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- (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) For an unregulated river access licence, any water allocations remaining in the water allocation account are to be carried over from one water year to the next, up to a maximum of 1 ML per unit share of the access licence share component.
- (6) Water allocations remaining in the water allocation account for a domestic and stock access licence or local water utility access licence cannot be carried over from one water year to the next.

**43, 44 (Repealed)**

**[45] Clause 46 Flow classes**

Insert the words “and each management zone specified in Column 2 of Table B” after the words “Column 1 of Table B” in subclause (2).

**[46] Clause 46 (5), note**

Omit “Appendix 4”. Insert instead “Schedule 3”.

**[47] Clause 46, Table B**

Omit the words “Year 5 of this Plan to the end of this Plan” wherever occurring. Insert instead “Year 5 to the end of this Plan”.

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

Omit “the Lachlan Unregulated Water Sources”. Insert instead “these water sources” wherever occurring.

**[49] Clause 47 (1) (iii)**

Insert after clause 47 (1) (iii) –

**Note.** Approved EP&A Act development is defined in the Dictionary.

**[50] Clause 47 (4), (11) and (13) (b)**

Omit “specified”. Insert instead “imposed”.

**[51] Clause 47 (13) (a)**

Insert the word “imposed” after the words “specified in the conditions” in paragraph (a).

**[52] Clause 47 (15) (d)**

Omit the paragraph.

**[53] Clause 48 Access rules for unregulated river access licences on Booberoi Creek**

Omit clause 48 (2) (c) – (h). Insert instead –

- (c) replenishment flows have been provided in that water year under clause 30 (1) of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*,
- (d) a visible flow is being maintained in the Lachlan River at Geramy in accordance with clause 31 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*,
- (e) all orders for water in the Lachlan Regulated River Water Source as defined in the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016* downstream of the Booberoi Creek off-take have been met,
- (f) Lake Cargelligo and Lake Brewster storages are at full capacity,

- (g) flows are not occurring in the Lachlan Regulated River Water Source that are required to satisfy the provisions of clause 26 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*, and
- (h) releases are not being made from the environmental water allowance held in Wyangala Dam water storage or the water quality allowance established by clauses 27 and 28 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*.

**[54] Clause 48 (3) (e)**

Omit the paragraph. Insert instead –

- (e) water must not be taken under an access licence listed in Clause 1 of Schedule 1 from an in-river dam pool created by a structure authorised by a water supply work approval when flows or storage level in that dam are at or less than the cease to take conditions that was imposed on the *Water Act 1912* entitlement that the access licence replaces,

**[55] Clause 49 Access rules for unregulated river access licences in the Unregulated Effluent Creeks Water Source.**

Omit clause 49 (2) (c) – (g). Insert instead –

- (c) replenishment flows have been provided in that water year under clause 30 (1) of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*,
- (d) a visible flow is being maintained in the Lachlan River at Geramy in accordance with clause 31 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*,
- (e) all orders for water in the Lachlan Regulated River Water Source as defined in the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016* downstream of the junction of the creek on which the water supply work nominated by that access licence is located and the Lachlan Regulated River Water Source have been met,
- (f) flows are not occurring in the Lachlan Regulated River Water Source that are required to satisfy the provisions of clause 26 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*, and
- (g) releases are not being made from the environmental water allowance held in Wyangala Dam water storage, the environmental contingency allowance held in Lake Brewster or the water quality allowance established by clauses 27 and 28 of the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*.

**[56] Clause 49 (3) (d) – (g)**

Omit the paragraphs. Insert instead –

- (d) water must not be taken under an access licence listed in Clause 2 of Schedule 1 from an in-river dam pool created by a structure authorised by a water supply work approval when flows or storage level in that dam are at or less than the cease to take conditions that was imposed on the *Water Act 1912* entitlement that the access licence replaces,
- (e) water must not be taken from an in-river dam pool unless the in-river dam is passing such flows as specified on the water supply work approval for the in-river dam,
- (f) the flows specified on the water supply work approval for the in-river dam referred to in paragraph (f) are:
  - (i) the flows that were specified in the conditions on the *Water Act 1912* entitlement that the approval replaces, or
  - (ii) where no flows were specified, the flows determined by the Minister.

**[57] Clause 49 (4) (b)**

Omit the word ‘and’ at the end of the paragraph.

**[58] Part 9 Rules for water supply works approvals**

Remove the words “that take surface water” from the heading to Division 1.

**[59] Clause 52**

Omit the clause. Insert instead –

**52 General**

The rules in this Part apply to water supply work approvals for water supply works authorised to take water from these water sources.

**[60] Clause 53 Granting or amending water supply work approvals**

Omit subclause (1).

**[61] Clause 53 (1A)**

Insert the word “approval” after the words “A water supply work”.

**[62] Clause 53 (2), note**

Omit the words “clause 69 (1) (e) and (f)”. Insert instead “clause 71 (1) (b) and (e)”.

**[63] Clause 53 (4)**

Omit the words “Lachlan Unregulated Water Sources”. Insert instead “these water sources”.

**[64] Part 9, Divisions 2-3**

Omit the Divisions.

**[65] Clause 63 (1) (d)**

Omit the word “nominate”. Insert instead “nominates”.

**[66] Clause 63 (1) (j)**

Omit the paragraph. Insert instead –

- (j) an access licence that does not nominate 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,

**[67] Clause 63 (1) (e)**

Omit the paragraph.

**[68] Clause 63 (2) (a)**

Omit the paragraph.

**[69] Clause 63 (2) (b)**

Omit the paragraph. Insert instead –

- (b) to an access licence with a share component that specifies any water source other than the Western Bland Creek Water Source, or

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

Omit clause 64 (1) (a) – (d). Insert instead –

- (a) the granting of a new access licence with a share component that specifies a water source other than the Western Bland Creek Water Source,
- (b) the granting of a new access licence with a share component that specifies the Western Bland Creek Water Source if the share component of the cancelled access licence specifies any water source other than the Burrangong Creek Water Source or the Tyagong Creek Water Source.

- [71] **Clause 65 Amendment of extraction component dealings**  
Omit the clause.
- [72] **Clause 66 Assignment of water allocation dealings**  
Omit paragraph 66 (1) (e).
- [73] **Clause 66 (2) (a)**  
Omit the paragraph.
- [74] **Clause 66 (2) (b)**  
Omit the paragraph. Insert instead –  
(b) to an access licence in a water source other than the Western Bland Creek Water Source, or
- [75] **Clause 67 Interstate transfer of access licences and assignment of water allocation**  
Omit the word “licence”. Insert instead “licences”.
- [76] **Clause 68 Nomination of water supply works dealings**  
Omit subclause (1) (a) and subclause (3).
- [77] **Clause 69 General**  
Omit paragraph (a). Insert instead –  
(a) a requirement to notify the Minister in writing will only be satisfied by making a notification in writing to the address listed in Schedule 3 of this Plan or to the email address for enquiries on the Department’s website,

**Note.** At the commencement of this Plan, the email address for enquiries on the Department’s website is [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au).

- [78] **Clause 69 (c)**  
Insert the word “person” after the words “is the same”.
- [79] **Clause 70**  
Omit the clause. Insert instead –

**70 General**

- (1) Access licences in these water sources must have mandatory conditions to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
  - (b) 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,
  - (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 to give effect to the following:
- (a) the holder of the access licence must keep a Logbook,

- (b) the holder of the access licence must record the following in the Logbook:
  - (i) each date and start and end 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) (Repealed)
  - (vi) for unregulated river access licences with share components that specify one of these water sources, the volume of water taken, assigned under section 71T of the Act or otherwise withdrawn from a water allocation account in any three consecutive water years after the first water year of this Plan, by comparison to the volume of water permitted to be taken or assigned in those years under clause 42 (3),
  - (vii) for domestic and stock access licences and local water utility access licences with share components that specify one of these water sources, the volume of water taken, assigned under section 71T of the Act or otherwise withdrawn from a water allocation account in a water year by comparison to the volume of water permitted to be taken or assigned in that water year under clause 42 (4), and
  - (viii) any other information required to be recorded in the Logbook under the rules of this Plan.
- (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested,
- (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) If so required by the Minister, the holder of an access licence that nominates only a metered water supply work with a data logger must keep a Logbook in accordance with any requirements of subclause (2).
- (4) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the licence.

**Note.** The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2022.

- (5) Subclauses (2), (3) and (4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

**Note.** Mandatory metering equipment condition is defined in clause 228 of the *Water Management (General) Regulation 2018*.

**[80] Clause 71**

Omit the clause. Insert instead –

**71 General**

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions 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) (repealed)
  - (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,
  - (h) any other conditions required to implement the provisions of this Plan.
- (1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, subclause (1) (a) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (1B) Subclauses (1) (a) and (1A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

**Note.** Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in these water sources from 1 December 2022.

- (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 or is used for the purpose of taking water under basic landholder rights only, must have mandatory conditions 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 start and end 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, and
  - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
- (3A) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the approval.
- (3B) Subclauses (2), (3) and (3A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- (4) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search) in the Logbook.
- (5) A water supply work approval for runoff harvesting dams and in-river dams must contain a mandatory condition that requires the approval holder to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from:
- (a) a dealing under section 71Q or 71W of the Act,
  - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,

- (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
  - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.
- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in clause 53 (4).

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

**[82] Clause 74A**  
Omit the clause. Insert instead –

**74A Part 6**

- (1) 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 these water sources.
- (2) Division 3 of Part 6 may be amended to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for these water sources, the Lachlan Regulated River Water Source and the Belubula Regulated River Water Source.

**[83] Clause 75 Part 8**  
Omit paragraph (d). Insert instead –

- (d) amend clause 47 to specify different access rules for lagoons, lakes, in-river pools or other lentic water bodies,

**[84] Clause 75 (k)**  
Omit the word “(g)”. Insert instead “(h)”.

**[85] Clause 76 Part 9**  
Omit paragraphs (b) – (d). Insert instead –

- (b) amend the definition of a replacement surface water supply work in clause 53 (4).

**[86] Clause 76A**  
Insert after clause 76 –

**76A Part 10**

The access licence dealing rules may be amended to provide for the conversion of regulated river (high security) access licences that specify regulated river water sources connected to, and downstream of, these water sources to access licences with share components that specify these water sources.

**[87] Clause 77**  
Omit the clause. Insert instead –

**77 Part 11**

Part 11 may be amended in relation to metering and record keeping including in relation to requirements for Logbooks.

[88] **Clause 79 Schedules**  
Omit subclauses (4) – (5).

[89] **Clause 80**  
Omit the clause. Insert instead –

**80 Other**

- (1) This Plan may be amended to provide rules for the following:
  - (a) the management of floodplain harvesting within these water sources,
  - (b) the shepherding of water,  
Note. Shepherding is defined in the Dictionary.
  - (c) any new category of access licence established for the purpose of urban stormwater harvesting,
  - (d) the interception of water before it reaches a stream or aquifer by plantations or other means.
- (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
- (3) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* of the Commonwealth.
- (4) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.
- (5) This Plan may be amended after year five to provide rules for the protection of water dependent Aboriginal cultural assets to do any of the following:
  - (a) identify water dependent Aboriginal cultural assets,
  - (b) amend the access rules to protect water dependent Aboriginal cultural assets,
  - (c) restrict the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets, or
  - (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) Any amendment under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.
- (8) This Plan may be amended to specify different access rules to protect:
  - (a) replenishment flows released pursuant to the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016* (or any relevant replacement plan), or
  - (b) environmental flows released pursuant to the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016* (or any relevant replacement plan).

[90] **Dictionary**  
Omit the following terms –

*alluvial sediments, drawdown, escarpment, fractured rock, grazeable area, groundwater dependent ecosystems, Minimum Construction Requirements for Water Bores in Australia and porous rock.*

[91] **Dictionary**  
Insert the following in alphabetical order –

*annual actual take* has the same meaning as it has in section 6.10 of the Basin Plan.

*annual permitted take* has the same meaning as it has in section 6.10 of the Basin Plan.

**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 that Act, or
- (c) State significant infrastructure approved under Part 5.1 of that Act.  
baseline diversion limit has the same meaning as it has in section 1.07 of the Basin Plan.

**Basin Plan** means the Basin Plan 2012 made under section 44 (3) (b) (i) of the *Water Act 2007* of the Commonwealth.

**floodplain harvesting** means the collection, extraction or impoundment of water flowing across floodplains, including rainfall runoff and overbank flow excluding the take of water pursuant to any of the following:

- (a) a water access licence other than a floodplain harvesting access licence,
- (b) a basic landholder right,
- (c) an exemption from the need to hold a licence to take water under the Act.

**flow regimes** means, collectively, the magnitude, duration, frequency and patterns of natural flows that characterise a river or water source.

**Lachlan SDL** resource unit has the same meaning as provided for in section 6.02 of the Basin Plan.

**plantation forestry** means a commercial plantation as defined in section 1.07 of the Basin Plan.

**target ecological populations** means communities of one or more species that are monitored to evaluate the success of targeted objectives for the environment. Populations must be easily monitored (i.e. not rare or cryptic) and may be linked to conservation or other environmental priorities.

**target ecological processes** means processes that support a range of ecological communities, such as connecting flows or flow events that can mobilise nutrients and other water-borne materials within and between water sources. These processes must be easily monitored and measurable.

**weighted average unit price** means the total value of all units sold divided by the number of units sold for a monetary value.

[92] **Dictionary**

In the *individual daily extraction limit (IDEL)*, *management zone* and *total daily extraction limit (TDEL)* definitions, omit the word ‘is’. Insert instead ‘means’.

[93] **Dictionary**

In the *trading zone* definition, omit the words “Appendix 1 of this Plan”. Insert instead “the Plan Map”.

[94] **Schedule 1 Access licences that may take water in accordance with notices issued under clauses 48 and 49**

Omit the word “clauses” from the heading to clause 2 of Schedule 1. Insert instead “clause”.

[95] **Schedule 3 - 5**

Omit the Schedules. Insert instead –

**Schedule 3 Office**

NSW Department of Planning, Industry and Environment - Water  
PO Box 291  
FORBES NSW 2871

**[96] Appendix 1-2 and 4**

Omit the Appendixes. Insert instead –

**Appendix 1 Overview of the Plan Map**

Overview of the Plan Map (WSP024\_Version 3) Water Sharing Plan for the Lachlan  
Unregulated River Water Sources 2012

