



New South Wales

Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources Amendment Order 2016

under the

Water Management Act 2000

I, Niall Blair, the Minister for Lands and Water, in pursuance of sections 45 (1) and 45A 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 Unregulated and Alluvial Water Sources 2012*.

Dated this 29th day of June 2016.

NIALL BLAIR, MLC
Minister for Lands and Water

Explanatory note

This Order is made under sections 45 (1) and 45A of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources 2012*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order as required under section 45 of the *Water Management Act 2000*.

Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources Amendment Order 2016

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1 Name of Order

This Order is the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources Amendment Order 2016*.

2 Commencement

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

3 Repeal of management plan

The *Water Sharing Plan for the Mandagery Creek Water Source 2003* is repealed.

Schedule 1 Amendment of Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources 2012

[1] Clause 4 Application of this Plan

Omit “Groundwater” from clause 4 (1). Insert instead “Water”.

[2] Clause 4 (1) (a) (xxi) and (xxii)

Omit the subparagraphs. Insert instead:

(xxi) Waugoola Creek Water Source,

(xxii) Western Bland Creek Water Source, and

(xxiii) Mandagery Creek Water Source,

[3] Clause 4 (2)

Omit “WSP024_version 1”. Insert instead “WSP024_Version 2”.

[4] Clause 4 (5) (f) – (h)

Omit the paragraphs. Insert instead:

(f) contained in the water sources to which the *Water Sharing Plan for the Belubula Regulated River Water Source 2012* applies, and

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

[5] Clause 4 (6)

Insert after subclause (5):

(6) This Plan, as amended by the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Mandagery Creek Water Source 2003*.

[6] Clause 5 Management Zones

Omit clause 5 (2) and the note. Insert instead:

(2) For the purposes of this Plan, the Mandagery Creek Water Source is divided into the following management zones:

(a) Bourimbla Creek Management Zone,

(b) Lower Boree Creek Management Zone,

- (c) Mid Mandagery Creek Management Zone,
- (d) Lower Mandagery Creek Management Zone,
- (e) Upper Boree Creek Management Zone, and
- (f) other tributaries.

Note. Other tributaries include all rivers not nominated as part of the other management zones in Mandagery Creek Water Source.

- (3) The management zones in subclauses (1) and (2) are shown on the Plan Map in Appendix 1.

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

[7] Clause 6 Extraction management units for these water sources

Omit the notes after clause 6 (2). Insert instead:

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

[8] Clause 6 Table A

Insert in alphabetical order “Mandagery Creek Water Source” in Column 2 of the matter relating to Lachlan Unregulated Extraction Management Unit.

[9] Clause 6 Table A

Omit the note to the table.

[10] Clause 9A

Insert after clause 9:

9A Acknowledgment

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

[11] Objectives

Omit “may” from clause 10, note (c). Insert instead “potentially”.

[12] Clause 11 Strategies

Omit “extracted” from clause 11 (i). Insert instead “taken”.

[13] Clause 12

Omit the clause. Insert instead:

12 Performance indicators

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

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

[14] Clause 14 Climatic variability

Omit “having”.

[15] Clause 16 Commitment and identification of planned environmental water

Omit clause 16 (2) (a) – (b). Insert instead:

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

[16] Clause 17 Establishment and maintenance of planned environmental water

Insert after clause 17 (1) (c):

- ,
- (d) it is the long-term average annual commitment of water as planned environmental water in these water sources that results from the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determination rules as specified in Division 2 of Part 6 of this Plan.

[17] Clause 17 (5)

Insert after subclause (4):

- (5) The planned environmental water established under subclause (1) (d) is maintained in these water sources by the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determinations as specified in Division 2 of Part 6 of this Plan.

[18] Clause 19 Domestic and stock rights

Omit “At the commencement of this Plan the”. Insert instead “The”.

[19] Clause 19

Omit “10,302”. Insert instead “10,564”.

[20] Clause 19 (w) and (x)

Omit the paragraphs. Insert instead:

- (w) 75 ML/year in the Waugoola Creek Water Source,
- (x) 251 ML/year in the Western Bland Creek Water Source, and
- (y) 262 ML/year in the Mandagery Creek Water Source.

[21] Clause 20 Native title rights

Omit “At the commencement of this Plan there”. Insert instead “There”.

[22] Clause 22 Share components of domestic and stock access licences

Omit “at the time of commencement of this Plan”.

[23] Clause 22

Omit “1,946”. Insert instead “2,040”.

[24] Clause 22 (x)

Omit the paragraph. Insert instead:

- (x) 81 ML/year in the Western Bland Creek Water Source,
- (y) 94 ML/year in the Mandagery Creek Water Source.

[25] Clause 23 Share components of local water utility access licences

Omit “at the time of commencement of this Plan”.

[26] Clause 24 Share components of unregulated river access licences

Omit “at the time of commencement of this Plan”.

[27] Clause 24

Omit “38,617”. Insert instead “46,671”.

[28] Clause 24 (v)

Omit the paragraph. Insert instead:

- (v) 2,096 unit shares in the Western Bland Creek Water Source,
- (w) 8,054 unit shares in the Mandagery Creek Water Source.

[29] Clause 25 Share components of aquifer access licences

Omit “at the time of commencement of this Plan”.

[30] Clause 26 Share components of aquifer (high security) access licences

Omit “at the time of commencement of this Plan”.

[31] Clause 28

Omit the clause. Insert instead:

28 Volume of the long-term average annual extraction limits

- (1) This clause establishes the long-term average annual extraction limits for the EMU, the Belubula Valley Alluvial Groundwater Source and the Upper Lachlan Alluvial Groundwater Source.
- (2) The long-term average annual extraction limit for the EMU is the sum of:

- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the Water Act 1912 from the following water sources:
- (i) Abercrombie River above Wyangala Water Source,
 - (ii) Belubula River above Carcoar Dam Water Source,
 - (iii) Belubula Tributaries below Carcoar Dam Water Source,
 - (iv) Bogandillon and Manna Creeks Water Source,
 - (v) Boorowa River and Hovells Creek Water Source,
 - (vi) Burrangong Creek Water Source,
 - (vii) Crookwell River Water Source,
 - (viii) Crowther Creek Water Source,
 - (ix) Goobang and Billabong Creeks Water Source,
 - (x) Goonigal and Kangaroo Creek Water Source,
 - (xi) Gunningbland and Yarrabandai Water Source,
 - (xii) Humbug Creek Water Source,
 - (xiii) Lachlan River above Reids Flat Water Source,
 - (xiv) Lake Forbes and Back Yamma Creek Water Source,
 - (xv) Mid Lachlan Unregulated Water Source,
 - (xvi) Mount Hope Area Water Source,
 - (xvii) Naradhan Area Water Source,
 - (xviii) Ooma Creek and Tributaries Water Source,
 - (xix) Tyagong Creek Water Source,
 - (xx) Unregulated Effluent Creeks Water Source,
 - (xxi) Waugoola Creek Water Source,

- (xxii) Western Bland Creek Water Source, and
 - (xxiii) Mandagery Creek Water Source, plus
- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the following water sources at the commencement of this Plan:
- (i) Abercrombie River above Wyangala Water Source,
 - (ii) Belubula River above Carcoar Dam Water Source,
 - (iii) Belubula Tributaries below Carcoar Dam Water Source,
 - (iv) Bogandillon and Manna Creeks Water Source,
 - (v) Boorowa River and Hovells Creek Water Source,
 - (vi) Burrangong Creek Water Source,
 - (vii) Crookwell River Water Source,
 - (viii) Crowther Creek Water Source,
 - (ix) Goobang and Billabong Creeks Water Source,
 - (x) Goonigal and Kangaroo Creek Water Source,
 - (xi) Gunningbland and Yarrabandai Water Source,
 - (xii) Humbug Creek Water Source,
 - (xiii) Lachlan River above Reids Flat Water Source,
 - (xiv) Lake Forbes and Back Yamma Creek Source,
 - (xv) Mid Lachlan Unregulated Water Source,
 - (xvi) Mount Hope Area Water Source,
 - (xvii) Naradhan Area Water Source,
 - (xviii) Ooma Creek and Tributaries Water Source,
 - (xix) Tyagong Creek Water Source,

- (xx) Unregulated Effluent Creeks Water Source,
 - (xxi) Wangoola Creek Water Source, and
 - (xxii) Western Bland Creek Water Source, plus
 - (c) the annual water requirements pursuant to domestic and stock rights and native title rights from the Mandagery Creek Water Source at the commencement of the *Water Sharing Plan for the Mandagery Creek Water Source 2003*, plus
 - (d) the annual extraction of water averaged over the period of 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in the EMU.
- (3) The long-term average annual extraction limit for Belubula Valley Alluvial Groundwater Source is 2,883 ML/year.

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

- (a) the sum of the maximum five-year average of annual extractions for each individual entitlement issued under Part 5 of the *Water Act 1912* in this water source in the period 1998/1999 to 2009/2010 that were metered, plus
 - (b) an estimate of annual extraction of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered, plus
 - (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
- (4) The long-term average annual extraction limit for Upper Lachlan Alluvial Groundwater Source is 94,168 ML/year.

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

- (a) the sum of the maximum five-year average of annual extractions for each individual entitlement issued under Part 5 of the *Water Act 1912* in this water source in the period 1998/1999 to 2009/2010 that were metered, plus
- (b) an estimate of annual extraction of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered, plus
- (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.

Note. Under Section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water, excluding water committed under section 8C of the Act. Water committed as licensed environmental water is not to be accounted for as extraction. The variation in the long-term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

[32] Clause 31 Compliance with the long-term average annual extraction limit for the EMU

Omit the note to the clause.

[33] Clause 40 Specific purpose access licence

Insert after the clause heading:

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

[34] Clause 40 (1), note

Omit the note.

[35] Clause 46

Omit the clause. Insert instead:

46 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table B for the sharing of flows on a daily basis in these water sources.
- (2) The flow classes in Column 3 of Table B and the flow reference points specified in Column 6 of Table B are established for each water source specified in Column 1 of Table B.
- (3) Subject to subclause (4), a flow class applies in the respective water source or management zone on the day specified in Column 7 of Table B when the flow (ML/day) as measured at the flow reference point specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B.
- (4) If, in the Minister's opinion, accurate flow data is not available on a particular day from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.
- (5) For the purpose of determining flow classes that apply on a particular day under subclause (4), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

Note. On days that accurate flow data is not available, holders of access licences may contact the Department's office at the address listed in Appendix 4 or check the Department's website to find out what flow class applies on that day.

(6) The flow classes apply for the years specified in Column 4 of Table B.

Notes.

- 1 Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table B.
- 2 **Year 1 of this Plan, Year 5 of this Plan** and **Year 6 of this Plan** are defined in the Dictionary.

Table B — Flow Classes

Column 1 Water source	Column 2 Management zone	Column 3 Flow class	Column 4 Duration	Column 5 Flow (ML/day)	Column 6 Flow reference point	Column 7 Day on which flow class applies
Abercrombie River above Wyangala Water Source		Very Low Flow Class	Year 1 to Year 5 of this Plan	0 ML/day	Abercrombie River at Abercrombie gauge (412028)	Same day
		A Class	Year 1 to Year 5 of this Plan	More than 0 ML/day		Same day
		Very Low Flow Class	Year 6 to the end of this Plan	Less than or equal to 7 ML/day		Same day
		A Class	Year 6 to the end of this Plan	More than 7 ML/day		Same day
Boorowa River and Hovells Creek Water Source		Very Low Flow Class	Year 1 to the end of this Plan	0 ML/day	Boorowa River at Prossers Crossing gauge (412029)	Same day
		A Class	Year 1 to the end of this Plan	More than 0 ML/day		Same day
Crookwell River Water Source		Very Low Flow Class	Year 1 to Year 5 of this Plan	0 ML/day	Crookwell River at Narrawa North gauge (412050)	Same day
		A Class	Year 1 to Year 5 of this Plan	More than 0 ML/day		Same day
		Very Low Flow Class	Year 6 to the end of this Plan	less than or equal to 2 ML/day		Same day
		A Class	Year 6 to the end of this Plan	More than 2 ML/day		Same day
Lachlan River above Reids Flat Water Source		Very Low Flow Class	Year 1 to Year 5 of this Plan	0 ML/day	Lachlan River at Narrawa gauge (412065)	Same day
		A Class	Year 1 to Year 5 of this Plan	More than 0 ML/day		Same day
		Very Low Flow Class	Year 6 to the end of this Plan	less than or equal to 2 ML/day		Same day
		A Class	Year 6 to the end of this Plan	More than 2 ML/day		Same day
Mandagery Creek Water Source	Bourimbla Creek Management Zone	Very Low Flow Class	Year 5 to the end of this Plan	Less than or equal to 1.48 ML/day	Downstream end of each management zone	Same day
		A Class	Year 5 to the end of this Plan	More than 1.48 ML/day		Same day
	Lower Boree Creek Management Zone	Very Low Flow Class	Year 5 of this Plan to the end of this Plan	Less than or equal to 3.9 ML/day		Same day
		A Class	Year 5 of this Plan to the end of this Plan	More than 3.9 ML/day		Same day
	Mid Mandagery Creek Management Zone	Very Low Flow Class	Year 5 of this Plan to the end of this Plan	Less than or equal to 4.8 ML/day		Same day
		A Class	Year 5 of this Plan to the end of this Plan	More than 4.8 ML/day		Same day

Lower Mandagery Creek Management Zone	Very Low Flow Class	Year 5 of this Plan to the end of this Plan	Less than or equal to 12 ML/day		Same day
	A Class	Year 5 of this Plan to the end of this Plan	More than 12 ML/day		Same day
Upper Boree Creek Management Zone	Very Low Flow Class	Year 5 of this Plan to the end of this Plan	Less than or equal to 4.1 ML/day		Same day
	A Class	Year 5 of this Plan to the end of this Plan	More than 4.1 ML/day		Same day

Notes.

The flow percentiles below refer to flows at the gauge and include all days of record.

- 1 For the Abercrombie River at Abercrombie gauge (412028):
 - (i) 0 ML/day corresponds to the estimated 96th percentile flow, and
 - (ii) 7 ML/day corresponds to the estimated 90th percentile flow.
- 2 For the Boorowa River at Prossers Crossing gauge (412029), 0 ML/day corresponds to the estimated 90th percentile flow.
- 3 For the Crookwell River at Narrawa North gauge (412050):
 - (i) 0 ML corresponds to the estimated 98th percentile flow, and
 - (ii) 2 ML/day corresponds to the estimated 94th percentile flow.
- 4 For the Lachlan River at Narrawa gauge (412065):
 - (i) 0 ML/day corresponds to the estimated 96th percentile flow, and
 - (ii) 2 ML/day corresponds to the estimated 93rd percentile flow.

[36] Clause 47 Access rules for the taking of surface water

Omit clause 47 (1) to (3). Insert instead:

- (1) This clause applies to the taking of water under an access licence from the Lachlan Unregulated Water Sources, excluding the taking of water under an access licence used:
 - (a) in association with an aquifer interference activity that is an approved EP&A Act development when:
 - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and

- (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
 - (b) in association with an aquifer interference activity when:
 - (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.
- (2) Subject to subclause (15), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows in that water source or management zone are in the Very Low Flow Class. This subclause does not apply to the taking of water from an off-river pool.

Note. *Off-river pool* is defined in the Dictionary.

- (3) Subject to subclause (15), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to the taking of water from:
 - (a) an off-river pool, or
 - (b) an in-river pool.

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

[37] Clause 47 (15)

Omit the subclause. Insert instead:

- (15) Subclauses (2), (3) and (7)–(10) do not apply to the following:
 - (a) the taking of water under an access licence or an access licence which replaces a Water Act 1912 entitlement to which clause 1 of Schedule 2 applies, for any of the following purposes, provided that the volume of water taken does not exceed 20

kilolitres per day per access licence or such lower amount specified in accordance with subclause (16):

- (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting, or
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
- (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
- (i) that existed at the commencement of this Plan, and
 - (ii) with a share component that specifies one of the Lachlan Unregulated Water Sources, excluding the Mandagery Creek Water Source,
- provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
- (c) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
- (i) that existed at the commencement of the *Water Sharing Plan for the Mandagery Creek Water Source 2003*, and
 - (ii) with a share component that specifies the Mandagery Creek Water Source,
- provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
- (d) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence:
- (i) that existed at the commencement of this Plan,
 - (ii) with a share component that specifies one of these water sources, excluding the Mandagery Creek Water Source,

for the first five years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day,

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

- (e) the taking of water from a runoff harvesting dam or from an in-river dam pool, and
- (f) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 2 applies.

[38] Clause 53 Granting or amending water supply work approvals

Omit “(4)” from clause 53 (1) (b).

[39] Clause 53 (1), note

Omit the notes. Insert instead:

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

[40] Clause 53 (1A)

Insert after subclause (1):

- (1A) A water supply work must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:
- (a) Abercrombie River above Wyangala Water Source,
 - (b) Belubula Tributaries below Carcoar Dam Water Source,
 - (c) Bogandillon and Manna Creeks Water Source,
 - (d) Boorowa River and Hovells Creek Water Source,
 - (e) Crookwell River Water Source,
 - (f) Crowther Creek Water Source,
 - (g) Goobang and Billabong Creeks Water Source,
 - (h) Goonigal and Kangarooby Creeks Water Source,
 - (i) Humbug Creek Water Source,

- (j) Lachlan River above Reids Flat Water Source,
- (k) Lake Forbes and Back Yamma Creek Water Source,
- (l) Mandagery Creek Water Source,
- (m) Naradhan Area Water Source,
- (n) Ooma Creek and Tributaries Water Source,
- (o) Unregulated Effluent Creeks Water Source, and
- (p) Waugoola Creek Water Source.

Note. Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1A), consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.

[41] Clause 53 (2), note

Omit “two months of decommissioning. See clause 69 (1) (c) and (d)”. Insert instead “60 days of decommissioning. See clause 69 (1) (e) and (f)”.

[42] Clause 54 General

Omit “apply to water supply works” from clause 54 (1). Insert instead “apply to water supply work approvals”.

[43] Clause 55 Rules to minimise interference between water supply works

Insert “owner of the” after “unless the” in clause 55 (1) (c).

[44] Clause 57 Rules for water supply works located near groundwater dependent ecosystems

Omit “(a) and (b)” from clause 57 (3). Insert instead “(a) – (c)”.

[45] Clause 58 Rules for water supply works located near groundwater dependent culturally significant sites

Insert after clause 58 (1):

Note. Groundwater-dependent culturally significant sites are currently under investigation and may be identified during the term of this Plan. The full list of potential groundwater-dependent culturally significant sites will be identified in the Aboriginal Water Initiative System (AWIS) and, as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the area of this Plan.

[46] Clause 61

Omit the clause. Insert instead:

61 General

- (1) The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.
- (2) This Plan establishes the Mandagery Creek Trading Zone located in the Mandagery Creek Water Source.
- (3) The trading zone in subclause (2) is shown on the Plan Map.

Notes.

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

[47] Clause 63

Omit the clause. Insert instead:

63 Assignment of rights dealings

- (1) Dealings under section 71Q of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of rights from:
 - (a) an access licence that nominates a water supply work located in the catchment area downstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source to an access licence that nominates a water supply work located in the catchment area at or upstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source,
 - (b) an access licence that does not nominate a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source to an access licence that nominates a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source,
 - (c) an access licence that does not nominate a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source to an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source,

- (d) an access licence that nominate a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source to an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source,
- (e) an access licence with an extraction component that specifies one of the management zones within the Upper Lachlan Alluvial Groundwater Source to an access licence with an extraction component that specifies another management zone in the Upper Lachlan Alluvial Groundwater Source,
- (f) an access licence that does not nominate a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (g) an access licence that does not nominate a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (h) an access licence that does not nominate a water supply work located in Merrowie Creek in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located in Merrowie Creek in the Unregulated Effluent Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing was located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (i) an access licence that does not nominate a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (j) an access licence that does not nominates a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work on an off-river pool within the Unregulated Effluent Creeks Water Source,

- (k) an access licence that nominates a water supply work on an off-river pool within the Unregulated Effluent Creeks Water Source to an access licence that nominates a water supply work on another off-river pool within the Unregulated Effluent Creeks Water Source,
 - (l) an access licence that does not nominate a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source to an access licence that nominates a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source, or
 - (m) an access licence that does not nominate a water supply work located in the Mandagery Creek Trading Zone in the Mandagery Creek Water Source to an access licence that nominates a water supply work located in the Mandagery Creek Trading Zone in the Mandagery Creek Water Source.
- (2) Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources if the dealing involves an assignment of rights:
- (a) to an access licence with a share component that specifies a water source located in a different extraction management unit,
 - (b) to an access licence with a share component that specifies one of the following water sources:
 - (i) Abercrombie River above Wyangala Water Source,
 - (ii) Belubula River above Carcoar Dam Water Source,
 - (iii) Belubula Tributaries below Carcoar Dam Water Source,
 - (iv) Belubula Valley Alluvial Groundwater Source,
 - (v) Bogandillon and Manna Creeks Water Source,
 - (vi) Boorowa River and Hovells Creek Water Source,
 - (vii) Burrangong Creek Water Source,
 - (viii) Crookwell River Water Source,
 - (ix) Crowther Creek Water Source,

- (x) Goobang and Billabong Creeks Water Source,
 - (xi) Goonigal and Kangarooby Creeks Water Source,
 - (xii) Gunningbland and Yarrabandai Water Source,
 - (xiii) Humbug Creek Water Source,
 - (xiv) Lachlan River above Reids Flat Water Source,
 - (xv) Lake Forbes and Back Yamma Creek Water Source,
 - (xvi) Mid Lachlan Unregulated Water Source,
 - (xvii) Mount Hope Area Water Source,
 - (xviii) Naradhan Area Water Source,
 - (xix) Ooma Creek and Tributaries Water Source,
 - (xx) Tyagong Creek Water Source,
 - (xxi) Unregulated Effluent Creeks Water Source,
 - (xxii) Upper Lachlan Alluvial Groundwater Source,
 - (xxiii) Waugoola Creek Water Source, or
 - (xxiv) Mandagery Creek Water Source,
- (c) to an access licence with a share component that specifies the Western Bland Creek Water Source if the assignment of rights specifies any water source other than the Burrangong Creek Water Source or the Tyagong Creek Water Source.

[48] Clause 64 Amendment of share component dealings (change of water source)

Omit clause 64 (1) (c) (xxii) and (xxiii). Insert instead:

- (xxii) Upper Lachlan Alluvial Groundwater Source,
- (xxiii) Waugoola Creek Water Source, or
- (xxiv) Mandagery Creek Water Source,

[49] Clause 66 Assignment of water allocations dealings

Omit “or” from clause 66 (1) (k).

[50] Clause 66 (1) (l)

Omit the paragraph. Insert instead:

- (l) an access licence that does not nominate a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source to an access licence that nominates a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source, or
- (m) an access licence that does not nominate a water supply work located in the Mandagery Creek Trading Zone in the Mandagery Creek Water Source to an access licence that nominates a water supply work located in the Mandagery Creek Trading Zone in the Mandagery Creek Water Source.

[51] Clause 66 (2) (b) (xxii) and (xxiii)

Omit the subparagraphs. Insert instead:

- (xxii) Upper Lachlan Alluvial Groundwater Source,
- (xxiii) Waugoola Creek Water Source, or
- (xxiv) Mandagery Creek Water Source.

[52] Clause 68 Nomination of water supply works dealings

Omit clause 68. Insert instead:

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence, or
 - (b) an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence, or
 - (c) an access licence that nominates a water supply work located in the catchment area downstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source being amended to nominate a water supply work located in the catchment area at or upstream of the junction of the Abercrombie River with the Bolong River in the Abercrombie River above Wyangala Water Source,

- (d) an access licence that does not nominate a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source being amended to nominate a water supply work located on Lake Cowal in the Bogandillon and Manna Creeks Water Source,
- (e) an access licence that does not nominate a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source being amended to nominate a water supply work located on an off-river pool within the Lake Forbes and Back Yamma Creek Water Source,
- (f) an access licence that nominates a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source being amended to nominate a water supply work located on an off-river pool in the Lake Forbes and Back Yamma Creek Water Source,
- (g) an access licence that does not nominate a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located in Willandra Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing is located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (h) an access licence that does not nominate a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located in Middle Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing is located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (i) an access licence that does not nominate a water supply work located in Merrowie Creek in the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located in Merrowie Creek in the Unregulated Effluent Creeks Water Source, unless the water supply work nominated on the access licence immediately prior to the dealing is located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,
- (j) an access licence that does not nominate a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located on Lake Waljeers in the Unregulated Effluent Creeks Water Source,

- (k) an access licence that does not nominate a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source,
 - (l) an access licence that nominates a water supply work located on an off-river pool within the Unregulated Effluent Creeks Water Source being amended to nominate a water supply work located on another off-river pool within the Unregulated Effluent Creeks Water Source,
 - (m) an access licence that does not nominate a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source being amended to nominate a water supply work located on Booberoi Creek in the Mid Lachlan Unregulated Water Source, or
 - (n) an access licence that does not nominate a water supply work located in the Mandagery Creek Trading Zone being amended to nominate a water supply work located in the Mandagery Creek Trading Zone.
- (2) Dealings under section 71W of the Act that involve the nomination of a water supply work located in a State other than New South Wales, by an access licence in these water sources, are prohibited.
- (3) Dealings under section 71W of the Act that involve the nomination of a water supply work in these water sources, by an access licence from a State other than New South Wales, are prohibited.

[53] Clause 69

Omit the clause. Insert instead:

69 General

In this Part:

- (a) a requirement to notify the Minister in writing will only be satisfied by writing to one of the addresses listed in Appendix 4 of this Plan or to the email address for the Department's Advisory Service, Water Regulation, and

Note. The email address for the Department's Advisory Service, Water Regulation is water.enquiries@dpi.nsw.gov.au.

- (b) a *metered water supply work with a data logger* means a water supply work with:

- (i) a meter that complies with Australian Standard *AS 4747, Meters for non-urban water supply*, as may be updated or replaced from time to time, and
- (ii) a data logger, and
- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

Note. *Logbook* is defined in the Dictionary.

[54] Clause 70 General

Omit clauses 70 (1) (b) and (c). Insert instead:

- (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
- (c) the holder of an access licence upon becoming aware of a breach of any condition of the licence must:
 - (i) notify the Minister as soon as practicable, and
 - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within seven days of becoming aware of the breach.

[55] Clause 70 (2) (a) and (b)

Omit “an” from the paragraphs, except where occurring in the note. Insert instead “the”.

[56] Clause 70 (2) (b) (i)

Omit “period of time” from the paragraph. Insert instead “start and end time”.

[57] Clause 70 (2) (b) (v)

Omit the subparagraph. Insert instead:

- (v) for unregulated river access licences with share components that specify one of the Lachlan Unregulated Water Sources, the volume of water taken in the first three water years of this Plan, by comparison to the volume of water permitted to be taken in those years under clause 42 (2),

[58] Clause 70 (2) (c) and (d)

Omit “an” from the paragraphs. Insert instead “the”.

[59] Clause 70 (3)

Omit “set out in” from the paragraph. Insert instead “of”.

[60] Clause 70 (4)

Omit the subclause. Insert instead:

- (4) An access licence for an approved *Environmental Planning and Assessment Act 1979* development must have mandatory conditions where required to give effect to the rules for the use of water supply works located within the restricted distances specified in clause 60.

[61] Clause 71 General

Omit clause 71 (1). Insert instead:

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

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

- (b) if a water supply work is to no longer be used permanently, then the approval holder of that work must provide the Minister with notice in

writing that the approval holder intends to decommission the water supply work, at least 90 days prior to the date of commencement of decommissioning,

- (c) upon receiving notice of the intention to decommission from the approval holder under paragraph (b), the Minister may, by notice in writing, require the water supply work not to be decommissioned, or that the water supply work be decommissioned in accordance with other requirements. These requirements may be specified by the Minister in a work plan,

Note. If a notice in writing is required from the Minister regarding the decommissioning of a water supply work, this notice will be sent to the approval holder within 60 days of the notice under paragraph (b) being sent.

- (d) if the approval holder receives a notice from the Minister under paragraph (c) the approval holder must proceed with decommissioning the water supply work in accordance with any requirements in that notice,
- (e) if the approval holder does not receive a notice from the Minister under paragraph (c) within 60 days of providing notice of the intent to decommission under paragraph (b), the approval holder must decommission the water supply work,
- (f) within 60 days of the water supply work being decommissioned under paragraphs (d) or (e), the approval holder must notify the Minister in writing that the water supply work has been decommissioned and provide the name of the driller who decommissioned the work,
- (g) the holder of the water supply work approval upon becoming aware of a breach of any condition of the approval, must:
- (i) notify the Minister as soon as practicable,
 - (ii) confirm this notification in writing within seven days of becoming aware of the breach, and
- (h) any other conditions required to implement the provisions of this Plan.

[62] Clause 71 (2)

Omit “data logger,”. Insert instead: “data logger or is used for the purpose of taking water under basic landholder rights,”.

[63] Clause 71 (2) (b) (i)

Omit “period of time during which water was taken using the water supply works”. Insert instead “start and end time during which water was taken using the water supply work”.

[64] Clause 71 (2) (b) (iii)

Insert “the” before “number”.

[65] Clause 71 (2) (b) (iv)

Insert “was” before “taken”.

[66] Clause 71 (2) (c)

Insert “approval” before “must”.

[67] Clause 72 Water supply works authorised to take water from the Belubula Valley Alluvial Groundwater Source and the Upper Lachlan Alluvial Groundwater Source

Omit clause 72 (2). Insert instead:

- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
- (a) the rules for limiting the taking of water within the restricted distances restrictions specified in clause 60,
 - (b) the approval holder must ensure the water supply work is constructed so as to be:
 - (i) screened in the groundwater source specified in the share component of the access licence that nominates the work, and
 - (ii) sealed off from all other water sources,
 - (c) the construction of a new water supply work must:
 - (i) comply with the distance restrictions specified in or specified by the Minister in accordance with clauses 55–58,
 - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2012, and

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

 - (iii) be constructed appropriately so as to prevent contamination between

aquifers, and

- (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
- (d) if a water supply work is no longer to be used permanently, then the approval holder of that work must decommission that work and provide the Minister with notice in writing that the approval holder intends to decommission the water supply work. This notice must occur at least ninety days prior to the date of commencement of decommissioning and include a work plan for decommissioning in accordance with the *Minimum Construction Requirements for Water Bores in Australia*,
- (e) upon receiving notice of the intention to decommission from the approval holder under paragraph (d), the Minister may by notice in writing, require that the water supply work not be decommissioned, or that the water supply work be decommissioned in accordance with other requirements,
Note. If a notice in writing is required from the Minister regarding the decommissioning of a water supply work, this notice will be sent to the approval holder within 60 days of the notice under paragraph (d) being sent.
- (f) if the approval holder receives a notice from the Minister under paragraph (e), the approval holder must proceed in accordance with any requirements in that notice,
- (g) if the approval holder does not receive a notice from the Minister under paragraph (e) within 60 days of providing notice of the intent to decommission under paragraph (d), the approval holder must decommission the water supply work in accordance with the work plan,
- (h) within 60 days of the water supply work being decommissioned under paragraphs (f) or (g), the approval holder must notify the Minister in writing that the water supply work has been decommissioned and provide the name of the driller who decommissioned the work,
- (i) the approval holder must, within 60 days of completion of the construction of the water supply work, or within 60 days after the issue of the water supply work approval if the approval is for the amendment of an existing water supply work, submit the details of the water supply work to the Department in a form approved by the Minister,
- (j) if, during the construction of the water supply work, contaminated water is

encountered above the production aquifer, the approval holder must:

- (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
 - (ii) take all reasonable steps to minimise contamination and environmental harm,
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work and if specified by the Minister, place an impermeable seal between the casing and the walls of the water supply work from the bottom of the casing to ground level as specified by the Minister, and
 - (iv) if the Minister has specified any other requirements, comply with any requirements as specified by the Minister in writing,
- (k) when directed by the Minister, by notice in writing the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work,
- (l) the authority to construct a water supply work under a water supply work approval will expire if the construction of that water supply work is not completed within three years of the issue of the water supply work approval,
- (m) any other condition required to implement the provision of this Plan.

[68] Clause 72 (3)

Omit the subclause. Insert instead:

- (3) A water supply work approval granted under clause 55 (2) (d) applies must have a mandatory condition where required to give effect to clause 55 (4).

[69] Clause 74A

Insert after clause 74:

74A Part 6

Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these water sources, the Minister may amend clause 28 to vary the long-term average annual extraction limit that applies to the EMU or that water source.

[70] Clause 79 Schedules

Insert “a” before “*Water Act 1912*” in clause 79 (2) (c).

[71] Dictionary

Insert “*3rd edition,*” after “*Bores in Australia,*” in the definition of ***Minimum Construction Requirements for Water Bores in Australia.***

[72] Dictionary

Insert the following in alphabetical order:

trading zone is an area within a water source established under clause 61 and shown in Appendix 1 of this Plan, to which restrictions on dealings apply.

Year 1 of this Plan means from the date of 14 September 2012 to 30 June 2013.

Year 5 of this Plan means from the date of 1 July 2016 to 30 June 2017.

Year 6 of this Plan means from the date of 1 July 2017 to 30 June 2018.

[73] Schedule 3 Contamination sources in these water sources

Omit paragraphs (b) – (d) from the Schedule. Insert instead:

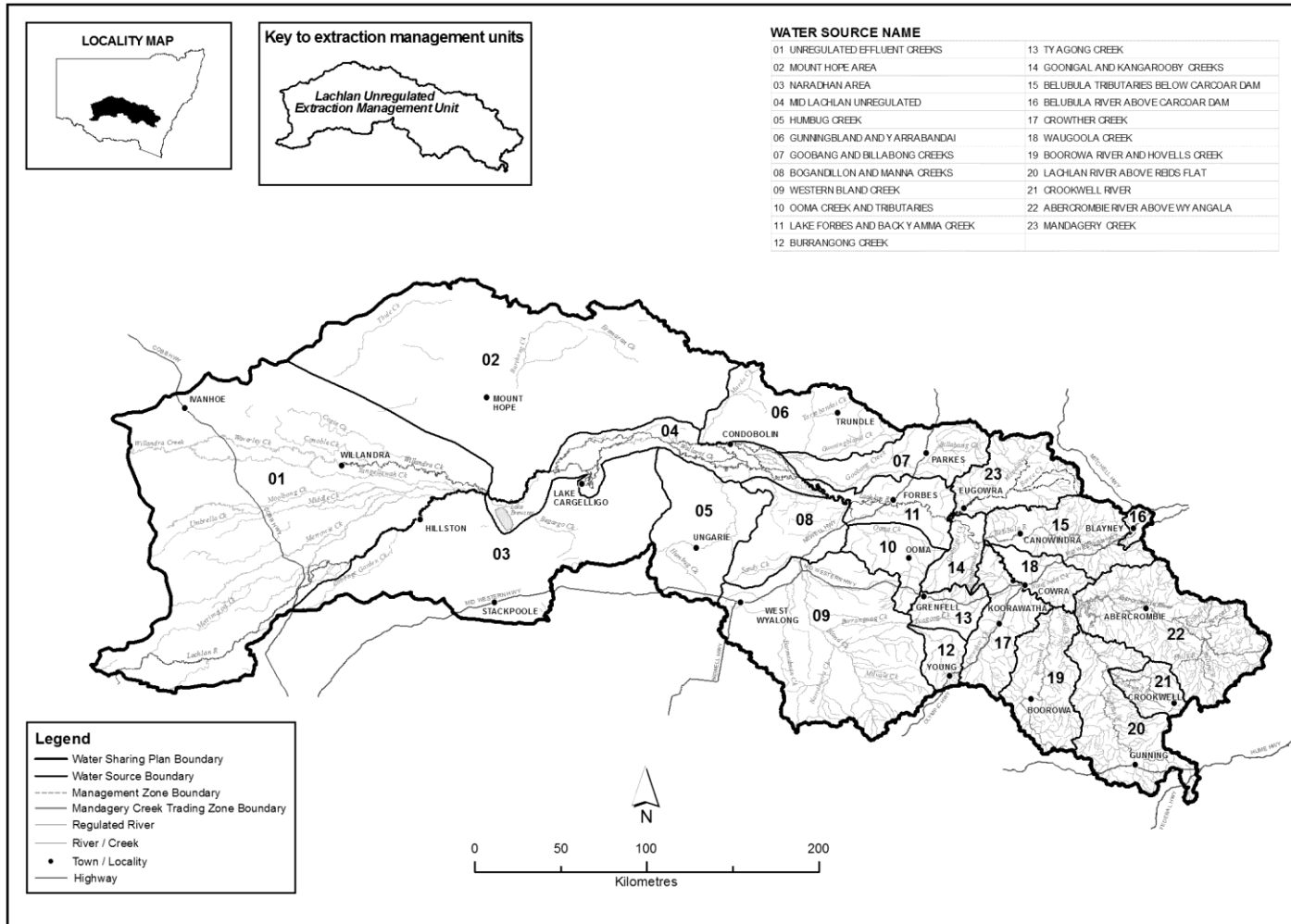
- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*, and
- (c) any sites that are or have been subject to an activity listed in Table 1 of the contaminated land planning guidelines published under the *Environmental Planning and Assessment Act 1979* from time to time.

[74] Appendix 1 Overviews of the Plan Map

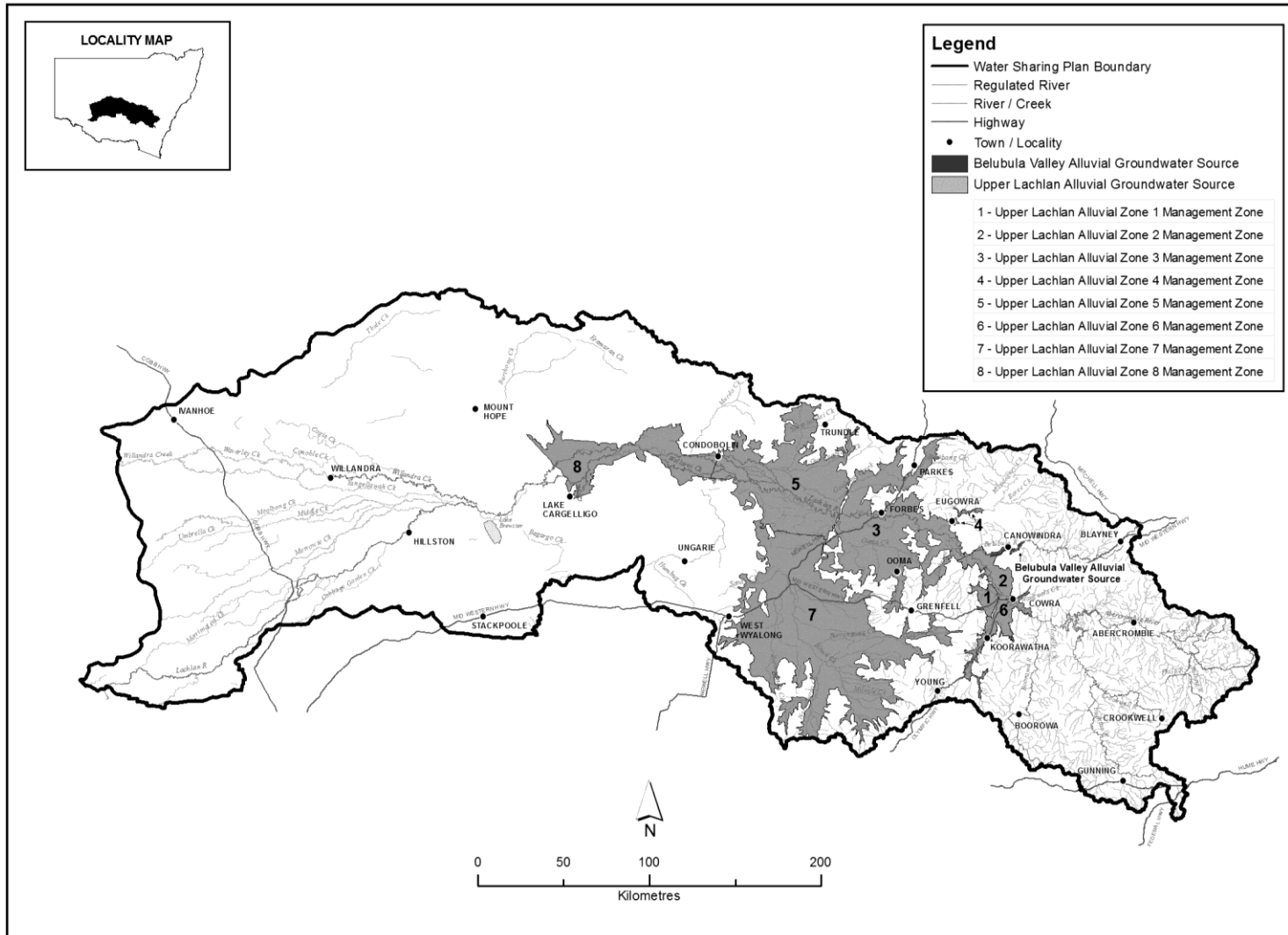
Omit the Appendix. Insert instead:

Appendix 1 Overviews of the Plan Map

Overview of the Plan Map (WSP024_Version 2) Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources 2012



Overview of the Belubula Valley Alluvial Groundwater Source and the Upper Lachlan Alluvial Groundwater Source



[75] Appendix 2

Omit the Appendix. Insert instead:

Appendix 2 Inspection of the Plan Map

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

DPI Water
10 Valentine Ave
PARRAMATTA NSW 2150

DPI Water
9 Spring Street
FORBES NSW 2871

[76] Appendix 4

Omit the Appendix. Insert instead:

Appendix 4 Office

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

DPI Water
PO Box 291
FORBES NSW 2871

[77] Appendix 5 Groundwater Dependent Ecosystems in the Lachlan Unregulated and Alluvial Water Sources

Omit the Appendix.