weir, Douglas Park Weir, Menangle Weir, Camden Weir, Sharpes Weir, Cobbity Weir, Mount Hunter Rivulet Weir, Brownlow Hill Weir, Theresa Park Weir and Wallacia Weir, or
- (c) an access licence to which subclause (5) applies.

**[82] Clause 57 (13) and (14)**

Omit “inflows” wherever occurring. Insert instead “flows”.

**[83] Clause 57 (19) (d)**

Omit “run-off harvesting dam”. Insert instead “runoff harvesting dam”.

**[84] Clause 57 (19) (f) (i)**

Omit the subparagraph. Insert instead:

- (i) to water new plantings of crops for a period of up to 30 days after planting provided that the volume of water taken does not exceed 15 kL/ha of those plantings per day,

**[85] Clause 57 (19) (f) (iv)**

Omit the subparagraph. Insert instead:

- (iv) to water turf during the 5-day period prior to harvest provided that the harvest date is required under contract and for wetting the cutting face of turf provided that the volume of water taken does not exceed 15kL/ha of that turf per day.

**[86] Clause 58 Total daily extraction limits**

Omit “Department of Environment, Climate Change and Water, Industry and Investment NSW” in clauses 58 (5) and (7). Insert instead “Department of Primary Industries and Office of Environment and Heritage”.

**[87] Clause 58 (8) (b) (ii)**

Omit “7.2 ML/day”. Insert instead “the sum of 7.2 ML/day over both zones”.

**[88] Clause 58 (9) Notes**

Omit “NSW Office of Water” from the first note to the subclause. Insert instead “Department”.

**[89] Clause 59 Assignment of TDELs to categories of access licences**

Omit “4.04” from clause 59 (4) (b) (ii) (C). Insert instead “4.05”.

**[90] Clause 60 Individual daily extraction limits**

Omit “Upper Hawkesbury River (Grose River to South Creek)” where secondly occurring in clause 60 (2).

Insert instead “Upper Hawkesbury River (Cattai Creek to Colo River)”.

**[91] Clause 61 General**

Omit “Division” from clause 61. Insert instead “Part”.

**[92] Clause 62 Granting or amending water supply work approvals**

Omit clause 62 (1) including the note. Insert instead:

- (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 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 component.

**Notes.**

- 1 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.
- 2 **Runoff harvesting dam** is defined in the Dictionary.



**[93] Clause 62 (2) (b)**

Omit the paragraph. Insert instead:

- (b) the following hydrological catchments in the Upper Nepean and Upstream Warragamba Water Source:
  - (i) the hydrological catchment of the Jenolan River at or above the Pheasants Nest Creek confluence in the Jenolan River Management Zone,
  - (ii) the hydrological catchment of Mares Forest Creek at or above the confluence of Guineacor Creek in the Lower Wollondilly River Management Zone, or
  - (iii) the hydrological catchment of the Kowmung River including Tuglow Hole Creek at or above the confluence of Tuglow Hole Creek in the Kowmung River Management Zone,

**[94] Clause 62 (5) (c) (iv) and (v)**

Omit the subparagraphs. Insert instead:

- (iv) Lower Wingecarribee River Management Zone,
- (v) Mulwaree River Management Zone, and
- (vi) Maldon Weir Management Zone,

**[95] Clause 62 (5) (d) (iv)**

Omit the subparagraph.

**[96] Clause 62 (5) (f) Notes**

Omit “2004” wherever occurring in the notes to the subparagraph. Insert instead “2011”.

**[97] Clause 65 Assignment of rights dealings (within water sources)**

Insert “, excluding Menangle Weir, Camden Weir, Sharpes Weir, Cobbity Weir, Mount Hunter Rivulet Weir, Brownlow Hill Weir, Theresa Park Weir, Wallacia Weir and Penrith Weir,” after “(dam or weir)” in clause 65 (2) (a) and (b).

**[98] Clause 65 (2) (c)**

Omit “harvesting work” wherever occurring. Insert instead “harvesting dam”.

**[99] Clause 65 (2) (h) and (dd)**

Omit “to exceed the sum of the share component of all access licences with extraction components that specify”.

Insert instead “to exceed the sum of the share components of all access licences with extraction components that specified”.

**[100] Clause 65 (2) (n) and (o)**

Omit “Illawarra River” wherever occurring. Insert instead “Illawarra Rivers”.

**[101] Clause 65 (2) (o)**

Omit “specify” where secondly occurring.

Insert instead “specified”.

**[102] Clause 65 (2) (s)**

Omit “in the Lower Wollondilly Management Zone” where secondly occurring.

**[103] Clause 65 (2) (u)**

Omit “to exceed the sum of the share component of all access licences that specify”.

Insert instead “to exceed the sum of the share components of all access licences that specified”.

**[104] Clause 65 (2) (x) and (y)**

Omit “Upper Nepean Headwaters and Tributaries Management Zone” wherever occurring.

Insert instead “Upper Nepean River Tributaries Headwaters Management Zone”.

**[105] Clause 65 (2) (ee) – (jj)**

Omit “to exceed the sum of the share components of all access licences with extraction components that specify” wherever occurring.

Insert instead “to exceed the sum of the share components of all access licences with extraction components that specified”.

**[106] Clause 67 Amendment of extraction component dealings**

Omit clauses 67 (2) (b) and (c). Insert instead:

- (b) an access licence with an extraction component that specifies a management zone downstream of a major utility or local water utility water supply work (dam or weir), excluding Menangle Weir, Camden Weir, Sharpes Weir, Cobbity Weir, Mount Hunter Rivulet Weir, Brownlow Hill Weir, Theresa Park Weir, Wallacia Weir and Penrith Weir, being varied to specify a management zone that is located upstream of the major utility or local water utility water supply work, except as provided in paragraph (w),
- (c) an access licence with an extraction component that specifies a management zone upstream of a major utility or local water utility water supply work (dam or weir), excluding Menangle Weir, Camden Weir, Sharpes Weir, Cobbity Weir, Mount Hunter Rivulet Weir, Brownlow Hill Weir, Theresa Park Weir, Wallacia Weir and Penrith Weir, being varied to specify a management zone that is located downstream of the major utility or local water utility water supply work, except as provided in paragraphs (x), (y) and (z),

**[107] Clause 67 (2) (e)**

Omit “to exceed the sum of the share components of all access licences with an extraction components that specifies”.

Insert instead “to exceed the sum of the share components of all access licences with extraction components that specified”.

**[108] Clause 67 (2) (f)**

Omit “specify” were secondly occurring.

Insert instead “specified”.

**[109] Clause 67 (2) (h)**

Omit “that specify” before “in that management zone”.

**[110] Clause 67 (2) (i) and (j)**

Omit “Illawarra River” wherever occurring. Insert instead “Illawarra Rivers”.

**[111] Clause 67 (2) (j), (l), (o), (p), (s), (t) and (v)**

Omit “to exceed the sum of the share components of all access licences with extraction components that specify”.

Insert instead “to exceed the sum of the share components of all access licences with extraction components that specified”.

**[112] Clause 67 (2) (n), (q) and (r)**

Omit “to exceed the sum of the share components of all access licences with extraction components that specify”.

Insert instead “to exceed the sum of the share components of all access licences with extraction components that specified”.

**[113] Clause 67 (2) (bb) and (cc)**

Omit “to exceed the sum of the share components of all access licences with an extraction component that specifies”. Insert instead “to exceed the sum of the share components of all access licences with an extraction component that specified”.

**[114] Clause 68 Assignment of water allocations dealings**

Omit clauses 68 (2) (d) and (e). Insert instead:

- (d) from an access licence with an extraction component that specifies a management zone downstream of a major utility or local water utility water supply work (dam or weir), excluding Menangle Weir, Camden Weir, Sharpes Weir, Cobbity Weir, Mount Hunter Rivulet Weir, Brownlow Hill Weir, Theresa Park Weir, Wallacia Weir and Penrith Weir, to a management zone that is located upstream of the major utility or local water utility water supply work, except as provided in paragraph (tt),
- (e) from an access licence with an extraction component that specifies a management zone downstream of a major utility or local water utility water supply work (dam or weir), excluding Menangle Weir, Camden Weir, Sharpes Weir, Cobbity Weir, Mount Hunter Rivulet Weir, Brownlow Hill Weir, Theresa Park Weir, Wallacia Weir and Penrith Weir, to a management zone that is located upstream of the major utility or local water utility water supply work, except as provided in paragraphs (uu), (vv) and (ww),

**[115] Clause 68 (2) (f)**

Omit “harvesting work” wherever occurring. Insert instead “harvesting dam”.

**[116] Clause 68 (2) (k), (m) and (r)**

Omit “to exceed the sum of the share components of all access licences with extraction components that specify”.

Insert instead “to exceed the sum of the share components of all access licences with extraction components that specified”.

**[117] Clause 68 (2) (l)**

Omit “in water allocation accounts of all access licences with extraction components that specify”.

Insert instead “in water allocation accounts of all access licences with extraction components that specified”.

**[118] Clause 68 (2) (q) and (r)**

Omit “Illawarra River” wherever occurring. Insert instead “Illawarra Rivers”.

**[119] Clause 68 (2) (x), (gg) – (mm), (pp), (zz) and (ddd)**

Omit “to exceed the sum of the share components of all access licences with an extraction component that specifies”.

Insert instead “to exceed the sum of the share components of all access licences with an extraction component that specified”.

**[120] Clause 68 (2) (aa) and (bb)**

Omit “Upper Nepean Headwaters and Tributaries Management Zone” wherever occurring. Insert instead “Upper Nepean River Tributaries Headwaters Management Zone”.

**[121] Clause 70 Nomination of water supply works dealings**

Omit clause 70 (2) (a) and (b). Insert instead:

- (a) an access licence which nominates a water supply work located in a management zone downstream of a major utility or local water utility water supply work (dam or weir), excluding Menangle Weir, Camden Weir, Sharpes Weir, Cobbity Weir, Mount Hunter Rivulet Weir, Brownlow Hill Weir, Theresa Park Weir, Wallacia Weir and Penrith Weir, being amended to nominate a water supply work located in a management zone located upstream of the major utility or local water utility water supply work, except as provided in paragraph (qq),
- (b) an access licence which nominates a water supply work located in a management zone upstream of a major utility or local water utility water supply work (dam or weir), excluding Menangle Weir, Camden Weir, Sharpes Weir, Cobbity Weir, Mount Hunter Rivulet Weir, Brownlow Hill Weir, Theresa Park Weir, Wallacia Weir and Penrith Weir, being amended to nominate a water supply work located in a management zone downstream of the major utility or local water utility water supply work, except as provided in paragraphs (rr), (ss) and (tt),

**[122] Clause 70 (2) (c)**

Omit “harvesting work” wherever occurring. Insert instead “harvesting dam”.

**[123] Clause 70 (2) (h) and (ff)**

Omit “exceed the sum of the share component”.

Insert instead “exceed the sum of the share components”.

**[124] Clause 70 (2) (x) and (y)**

Omit “Upper Nepean Headwaters and Tributaries Management Zone”.

Insert instead “Upper Nepean River Tributaries Headwaters Management Zone”.

**[125] Part 12**

Omit Part 12. Insert instead:

**Part 12 Mandatory conditions**

**Division 1 General**

**70A 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 5 of this Plan or to the email address for the Department’s Licensing Enquiries Information Centre,

**Note.** The email address for the Department’s Licensing Enquiries Information Centre is [information@water.nsw.gov.au](mailto: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 the Australian Technical Specification ATS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time,

**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.

## **Division 2 Access licences**

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

### **71 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 9 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 an access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the licence,
  - (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 an access licence must keep a Logbook,
  - (b) the holder of an access licence must record the following in the Logbook:
    - (i) each date and period of time during which water was taken under the access licence,
    - (ii) the volume of water taken on that date,
    - (iii) the water supply work approval number of the water supply work used to take the water on that date,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) for domestic and stock access licences, local water utility access licences, unregulated river access licences and unregulated river (high flow) access licences with share components that specify one of these water sources, the volume of water taken in the first three water years in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in those years under clause 54 (1),
    - (vi) for domestic and stock access licences, local water utility access licences, unregulated river access licences and an unregulated river (high flow) access licences with share components that specify one of these water sources, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in those years under clause 54 (2),
    - (vii) any other information required to be recorded in the Logbook under the rules of this Plan,

- (c) the holder of an access licence must produce the Logbook to the Minister for inspection, when requested,
  - (d) the holder of an 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 an 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 an approved EP&A Act development must have mandatory conditions where required to give effect to the relevant access rules for the taking of water specified in Division 2 of Part 9 of this Plan. In this clause, ***approved EP&A Act development*** means:
- (a) a project approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (whether before or after its repeal), or
  - (b) State significant development authorised by a development consent under Part 4 of the Act, or
  - (c) State significant infrastructures approved under Part 5.1 of that Act.
- (5) An access licence held by Shoalhaven City Council must have mandatory conditions for ordering water from Tallowa Dam that are consistent with the *Sydney Catchment Authority and Shoalhaven City Council Raw Water Supply Protocols* as signed on 5 January 2010 or as subsequently replaced or amended.

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

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

#### **72 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 9 of this Plan,
  - (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
    - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
    - (ii) the metering equipment must comply with Australian Technical Specification ATS 4747, *Meters for non-urban water supply* as may be updated or replaced from time to time,
    - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
    - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between the water source and the metering equipment,
    - (v) any other requirements as to type, standard or other criteria for the metering equipment specified by the Minister by notice in writing,

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

- (c) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in accordance with any direction from the Minister. The Minister may direct that any such water supply work need not be decommissioned,
  - (d) within 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,
  - (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 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,
  - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements of subclause (2).
- (4) 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 environmental flow protection 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. In this paragraph *environmental flow protection conditions* means any conditions on the water supply work approval, or on the access licence under which water is proposed to be taken, that prohibit the taking of water in a particular circumstance.

- (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 62 (1).
- (6) A water supply work approval held by the Sydney Catchment Authority must have mandatory conditions to give effect to the following:
  - (a) the relevant system operation rules in Part 6 of this Plan,
  - (b) that the Sydney Catchment Authority must make data available to the Minister regarding flows at flow reference points operated by Sydney Catchment Authority at a frequency and time determined by the Minister,
  - (c) that the Sydney Catchment Authority must notify the public at a time to be determined by the Minister of details of any releases from their storages for environmental and other purposes planned for the next 24 hours and details of any run of river town water supply transfers planned for the next 24 hours.
- (7) A water supply work approval held by Eraring Energy must have mandatory conditions to give effect to the relevant system operation rules in Part 6 of this Plan.
- (8) A water supply work approval held by Delta Electricity must have mandatory conditions to give effect to the following:
  - (a) the relevant system operation rules in Part 6 of this Plan,
  - (b) that Delta Electricity must make data available to the Minister regarding flows at flow reference points operated by Delta Electricity at a frequency and time determined by the Minister,
  - (c) that Delta Electricity must make data publicly available at the earliest time that is practically possible and no later than 9:00 am regarding details of any releases from their storages for environmental and other purposes planned for the next 24 hours and details of any run of river transfers planned for the next 24 hours.
- (9) The water supply work approval for Maldon Weir must have mandatory conditions to give effect to the relevant system operation rules in Part 6 of this Plan, which may include conditions requiring modification of the work, including installation of a fish ladder.
- (10) A water supply work approval for a water supply work to which clause 37 applies must have mandatory conditions requiring the holder of the water supply work approval to keep an ECA account and to release ECA water in accordance with clause 37.
- (11) A water supply work approval for a water supply work to which clause 38 applies must have mandatory conditions requiring the holder of the water supply work approval to keep a BEF account and to release BEF water in accordance with clause 38.
- (12) A water supply work approval held by Sydney Water Corporation for Manly Dam must have mandatory conditions where required to give effect to clause 39A (1), (2) and (11).
- (13) Water supply work approvals held by Goulburn Mulwaree Shire Council, Wingecarribee Shire Council and Shoalhaven City Council must have mandatory conditions where required to give effect to clause 39A (3), (4) and (11).
- (14) A water supply work approval held by Delta Electricity for Wallerawang Dam (Lake Wallace) must have mandatory conditions where required to give effect to clause 39A (5), (6) and (11).



- (15) A water supply work approval held by Sydney Catchment Authority for Wingecarribee Reservoir must have mandatory conditions where required to give effect to clause 39A (7), (8) and (11).
- (16) A water supply work approval held by Delta Electricity for Lilyvale Dam must have mandatory conditions where required to give effect to clause 39A (9) and (11).
- (17) A water supply work approval for Thompsons Creek Dam must have mandatory conditions where required to give effect to clause 39A (10) and (11).

**[126] Clause 75 Part 6**

Omit “(14)” from clause 75 (1) (e).

**[127] Clause 75 (1) (f)**

Insert “rules” after “amend the release”.

**[128] Clause 75 (2) – (7)**

Omit clause 75 (2) – (9). Insert instead:

- (2) Part 6 may be amended to give effect to environmental flow rules and infrastructure modifications to deliver environmental flows from Manly Dam based on the outcomes of the investigation undertaken in accordance with clause 39A.
- (3) Part 6 may be amended to give effect to environmental flow rules and infrastructure modifications to deliver environmental flows from water supply works owned and operated by Goulburn Mulwaree Shire Council, Wingecarribee Shire Council or Shoalhaven City Council based on the outcomes of the investigations undertaken in accordance with clause 39A.
- (4) Part 6 may be amended to give effect to environmental flow rules and infrastructure modifications to deliver environmental flows from Lake Wallace in the Wywandy Management Zone in the Upper Nepean and Upstream Warragamba Water Source based on the outcomes of the investigation undertaken in accordance with clause 39A.
- (5) Part 6 may be amended to give effect to environmental flow rules and infrastructure modifications to deliver environmental flows from the Wingecarribee Reservoir in the Upper Wingecarribee River Management Zone in the Upper Nepean and Upstream Warragamba Water Source based on the outcomes of the investigation undertaken in accordance with clause 39A.
- (6) Part 6 may be amended to give effect to environmental flow rules and infrastructure modifications to deliver environmental flows from Lilyvale Dam in the Wywandy Management Zone in the Upper Nepean River and Upstream Warragamba Water Source based on the outcomes of the investigation undertaken in accordance with clause 39A.
- (7) Part 6 may be amended to give effect to environmental flow rules and infrastructure modifications to deliver environmental flows from Thompsons Creek Dam in the Wywandy Management Zone in the Upper Nepean River and Upstream Warragamba Water Source based on the outcomes of the investigation undertaken in accordance with clause 39A.

**[129] Clause 76 Part 7**

Omit clause 76 (b). Insert instead:

- (b) amend the rules for assessment of average annual extraction against the long-term average annual extraction limit under clause 43 and compliance with the long-term average annual extraction limit for an extraction management unit under clause 44,

**[130] Clause 76 (c)**

Insert “Sydney Water Corporation’s” before “average annual usage”.

**[131] Clause 77**

Omit clause 77. Insert instead:

**77 Part 8**

Part 8 of this Plan may be amended to allow applications to be made for an unregulated river (subcategory “Aboriginal community development”) access licence for the taking of water from B Class flows from the following management zones and water sources, following an amendment to the rules specified in Part 9 of this Plan to require unregulated river (subcategory “Aboriginal community development”) access licences to cease taking water when flows are less than B Class:

- (a) Lake Illawarra Management Zone in the Illawarra Rivers Water Source,
- (b) Jenolan River Management Zone in the Upper Nepean and Upstream Warragamba Water Source,
- (c) in the following management zones in the Southern Sydney Rivers Water Source:
  - (i) Georges River Catchment Management Zone,
  - (ii) Hacking River Management Zone,
- (d) in any other water source or management zone for which flow classes have not been established by this Plan.

**[132] Clause 78 Part 9**

Omit “Department of Environment, Climate Change and Water, Industry and Investment NSW” in clause 78 (b) (i).

Insert instead “Department of Primary Industries, Office of Environment and Heritage”

**[133] Clause 78 (g)**

Insert “that apply to access licences to which Schedule 3 applies” after “amend the access rules”.

**[134] Clause 78 (aa) (iii) (A)**

Omit “Colo”. Insert instead “Georges”.

**[135] Clause 78 (cc)**

Insert “or in any water source or management zone for which flow classes have not been established by this Plan” after “under clause 74”.

**[136] Clause 78 (rr)**

Omit “Illawarra Rivers” wherever occurring. Insert instead “Upper Nepean and Upstream Warragamba”.

**[137] Clause 78 (xx) and (yy)**

Omit the paragraphs. Insert instead:

- (xx) decrease and/or reassign TDELs for a management zone or water source following the purchase and/or cancellation of an access licence in that management zone,
- (yy) amend the access rules specified in clauses 57 (1) (c), 57 (1) (d) and 57 (2)–(3) following a review conducted under clause 57 (1) (e), or
- (zz) amend the existing flow classes, establish new flow classes or establish new access rules to require unregulated river (high flow) access licences to cease taking water when flows are below a certain threshold in the Lower Hawkesbury River Management Zone in the Hawkesbury and Lower Nepean Rivers Water Source.

**[138] Clause 80 Part 11**

Omit “for these management zones”.

Insert instead “to require unregulated river (high flow) access licences to cease taking water when flows are below a certain threshold for”.

**[139] Clause 80 (b)**

Insert “the” before “Lower Hawkesbury River Management Zone”.

**[140] Clause 81 Schedules**

Insert “, an unregulated river (subcategory “town water supply”) access licence’ after “a local water utility access licence” in clause 81 (2) (d).

**[141] Appendix 3 Inspection of the Plan Map**

Omit “Department of Environment, Climate Change and Water” wherever occurring.

Insert instead “Department of Trade and Investment, Regional Infrastructure and Services”.

**[142] Appendix 4**

Omit the appendix. Insert instead:

**Appendix 4 Access licences subject to the cease to take condition specified in clause 57 (5) of this Plan**

It is expected that those access licences which replace *Water Act 1912* entitlements 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* condition specified in Column 3 imposed as mandatory conditions on all water supply work approvals nominated by those access licences to give effect to clause 57 (5) of this Plan.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>Water source</b>	<b><i>Water Act 1912</i> conditions</b>
10SL038625	Hawkesbury and Lower Nepean Rivers Water Source	The pump shall not be used when the discharge of the Capertee River at the Glen Davis gauge is less than 10 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.38 metres or such other reading as may be determined from time to time).
10SL056171	Hawkesbury and Lower Nepean Rivers Water Source	The authorised work shall not be used for water supply for environmental rehabilitation (wetland) purposes unless the flow at the gauge on the Hawkesbury River at Penrith Weir exceeds 70 megalitres per day or a height of 1.03 metres on the gauge board.
10SL045224	Hawkesbury and Lower Nepean Rivers Water Source	The authorised work on the Nepean River shall not be used for sand and gravel washing purposes or water supply to augment the supply in Cranebrook Creek when the discharge of the Nepean River at the Penrith Weir

		gauge is less than 350 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.09 metres or such other reading as may be determined from time to time).
10SL047922	Hawkesbury and Lower Nepean Rivers Water Source	The authorised work on the Nepean Weir shall not be used when the discharge of the Nepean River at the Penrith Weir gauge is less than 170 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.03 metres or such other reading as may be determined from time to time).
10SL055429	Hawkesbury and Lower Nepean Rivers Water Source	The authorised work shall not be used for the purpose of irrigation of the area referred to in this licence or any part thereof, unless the discharge of the Nepean River at Penrith Weir gauging station exceeds 70 megalitres per day. This corresponds to a height of 1.025 metres on the gauge or other such reading as may be determined from time to time.
10SL055550	Hawkesbury and Lower Nepean Rivers Water Source	The authorised work shall not be used for the purpose of irrigation unless the flow in the Nepean River at the Penrith Weir gauging station is less than 70 megalitres per day. This flow corresponds to a height of 1.025 metres on the said gauge.
10SL055443	Hawkesbury and Lower Nepean Rivers Water Source	There is to be no pumping when the flow in the Nepean River at Penrith Weir gauging station is less than 70 megalitres per day. This corresponds to a height of 1.025 metres on the gauge.
10SL055808	Hawkesbury and Lower Nepean Rivers Water Source	The authorised work shall not be used for the purpose of pumping water from the Hawkesbury River into the unnamed lagoon adjoining Yarramundi Lagoon unless flow at the gauge on the Nepean River at the Penrith Weir (gauging station 212201) exceeds 70 ML/day or a gauge height of 1.025m.
10SL055448	Hawkesbury and Lower Nepean Rivers Water Source	There is to be no pumping when the flow in the Nepean River at Penrith Weir gauging station is less than 70 megalitres per day. This corresponds to a height of 1.025 metres on the gauge.
10SL055428	Hawkesbury and Lower Nepean Rivers Water Source	There is to be no pumping when the flow in the Nepean River at Penrith Weir gauging station is less than 70 megalitres per day. This corresponds to a height of 1.025 metres on the gauge.
10SL051410	Upper Nepean and Upstream Warragamba Water Source	The authorised work (pump) shall not be used on Long Swamp Creek for the purpose of irrigation when the discharge of Long Swamp Creek at the Inverary Road gauge is less than 5.0

		megalitres per day (such discharge corresponding to a reading on the said gauge of 0.70 metres or such other reading as may be determined from time to time).
10SL055094	Upper Nepean and Upstream Warragamba Water Source	The authorised work shall not be used for the purpose of irrigation unless a minimum flow of 10 megalitres per day is maintained in the Wollondilly River. Such a flow shall be indicated by a reading of 0.38 on a gauge located on the northern side of the of the road crossing over the Wollondilly River being part Lot 210, DP750002, Parish of Baw Baw, County of Argyle.
10SL056626	Upstream Nepean and Upstream Warragamba Water Source	Water must not be taken unless the flow in the Tuglow River at the staff gauge within the licence holder's property exceeds 3 ML/day.
10SL055667	Illawarra Rivers Water Source	The licensed work shall not be used for the purpose of irrigation unless the flow in Macquarie Rivulet at the 003 Macquarie Rivulet Stream gauge is greater than 6.75 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.3 metres or such other reading as may be determined from time to time).
10SL055668	Illawarra Rivers Water Source	The licensed work shall not be used for the purpose of irrigation unless the flow in Macquarie Rivulet at the 003 Macquarie Rivulet stream gauge is greater than 6.75 metres per day (such discharge corresponding to a reading on the said gauge of 0.3 metres or such other reading as may be determined from time to time).
10SL022716	Illawarra Rivers Water Source	When the discharge of the Minnamurra River at the Browns Lane Road Crossing gauge located on the left bank at the western side of the bridge being Lot 32/751290, Parish of Kiama, County of Camden, falls below 3 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.175 or such other reading as may be determined from time to time) the authorised pump shall not be used for the purpose of irrigation.
10SL022991	Illawarra Rivers Water Source	When the discharge of Minnamurra River at the Jamberoo Bridge Road Crossing gauge located on a tree on the left bank at the western side of the bridge being Lot A, Section 4, DP192098, Parish of Jamberoo, Country of Camden, falls below 3 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.235 or such other reading as may be determined from time to time) the authorised pump shall not be used for the purpose of irrigation.

10SL029808	Illawarra Rivers Water Source	When the discharge of the Minnamurra River at the Browns Lane Road Crossing gauge located on the left bank at the western side of the bridge being Lot 32, DP751290, Parish of Kiama, County of Camden, falls below 3.0 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.175 or such other reading as may be determined from time to time) the authorised pump shall not be used for the purpose of irrigation.
10SL033070	Illawarra Rivers Water Source	When the discharge of the Minnamurra River at the Browns Lane Road Crossing gauge located on the left bank at the western side of the bridge being Lot 32, DP 751290, Parish of Kiama, County of Camden, falls below 3 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.175 or such other reading as may be determined from time to time) the authorised pump shall not be used for the purpose of irrigation.
10SL039501	Illawarra Rivers Water Source	When the discharge of the Minnamurra River at the Jamberoo Bridge Road Crossing gauge located on a tree on the left bank at the western side of the bridge being Lot A, Section 4, DP192098, Parish of Jamberoo, County of Camden, falls below 3 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.235 or such other reading as may be determined from time to time) the authorised pump shall not be used for the purpose of irrigation.
10SL042895	Illawarra Rivers Water Source	When the discharge of the Minnamurra River at the Browns Lane Road Crossing gauge located on the left bank of the western side of the bridge being Lot 32, DP751290, Parish of Kiama, County of Camden, falls below 3 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.175 or such other reading as may be determined from time to time) the authorised pump shall not be used for the purpose of irrigation.
10SL055158	Illawarra Rivers Water Source	When the discharge of the Minnamurra River at the Jamberoo Bridge Road Crossing gauge located on a tree on the left bank at the western side of the bridge being Lot A, Section 4, DP192098, Parish of Jamberoo, County of Camden, falls below 3 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.235 or such other reading as may be determined from time to time) the authorised pump shall not be used for the purpose of irrigation.

10SL055473	Shoalhaven River Water Source	When the discharge of the Bungonia Creek at the Bungonia Creek gauge falls below 1.0 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.24 metres or such other reading as may be determined from time to time), the authorised pump must not be used for the purpose of irrigation.
10SL055469	Shoalhaven River Water Source	The authorised work shall not be used on the Shoalhaven River for the purpose of irrigation when the discharge of the Shoalhaven River at the Warri gauge is less than 48.0 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.523 metres or such other reading as may be determined from time to time).
10SL055732	Shoalhaven River Water Source	The authorised work shall not be used on the Shoalhaven River for the purpose of irrigation when the discharge of the Shoalhaven River at the Warri gauge is less than 48.0 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.523 metres or such other reading as may be determined from time to time).
10SL055779	Shoalhaven River Water Source	The authorised work (pump) shall not be used on Gillamatong Creek for the purpose of irrigation and/or recreation when the discharge of Gillamatong Creek at the SCA staff gauge (located on the right bank at the north end of Lot 3, DP835991) is less than 1.3 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.32 metres or such other reading as may be determined from time to time).
10SL055791	Shoalhaven River Water Source	The authorised pump on the Mongarlowe River shall not be used for irrigation or for the purpose of filling the off-creek storage (authorised by 10SL56526) unless the flow at the gauge on the Mongarlowe River at Monga (gauging station 215007) exceeds 20.0 megalitres/day. This gauge is located on Lot 3, DP836639, Parish of Monga, County of St Vincent.
10SL055340	Shoalhaven River Water Source	The authorised work shall not be used on the Shoalhaven River for the purpose of irrigation when the discharge of the Shoalhaven River at the Kadoona gauge is less than 10.0 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.33 metres or such other reading as may be determined from time to time).
10SL055341	Shoalhaven River Water Source	The authorised work shall not be used on the Shoalhaven River or Boggy

		Creek for the purpose of irrigation when the discharge of the Shoalhaven River at the Kadoona gauge is less than 10.0 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.33 metres, or such other reading as may be determined from time to time).
10SL055746	Shoalhaven River Water Source	The authorised work shall not be used on the Shoalhaven River for the purpose of irrigation when the discharge of the Shoalhaven River at the Kadoona gauge is less than 10 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.33 metres or such other reading as may be determined from time to time).
10SL055747	Shoalhaven River Water Source	The authorised work shall not be used on the Shoalhaven River for the purpose of irrigation when the discharge of the Shoalhaven River at the Kadoona gauge is less than 10.0 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.33 metres or such other reading as may be determined from time to time).
10SL055767	Shoalhaven River Water Source	The authorised work shall not be used on the Shoalhaven River for the purpose of irrigation when the discharge of the Shoalhaven River at the Kadoona gauge is less than 10.0 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.33 metres or such other reading as may be determined from time to time).

**[143] Appendix 5**

Insert after Appendix 4:

**Appendix 5 Office**

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

The Licensing Manager  
NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
PO Pox 3720  
PARRAMATTA NSW 2124