



New South Wales

# **Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023**

under the

Water Management Act 2000

I, the Minister for Water, make the following plan under the *Water Management Act 2000*, section 50.

ROSE JACKSON, MLC  
Minister for Water

## Contents

<b>Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023.....</b>	<b>5</b>
<b>Part 1 Introduction .....</b>	<b>5</b>
1 Name of Plan .....	5
2 Commencement .....	5
3 Water sources to which Plan applies .....	5
4 Management zones to which Plan applies .....	7
5 Extraction management units established by Plan—the Act, s 20(2)(a).....	8
6 Interpretation .....	10
7 Maps.....	10
<b>Part 2 Vision, objectives, strategies and performance indicators .....</b>	<b>11</b>
8 Vision statement—the Act, s 35(1)(a) .....	11
9 Objectives of Plan—the Act, s 35(1)(b).....	11
10 Strategies for reaching objectives—the Act, s 35(1)(c).....	11
11 Performance indicators—the Act, s 35(1)(d) .....	12
<b>Part 3 Requirements for water .....</b>	<b>13</b>
<b>Division 1 Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b) .....</b>	<b>13</b>
12 Domestic and stock rights .....	13
13 Native title rights .....	14
14 Harvestable rights.....	15
<b>Division 2 Requirements for water for extraction under access licences.....</b>	<b>16</b>
15 Share components of access licences in the water sources—the Act, s 20(1)(c) .....	16
<b>Part 4 Limits to the availability of water .....</b>	<b>21</b>
<b>Division 1 Available water determinations—the Act, s 20(2)(b) .....</b>	<b>21</b>
16 Available water determinations .....	21
<b>Division 2 Extraction limits—the Act, s 20(1)(e).....</b>	<b>21</b>
<b>Subdivision 1 Preliminary.....</b>	<b>21</b>
17 Operation of Division—the Act, s 8 .....	21
18 Definitions.....	21
<b>Subdivision 2 Standard LTAAELs.....</b>	<b>23</b>
19 Establishment of standard LTAAELs.....	23
20 Calculation of annual standard extraction .....	23
21 Assessment of compliance with standard LTAAELs .....	23
22 Compliance with standard LTAAELs.....	24
<b>Subdivision 3 Annual higher flow extraction limits .....</b>	<b>24</b>
23 Establishment of annual higher flow extraction limit .....	24
24 Calculation of annual higher flow extraction.....	24
25 Assessment of compliance with annual higher flow extraction limits .....	24
26 Compliance with annual higher flow extraction limits .....	24
<b>Subdivision 3A Long-term average annual extraction limits for major utility access licences held by Water NSW .....</b>	<b>25</b>
26A Establishment of Water NSW LTAAELs.....	25
26B Calculation of annual Water NSW major utilities extraction .....	25
26C Compliance with annual Water NSW major utilities extraction limits .....	25
<b>Subdivision 4 Total daily extraction limits .....</b>	<b>25</b>
27 Total daily extraction limits for certain water sources and categories of access licences .....	25
<b>Part 5 Rules for granting and managing access licences—the Act, s</b>	

<b>20(2)(b)</b>	<b>26</b>
28	Specific purpose access licences..... 26
29	Management of access licences ..... 27
<b>Part 6</b>	<b>Operation of water allocation accounts and managing access</b>
<b>licences</b>	<b>28</b>
<b>Division 1</b>	<b>Preliminary..... 28</b>
30	Operation of Part—the Act, s 8 ..... 28
<b>Division 2</b>	<b>Accounting for water allocation accounts—the Act, s 21(c) ..... 28</b>
31	Water allocation account debiting ..... 28
32	Carryover of water remaining in water allocation account ..... 28
<b>Division 3</b>	<b>Flow classes ..... 28</b>
33	Flow classes for specified water sources and management zones—the Act, s 21(a) .. 28
34	Minister may determine flow classes in certain circumstances ..... 29
<b>Division 4</b>	<b>Access rules for take of surface water—the Act, s 21(a)..... 29</b>
35	General ..... 29
36	Specific access rules ..... 29
37	Exceptions ..... 35
<b>Division 5</b>	<b>Access rules for take of groundwater—the Act, s 21(a) ..... 37</b>
38	General ..... 37
39	Specific access rules ..... 37
40	Exceptions ..... 37
<b>Part 7</b>	<b>Construction and use of water supply works—the Act, s 21(b)..... 38</b>
<b>Division 1</b>	<b>Preliminary..... 38</b>
41	Application of Part ..... 38
<b>Division 2</b>	<b>Water supply works taking surface water ..... 38</b>
42	In-river dams..... 38
43	Wetlands..... 39
<b>Division 3</b>	<b>Water supply works taking groundwater ..... 40</b>
44	Replacement groundwater work..... 40
45	Interference between water supply works ..... 40
46	Contamination sources..... 40
47	High priority groundwater-dependent ecosystems ..... 40
48	Potential acid sulfate soils ..... 40
49	Groundwater-dependent culturally significant areas ..... 40
50	Water supply works used only for basic landholder rights ..... 40
<b>Part 8</b>	<b>Access licence dealing rules—the Act, s 20(1)(d) ..... 41</b>
50A	Definitions ..... 41
51	Conversion of access licence to new category dealings ..... 41
52	Assignment of rights dealings ..... 41
53	Amendment of share component dealings—change of water source ..... 48
54	Amendment of extraction component dealings ..... 52
55	Assignment of water allocations dealings ..... 52
56	Interstate access licence transfer and assignment of water allocations dealings
prohibited.....	57
57	Nomination of water supply works dealings ..... 57
<b>Part 8A</b>	<b>Rules for major utility storages—the Act, s 21(a) ..... 60</b>
57A	Definitions ..... 60
57B	Tallowa Dam..... 60
57C	Fitzroy Falls Reservoir ..... 61
57D	Transfer for Sydney drinking water supply in certain circumstances ..... 61
57E	Power generation—Origin Energy ..... 62
57F	Upper Nepean and Upstream Warragamba Extraction Management Unit..... 62
57G	Pheasants Nest Weir and Broughtons Pass Weir ..... 64
57H	Lake Lyell ..... 65
57I	Environmental contingency allowance ..... 65

57J	Wallerawang Dam, Thompsons Creek Dam and Wingecarribee Reservoir .....	66
57K	Daily pass through from Wallacia Weir in the Mid Nepean River Weirs Water Source	66
57L	Releases from Warragamba pipeline .....	66
57M	Woronora Dam .....	67
57N	Exceptions .....	67
<b>Part 9</b>	<b>Mandatory conditions—the Act, s 17(c) .....</b>	<b>68</b>
<b>Division 1</b>	<b>General .....</b>	<b>68</b>
58	Definition.....	68
<b>Division 2</b>	<b>Access licences .....</b>	<b>68</b>
59	General conditions.....	68
60	Record-keeping conditions .....	68
<b>Division 3</b>	<b>Water supply work approvals .....</b>	<b>69</b>
61	General conditions.....	69
62	Record-keeping conditions .....	70
63	Metering conditions .....	71
<b>Division 4</b>	<b>Water supply work approvals for groundwater .....</b>	<b>71</b>
64	Application of Division .....	71
65	Water supply work construction conditions .....	71
66	Water quality condition .....	71
67	Water supply work decommissioning condition .....	71
<b>Part 10</b>	<b>Amendment of this Plan—the Act, s 17(d).....</b>	<b>72</b>
68	Amendments .....	72
<b>Schedule 1</b>	<b>Flow classes.....</b>	<b>74</b>
<b>Schedule 2</b>	<b>Access licences used to take surface water that are exempt from specified access rules.....</b>	<b>81</b>
<b>Schedule 3</b>	<b>Access licences and approvals subject to cease-to-take condition of a former entitlement.....</b>	<b>82</b>
<b>Schedule 3A</b>	<b>Linear interpolation factor .....</b>	<b>83</b>
<b>Schedule 3B</b>	<b>Licences in Upper Hawkesbury River Water Source relating to off-river pools subject to a cease-to-take condition.....</b>	<b>86</b>
<b>Schedule 4</b>	<b>Contamination sources .....</b>	<b>87</b>
<b>Schedule 5</b>	<b>Water sources and management zones specified by access licences .....</b>	<b>88</b>
<b>Schedule 6</b>	<b>Dictionary .....</b>	<b>92</b>

# Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023

under the

Water Management Act 2000

## Part 1 Introduction

**Note**— Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the following water management areas—

- (a) Hawkesbury Nepean Water Management Area,
- (b) Southern Sydney Water Management Area,
- (c) Southern Water Management Area,
- (d) Sydney Harbour Water Management Area.

### 1 Name of Plan

This Plan is the Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023.

### 2 Commencement

This Plan commences on 1 July 2023.

### 3 Water sources to which Plan applies

- (1) This Plan applies to the following water sources (*the water sources*) identified on the Plan Map, being water sources within the Hawkesbury Nepean Water Management Area, Southern Sydney Water Management Area, Southern Water Management Area and Sydney Harbour Water Management Area—
  - (a) the Barbers Creek Water Source,
  - (b) the Berowra Creek and Cowan Creek Water Source,
  - (c) the Bomaderry Creek Water Source,
  - (d) the Broughton Creek Water Source,
  - (e) the Bundanoon Creek Water Source,
  - (f) the Bungonia Creek Water Source,
  - (g) the Cabramatta Creek Water Source,
  - (h) the Capertee River Water Source,
  - (i) the Cattai Creek Water Source,
  - (j) the Colo River Water Source,
  - (k) the Cooks River and Botany Bay Water Source,
  - (l) the Corang and Endrick Rivers Water Source,
  - (m) the Dharabuladh Water Source,
  - (n) the Erskine Creek and Glenbrook Creek Water Source,
  - (o) the Fitzroy Falls Water Source,
  - (p) the Georges River Catchment Water Source,
  - (q) the Grose River Water Source,
  - (r) the Hacking River Water Source,
  - (s) the Jaspers Brush Creek and Tributaries Water Source,

- (t) the Jenolan River Water Source,
- (u) the Kangaroo River Water Source,
- (v) the Kedumba River Water Source,
- (w) the Kowmung River Water Source,
- (x) the Lake Burragorang Water Source,
- (y) the Lake Illawarra Water Source,
- (z) the Lane Cove River Water Source,
- (za) the Little River Water Source,
- (zb) the Lower Georges River and Bunbury Curran Creek Water Source,
- (zc) the Lower Hawkesbury River Water Source,
- (zd) the Lower Kangaroo River Water Source,
- (ze) the Lower Nepean River Water Source,
- (zf) the Lower Shoalhaven River Catchment Water Source,
- (zg) the Lower Shoalhaven River Water Source,
- (zh) the Lower Wollondilly River Water Source,
- (zi) the Macdonald River Water Source,
- (zj) the Macquarie Rivulet Water Source,
- (zk) the Maguires Crossing Water Source,
- (zl) the Maldon Weir Water Source,
- (zm) the Mid Nepean River Weirs Water Source,
- (zn) the Mid Shoalhaven River Water Source,
- (zo) the Middle Harbour Water Source,
- (zp) the Minnamurra Coastal Water Source,
- (zq) the Minnamurra River Water Source,
- (zr) the Mulwaree River Water Source,
- (zs) the Nattai River Water Source,
- (zt) the Nerrimunga Creek Water Source,
- (zu) the Northern Sydney Coastal Water Source,
- (zv) the Parramatta River Water Source,
- (zw) the Prospect Creek Water Source,
- (zx) the Shoalhaven River Gorge Water Source,
- (zy) the Southern Sydney Coastal Water Source,
- (zz) the Stonequarry Creek Water Source,
- (zza) the Upper Hawkesbury River Water Source,
- (zzb) the Upper Nepean Rivers Water Source,
- (zzc) the Upper Shoalhaven River Water Source,
- (zzd) the Upper Shoalhaven Tributaries Water Source,
- (zze) the Upper Wollondilly River Water Source,
- (zzf) the Warragamba River Water Source,

- (zzg) the Werriberri Creek Water Source,
  - (zzh) the Wianamatta-South Creek Water Source,
  - (zzi) the Wingecarribee River Water Source,
  - (zzj) the Wollongong Coastal Water Source,
  - (zzk) the Woronora River Water Source,
  - (zzl) the Wywandy Water Source,
  - (zzm) the Yarrunga Creek Water Source.
- (2) The water sources include surface water upstream of the mangrove limit.
- (3) The water sources do not include the following—
- (a) water in coastal sands,
  - (b) water in unconsolidated sediments,
  - (c) water contained in fractured or porous rocks,
  - (d) surface water downstream of the mangrove limit.
- (4) In this section—
- mangrove limit** has the same meaning as in the document titled *Survey of tidal limits and mangrove limits in NSW estuaries 1996 to 2005*, ISBN 0 7347 4302 5, published by the NSW Government Department of Natural Resources, September 2006 and available on the Department's website.

#### 4 Management zones to which Plan applies

- (1) The Mid Nepean River Weirs Water Source is divided into the following management zones shown on the Plan Map—
- (a) Brownlow Hill Weir Management Zone,
  - (b) Camden Weir Management Zone,
  - (c) Cobbity Weir Management Zone,
  - (d) Menangle Weir Management Zone,
  - (e) Mid Nepean River Catchment Management Zone,
  - (f) Mount Hunter Rivulet Weir Management Zone,
  - (g) Sharpes Weir Management Zone,
  - (h) Theresa Park Weir Management Zone,
  - (i) Wallacia Weir Management Zone.
- (2) The Parramatta River Water Source is divided into the following management zones shown on the Plan Map—
- (a) Lower Parramatta River Management Zone,
  - (b) Upper Parramatta River Management Zone.
- (3) The Upper Hawkesbury River Water Source is divided into the following management zones shown on the Plan Map—
- (a) Upper Hawkesbury River (Cattai Creek to Colo River) Management Zone,
  - (b) Upper Hawkesbury River (Grose River to Wianamatta-South Creek) Management Zone,
  - (c) Upper Hawkesbury River (Wianamatta-South Creek to Cattai Creek) Management Zone.

- (4) The Upper Nepean Rivers Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Pheasants Nest to Nepean Dam Management Zone,
  - (b) Upper Nepean Rivers Management Zone.
- (5) The Upper Shoalhaven Tributaries Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Boro Creek Management Zone,
  - (b) Mongarlowe River Management Zone,
  - (c) Reedy Creek Management Zone.
- (6) The Wianamatta-South Creek Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Lower Wianamatta-South Creek Management Zone,
  - (b) Upper Wianamatta-South Creek Management Zone.
- (7) The Wingecarribee River Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Lower Wingecarribee River Management Zone,
  - (b) Medway Rivulet Management Zone,
  - (c) Upper Wingecarribee River Management Zone.
- (8) The Woronora River Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Lower Woronora River Management Zone,
  - (b) Upper Woronora River Management Zone.

**5 Extraction management units established by Plan—the Act, s 20(2)(a)**

The following extraction management units are established—

- (a) the Hawkesbury and Lower Nepean Rivers Extraction Management Unit, consisting of the following water sources—
  - (i) the Berowra Creek and Cowan Creek Water Source,
  - (ii) the Capertee River Water Source,
  - (iii) the Cattai Creek Water Source,
  - (iv) the Colo River Water Source,
  - (v) the Erskine Creek and Glenbrook Creek Water Source,
  - (vi) the Grose River Water Source,
  - (vii) the Mid Nepean River Weirs Water Source,
  - (viii) the Lower Hawkesbury River Water Source,
  - (ix) the Lower Nepean River Water Source,
  - (x) the Macdonald River Water Source,
  - (xi) the Upper Hawkesbury River Water Source,
  - (xii) the Warragamba River Water Source,
  - (xiii) the Wianamatta-South Creek Water Source,



- (b) the Illawarra Rivers Extraction Management Unit, consisting of the following water sources—
  - (i) the Lake Illawarra Water Source,
  - (ii) the Macquarie Rivulet Water Source,
  - (iii) the Minnamurra Coastal Water Source,
  - (iv) the Minnamurra River Water Source,
  - (v) the Wollongong Coastal Water Source,
- (c) the Northern Sydney Rivers Extraction Management Unit, consisting of the following water sources—
  - (i) the Lane Cove River Water Source,
  - (ii) the Middle Harbour Water Source,
  - (iii) the Northern Sydney Coastal Water Source,
  - (iv) the Parramatta River Water Source,
- (d) the Shoalhaven River Extraction Management Unit, consisting of the following water sources—
  - (i) the Barbers Creek Water Source,
  - (ii) the Bomaderry Creek Water Source,
  - (iii) the Broughton Creek Water Source,
  - (iv) the Bundanoon Creek Water Source,
  - (v) the Bungonia Creek Water Source,
  - (vi) the Corang and Endrick Rivers Water Source,
  - (vii) the Fitzroy Falls Water Source,
  - (viii) the Jaspers Brush Creek and Tributaries Water Source,
  - (ix) the Kangaroo River Water Source,
  - (x) the Lower Kangaroo River Water Source,
  - (xi) the Lower Shoalhaven River Catchment Water Source,
  - (xii) the Lower Shoalhaven River Water Source,
  - (xiii) the Mid Shoalhaven River Water Source,
  - (xiv) the Nerrimunga Creek Water Source,
  - (xv) the Shoalhaven River Gorge Water Source,
  - (xvi) the Upper Shoalhaven River Water Source,
  - (xvii) the Upper Shoalhaven Tributaries Water Source,
  - (xviii) the Yarrunga Creek Water Source,
- (e) the Southern Sydney Rivers Extraction Management Unit, consisting of the following water sources—
  - (i) the Cabramatta Creek Water Source,
  - (ii) the Cooks River and Botany Bay Water Source,
  - (iii) the Georges River Catchment Water Source,
  - (iv) the Hacking River Water Source,
  - (v) the Lower Georges River and Bunbury Curran Creek Water Source,

- (vi) the Prospect Creek Water Source,
- (vii) the Southern Sydney Coastal Water Source,
- (viii) the Woronora River Water Source,
- (f) the Upper Nepean and Upstream Warragamba Extraction Management Unit, consisting of all other water sources to which this Plan applies.

## 6 Interpretation

- (1) The Dictionary in Schedule 6 defines words used in this Plan.

**Note—** The *Interpretation Act 1987* contains definitions and other provisions affecting the interpretation and application of this Plan.

- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

## 7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.

**Note—** The Plan Map adopted by this Plan is available on the Department's website.

- (2) A map that amends or replaces a map adopted by this Plan has effect only if this Plan is amended to give effect to it.

## Part 2 Vision, objectives, strategies and performance indicators

### 8 Vision statement—the Act, s 35(1)(a)

The vision for this Plan is to provide for the following—

- (a) the health and enhancement of the water sources and their dependent ecosystems,
- (b) the continuing productive extraction of water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of water to Aboriginal communities,
- (d) the social and cultural benefits to urban and rural communities resulting from water.

### 9 Objectives of Plan—the Act, s 35(1)(b)

The objectives of this Plan are as follows—

- (a) to protect, and where possible enhance and restore, the condition of the water sources and their water-dependent ecosystems,
- (b) to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, water-dependent industries and local economies,
- (c) to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people,
- (d) to provide access to water to support water-dependent social and cultural values.

### 10 Strategies for reaching objectives—the Act, s 35(1)(c)

- (1) The strategies for reaching the objectives of this Plan include the following—
  - (a) reserve all water in excess of each long-term average annual extraction limit for the environment,
  - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,
  - (c) restrict the take of water from an in-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
  - (d) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including connectivity between tidal pools and estuaries,
  - (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, basic landholder rights and town water supply,
  - (f) restrict or prevent water supply work approvals on third order or higher streams within specified water sources,
  - (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
  - (h) provide a stable and predictable framework for sharing water among water users,
  - (i) provide for flexibility of access to water,
  - (j) manage access to water consistently with the exercise of native title rights and domestic and stock rights,
  - (k) provide for water associated with Aboriginal cultural values and uses, and community development,

- (1) to mitigate alterations to natural flow regimes in the water sources by ensuring the release of a portion of inflows for environmental use from the Avon Dam, Broughtons Pass Weir, Cataract Dam, Cordeaux Dam, Fitzroy Falls Reservoir, Nepean Dam, Pheasants Nest Weir, Tallowa Dam, Warragamba Dam, Wingecarribee Reservoir and Woronora Dam.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

**11 Performance indicators—the Act, s 35(1)(d)**

- (1) The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—
  - (a) the ecological condition of the water sources,
  - (b) economic benefits,
  - (c) Aboriginal cultural benefits,
  - (d) social and cultural benefits.
- (2) The performance indicators must be monitored and evaluated in the way approved by the Minister.

## Part 3 Requirements for water

### Division 1 Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b)

#### 12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 38,254.05ML/year distributed as follows—

- (a) 277.4ML/year in the Barbers Creek Water Source,
- (b) 708.1ML/year in the Berowra Creek and Cowan Creek Water Source,
- (c) 58.4ML/year in the Bomaderry Creek Water Source,
- (d) 135.1ML/year in the Broughton Creek Water Source,
- (e) 91.3ML/year in the Bundanoon Creek Water Source,
- (f) 438ML/year in the Bungonia Creek Water Source,
- (g) 135.1ML/year in the Cabramatta Creek Water Source,
- (h) 1,244.7ML/year in the Capertee River Water Source,
- (i) 704.5ML/year in the Cattai Creek Water Source,
- (j) 912.5ML/year in the Colo River Water Source,
- (k) 423.4ML/year in the Cooks River and Botany Bay Water Source,
- (l) 638.8ML/year in the Corang and Endrick Rivers Water Source,
- (m) 1,084.1ML/year in the Dharabuladh Water Source,
- (n) 726.4ML/year in the Erskine Creek and Glenbrook Creek Water Source,
- (o) 36.5ML/year in the Fitzroy Falls Water Source,
- (p) 259.2ML/year in the Georges River Catchment Water Source,
- (q) 335.8ML/year in the Grose River Water Source,
- (r) 1,036.6ML/year in the Hacking River Water Source,
- (s) 164.3ML/year in the Jaspers Brush Creek and Tributaries Water Source,
- (t) 32.9ML/year in the Jenolan River Water Source,
- (u) 382.2ML/year in the Kangaroo River Water Source,
- (v) 127.75ML/year in the Kedumba River Water Source,
- (w) 335.8ML/year in the Kowmung River Water Source,
- (x) 416.1ML/year in the Lake Burragorang Water Source,
- (y) 419.8ML/year in the Lake Illawarra Water Source,
- (z) 784.8ML/year in the Lane Cove River Water Source,
- (za) 94.9ML/year in the Little River Water Source,
- (zb) 2,003.9ML/year in the Lower Georges River and Bunbury Curran Creek Water Source,
- (zc) 1,153.4ML/year in the Lower Hawkesbury River Water Source,
- (zd) 193.5ML/year in the Lower Kangaroo River Water Source,
- (ze) 401.5ML/year in the Lower Nepean River Water Source,
- (zf) 704.5ML/year in the Lower Shoalhaven River Catchment Water Source,

- (zg) 87.6ML/year in the Lower Shoalhaven River Water Source,
- (zh) 3,146.3ML/year in the Lower Wollondilly River Water Source,
- (zi) 821.3ML/year in the Macdonald River Water Source,
- (zj) 138.7ML/year in the Macquarie Rivulet Water Source,
- (zk) 171.6ML/year in the Maguires Crossing Water Source,
- (zl) 419.8ML/year in the Maldon Weir Water Source,
- (zm) 806.7ML/year in the Mid Nepean River Weirs Water Source,
- (zn) 1,635.2ML/year in the Mid Shoalhaven River Water Source,
- (zo) 700.8ML/year in the Middle Harbour Water Source,
- (zp) 215.4ML/year in the Minnamurra Coastal Water Source,
- (zq) 288.4ML/year in the Minnamurra River Water Source,
- (zr) 456.3ML/year in the Mulwaree River Water Source,
- (zs) 292ML/year in the Nattai River Water Source,
- (zt) 408.8ML/year in the Nerrimunga Creek Water Source,
- (zu) 277.4ML/year in the Northern Sydney Coastal Water Source,
- (zv) 2,295.9ML/year in the Parramatta River Water Source,
- (zw) 532.9ML/year in the Prospect Creek Water Source,
- (zx) 357.7ML/year in the Shoalhaven River Gorge Water Source,
- (zy) 43.8ML/year in the Southern Sydney Coastal Water Source,
- (zz) 281.1ML/year in the Stonequarry Creek Water Source,
- (zza) 883.3ML/year in the Upper Hawkesbury River Water Source,
- (zzb) 162.1ML/year in the Upper Nepean Rivers Water Source,
- (zzc) 427.1ML/year in the Upper Shoalhaven River Water Source,
- (zzd) 970.9ML/year in the Upper Shoalhaven Tributaries Water Source,
- (zze) 1,237.4ML/year in the Upper Wollondilly River Water Source,
- (zzf) 14.6ML/year in the Warragamba River Water Source,
- (zzg) 164.3ML/year in the Werriberri Creek Water Source,
- (zzh) 1,230.1ML/year in the Wianamatta-South Creek Water Source,
- (zzi) 1,890.8ML/year in the Wingecarribee River Water Source,
- (zzj) 602.3ML/year in the Wollongong Coastal Water Source,
- (zzk) 430.7ML/year in the Woronora River Water Source,
- (zzl) 372.3ML/year in the Wywandy Water Source,
- (zzm) 29.2ML/year in the Yarrunga Creek Water Source.

### 13 Native title rights

On the commencement of this Plan, no determinations of native title had been made in relation to the water sources.

**Note—** A native title holder is entitled to take water in the exercise of native title rights without the need for an access licence—see the Act, section 55.

#### 14 Harvestable rights

On the commencement of this Plan, the amount of water required to satisfy harvestable rights is estimated to be 114,361ML/year distributed as follows—

- (a) 1020.1ML/year in the Barbers Creek Water Source,
- (b) 2514.9ML/year in the Berowra Creek and Cowan Creek Water Source,
- (c) 205.1ML/year in the Bomaderry Creek Water Source,
- (d) 330.4ML/year in the Broughton Creek Water Source,
- (e) 822.8ML/year in the Bundanoon Creek Water Source,
- (f) 541.3ML/year in the Bungonia Creek Water Source,
- (g) 515.4ML/year in the Cabramatta Creek Water Source,
- (h) 1872.5ML/year in the Capertee River Water Source,
- (i) 3933ML/year in the Cattai Creek Water Source,
- (j) 3242.5ML/year in the Colo River Water Source,
- (k) 323ML/year in the Cooks River and Botany Bay Water Source,
- (l) 327.3ML/year in the Corang and Endrick Rivers Water Source,
- (m) 2155.4ML/year in the Dharabuladh Water Source,
- (n) 19.5ML/year in the Erskine Creek and Glenbrook Creek Water Source,
- (o) 464.9ML/year in the Fitzroy Falls Water Source,
- (p) 582ML/year in the Georges River Catchment Water Source,
- (q) 1344.9ML/year in the Grose River Water Source,
- (r) 62.1ML/year in the Hacking River Water Source,
- (s) 569.1ML/year in the Jaspers Brush Creek and Tributaries Water Source,
- (t) 1874.2ML/year in the Kangaroo River Water Source,
- (u) 52.5ML/year in the Kedumba River Water Source,
- (v) 299.8ML/year in the Kowmung River Water Source,
- (w) 152.5ML/year in the Lake Burragorang Water Source,
- (x) 1427.9ML/year in the Lake Illawarra Water Source,
- (y) 4.4ML/year in the Lane Cove River Water Source,
- (z) 360.3ML/year in the Little River Water Source,
- (za) 1728.3ML/year in the Lower Georges River and Bunbury Curran Creek Water Source,
- (zb) 2209ML/year in the Lower Hawkesbury River Water Source,
- (zc) 312.4ML/year in the Lower Kangaroo River Water Source,
- (zd) 4080.2ML/year in the Lower Nepean River Water Source,
- (ze) 1528.1ML/year in the Lower Shoalhaven River Catchment Water Source,
- (zf) 6099.1ML/year in the Lower Wollondilly River Water Source,
- (zg) 555ML/year in the Macdonald River Water Source,
- (zh) 901.9ML/year in the Macquarie Rivulet Water Source,
- (zi) 1223.6ML/year in the Maguires Crossing Water Source,

- (zj) 2588.5ML/year in the Maldon Weir Water Source,
- (zk) 10,804.8ML/year in the Mid Nepean River Weirs Water Source,
- (zl) 2759.2ML/year in the Mid Shoalhaven River Water Source,
- (zm) 58.6ML/year in the Middle Harbour Water Source,
- (zn) 804.2ML/year in the Minnamurra Coastal Water Source,
- (zo) 2139.9ML/year in the Minnamurra River Water Source,
- (zp) 2825.2ML/year in the Mulwaree River Water Source,
- (zq) 1505.3ML/year in the Nattai River Water Source,
- (zr) 962.7ML/year in the Nerrimunga Creek Water Source,
- (zs) 259.5ML/year in the Northern Sydney Coastal Water Source,
- (zt) 418.3ML/year in the Parramatta River Water Source,
- (zu) 236.7ML/year in the Prospect Creek Water Source,
- (zv) 443.4ML/year in the Shoalhaven River Gorge Water Source,
- (zw) 2157.5ML/year in the Stonequarry Creek Water Source,
- (zx) 8757.8ML/year in the Upper Hawkesbury River Water Source,
- (zy) 91ML/year in the Upper Nepean Rivers Water Source,
- (zz) 585.5ML/year in the Upper Shoalhaven River Water Source,
- (zza) 2685.8ML/year in the Upper Shoalhaven Tributaries Water Source,
- (zzb) 6579.1ML/year in the Upper Wollondilly River Water Source,
- (zzc) 22.8ML/year in the Warragamba River Water Source,
- (zzd) 3272.8ML/year in the Werriberri Creek Water Source,
- (zze) 10,947ML/year in the Wianamatta-South Creek Water Source,
- (zzf) 8072.5ML/year in the Wingecarribee River Water Source,
- (zzg) 217.2ML/year in the Wollongong Coastal Water Source,
- (zzh) 32.4ML/year in the Woronora River Water Source,
- (zzi) 1216.5ML/year in the Wywandy Water Source,
- (zzj) 261.4ML/year in the Yarrunga Creek Water Source,
- (zzk) 0ML/year in all other water sources.

## **Division 2 Requirements for water for extraction under access licences**

### **15 Share components of access licences in the water sources—the Act, s 20(1)(c)**

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 3,767.4ML/year distributed as follows—
  - (a) 32.5ML/year in the Barbers Creek Water Source,
  - (b) 7.8ML/year in the Berowra Creek and Cowan Creek Water Source,
  - (c) 1ML/year in the Bomaderry Creek Water Source,
  - (d) 5.5ML/year in the Broughton Creek Water Source,
  - (e) 6.5ML/year in the Bundanoon Creek Water Source,
  - (f) 24ML/year in the Capertee River Water Source,



- (g) 42ML/year in the Cattai Creek Water Source,
- (h) 67.5ML/year in the Colo River Water Source,
- (i) 3ML/year in the Dharabuladh Water Source,
- (j) 10.5ML/year in the Fitzroy Falls Water Source,
- (k) 15ML/year in the Georges River Catchment Water Source,
- (l) 72.5ML/year in the Grose River Water Source,
- (m) 15.5ML/year in the Jaspers Brush Creek and Tributaries Water Source,
- (n) 70ML/year in the Jenolan River Water Source,
- (o) 56.5ML/year in the Kangaroo River Water Source,
- (p) 19.5ML/year in the Lake Illawarra Water Source,
- (q) 6ML/year in the Lower Georges River and Bunbury Curran Creek Water Source,
- (r) 9ML/year in the Lower Hawkesbury River Water Source,
- (s) 1ML/year in the Lower Kangaroo River Water Source,
- (t) 72ML/year in the Lower Nepean River Water Source,
- (u) 12ML/year in the Lower Shoalhaven River Catchment Water Source,
- (v) 299ML/year in the Lower Wollondilly River Water Source,
- (w) 8ML/year in the Macdonald River Water Source,
- (x) 30ML/year in the Macquarie Rivulet Water Source,
- (y) 26.5ML/year in the Maguires Crossing Water Source,
- (z) 6.5ML/year in the Maldon Weir Water Source,
- (za) 362ML/year in the Mid Nepean River Weirs Water Source,
- (zb) 369.5ML/year in the Mid Shoalhaven River Water Source,
- (zc) 1ML/year in the Minnamurra Coastal Water Source,
- (zd) 41.5ML/year in the Minnamurra River Water Source,
- (ze) 17ML/year in the Mulwaree River Water Source,
- (zf) 1ML/year in the Nattai River Water Source,
- (zg) 4.9ML/year in the Nerrimunga Creek Water Source,
- (zh) 0.5ML/year in the Prospect Creek Water Source,
- (zi) 1.8ML/year in the Stonequarry Creek Water Source,
- (zj) 380ML/year in the Upper Hawkesbury River Water Source,
- (zk) 7ML/year in the Upper Shoalhaven River Water Source,
- (zl) 1.5ML/year in the Upper Shoalhaven Tributaries Water Source,
- (zm) 49ML/year in the Upper Wollondilly River Water Source,
- (zn) 26ML/year in the Werriberri Creek Water Source,
- (zo) 48.4ML/year in the Wianamatta-South Creek Water Source,
- (zp) 27.5ML/year in the Wingecarribee River Water Source,
- (zq) 1,503ML/year in the Wywandy Water Source,
- (zr) 6.5ML/year in the Yarrunga Creek Water Source,

- (zs) 0ML/year in all other water sources.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 31,280ML/year distributed as follows—
  - (a) 1,000ML/year in the Bundanoon Creek Water Source,
  - (b) 1,293ML/year in the Colo River Water Source,
  - (c) 85ML/year in the Kangaroo River Water Source,
  - (d) 22,902ML/year in the Lower Shoalhaven River Catchment Water Source,
  - (e) 5,100ML/year in the Upper Wollondilly River Water Source,
  - (f) 900ML/year in the Wingecarribee River Water Source,
  - (g) 0ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 148,781.3ML/year distributed as follows—
  - (a) 1,143ML/year in the Barbers Creek Water Source,
  - (b) 1,139ML/year in the Berowra Creek and Cowan Creek Water Source,
  - (c) 147.6ML/year in the Bomaderry Creek Water Source,
  - (d) 659ML/year in the Broughton Creek Water Source,
  - (e) 101.5ML/year in the Bundanoon Creek Water Source,
  - (f) 43ML/year in the Bungonia Creek Water Source,
  - (g) 228ML/year in the Cabramatta Creek Water Source,
  - (h) 514.5ML/year in the Capertee River Water Source,
  - (i) 1,378.5ML/year in the Cattai Creek Water Source,
  - (j) 2,066.5ML/year in the Colo River Water Source,
  - (k) 448ML/year in the Cooks River and Botany Bay Water Source,
  - (l) 76ML/year in the Corang and Endrick Rivers Water Source,
  - (m) 528ML/year in the Dharabuladh Water Source,
  - (n) 514ML/year in the Fitzroy Falls Water Source,
  - (o) 3,144.6ML/year in the Georges River Catchment Water Source,
  - (p) 1,548.5ML/year in the Grose River Water Source,
  - (q) 140ML/year in the Hacking River Water Source,
  - (r) 180.5ML/year in the Jaspers Brush Creek and Tributaries Water Source,
  - (s) 514ML/year in the Jenolan River Water Source,
  - (t) 4,838.5ML/year in the Kangaroo River Water Source,
  - (u) 54ML/year in the Kedumba River Water Source,
  - (v) 151ML/year in the Kowmung River Water Source,
  - (w) 44ML/year in the Lake Burragorang Water Source,
  - (x) 680.5ML/year in the Lake Illawarra Water Source,
  - (y) 305ML/year in the Lane Cove River Water Source,
  - (z) 56.5ML/year in the Little River Water Source,

- (za) 790.3ML/year in the Lower Georges River and Bunbury Curran Creek Water Source,
- (zb) 8,366.3ML/year in the Lower Hawkesbury River Water Source,
- (zc) 160ML/year in the Lower Kangaroo River Water Source,
- (zd) 28,082ML/year in the Lower Nepean River Water Source,
- (ze) 283ML/year in the Lower Shoalhaven River Catchment Water Source,
- (zf) 125ML/year in the Lower Shoalhaven River Water Source,
- (zg) 5,111ML/year in the Lower Wollondilly River Water Source,
- (zh) 291ML/year in the Macdonald River Water Source,
- (zi) 978ML/year in the Macquarie Rivulet Water Source,
- (zj) 1,031ML/year in the Maguires Crossing Water Source,
- (zk) 662.5ML/year in the Maldon Weir Water Source,
- (zl) 24,724ML/year in the Mid Nepean River Weirs Water Source,
- (zm) 1,401ML/year in the Mid Shoalhaven River Water Source,
- (zn) 122ML/year in the Middle Harbour Water Source,
- (zo) 32ML/year in the Minnamurra Coastal Water Source,
- (zp) 903.9ML/year in the Minnamurra River Water Source,
- (zq) 1,209ML/year in the Mulwaree River Water Source,
- (zr) 123ML/year in the Nattai River Water Source,
- (zs) 277ML/year in the Nerrimunga Creek Water Source,
- (zt) 693ML/year in the Northern Sydney Coastal Water Source,
- (zu) 734ML/year in the Parramatta River Water Source,
- (zv) 85.5ML/year in the Prospect Creek Water Source,
- (zw) 5ML/year in the Shoalhaven River Gorge Water Source,
- (zx) 678.5ML/year in the Stonequarry Creek Water Source,
- (zy) 37,420ML/year in the Upper Hawkesbury River Water Source,
- (zz) 213ML/year in the Upper Nepean Rivers Water Source,
- (zza) 493ML/year in the Upper Shoalhaven River Water Source,
- (zzb) 547.3ML/year in the Upper Shoalhaven Tributaries Water Source,
- (zzc) 948.5ML/year in the Upper Wollondilly River Water Source,
- (zzd) 2,203.5ML/year in the Werriberri Creek Water Source,
- (zze) 6,704.4ML/year in the Wianamatta-South Creek Water Source,
- (zzf) 1,924.5ML/year in the Wingecarribee River Water Source,
- (zzg) 439ML/year in the Wollongong Coastal Water Source,
- (zzh) 90.8ML/year in the Woronora River Water Source,
- (zzi) 211ML/year in the Wywandy Water Source,
- (zzj) 74.6ML/year in the Yarrunga Creek Water Source,
- (zzk) 0ML/year in all other water sources.

- (4) [Not applicable]

**Note—** When this Plan was made, there were no unregulated river (high flow) access licences.

- (5) On the commencement of this Plan, the share components of major utility access licences are estimated to be a total of 1,032,075ML/year distributed as follows—
- (a) 26,075ML/year in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit,
  - (b) 329,000ML/year in the Shoalhaven River Extraction Management Unit,
  - (c) 32,000ML/year in the Southern Sydney Rivers Extraction Management Unit,
  - (d) 645,000ML/year in the Upper Nepean and Upstream Warragamba Extraction Management Unit,
  - (e) 0ML/year in all other extraction management units.

**Note—** The total share components of access licences in the water sources may change during the term of this Plan as a result of—

- (a) the grant, surrender or cancellation of access licences in the water sources, or
- (b) the variation of local water utility licences under the Act, section 66, or
- (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

## Part 4 Limits to the availability of water

### Division 1 Available water determinations—the Act, s 20(2)(b)

#### 16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
  - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
  - (b) for an access licence specifying the share component as a number of unit shares—1ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination is in the public interest—
  - (a) for domestic and stock access licences—100%,
  - (b) for local water utility access licences—100%,
  - (c) for unregulated river access licences—100%,
  - (d) for unregulated river (high flow) access licences—100%,
  - (e) for major utility access licences—100%.
- (3) This section is subject to sections 22 and 26.

**Note—** The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

### Division 2 Extraction limits—the Act, s 20(1)(e)

#### Subdivision 1 Preliminary

#### 17 Operation of Division—the Act, s 8

For the Act, section 8(1A)(b) and (2), this Division—

- (a) sets out environmental water rules, and
- (b) commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliance with the long-term average annual extraction limit.

#### 18 Definitions

In this Division—

**3-year average higher flow extraction** means the average of the annual higher flow extractions for 3 consecutive water years most recently calculated for an extraction management unit.

**3-year average standard extraction** means the average of the annual standard extractions for 3 consecutive water years most recently calculated for an extraction management unit.

**10-year average Water NSW major utilities extraction** means the average of the Water NSW major utilities extractions for 10 consecutive water years most recently calculated for an extraction management unit.

**annual higher flow extraction** means the sum of the volume of water taken from an extraction management unit under all higher flow extraction licences within the extraction management unit.

**Note—** The determination of the volume of water taken from each extraction management unit excludes water committed as licensed environmental water—see the Act, section 8F(5).

**annual higher flow extraction limit** means the annual higher flow extraction limit established by section 23.

**annual standard extraction** means the volume of water taken from an extraction management unit—

- (a) under an access licence, excluding—
  - (i) extractions under a higher flow extraction licence, and
  - (ii) water allocations assigned under the Act, section 71T from major utility access licences held by Water NSW in the extraction management unit, or
- (b) in the exercise of basic landholder rights.

**Note—** The determination of the volume of water taken from each extraction management unit excludes water committed as licensed environmental water—see the Act, section 8F(5).

**higher flow extraction licence** means the following—

- (a) an unregulated river (high flow) access licence,
- (b) an access licence of the subcategory Aboriginal community development,
- (c) an access licence subject to a condition with the effect of prohibiting the take of water unless flows are above the A Class,
- (d) a major utility access licence, but only in relation to the extraction of water from declared dams within the meaning of the *Dams Safety Act 2015*.

**reduced available water determinations** means available water determinations that are less than the amount specified in section 16(2) for the category of licence in relation to which the determination is made.

**standard LTAAEL** means a standard long-term average annual extraction limit established by section 19.

**Water NSW LTAAEL**, for Subdivision 3A—see section 26A.

**Water NSW major utilities extraction** for an extraction management unit means—

- (a) the volume of water taken from the extraction management unit under a major utility access licence held by Water NSW, and
- (b) the volume of water—
  - (i) assigned under the Act, section 71T from a major utility access licence held by Water NSW in the extraction management unit to another access licence, and
  - (ii) taken under the other access licence.

## Subdivision 2 Standard LTAAELs

### 19 Establishment of standard LTAAELs

The standard LTAAELs are as follows—

- (a) for the Hawkesbury and Lower Nepean Rivers Extraction Management Unit and the Upper Nepean Upper Nepean and Upstream Warragamba Extraction Management Unit—the sum of the following within each extraction management unit—
  - (i) the average of annual extractions from July 1993 to June 1999 under entitlements issued under the *Water Act 1912*, Parts 2 and 9, excluding entitlements held by the former Sydney Catchment Authority that were replaced by major utility access licences on 1 July 2011,
  - (ii) an estimate of annual extractions in the exercise of native title rights and domestic and stock rights as of 1 July 2011,
  - (iii) an estimate of the annual volume of water available for extraction from harvestable rights dams under the 2006 Harvestable Rights Order as of 1 July 2011,
  - (iv) all access licence share components granted under the *Water Management (General) Regulation 2011*, Schedule 4, Part 2, Division 9, Subdivision 2 authorising the taking of water from a water source, including a tidal pool, for which no entitlement was required under the *Water Act 1912*,
- (b) for the Illawarra Rivers Extraction Management Unit— 13,102.2ML/year,
- (c) for the Northern Sydney Rivers Extraction Management Unit—7,038.5ML/year,
- (d) for the Shoalhaven River Extraction Management Unit— 87,004.9ML/year,
- (e) for the Southern Sydney Rivers Extraction Management Unit— 18,945.3ML/year.

**Note—** The standard LTAAELs are taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

### 20 Calculation of annual standard extraction

As soon as practicable after the end of a water year, the annual standard extraction of each extraction management unit must be calculated for the water year.

### 21 Assessment of compliance with standard LTAAELs

- (1) As soon as practicable after the end of a water year, the 3-year average standard extraction for each extraction management unit must be compared against the standard LTAAEL for the extraction management unit for the water year.
- (2) In determining the standard LTAAEL for the water year, the following share components, if any, within the extraction management unit must be excluded from the standard LTAAEL—
  - (a) the share components of an access licence cancelled to grant a higher flow extraction licence after the commencement of this Plan,
  - (b) the share components of an access licence cancelled after the commencement of this Plan if the licence is cancelled for an environmental purpose.
- (3) There is noncompliance with the standard LTAAEL if the 3-year average standard extraction exceeds the standard LTAAEL for the water year by 5% or more.

## 22 Compliance with standard LTAAELs

- (1) This section applies to an extraction management unit if there is noncompliance with the standard LTAAEL for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the standard LTAAEL, must be made for an unregulated river access licence.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

**Note—** The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

## Subdivision 3 Annual higher flow extraction limits

### 23 Establishment of annual higher flow extraction limit

The annual higher flow extraction limit is the largest sum of the share components of all higher flow extraction licences within the extraction management unit occurring within a water year.

**Note—** The annual higher flow extraction limits are taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

### 24 Calculation of annual higher flow extraction

As soon as practicable after the end of a water year, the annual higher flow extraction of each extraction management unit must be calculated for the water year.

### 25 Assessment of compliance with annual higher flow extraction limits

- (1) As soon as practicable after the end of a water year, the 3-year average higher flow extraction for each extraction management unit must be compared against the annual higher flow extraction limit for the extraction management unit.
- (2) In determining the annual higher flow extraction limit for the water year, the share components of an access licence must be excluded from the annual higher flow extraction limit if—
  - (a) the access licence was cancelled for an environmental purpose during the water year, and
  - (b) before its cancellation, the access licence was in the extraction management unit.
- (3) There is noncompliance with the annual higher flow extraction limit if the 3-year average higher flow extraction exceeds the limit by 5% or more.

### 26 Compliance with annual higher flow extraction limits

- (1) This section applies to an extraction management unit if there is noncompliance with the annual higher flow extraction limit for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations must be made for one or more of the following categories of licences—
  - (a) an unregulated river (high flow) access licence,
  - (b) an Aboriginal community development access licence,
  - (c) a higher flow extraction licence.



- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

**Note—** The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

### **Subdivision 3A Long-term average annual extraction limits for major utility access licences held by Water NSW**

#### **26A Establishment of Water NSW LTAAELs**

The Water NSW LTAAELs are as follows—

- (a) for the Hawkesbury and Lower Nepean Rivers Extraction Management Unit—6,000ML/year,
- (b) for the Shoalhaven River Extraction Management Unit—36,000ML/year,
- (c) for the Southern Sydney Rivers Extraction Management Unit—13,000ML/year,
- (d) for the Upper Nepean and Upstream Warragamba Extraction Management Unit—581,000ML/year,
- (e) 0ML/year for all other extraction management units.

**Note—** The Water NSW LTAAELs are taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

#### **26B Calculation of annual Water NSW major utilities extraction**

- (1) As soon as practicable after the end of a water year, the 10-year average Water NSW major utilities extraction for each extraction management unit must be compared against the Water NSW LTAAEL for the extraction management unit for the water year.
- (2) There is noncompliance with the Water NSW LTAAEL if the 10-year average Water NSW major utilities extraction is exceeded.

#### **26C Compliance with annual Water NSW major utilities extraction limits**

- (1) This section applies to an extraction management unit if there is noncompliance with the Water NSW LTAAEL for the extraction management unit.
- (2) In the water year occurring immediately after a noncompliance is assessed, the Minister must consider—
  - (a) the urban water supply requirements of Water NSW, and
  - (b) the impacts associated with an increase in the Water NSW LTAAEL concerned.

**Note—** The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

### **Subdivision 4 Total daily extraction limits**

#### **27 Total daily extraction limits for certain water sources and categories of access licences**

[Not applicable]

## Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b)

### 28 Specific purpose access licences

- (1) A person may apply for an unregulated river (Aboriginal community development) access licence in one of the following water sources or management zone if the share components of all unregulated river (Aboriginal community development) access licences in the management zone or water source concerned do not exceed the following—
  - (a) for the Jenolan River Water Source—40ML/year,
  - (b) for the Kowmung River Water Source—40ML/year,
  - (c) for the Upper Shoalhaven River Water Source—218ML/year,
  - (d) for the Boro Creek Management Zone of the Upper Shoalhaven Tributaries Water Source—268ML/year.

**Note—** A person may also apply for a specific purpose access licence in circumstances where the regulations provide that an application for the licence may be made—see the Act, section 61(1)(a).
- (2) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (3) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
  - (a) the share component of the licence is no more than 10ML/year,
  - (b) the licence is only for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
    - (i) drinking and food preparation,
    - (ii) washing,
    - (iii) manufacturing traditional artefacts,
    - (iv) watering domestic gardens,
    - (v) cultural teaching,
    - (vi) hunting, fishing and gathering,
    - (vii) recreational, cultural and ceremonial purposes, and
  - (c) for an unregulated river (Aboriginal cultural) access licence in the following water sources—the share components of all unregulated river (Aboriginal cultural) access licences in the water source concerned does not exceed 40ML/year—
    - (i) the Dharabuladh Water Source,
    - (ii) the Jenolan River Water Source,
    - (iii) the Kedumba River Water,
    - (iv) the Kowmung River Water Source,
    - (v) the Wywandy Water Source.

- (4) In this section—

*Aboriginal person* has the same meaning as in the *Aboriginal Land Rights Act 1983*.

## 29 Management of access licences

- (1) This section applies to an access licence affected by a change to the boundary of a water source or water management area to which this Plan applies, whether the change is made on the commencement of this Plan or as an amendment to this Plan.
- (2) The Minister may amend the share component or extraction component, or both, of an access licence to which this section applies to change the following—
  - (a) the water management area or water source to which the share component of the licence relates,
  - (b) the management zones from which water may be taken in accordance with the extraction component of the licence.
- (3) If, on the commencement of this Plan, an access licence to which this section applies specified—
  - (a) a water source listed in Schedule 5, Table A, Column 1, and
  - (b) a management zone listed in Schedule 5, Table A, Column 2,then, on the commencement of this Plan—
  - (c) the share component of the access licence is taken to specify the water source listed in the same row in Schedule 5, Table A, Column 3,
  - (d) if a management zone is listed in the same row in Schedule 5, Table A, Column 4, the extraction component of the access licence is taken to specify that management zone, and
  - (e) if no management zone is specified in the same row in Schedule 5, Table A, Column 4, the extraction component of the access licence is taken not to specify a management zone.
- (4) On the commencement of this Plan, the share component of each of the access licences listed in Schedule 5, Table B, Column 1 is taken –
  - (a) to not specify a water source, and
  - (b) to specify the water management area listed in the same row in Schedule 5, Table B, Column 2.
- (5) Subsection (3) does not apply to the access licences listed in Schedule 5, Table B, Column 1.

## Part 6 Operation of water allocation accounts and managing access licences

### Division 1 Preliminary

#### 30 Operation of Part—the Act, s 8

For the Act, section 8(1A)(a) and (c) and (2), this Part—

- (a) sets out environmental water rules, and
- (b) in Divisions 2–5—commits water as planned environmental water 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) in Divisions 3–5—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

### Division 2 Accounting for water allocation accounts—the Act, s 21(c)

#### 31 Water allocation account debiting

Note: Clause 17 of the Water Management (General) Regulation 2018 also includes provisions regarding the debiting of water allocation accounts.

- (1) The volume of water debited from the water allocation account of an access licence must not be more than the relevant sum during a period of 3 consecutive water years.
- (2) In this section—

*debited* means taken, assigned under the Act, section 71T or otherwise debited or withdrawn from a water allocation account.

*relevant sum* means the sum of the following—

- (a) the water allocations credited to the water allocation account from available water determinations made during those 3 water years,
- (b) the amount of water allocations assigned to the water allocation account under the Act, section 71T or 71V,
- (c) the water allocations recredited to the water allocation account under the Act, section 76.

#### 32 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) for a major utility access licence—must not be carried over from one water year to the next water year, or
- (b) otherwise—must be carried over from one water year to the next water year up to an amount equal to the following—
  - (i) for access licences with share components expressed as ML/year— 100% of the share component,
  - (ii) for access licences with share components expressed as a number of unit shares—1ML/unit share.

### Division 3 Flow classes

#### 33 Flow classes for specified water sources and management zones—the Act, s 21(a)

- (1) This Plan establishes the flow classes set out in Schedule 1 for the water sources and management zones specified.

- (2) In Schedule 1, the flow class applies when the water source or management zone flow meets the flow specified under the flow class threshold for the water source or management zone, as observed at the flow reference point specified.

#### **34 Minister may determine flow classes in certain circumstances**

- (1) If the Minister is satisfied accurate flow data is not available from a gauge used to determine a flow class, the Minister may determine the flow class.
- (2) If the Minister determines a flow class, the Minister must cause a notice to be published on the Department's website specifying the following—
  - (a) the flow class and flow class threshold determined by the Minister,
  - (b) the water source and management zone, if any, to which the flow class applies,
  - (c) the day on which the flow class applies.
- (3) In determining the flow class, the Minister may consider the following—
  - (a) evidence of past and current flows,
  - (b) readings at other functioning upstream and downstream gauges.
- (4) A flow class published in a notice under this section is taken to be a flow class established by this Plan.

### **Division 4 Access rules for take of surface water—the Act, s 21(a)**

#### **35 General**

- (1) Surface water must not be taken if there is no visible flow at the location from which the water is taken, except from the following locations—
  - (a) an in-river pool, or
  - (b) an off-river pool, or
  - (c) an in-river dam pool.
- (2) Surface water must not be taken from—
  - (a) an in-river pool that is below full capacity, or
  - (b) an off-river pool that is below full capacity, or
  - (c) an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam.

#### **36 Specific access rules**

- (1) Surface water must not be taken from the following water sources and management zones if flows are in the Very Low Flow Class—
  - (a) the Bomaderry Creek Water Source,
  - (b) the Corang and Endrick Rivers Water Source,
  - (c) the Dharabuladh Water Source,
  - (d) the Fitzroy Falls Water Source,
  - (e) the Grose River Water Source,
  - (f) the Jaspers Brush Creek and Tributaries Water Source,
  - (g) the Jenolan River Water Source,
  - (h) the Kangaroo River Water Source,

- (i) the Kedumba River Water Source,
  - (j) the Kowmung River Water Source,
  - (k) the Lower Kangaroo River Water Source,
  - (l) the Lower Wollondilly Water Source,
  - (m) the Macquarie Rivulet Water Source,
  - (n) the Mid Shoalhaven River Water Source,
  - (o) the Shoalhaven River Gorge Water Source,
  - (p) the Stonequarry Creek Water Source,
  - (q) the Upper Shoalhaven River Water Source,
  - (r) the Mongarlowe River Management Zone of the Upper Shoalhaven Tributaries Water Source,
  - (s) the Reedy Creek Management Zone of the Upper Shoalhaven Tributaries Water Source,
  - (t) the Warragamba River Water Source,
  - (u) the Lower Wianamatta-South Creek Management Zone of the Wianamatta-South Creek Water Source,
  - (v) the Lower Wingecarribee River Management Zone of the Wingecarribee River Water Source,
  - (w) the Wywandy Water Source,
  - (x) the Yarrunga Creek Water Source.
- (2) Surface water must not be taken from the following water sources or management zones unless flows have exceeded the upper limit of the Very Low Flow Class for at least 24 consecutive hours—
- (a) the Broughton Creek Water Source,
  - (b) the Bungonia Creek Water Source,
  - (c) the Cabramatta Creek Water Source,
  - (d) the Capertee River Water Source,
  - (e) the Cattai Creek Water Source,
  - (f) the Colo River Water Source,
  - (g) the Lower Georges River and Bunbury Curran Creek Water Source,
  - (h) the Lower Shoalhaven River Water Source,
  - (i) the Macdonald River Water Source,
  - (j) the Maguires Crossing Water Source,
  - (k) the Minnamurra River Water Source,
  - (l) the Mulwaree River Water Source,
  - (m) the Nattai River Water Source,
  - (n) the Upper Parramatta River Management Zone of the Parramatta River Water Source,
  - (o) the Prospect Creek Water Source,
  - (p) the Boro Creek Management Zone of the Upper Shoalhaven Tributaries Water Source,

- (q) the Upper Wollondilly River Water Source,
  - (r) the Werriberri Creek Water Source,
  - (s) the Upper Wianamatta-South Creek Management Zone of the Wianamatta-South Creek Water Source,
  - (t) the Upper Wingecarribee River Management Zone of the Wingecarribee River Water Source.
- (3) Surface water must not be taken under an access licence, held by the Penrith Lakes Development Corporation on 1 July 2011, with an extraction component specifying the Lower Nepean River Water Source—
- (a) on a rising river when the flow in the Nepean River measured at the Yarramundi gauge (2122001) is 500ML/day or less, or
  - (b) on a falling river when the flow in the Nepean River measured at the Yarramundi gauge (2122001) is 350ML/day or less.
- (4) Surface water must not be taken under a major utility (power generation) access licence in the Wywandy Water Source—
- (a) from the Coxs River unless the licence holder has first used all available water from the holder’s mine water storages, or
  - (b) in exceedance of—
    - (i) for a water year in which the licence holder’s share of the volume of water available from the Fish River Water Source under access licence number 36230 is reduced by at least 30%—an amount equal to the share component of the licence, or
    - (ii) otherwise—an amount to the share component of the licence minus 2,000ML/year.
- (5) Surface water must not be taken under a major utility (urban water) access licence in the Upper Hawkesbury River Water Source at a rate that exceeds 55ML/day when flows in the Lower Nepean River Water Source are in A Class.
- (6) Surface water must not be taken under an unregulated river (Aboriginal community development) access licence unless flows are in the B Class in the following water sources and management zones—
- (a) the Jenolan River Water Source,
  - (b) the Kowmung River Water Source,
  - (c) the Upper Shoalhaven River Water Source,
  - (d) the Boro Creek Management Zone of the Upper Shoalhaven Tributaries Water Source.
- (7) Surface water must not be taken under an unregulated river (high flow) access licence unless flows are in the B Class in the following water sources and management zones—
- (a) the Broughton Creek Water Source,
  - (b) the Corang and Endrick Rivers Water Source,
  - (c) the Keduma River Water Source,
  - (d) the Lower Kangaroo River Water Source,
  - (e) the Lower Wollondilly River Water Source,
  - (f) the Mid Shoalhaven River Water Source,

- (g) the Minnamurra River Water Source,
  - (h) the Shoalhaven River Gorge Water Source,
  - (i) the Boro Creek Management Zone in the Upper Shoalhaven Tributaries Water Source
  - (j) the Mongarlowe River Management Zone of the Upper Shoalhaven Tributaries Water Source,
  - (k) the Reedy Creek Management Zone of the Upper Shoalhaven Tributaries Water Source,
  - (l) the Upper Wingecarribee River Management Zone of the Wingecarribee River Water Source,
  - (m) Wywandy Water Source.
- (8) Surface water must not be taken under an unregulated river (high flow) access licence in the Upper Shoalhaven River Water Source unless flows are in the C Class.
- (9) Surface water must not be taken in the Upper Wollondilly River Water Source when water is being transferred between Pejar Dam and Rossi Weir for Goulburn Mulwaree town water supply.
- (10) Surface water must not be taken while a cease-to-take notice is in effect that states the following—
- (a) from Yarrunga Creek Water Source— flows measured at the Yarrunga Creek at Fitzroy Falls gauge (215234) are less than the environmental flows required to be released under section 57C,
  - (b) from the Lower Nepean Rivers Water Source—flows measured at the Nepean River at Yarramundi gauge (2122001) are less than the sum of the following—
    - (i) the environmental flows required to be released under section 57K multiplied by 0.9,
    - (ii) the sum of flows discharged in the previous 24 hours from St Marys Water Recycling Plant multiplied by the linear interpolation factor,
    - (iii) flows for drinking water supply purposes under section 57L,
    - (iv) 3.3ML/day,
  - (c) from the Maldon Weir Water Source—flows measured at the Nepean River at Maldon Weir gauge (212208) are less than the environmental flows required to be released under section 57G multiplied by the following—
    - (i) if total daily inflows to Avon Dam, Cordeaux Dam and Nepean Dam are above the 80th percentile of total daily inflows—1,
    - (ii) if total daily inflows to Avon Dam, Cordeaux Dam and Nepean Dam are between the 80th and 95th percentile of total daily inflows—0.9,
    - (iii) if total daily inflows to Avon Dam, Cordeaux Dam and Nepean Dam are less than or equal to the 95th percentile of total daily inflows—0.8,
  - (d) from the Lower Woronora River Management Zone—flows measured at the Needles gauge (213211) are less than the environmental flows required to be released under section 57M,
  - (e) from a water source specified in Column 1 of the table to this subsection—flows measured at the gauge specified opposite are less than the sum of environmental flows required to be released under sections 57F and 57G multiplied by the following—



- (i) for flows measured at the Nepean River at Menangle Weir—
  - A. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are above the 80th percentile of total daily inflows—1,
  - B. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are between the 80th and 95th percentile of total daily inflows—0.9,
  - C. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are less than or equal to the 95th percentile of total daily inflows—0.8,
- (ii) for flows measured at the Camden Weir—
  - A. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are above the 80th percentile of total daily inflows—1,
  - B. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are between the 80th and 95th percentile of total daily inflows—0.878,
  - C. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are less than or equal to the 95th percentile of total daily inflows—0.761,
- (iii) for flows measured at the Nepean River at Wallacia Weir—
  - A. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are above the 80th percentile of total daily inflows—1,
  - B. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are between the 80th and 95th percentile of total daily inflows—0.81,
  - C. if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are less than or equal to the 95th percentile of total daily inflows—0.64.

<b>Water source or management zone</b>	<b>Gauge</b>
Menangle Weir	Nepean River at Menangle Weir
Camden Weir	Nepean River at Camden Weir
Sharpes Weir	Nepean River at Camden Weir
Cobbity Weir	Nepean River at Wallacia Weir
Mount Hunter Rivulet Weir	Nepean River at Wallacia Weir
Brownlow Hill Weir	Nepean River at Wallacia Weir
Theresa Park Weir	Nepean River at Wallacia Weir
Wallacia Weir	Nepean River at Wallacia Weir

- (11) Surface water must not be taken from the Upper Hawkesbury River (Grose River to Wianamatta-South Creek) Management Zone while a cease-to-take notice is in effect that states that the sum of the following is less than the relevant flows—
  - (a) the flows measured at the following locations—
    - (i) the Grose River at Burrellow gauge (212291),
    - (ii) the Nepean River at Yarramundi gauge (2122001),

- (b) 0.44ML/day.
- (12) Surface water must not be taken from the Upper Hawkesbury River (Wianamatta-South Creek to Cattai Creek) Management Zone while a cease-to-take notice is in effect that states that the sum of the following is less than the relevant flows—
- (a) the flows measured at the following locations—
- (i) the Grose River at Burrell gauge (212291),
- (ii) the Nepean River at Yarramundi gauge (2122001),
- (iii) the South Creek at Richmond Road gauge (212297),
- (b) 0.22ML.
- (13) Surface water must not be taken from the Upper Hawkesbury River (Cattai Creek to Colo River) Management Zone while a cease-to-take notice is in effect that states that the sum of the following is less than the relevant flows—
- (a) the flows measured at the following locations—
- (i) the Cattai Creek at Cattai Ridge Road gauge (2122951),
- (ii) the Grose River at Burrell gauge (212291),
- (iii) the Nepean River at Yarramundi gauge (2122001),
- (iv) the South Creek at Richmond Road gauge (212297),
- (b) 0.22ML.
- (14) Surface water must not be taken from the Lower Hawkesbury River Water Source while a cease-to-take notice is in effect that states that the sum of the following is less than the relevant flows—
- (a) the Cattai Creek at Cattai Ridge Road gauge (2122951),
- (b) the Colo River at Upper Colo gauge (212290),
- (c) the Grose River at Burrell gauge (212291),
- (d) the Nepean River at Yarramundi gauge (2122001),
- (e) the South Creek at Richmond Road gauge (212297).
- (15) Surface water must not be taken under an access licence specified in Schedule 3B when flows are at or less than the flows specified in a cease-to-take condition.
- (16) In this section—

***cease-to-take notice*** means a notice made for the purposes of subsections (10)–(14) by—

- (a) the Minister and published on the website of the NSW Department of Planning and Environment, or
- (b) Water NSW and published on the website of Water NSW.

***environmental flow*** means a release made under section 57B(2), 57C, 57F, 57G, 57H, 57I, 57J other than subsection (4), 57K or 57M.

***linear interpolation factor*** means the amount specified as the linear interpolation factor in Schedule 3A opposite the sum of inflows, expressed as a percentile of total daily inflows, to the Avon, Cataract, Cordeaux and Nepean dams in the previous 24 hours.

*relevant flows* means the sum of the following—

- (c) the environmental flows required to be passed through the Wallacia Weir under section 57K(1) multiplied by 0.9,
- (d) the sum of flows discharged in the previous 24 hours from St Marys Water Recycling Plant multiplied by the linear interpolation factor,
- (e) 3.3ML/day,
- (f) flows equal to the upper limit of the Very Low Flow Class of the following—
  - (i) for subsection (12) in relation to the Upper Hawkesbury River (Grose River to Winamatta-South Creek) Management Zone—the Grose River Water Source, or
  - (ii) for subsection (13) in relation to the Upper Hawkesbury River (Winamatta-South Creek to Cattai Creek) Management Zone—
    - A. the Grose River Water Source,
    - B. the Lower Wianamatta-South Creek Management Zone in the Wianamatta-South Creek Water Source, or
  - (iii) for subsection (14) in relation to the Upper Hawkesbury River (Cattai Creek to Colo River) Management Zone—
    - A. the Cattai Creek Water Source,
    - B. the Grose River Water Source,
    - C. the Lower Wianamatta-South Creek Management Zone in the Wianamatta-South Creek Water Source, or
  - (iv) for subsection (12) in relation to the Lower Hawkesbury River Water Source—
    - A. the Cattai Creek Water Source,
    - B. the Colo River Water Source,
    - C. the Grose River Water Source,
    - D. the Lower Wianamatta-South Creek Management Zone in the Wianamatta-South Creek Water Source.

### **37 Exceptions**

- (1) Sections 35 and 36 do not apply to the take of surface water in the following circumstances—
  - (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
    - (i) fruit and vegetable washing,
    - (ii) cleaning of dairy plant and equipment for hygiene purposes,
    - (iii) poultry watering and misting,
    - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
  - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1kl/day for each household supplied by the access licence is taken,
  - (c) from a runoff harvesting dam,

- (d) under an access licence specified in Schedule 2, Table B until, in the Minister’s opinion, major augmentation of the access licence holder’s water supply system occurs,
  - (e) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
    - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
    - (ii) in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
  - (f) under an access licence held by the following persons as at the date of the commencement of this Plan—
    - (i) Energy Australia,
    - (ii) Water NSW,
    - (iii) Sydney Water Corporation,
    - (iv) Origin Energy,
  - (g) under an access licence in the Lower Nepean River Water Source and the Upper Hawkesbury River Water Source prior to 1 July 2028—
    - (i) to water new plantings of crops for up to 30 days after planting, up to a maximum of 15kl/ha per day,
    - (ii) for vegetable and turf washing and misting, up to a maximum of 20kl/day,
    - (iii) to apply herbicide to turf, up to a maximum of the minimum amount necessary for the effective use of the herbicide,
    - (iv) to wet and cut the face of turf during the 5-day period before harvesting the turf, up to a maximum of 15kl/ha per day.
- (2) Sections 35 and 36(1)–(10) do not apply to the take of surface water under an access licence specified in Schedule 3B.
- (3) Sections 36(1), (2) and (6)–(14) do not apply to the take of surface water from an in-river dam pool or off-river pool in a water source or management zone to which that section applies.
- (4) Section 36 does not apply to the take of surface water—
- (a) from an in-river dam pool or off-river pool in a water source or management zone to which that section applies,
  - (b) under an access licence or water supply work approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3,
  - (c) under an access licence in the Upper Hawkesbury River Water Source or the Mid Nepean River Weirs Water Source, other than the Mid Nepean River Catchment Management Zone, for a period of 3 consecutive days if—
    - (i) the Bureau of Meteorology issues, at 4pm or later on the day before the take is intended to occur, a forecast that the maximum atmospheric temperature on the following day will be the temperature, specified in the table to this subsection opposite the month in which the take is intended to occur and expressed as degrees Celsius—
      - A. for the Upper Hawkesbury River Water Source—in Richmond, or

- B. for the Mid Nepean River Weirs Water Source—in Campbelltown,  
and
- (ii) flows have been in the Very Low Flow Class for the number of consecutive days, specified opposite that month, before the take is intended to occur.

<b>Months (inclusive)</b>	<b>Temperature (degrees Celsius)</b>	<b>Number of days</b>
January to December	Less than 4	0
May to August	4 or more, and less than 23	14
September to April	4 or more, and less than 23	9
January to December	23 or more, and less than 28	4
January to December	28 or more, and less than 31	1
January to December	31 or more	0

## **Division 5 Access rules for take of groundwater—the Act, s 21(a)**

### **38 General**

[Not applicable]

### **39 Specific access rules**

[Not applicable]

### **40 Exceptions**

[Not applicable]

## **Part 7 Construction and use of water supply works—the Act, s 21(b)**

**Note—** An approval must not be granted in contravention of this Part—see the Act, section 95(3). An application to amend an approval relating to additional uses, works, activities or land must be assessed and determined in the same way as an application for a new approval, but only in relation to the additional uses, works, activities or land—see the Act, section 107(5). This does not affect works that can be constructed under a basic landholder right.

### **Division 1 Preliminary**

#### **41 Application of Part**

- (1) Division 2 applies to a water supply work used to take surface water.
- (2) In this Part, a reference to a water supply work located within a specified distance includes a reference to a water supply work proposed to be located within a specified distance.

### **Division 2 Water supply works taking surface water**

#### **42 In-river dams**

- (1) An in-river dam must not be constructed within the following water sources—
  - (a) the Berowra Creek and Cowan Creek Water Source,
  - (b) the Broughton Creek Water Source,
  - (c) the Colo River Water Source,
  - (d) the Cooks River and Botany Bay Water Source,
  - (e) the Fitzroy Falls Water Source,
  - (f) the Grose River Water Source,
  - (g) the Jaspers Brush Creek and Tributaries Water Source,
  - (h) the Kangaroo River Water Source,
  - (i) the Kowmung River Water Source,
  - (j) the Lake Illawarra Water Source,
  - (k) the Lane Cove River Water Source,
  - (l) the Lower Georges River and Bunbury Curran Creek Water Source,
  - (m) the Lower Hawkesbury River Water Source,
  - (n) the Lower Kangaroo River Water Source,
  - (o) the Lower Nepean River Water Source,
  - (p) the Lower Shoalhaven River Catchment Water Source,
  - (q) the Lower Shoalhaven River Water Source,
  - (r) the Lower Wollondilly River Water Source,
  - (s) the Macquarie Rivulet Water Source,
  - (t) the Maldon Weir Water Source,
  - (u) the Mid Nepean River Weirs Water Source,
  - (v) the Mid Shoalhaven River Water Source,
  - (w) the Minnamurra Coastal Water Source,
  - (x) the Minnamurra River Water Source,

- (y) the Mulwaree River Water Source,
  - (z) the Nerrimunga Creek Water Source,
  - (za) the Lower Parramatta River Management Zone in the Parramatta River Water Source,
  - (zb) the Shoalhaven River Gorge Water Source,
  - (zc) the Upper Hawkesbury River Water Source,
  - (zd) the Upper Shoalhaven Tributaries Water Source,
  - (ze) the Upper Wingecarribee River Management Zone and the Lower Wingecarribee River Management Zone of the Wingecarribee River Water Source,
  - (zf) the Yarrunga Creek Water Source.
- (2) An in-river dam on a third order or higher stream must not be constructed within the following water sources—
- (a) the Cattai Creek Water Source,
  - (b) the Hacking River Water Source,
  - (c) the Little River Water Source,
  - (d) the Macdonald River Water Source,
  - (e) the Maguires Crossing Water Source,
  - (f) the Nattai River Water Source,
  - (g) the Upper Nepean Rivers Water Source,
  - (h) the Werriberri Creek Water Source.
- (3) Subsection (1) does not apply to an in-river dam proposed to be nominated by a local water utility access licence or a major utility (urban water) access licence.

#### **43 Wetlands**

A water supply work must not be constructed on land within the following areas unless, in the Minister’s opinion, there will be no more than minimal harm to the wetland concerned—

- (a) within 3km upstream of, or within, a declared Ramsar wetland,
- (b) within 200m upstream of, or within, coastal wetlands.

#### **43A Construction of certain water supply works prohibited**

- (1) A water supply work must not be constructed for the purpose of taking water from a lagoon located in the Hawkesbury and Lower Nepean Extraction Management Unit.
- (2) Subsection (1) does not apply to a water supply work that—
- (a) replaces a water supply work authorised by a water supply work approval (the *replaced water supply work*), and
  - (b) is constructed to extract water from the same water source as the replaced water supply work.
- (3) A water supply work must not be constructed on land within the following areas—
- (a) in the Colo River Water Source at Crown Creek at or above 231306 Easting and 6324000 Northing,

- (b) in the Jenolan River Water Source at Jenolan River at or above the Pheasants Nest Creek confluence,
- (c) in the Kowmung River Water Source at Mares Forest Creek at or above the confluence of Kowmung River, including Tuglow Hole Creek at or above the confluence of Tuglow Hole Creek,
- (d) in the Lower Wollondilly River Water Source at Guineacor Creek,
- (e) in the Reedy Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—
  - (i) at Sandhills Creek at or above the confluence with Mulloon Creek, or
  - (ii) at Mulloon Creek, excluding Mulloon Creek at or above the confluence with Sandhills Creek,
- (f) in the Wingecarribee Water Source at Wingecarribee River at or below 241565 Easting and 6191498 Northing in the Lower Wingecarribee River Management Zone of the Wingecarribee River Water Source.

### **Division 3 Water supply works taking groundwater**

#### **44 Replacement groundwater work**

[Not applicable]

#### **45 Interference between water supply works**

[Not applicable]

#### **46 Contamination sources**

[Not applicable]

#### **47 High priority groundwater-dependent ecosystems**

[Not applicable]

#### **48 Potential acid sulfate soils**

[Not applicable]

#### **49 Groundwater-dependent culturally significant areas**

[Not applicable]

#### **50 Water supply works used only for basic landholder rights**

[Not applicable]



## Part 8 Access licence dealing rules—the Act, s 20(1)(d)

**Note—** The access licence dealing principles established by the *Access Licence Dealing Principles Order 2004* prevail over the access licence dealing rules in this Part to the extent of an inconsistency.

### 50A Definitions

In this Part, a share component sum is *not exceeded* if, as a result of an assignment or a dealing, the sum of the share components of all access licences in the following does not exceed the sum of the share components of all access licences in the water source or management zone concerned as of the date this Plan commenced—

- (a) in the water source or management zone to which rights are being assigned,
- (b) in the water source or management zone in which the licence is being granted,
- (c) in the water source or management zone in which a work is being nominated.

### 51 Conversion of access licence to new category dealings

A dealing under the Act, section 71O is prohibited unless—

- (a) the conversion is from an unregulated river access licence to an unregulated river (high flow) access licence in a water source specified in Column 1 of the table to this section, and
- (b) the conversion does not result in the sum of the share components of all unregulated river (high flow) access licences in the water source exceeding the amount specified opposite.

<b>Water source</b>	<b>Share component maximum</b>
Lower Kangaroo River Water Source	1,782 unit shares
Lower Wollondilly River Water Source	418 unit shares
Minnamurra River Water Source	220 unit shares
Upper Shoalhaven River Water Source	392 unit shares

**Note—** The *Access Licence Dealing Principles Order 2004*, clause 11(3) contains restrictions relating to dealings under the Act, section 71O.

### 52 Assignment of rights dealings

- (1) The following assignments of rights under the Act, section 71Q are prohibited—
  - (a) an assignment from an access licence in a water source to which this Plan does not apply,
  - (b) an assignment to an access licence in a different extraction management unit,
  - (c) an assignment to an access licence that nominates a water supply work upstream of a wild river from an access licence that does not nominate a water supply work upstream of a wild river,
  - (d) an assignment from an access licence that nominates a water supply work that is a runoff harvesting dam to an access licence that does not nominate a water supply work that is a runoff harvesting dam.
- (2) The following assignments of rights under the Act, section 71Q in the Hawkesbury and Lower Nepean Extraction Management Unit are prohibited—
  - (a) an assignment to an access licence in the following water sources from a different water source—
    - (i) the Erskine Creek and Glenbrook Creek Water Source,
    - (ii) the Grose River Water Source,

- (iii) the Lower Hawkesbury River Water Source,
- (iv) the Lower Nepean River Water Source, unless the assignment—
  - A. is from the Upper Hawkesbury River Water Source, and
  - B. would not cause the sum of share components of access licences in the Lower Nepean River Water Source (excluding SPAL 10AL124063) to exceed 11,732ML/year,
- (v) the Mid Nepean River Weirs Water Source,
- (vi) the Upper Hawkesbury River Water Source, unless—
  - A. the assignment is from the Lower Nepean River Water Source, and
  - B. the share component sum is not exceeded,
- (vii) the Warragamba River Water Source,
- (viii) the Wianamatta-South Creek Water Source,
- (b) an assignment to an access licence in the following water sources from a different water source unless the share component sum is not exceeded—
  - (i) the Berowra Creek and Cowan Creek Water Source,
  - (ii) the Capertee River Water Source,
  - (iii) the Cattai Creek Water Source,
  - (iv) the Colo River Water Source,
  - (v) the Macdonald River Water Source,
- (c) an assignment to an access licence in a management zone specified in Column 1 of the table to this subsection from an access licence in a management zone specified opposite—

<b>Column 1</b>	<b>Column 2</b>
Brownlow Hill Weir	Mid Nepean River Catchment
Camden Weir	Mid Nepean River Catchment
Cobbity Weir	Mid Nepean River Catchment
Mid Nepean River Catchment	Brownlow Hill Weir
	Camden Weir
	Cobbity Weir
	Menangle Weir
	Mount Hunter Rivulet Weir
	Sharpes Weir
	Theresa Park Weir
	Wallacia Weir
Mount Hunter Rivulet Weir	Mid Nepean River Catchment
Sharpes Weir	Mid Nepean River Catchment
Theresa Park Weir	Mid Nepean River Catchment
Wallacia Weir	Mid Nepean River Catchment
Lower Wianamatta-South Creek	Upper Wianamatta-South Creek
Upper Wianamatta-South Creek	Lower Wianamatta-South Creek

- (d) an assignment to an access licence in a management zone specified in Column 1 of the table to this subsection from an access licence in a management zone specified opposite, unless the share component sum is not exceeded—

<b>Column 1</b>	<b>Column 2</b>
Brownlow Hill Weir	Theresa Park Weir Wallacia Wier
Camden Weir	Brownlow Hill Weir Cobbity Weir Mount Hunter Rivulet Weir Sharpes Weir Theresa Park Weir Wallacia Weir
Cobbity Weir	Brownlow Hill Weir Mount Hunter Rivulet Weir Theresa Park Weir Wallacia Weir
Menangle Weir	Brownlow Hill Weir Camden Weir Cobbity Weir Mount Hunter Rivulet Weir Sharpes Weir Theresa Park Wallacia Weir
Mount Hunter Rivulet Weir	Brownlow Hill Weir Theresa Park Weir Wallacia Weir
Sharpes Weir	Brownlow Hill Weir Cobbity Weir Mount Hunter Rivulet Weir Theresa Park Weir Wallacia Weir
Theresa Park Weir	Wallacia Weir

- (e) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
- (i) a lagoon in a water source in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit,
  - (ii) the catchment of Crown Creek in the Capertee River Water Source,
  - (iii) in the Colo River Water Source at Crown Creek at or above 231306 Easting and 6234000 Northing,
  - (iv) upstream of a dam or weir nominated by a major water utility access licence or local water utility access licence, other than in relation to the following—
    - A. Brownlow Hill Weir,
    - B. Camden Weir,
    - C. Cobbity Weir,

- D. Menangle Weir,
  - E. Mount Hunter Rivulet Weir,
  - F. Penrith Weir,
  - G. Sharpes Weir,
  - H. Theresa Park Weir,
  - I. Wallacia Weir.
- (3) The following assignments of rights under the Act, section 71Q in the Illawarra Rivers Extraction Management Unit are prohibited—
- (a) an assignment to an access licence from a different water source,
  - (b) an assignment to an access licence that does nominate a water supply work in the catchment of Koonab Bay East and Windang in the Lake Illawarra Water Source from an access licence that does not nominate a water supply work in the location.
- (4) The following assignments of rights under the Act, section 71Q in the Northern Sydney Rivers Extraction Management Unit are prohibited—
- (a) an assignment to an access licence in the following water sources from a different water source—
    - (i) the Lane Cove River Water Source,
    - (ii) the Middle Harbour Water Source,
    - (iii) the Northern Sydney Coastal Water Source,
  - (b) an assignment to an access licence in the Lower Parramatta River Management Zone in the Parramatta River Water Source from a different water source, unless the assignment is from an access licence—
    - (i) in the Lane Cove River Water Source, and
    - (ii) that does not nominate a water supply work above the confluence of the Parramatta River and Lane Cove River.
  - (c) an assignment to an access licence in the Upper Parramatta River Management Zone in the Parramatta River Water Source from a different water source or management zone, unless—
    - (i) the assignment is from the Lower Parramatta River Management Zone in the Parramatta River Water Source, and
    - (ii) the share component sum is not exceeded.
- (5) The following assignments of rights under the Act, section 71Q in the Shoalhaven River Extraction Management Unit are prohibited—
- (a) an assignment to an access licence in the following water sources from a different water source—
    - (i) the Bomaderry Creek Water Source,
    - (ii) the Bundanoon Creek Water Source,
    - (iii) the Fitzroy Falls Water Source,
    - (iv) the Jaspers Brush Creek and Tributaries Water Source,
    - (v) the Yarrunga Creek Water Source,
  - (b) an assignment to the following water sources from a different water source, unless the share component sum is not exceeded—

- (i) the Barbers Creek Water Source,
  - (ii) the Bungonia Creek Water Source,
  - (iii) the Kangaroo River Water Source,
  - (iv) the Lower Kangaroo River Water Source,
  - (v) the Lower Shoalhaven River Catchment Water Source,
  - (vi) the Lower Shoalhaven River Water Source,
  - (vii) the Nerrimunga Creek Water Source,
- (c) an assignment to the following water sources and management zones from a different water source or management zone unless—
- (i) the assignment is to an unregulated river (high flow) access licence, and
  - (ii) the assignment will not result in the sum of the share components of all unregulated river (high flow) access licences in the water source exceeding the amount specified—
    - A. the Broughton Creek Water Source—281ML/year,
    - B. the Corang and Endrick Rivers Water Source—962ML/year,
    - C. the Mid Shoalhaven River Water Source—5,689ML/year,
    - D. the Shoalhaven River Gorge Water Source—1,535ML/year,
    - E. the Upper Shoalhaven River Water Source—1,568ML/year,
    - F. the Boro Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—73ML/year,
    - G. the Mongarlowe River Management Zone in the Upper Shoalhaven Tributaries Water Source—1,396ML/year,
    - H. the Reedy Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—271ML/year,
- (d) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
- (i) the catchment of Flat Rock Creek and Yalwal Creek in the Lower Shoalhaven River Catchment Water Source,
  - (ii) for the Reedy Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—
    - A. the catchment of Sandhills Creek at or above the confluence with Mulloon Creek, or
    - B. the catchment of Mulloon Creek, excluding Mulloon Creek at or above the confluence with Sandhills Creek,
  - (iii) above the Burrier town water supply pumping station in the Lower Shoalhaven River Water Source,
  - (iv) if the assignment will result in the sum of the share components of all access licences nominating works in the Kangaroo River Water Source in the escarpment zone below the 500m contour on 1:25,000 topographic maps Kangaroo Valley 9028-4-S, Robertson 9028-4-N and Bundanoon 8928-1-S prepared by Land and Property NSW to exceed 1,633 unit shares,

- (e) an assignment to an access licence that nominates a water supply work located in an off-river pool in the Kangaroo River Water Source from an access licence that does not nominate a water supply work in the location.
- (6) The following assignments of rights under the Act, section 71Q in the Southern Sydney Rivers Extraction Management Unit are prohibited—
- (a) an assignment to the following water sources from another water source—
    - (i) the Cooks River and Botany Bay Water Source,
    - (ii) the Hacking River Water Source,
    - (iii) if the assignment is not from the Cabramatta Creek Water Source, the Georges River Water Source, the Prospect Creek Water Source or the Lower Woronora River Management Zone of the Woronora River Water Source—the Lower Georges and Bunbury Curran Water Source,
    - (iv) the Southern Sydney Coastal Water Source,
    - (v) the Woronora River Water Source,
  - (b) an assignment to the following water sources from a different water source, unless the share component sum is not exceeded—
    - (i) the Cabramatta Creek Water Source,
    - (ii) the Georges River Catchment Water Source,
    - (iii) the Prospect Creek Water Source,
  - (c) an assignment from the Lower Woronora River Management Zone to the Upper Woronora River Management Zone of the Woronora River Water Source,
  - (d) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
    - (i) the catchment of the Georges River above the Georges River at Liverpool Weir gauge (213400) in the Lower Georges River and Bunbury Curran Creek Water Source,
    - (ii) the catchment of Harris Creek and Williams Creek in the Lower Georges River and Bunbury Curran Creek Water Source.
- (7) The following assignments of rights under the Act, section 71Q in the Upper Nepean and Upstream Warragamba Extraction Management Unit are prohibited—
- (a) an assignment to the following water sources from a different water source—
    - (i) the Kedumba River Water Source unless the assignment—
      - A. is to an unregulated river (high flow) access licence, and
      - B. will not result in the sum of the share components of all unregulated river (high flow) access licences in the water source exceeding 451ML/year,
    - (ii) the Kowmung River Water Source,
    - (iii) the Little River Water Source,
    - (iv) the Lower Wollondilly River Water Source, if the assignment is not from the following water sources—
      - A. the Mulwaree River Water Source,
      - B. the Upper Wollondilly Water Source,

- C. the Wingecarribee River Water Source,
  - (v) the Maguires Crossing Water Source,
  - (vi) the Maldon Weir Water Source,
  - (vii) if the assignment is not from the Upper Wollondilly River Water Source—the Mulwaree River Water Source,
  - (viii) the Nattai River Water Source,
  - (ix) the Stonequarry Creek Water Source,
  - (x) the Upper Nepean Rivers Water Source,
  - (xi) if the assignment is not from the Mulwaree River Water Source—the Upper Wollondilly River Water Source,
  - (xii) the Werriberri Creek Water Source,
  - (xiii) the Wingecarribee River Water Source,
  - (xiv) the Wywandy Water Source unless the assignment—
    - A. is to an unregulated river (high flow) access licence that does not nominate a water supply work below the Coxs River at Wallerawang Power Station gauge (212054), and
    - B. will not result in the sum of the share components of all unregulated river (high flow) access licences in the water source that nominate a water supply work above the Coxs River at Wallerawang Power Station gauge (212054) exceeding 455ML/year,
- (b) an assignment to the following water sources from a different water source, unless the share component sum is not exceeded—
  - (i) the Dharabuladh Water Source,
  - (ii) the Jenolan River Water Source,
  - (iii) the Lake Burragorang Water Source,
  - (iv) if the assignment is from the Upper Wollondilly Water Source—the Mulwaree River Water Source,
  - (v) if the assignment is from the Mulwaree Water Source—the Upper Wollondilly Water Source,
- (c) an assignment from an access licence in a management zone specified in Column 1 of the table to this subsection to an access licence in a management zone specified opposite—

<b>Column 1</b>	<b>Column 2</b>
Lower Wingecarribee	Medway Rivulet
Medway Rivulet	Upper Wingecarribee River
Pheasants Nest to Nepean Dam	Upper Nepean Rivers
Upper Nepean Rivers	Pheasants Nest to Nepean Dam
Upper Wingecarribee	Medway Rivulet

- (d) an assignment from an access licence in the Lower Wingecarribee Management Zone to an access licence in the Upper Wingecarribee River Management Zone of the Wingecarribee River Water Source unless the assignment—

- (i) is to an unregulated river (high flow) access licence that only nominates water supply works located below the Wingecarribee Dam, and
  - (ii) will not result in the sum of the share components of all unregulated river (high flow) access licences that nominate a water supply work located below the Wingecarribee Dam exceeding 1,048ML/year,
- (e) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
- (i) the catchment of the Jenolan River at and above the confluence with Pheasants Nest Creek in the Jenolan River Water Source,
  - (ii) the catchment of the Kowmung River, including Tuglow Hole Creek at and above the confluence with Tuglow Hole Creek in the Kowmung River Water Source,
  - (iii) the catchment of Mares Forest Creek at and above the confluence of Guineacor Creek in the Lower Wollondilly Water Source,
  - (iv) the catchment of the Wingecarribee River at and below 241565 Easting and 6191498 Northing in the Lower Wingecarribee River Management Zone in the Wingecarribee River Water Source.

### **53 Amendment of share component dealings—change of water source**

- (1) The following dealings under the Act, section 71R are prohibited—
- (a) the cancellation of an access licence to grant an access licence in a water source in a different extraction management unit,
  - (b) the cancellation of an access licence in a water source to which this Plan does not apply to grant an access licence in a water source to which this Plan applies.
- (2) The extraction component of a new access licence granted in accordance with the Act, section 71R does not carry over the extraction component from the cancelled access licence.
- (3) The following dealings under the Act, section 71R in the Hawkesbury and Lower Nepean Extraction Management Unit are prohibited—
- (a) the grant of an access licence in the following water sources following the cancellation of a licence in a different water source—
    - (i) the Erskine Creek and Glenbrook Creek Water Source,
    - (ii) the Grose River Water Source,
    - (iii) the Lower Hawkesbury River Water Source,
    - (iv) the Lower Nepean River Water Source, unless the dealing—
      - A. is following the cancellation of a licence in the Upper Hawkesbury River Water Source, and
      - B. would not cause the sum of share components of access licences in the Lower Nepean River Water Source (excluding SPAL 10AL124063), to exceed 11,732ML/year,
    - (v) the Mid Nepean River Weirs Water Source,
    - (vi) the Upper Hawkesbury River Water Source, unless—
      - A. the licence cancelled is in the Lower Nepean River Water Source, and



- B. the share component sum is not exceeded,
- (vii) the Warragamba River Water Source,
  - (viii) the Wianamatta-South Creek Water Source,
- (b) the grant of an access licence in the following water sources following the cancellation of an access licence in a different water source unless the share component sum is not exceeded—
- (i) the Berowra Creek and Cowan Creek Water Source,
  - (ii) the Capertee River Water Source,
  - (iii) the Cattai Creek Water Source,
  - (iv) the Colo River Water Source,
  - (v) the Macdonald River Water Source.
- (4) The grant of an access licence under the Act, section 71R in the Illawarra Rivers Extraction Management Unit following the cancellation of a licence in a different water source is prohibited.
- (5) The following dealings under the Act, section 71R in the Northern Sydney Rivers Extraction Management Unit are prohibited—
- (a) the grant of an access licence in the following water sources following the cancellation of a licence in a different water source—
    - (i) the Lane Cove River Water Source,
    - (ii) the Middle Harbour Water Source,
    - (iii) the Northern Sydney Coastal Water Source,
  - (b) the grant of an access licence in the Lower Parramatta River Management Zone in the Parramatta River Water Source following the cancellation of a licence in a different water source, unless the cancelled licence—
    - (i) is from the Lane Cove River Water Source, and
    - (ii) does not nominate a water supply work above the confluence of the Parramatta River and Lane Cove River,
  - (c) the grant of an access licence in the Upper Parramatta River Management Zone in the Parramatta River Water Source following the cancellation of a licence in a different water source.
- (6) The following dealings under the Act, section 71R in the Shoalhaven River Extraction Management Unit are prohibited—
- (a) the grant of an access licence in the following water sources following the cancellation of a licence in a different water source—
    - (i) the Bomaderry Creek Water Source,
    - (ii) the Bundanoon Creek Water Source,
    - (iii) the Fitzroy Falls Water Source,
    - (iv) the Jaspers Brush Creek and Tributaries Water Source,
    - (v) the Yarrunga Creek Water Source,
  - (b) the grant of an access licence in the following water sources following the cancellation of a licence in a different water source, unless the share component sum is not exceeded—
    - (i) the Barbers Creek Water Source,

- (ii) the Bungonia Creek Water Source,
  - (iii) the Kangaroo River Water Source,
  - (iv) the Lower Kangaroo River Water Source,
  - (v) the Lower Shoalhaven River Catchment Water Source,
  - (vi) the Lower Shoalhaven River Water Source,
  - (vii) the Nerrimunga Creek Water Source,
- (c) the grant of a licence in the following water sources and management zones following the cancellation of a licence in a different water source or management zone, unless the dealing—
- (i) is to grant an unregulated river (high flow) access licence, and
  - (ii) will not result in the sum of the share components of all unregulated river (high flow) access licences in the water source exceeding the amount specified—
    - A. the Broughton Creek Water Source—281ML/year,
    - B. the Corang and Endrick Rivers Water Source—962ML/year,
    - C. the Mid Shoalhaven River Water Source—5,689ML/year,
    - D. the Shoalhaven River Gorge Water Source—1,535ML/year,
    - E. the Upper Shoalhaven River Water Source—1,568ML/year,
    - F. the Boro Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—73ML/year,
    - G. the Mongarlowe River Management Zone in the Upper Shoalhaven Tributaries Water Source—1,396ML/year,
    - H. the Reedy Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—271ML/year.
- (7) The following dealings under the Act, section 71R in the Southern Sydney Rivers Extraction Management Unit are prohibited—
- (a) the grant of an access licence in the following water sources following the cancellation of a licence in another water source—
    - (i) the Cooks River and Botany Bay Water Source,
    - (ii) the Hacking River Water Source,
    - (iii) if the licence cancelled is not in the Cabramatta Creek Water Source, the Georges River Water Source, the Prospect Creek Water Source or the Lower Woronora River Management Zone of the Woronora River Water Source—the Lower Georges and Bunbury Curran Water Source,
    - (iv) the Southern Sydney Coastal Water Source,
    - (v) the Woronora River Water Source,
  - (b) the grant of an access licence in the following water sources following the cancellation of a licence in a different water source, unless the share component sum is not exceeded—
    - (i) the Cabramatta Creek Water Source,
    - (ii) the Georges River Catchment Water Source,
    - (iii) the Prospect Creek Water Source.

- (8) The following dealings under the Act, section 71R in the Upper Nepean and Upstream Warragamba Extraction Management Unit are prohibited—
- (a) the grant of an access licence in the following water sources following the cancellation of a licence in another water source—
- (i) the Kedumba River Water Source unless the dealing—
    - A. is to grant an unregulated river (high flow) access licence, and
    - B. will not result in the sum of the share components of all unregulated river (high flow) access licences in the water source exceeding 451ML/year,
  - (ii) the Kowmung River Water Source,
  - (iii) the Little River Water Source,
  - (iv) the Lower Wollondilly River Water Source, if the licence cancelled is not in the following water sources—
    - A. the Mulwaree River Water Source,
    - B. the Upper Wollondilly Water Source,
    - C. the Wingecarribee River Water Source,
  - (v) the Maguires Crossing Water Source,
  - (vi) the Maldon Weir Water Source,
  - (vii) if the licence cancelled is not in the Upper Wollondilly River Water Source—the Mulwaree River Water Source,
  - (viii) the Nattai River Water Source,
  - (ix) the Stonequarry Creek Water Source,
  - (x) the Upper Nepean Rivers Water Source,
  - (xi) if licence cancelled is not in the Mulwaree River Water Source—the Upper Wollondilly River Water Source,
  - (xii) the Werriberri Creek Water Source,
  - (xiii) the Wingecarribee River Water Source,
  - (xiv) the Wywandy Water Source unless the dealing—
    - A. is to grant an unregulated river (high flow) access licence that does not nominate a water supply work below the Coxs River at Wallerawang Power Station gauge (212054), and
    - B. will not result in the sum of the share components of all unregulated river (high flow) access licences in the water source that nominate a water supply work above the Coxs River at Wallerawang Power Station gauge (212054) exceeding 455ML/year,
- (b) the grant of a licence in the following water sources following the cancellation of a licence in a different water source, unless the share component sum is not exceeded—
- (i) the Dharabuladh Water Source,
  - (ii) the Jenolan River Water Source,
  - (iii) the Lake Burragorang Water Source,
  - (iv) if the cancelled licence is in the Upper Wollondilly Water Source—the Mulwaree River Water Source,

- (v) if the cancelled licence is in the Mulwaree Water Source—the Upper Wollondilly Water Source.

**54 Amendment of extraction component dealings**

Dealings under the Act, section 71S are prohibited.

**55 Assignment of water allocations dealings**

- (1) The following assignments of water allocations under the Act, section 71T are prohibited—
  - (a) an assignment from an access licence in a water source to which this Plan does not apply,
  - (b) an assignment to an access licence in a different extraction management unit,
  - (c) an assignment to an access licence that nominates a water supply work upstream of a wild river from an access licence that does not nominate a water supply work upstream of a wild river,
  - (d) an assignment from an access licence that nominates a water supply work that is a runoff harvesting dam to an access licence that does not nominate a water supply work that is a runoff harvesting dam.
- (2) The following assignments of water allocations under the Act, section 71T in the Hawkesbury and Lower Nepean Extraction Management Unit are prohibited—
  - (a) an assignment to an access licence in the following water sources from a different water source—
    - (i) the Erskine Creek and Glenbrook Creek Water Source,
    - (ii) the Grose River Water Source,
    - (iii) the Lower Hawkesbury River Water Source,
    - (iv) the Lower Nepean River Water Source, unless the assignment—
      - A. is from the Upper Hawkesbury River Water Source, and
      - B. would not cause the sum of water allocations of access licences in the Lower Nepean River Water Source (excluding SPAL 10AL124063), to exceed 11,732ML/year,
    - (v) the Mid Nepean River Weirs Water Source,
    - (vi) if the assignment is not from the Lower Nepean River Water Source—the Upper Hawkesbury River Water Source,
    - (vii) the Warragamba River Water Source,
    - (viii) the Wianamatta-South Creek Water Source,
  - (b) an assignment to an access licence in a management zone specified in Column 1 of the table to this subsection from an access licence in a management zone specified opposite—

**Column 1**

**Column 2**

Brownlow Hill Weir	Mid Nepean River Catchment
Camden Weir	Mid Nepean River Catchment
Cobbity Weir	Mid Nepean River Catchment
Mid Nepean River Catchment	Brownlow Hill Weir
	Camden Weir

	Cobbity Weir
	Menangle Weir
	Mount Hunter Rivulet Weir
	Sharpes Weir
	Theresa Park Weir
	Wallacia Weir
Mount Hunter Rivulet Weir	Mid Nepean River Catchment
Sharpes Weir	Mid Nepean River Catchment
Theresa Park Weir	Mid Nepean River Catchment
Wallacia Weir	Mid Nepean River Catchment
Lower Wianamatta-South Creek	Upper Wianamatta-South Creek
Upper Wianamatta-South Creek	Lower Wianamatta-South Creek

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- (c) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
- (i) a lagoon in a water source in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit,
  - (ii) the catchment of Crown Creek in the Capertee River Water Source,
  - (iii) in the Colo River Water Source at Crown Creek at or above 231306 Easting and 6234000 Northing,
  - (iv) upstream of a dam or weir nominated by a major water utility access licence or local water utility access licence, other than in relation to the following—
    - A. Brownlow Hill Weir,
    - B. Camden Weir,
    - C. Cobbity Weir,
    - D. Menangle Weir,
    - E. Mount Hunter Rivulet Weir,
    - F. Penrith Weir,
    - G. Sharpes Weir,
    - H. Theresa Park Weir,
    - I. Wallacia Weir.
- (3) The following assignments of water allocations under the Act, section 71T in the Illawarra Rivers Extraction Management Unit are prohibited—
- (a) an assignment to an access licence from a different water source,
  - (b) an assignment to an access licence that nominates a water supply work in the catchment of Koono Bay East and Windang in the Lake Illawarra Water Source from an access licence that does not nominate a water supply work in the location.
- (4) The following assignments of water allocations under the Act, section 71T in the Northern Sydney Rivers Extraction Management Unit are prohibited—

- (a) an assignment to an access licence in the following water sources from a different water source—
    - (i) the Lane Cove River Water Source,
    - (ii) the Middle Harbour Water Source,
    - (iii) the Northern Sydney Coastal Water Source,
  - (b) an assignment to an access licence in the Lower Parramatta River Management Zone of the Parramatta River Water Source from a different water source, unless the assignment is from an access licence—
    - (i) in the Lane Cove River Water Source, and
    - (ii) that does not nominate a water supply work above the confluence of the Parramatta River and Lane Cove River.
  - (c) an assignment to an access licence in the Upper Parramatta River Management Zone of the Parramatta River Water Source from a different water source.
- (5) The following assignments of water allocations under the Act, section 71T in the Shoalhaven River Extraction Management Unit are prohibited—
- (a) an assignment to an access licence in the following water sources from a different water source—
    - (i) the Bomaderry Creek Water Source,
    - (ii) the Bundanoon Creek Water Source,
    - (iii) the Fitzroy Falls Water Source,
    - (iv) the Jaspers Brush Creek and Tributaries Water Source,
    - (v) the Yarrunga Creek Water Source,
  - (b) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
    - (i) the catchment of Flat Rock Creek and Yalwal Creek in the Lower Shoalhaven River Catchment Water Source,
    - (ii) for the Reedy Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—
      - A. the catchment of Sandhills Creek at or above the confluence with Mulloon Creek, or
      - B. the catchment of Mulloon Creek, excluding Mulloon Creek at or above the confluence with Sandhills Creek,
    - (iii) above the Burrier town water supply pumping station in the Lower Shoalhaven River Water Source,
    - (iv) in the Kangaroo River Water Source in the escarpment zone below the 500m contour on 1:25,000 topographic maps Kangaroo Valley 9028-4-S, Robertson 9028-4-N and Bundanoon 8928-1-S prepared by Land and Property NSW, if the assignment will result in the sum of the water allocations of all access licences nominating works within the location to exceed 1,633ML/year,
  - (c) an assignment to the following water sources and management zones from a different water source or management zone, unless—
    - (i) the assignment is to an unregulated river (high flow) access licence, and

- (ii) will not result in the sum of the water allocations of all unregulated river (high flow) access licences in the water source exceeding the amount specified—
    - A. the Broughton Creek Water Source—281ML/year,
    - B. the Corang and Endrick Rivers Water Source—962ML/year,
    - C. the Mid Shoalhaven River Water Source—5,689ML/year,
    - D. the Shoalhaven River Gorge Water Source—1,535ML/year,
    - E. the Upper Shoalhaven River Water Source—1,568ML/year,
    - F. the Boro Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—73ML/year,
    - G. the Mongarlowe River Management Zone in the Upper Shoalhaven Tributaries Water Source—1,396ML/year,
    - H. the Reedy Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—271ML/year,
  - (d) an assignment to an access licence that nominates a water supply work in an off-river pool in the Kangaroo River Water Source from a licence that does not nominate a water supply work in the location.
- (6) The following assignments of water allocations under the Act, section 71T in the Southern Sydney Rivers Extraction Management Unit are prohibited—
  - (a) an assignment to the following water sources from another water source—
    - (i) the Cooks River and Botany Bay Water Source,
    - (ii) the Hacking River Water Source,
    - (iii) if the assignment is not from the Cabramatta Creek Water Source, the Georges River Water Source, the Prospect Creek Water Source or the Lower Woronora River Management Zone of the Woronora River Water Source—the Lower Georges and Bunbury Curran Water Source,
    - (iv) the Southern Sydney Coastal Water Source,
    - (v) the Woronora River Water Source,
  - (b) an assignment from the Lower Woronora River Management Zone to the Upper Woronora River Management Zone of the Woronora River Water Source,
  - (c) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
    - (i) the catchment of the Georges River above the Georges River at Liverpool Weir gauge (213400) in the Lower Georges River and Bunbury Curran Creek Water Source,
    - (ii) the catchment of Harris Creek and Williams Creek in the Lower Georges River and Bunbury Curran Creek Water Source.
- (7) The following assignments of water allocations under the Act, section 71T in the Upper Nepean and Upstream Warragamba Extraction Management Unit are prohibited—
  - (a) an assignment to the following water sources from a different water source—
    - (i) the Kedumba River Water Source unless the assignment—
      - A. is to an unregulated river (high flow) access licence, and

- A. will not result in the sum of the water allocations of all unregulated river (high flow) access licences in the water source exceeding 451ML/year,
    - (ii) the Kowmung River Water Source,
    - (iii) the Little River Water Source,
    - (iv) the Lower Wollondilly River Water Source, if the assignment is not from the following water sources—
      - A. the Mulwaree River Water Source,
      - B. the Upper Wollondilly Water Source,
      - C. the Wingecarribee River Water Source,
    - (v) the Maguires Crossing Water Source,
    - (vi) the Maldon Weir Water Source,
    - (vii) if the assignment is not from the Upper Wollondilly River Water Source—the Mulwaree River Water Source,
    - (viii) the Nattai River Water Source,
    - (ix) the Stonequarry Creek Water Source,
    - (x) the Upper Nepean Rivers Water Source,
    - (xi) if the assignment is not from the Mulwaree River Water Source—the Upper Wollondilly River Water Source,
    - (xii) the Werriberri Creek Water Source,
    - (xiii) the Wingecarribee River Water Source,
    - (xiv) the Wywandy Water Source unless the assignment—
      - A. is to an unregulated river (high flow) access licence that does not nominate a water supply work below the Coxs River at Wallerawang Power Station Gauge (212054), and
      - B. will not result in the sum of the water allocations of all unregulated river (high flow) access licences in the water source exceeding 455ML/year,
- (b) an assignment from an access licence in a management zone specified in Column 1 of the table to this subsection to an access licence in a management zone specified opposite—

<b>Column 1</b>	<b>Column 2</b>
Lower Wingecarribee	Medway Rivulet
Medway Rivulet	Upper Wingecarribee River
Pheasants Nest to Nepean Dam	Upper Nepean Rivers
Upper Nepean Rivers	Pheasants Nest to Nepean Dam
Upper Wingecarribee	Medway Rivulet

- (c) an assignment from an access licence in the Lower Wingecarribee River Management Zone to an access licence in the Upper Wingecarribee River Management Zone of the Wingecarribee River Water Source, unless the assignment –



- (i) is to an unregulated river (high flow) access licence that only nominates water supply works located below the Wingecarribee Dam, and
  - (ii) will not result in the sum of the water allocations of all unregulated river (high flow) access licences in the water source exceeding 1,048ML/year,
- (d) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
- (i) the catchment of the Jenolan River at and above the confluence with Pheasants Nest Creek in the Jenolan River Water Source,
  - (ii) the catchment of the Kowmung River, including Tuglow Hole Creek at and above the confluence with Tuglow Hole Creek in the Kowmung River Water Source,
  - (iii) the catchment of Mares Forest Creek at and above the confluence of Guineacor Creek in the Lower Wollondilly Water Source,
  - (iv) the catchment of the Wingecarribee River at and below 241565 Easting and 6191498 Northing in the Lower Wingecarribee River Management Zone in the Wingecarribee River Water Source.

#### **56 Interstate access licence transfer and assignment of water allocations dealings prohibited**

Dealings under the Act, sections 71U and 71V are prohibited.

#### **57 Nomination of water supply works dealings**

- (1) The following dealings under the Act, section 71W are prohibited—
- (a) an access licence being amended to nominate a water supply work located in a water source to which this Plan does not apply,
  - (b) an access licence being amended to nominate a water supply work located in a different extraction management unit,
  - (c) an access licence being amended to nominate a water supply work located in a different management zone,
  - (d) an access licence being amended to nominate a water supply work located upstream of a wild river if the access licence does not already nominate a water supply work upstream of a wild river,
  - (e) an access licence being amended to nominate a water supply work, other than a run-off harvesting dam, if the access licence nominates a water supply work that is a run-off harvesting dam.
- (2) The following dealings under the Act, section 71W in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit are prohibited—
- an access licence that does not nominate a water supply work in the following locations being amended to nominate a water supply work in the location—
- (a) a lagoon in a water source in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit,
  - (b) the catchment of Crown Creek in the Capertee River Water Source,
  - (c) in the Colo River Water Source at Crown Creek at or above 231306 Easting and 6234000 Northing,
  - (d) upstream of a dam or weir nominated by a major water utility access licence or local water utility access licence, other than in relation to the following—

- (i) Brownlow Hill Weir,
  - (ii) Camden Weir,
  - (iii) Cobbity Weir,
  - (iv) Menangle Weir,
  - (v) Mount Hunter Rivulet Weir,
  - (vi) Penrith Weir,
  - (vii) Sharpes Weir,
  - (viii) Theresa Park Weir,
  - (ix) Wallacia Weir.
- (3) The following dealing under the Act, section 71W in the Illawarra Rivers Extraction Management Unit is prohibited—
- an access licence that does not nominate a water supply work in the catchment of Koono Bay East and Windang in the Lake Illawarra Water Source being amended to nominate a water supply work in the location.
- (4) The following dealing under the Act, section 71W in the Northern Sydney Rivers Extraction Management Unit is prohibited—
- an access licence in a different water source or management zone being amended to nominate a water supply work in the Lower Parramatta River Management Zone in the Parramatta River Water Source.
- (5) The following dealings under the Act, section 71W in the Shoalhaven River Extraction Management Unit are prohibited—
- (a) an access licence that does not nominate a water supply work in the following locations being amended to nominate a water supply work in the location—
    - (i) the catchment of Flat Rock Creek and Yalwal Creek in the Lower Shoalhaven River Catchment Water Source,
    - (ii) for the Reedy Creek Management Zone in the Upper Shoalhaven Tributaries Water Source—
      - A. the catchment of Mulloon Creek, excluding Mulloon Creek at or above the confluence with Sandhills Creek, or
      - B. the catchment of Sandhills Creek at or above the confluence with Mulloon Creek,
    - (iii) above the Burrier town water supply pumping station in the Lower Shoalhaven River Water Source,
    - (iv) in the Kangaroo River Water Source in the escarpment zone below the 500m contour on 1:25,000 topographic maps Kangaroo Valley 9028-4-S, Robertson 9028-4-N and Bundanoon 8928-1-S prepared by Land and Property NSW, if the nomination will result in the sum of the share components of all access licences nominating works within the location to exceed 1,633 unit shares,
  - (b) an access licence being amended to nominate a water supply work located in an off-river pool in the Kangaroo River Water Source.
- (6) The following dealings under the Act, section 71W in the Southern Sydney Rivers Extraction Management Unit are prohibited—

an access licence that does not nominate a water supply work in the following locations being amended to nominate a water supply work in the location—

- (a) the catchment of the Georges River above the Georges River at Liverpool Weir gauge (213400) in the Lower Georges River and Bunbury Curran Creek Water Source,
  - (b) the catchment of Harris Creek and Williams Creek in the Lower Georges River and Bunbury Curran Creek Water Source.
- (7) The following dealings under the Act, section 71W in the Upper Nepean and Upstream Warragamba Extraction Management Unit are prohibited—an access licence that does not nominate a water supply work in the following locations being amended to nominate a water supply work in the location—
- (a) the catchment of the Jenolan River at and above the confluence with Pheasants Nest Creek in the Jenolan River Water Source,
  - (b) the catchment of the Kowmung River, including Tuglow Hole Creek at and above the confluence with Tuglow Hole Creek in the Kowmung River Water Source,
  - (c) the catchment of Mares Forest Creek at and above the confluence of Guineacor Creek in the Lower Wollondilly Water Source,
  - (d) the catchment of the Wingecarribee River at and below 241565 Easting and 6191498 Northing in the Lower Wingecarribee River Management Zone in the Wingecarribee River Water Source.

**Note**—The *Access Licence Dealing Principles Order 2004*, clause 20, and the *Water Management (General) Regulation 2018*, clause 12, regulate dealings under section 71W of the Act, including with respect to amending an access licence to nominate works in another water source or location.

## Part 8A Rules for major utility storages—the Act, s 21(a)

### 57A Definitions

(1) In this Part—

**dead storage** means the portion of a water storage capacity equal to the volume of water below the level of the lowest outlet, being the minimum supply level.

**Greater Sydney storages** means the following major utility storages—

- (a) the Avon Dam,
- (b) Cascade Dams 1, 2 and 3,
- (c) the Cataract Dam,
- (d) the Cordeaux Dam,
- (e) the Fitzroy Falls Reservoir,
- (f) the Greaves Creek Dam,
- (g) the Medlow Dam,
- (h) the Nepean Dam,
- (i) the Prospect Reservoir,
- (j) the Tallowa Dam,
- (k) the Warragamba Dam,
- (l) the Wingecarribee Reservoir,
- (m) the Woronora Dam.

**total active storage capacity** means the total volume of water that can be contained in the water storage concerned minus the volume of dead storage.

(2) In this Part—

- (a) a volume of water or daily inflow is the amount as measured at 8am each day, and
- (b) releases and inflows specified in this Part must be measured in the way—
  - (i) set out in this Part, or
  - (ii) otherwise—approved by the Minister.

### 57B Tallowa Dam

- (1) This section applies to releases of water made from Tallowa Dam in the Shoalhaven River Extraction Management Unit.
- (2) A daily release must be made from Tallowa Dam of a flow at least equivalent to the volume calculated in accordance with the following formula—

$$A \times B$$

where—

**A** is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

**B** is—

- (a) if the daily inflows into Lake Yarrunga in the previous 24 hours are less than or equal to the 80th percentile daily inflows for the month—the amount of the daily inflows, or
- (b) if the daily inflows into Lake Yarrunga in the previous 24 hours are more than the 80th percentile daily inflows for the month—the 80th percentile daily inflows for the month plus 20% of the daily inflow above the 80th percentile daily inflows for the month.

**80th percentile daily inflows for the month** means the amount specified in the following table in the month opposite—

Month	ML / day
January	137
February	178
March	219
April	268
May	263
June	316
July	325
August	290
September	258
October	223
November	168
December	152

- (3) Additional releases must be made from Tallowa Dam to enable water to be taken by Shoalhaven City Council under its local water utility access licence.
- (4) In this section, inflows into Lake Yarrunga must be measured at the Kangaroo River at Hampden Bridge gauge (215220) and the Shoalhaven River at Fossickers Flat gauge (215207).

**57C Fitzroy Falls Reservoir**

- (1) This section applies to releases of water made from Fitzroy Falls Reservoir in the Fitzroy Falls Water Source.
- (2) A daily release must be made from Fitzroy Falls Reservoir of an amount ensuring the sum of daily releases each month is equal to 166% of the monthly inflow from Wildes Meadow Creek to Fitzroy Falls Reservoir.
- (3) In this section—
  - (a) inflows from Wildes Meadow Creek to Fitzroy Falls Reservoir must be measured at the Yarrunga Creek at Wildes Meadow gauge (215233), and
  - (b) the volume of water released must be measured at the Yarrunga Creek at Fitzroy Falls gauge (215234).

**57D Transfer for Sydney drinking water supply in certain circumstances**

- (1) This section establishes rules to ensure there is sufficient water available in the Greater Sydney storages for Sydney’s drinking water during times of limited supply.
- (2) Water NSW may transfer water from Lake Yarrunga in the Shoalhaven River Gorge Water Source and the Lower Kangaroo River Water Source to the Upper Nepean and Upstream Warragamba Extraction Management Unit if—
  - (a) the level of water in Lake Yarrunga is more than 55.34mAHD, and

- (b) the total volume of water in the Greater Sydney storages is less than 75% of the total active storage capacity of the storages.
- (3) Water NSW must stop the transfer of water referred to in subsection (2) if—
  - (a) the level of water in Lake Yarrunga is 55.34mAHD or less, or
  - (b) the total volume of water in Greater Sydney storages is at least 80% of the total active storage capacity of the storages.

#### **57E Power generation—Origin Energy**

- (1) This section establishes rules for the diversion or exchange of water to support the hydro-electric power generation activities of Origin Energy.
- (2) Origin Energy may interchange up to the following amounts—
  - (a) 4,021ML between Fitzroy Falls Reservoir in the Fitzroy Falls Water Source and Lake Yarrunga in the Lower Kangaroo River Water Source and the Shoalhaven River Gorge Water Source, and
  - (b) 880ML between Bendeela Pondage in the Lower Kangaroo River Water Source Water Source and Lake Yarrunga in the Lower Kangaroo River Water Source and the Shoalhaven River Gorge Water Source.
- (3) An interchange must be made in accordance with procedures determined by the Minister and notified in writing to Origin Energy.
- (4) Water may only be diverted from Fitzroy Falls Reservoir to Lake Yarrunga for the purposes of an interchange if—
  - (a) the release required under section 57C has been, or is able to be, made, and
  - (b) a transfer of water under section 57D, if required, has been made.
- (5) The Minister may, by written notice given to Origin Energy, permit an interchange of up to 10,000ML between Fitzroy Falls Reservoir and Lake Yarrunga if an electricity supply emergency is declared under the *Electricity Supply Act 1995*, section 94A.

**Explanatory note**—The Premier may declare an electricity supply emergency if the Premier is satisfied that certain circumstances exist, including an actual or risk of significant disruption to the supply of electricity to all or part of the State. Under the *Electricity Supply Act 1995*, section 94B, the Minister may give directions (**electricity supply emergency directions**) that the Minister considers are reasonably necessary to respond to the electricity supply emergency while the declaration is in force. In giving an electricity supply emergency direction, the Minister must endeavour to act consistently with the operation and administration of the national electricity market in consultation with the Australian Energy Market Operator.

Any thing done by a person acting under an electricity supply emergency direction of the Minister does not subject the person personally to any action, liability, claim or demand—see the *Electricity Supply Act 1995*, section 94I.

#### **57F Upper Nepean and Upstream Warragamba Extraction Management Unit**

- (1) A daily release must be made from Avon Dam in the Upper Nepean Rivers Water Source of a flow at least equivalent to the greater of 1ML/day or the volume calculated in accordance with the following formula—

$$A \times B$$

where—

**A** is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

**B** is—

- (a) if the daily inflows into Lake Avon in the previous 24 hours are less than or equal to 9.4 ML/day—the amount of the daily inflows, or
  - (b) if the daily inflows into Lake Avon in the previous 24 hours are more than 9.4 ML/day—9.4 ML/day plus 20% of the daily inflow above 9.4 ML/day.
- (2) A daily release must be made from Cataract Dam in the Upper Nepean Rivers Water Source of a flow at least equivalent to the greater of 1ML/day or the volume calculated in accordance with the following formula—

$$A \times B$$

where—

**A** is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

**B** is—

- (a) if the daily inflows into Lake Cataract in the previous 24 hours are less than or equal to 11.4ML/day—the amount of the daily inflows, or
  - (b) if the daily inflows into Lake Cataract in the previous 24 hours are more than 11.4ML/day—11.4ML/day plus 20% of the daily inflow above 11.4ML/day.
- (3) A daily release must be made from Cordeaux Dam of a flow at least equivalent to the greater of 1ML/day or the volume calculated in accordance with the following formula—

$$A \times B$$

where—

**A** is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

**B** is—

- (a) if the daily inflows into Lake Cordeaux in the previous 24 hours are less than or equal to 7.2ML/day—the amount of the daily inflows, or
  - (b) if the daily inflows into Lake Cordeaux in the previous 24 hours are more than 7.2ML/day—7.2ML/day plus 20% of the daily inflow above 7.2ML/day.
- (4) A daily release must be made from Nepean Dam in the Maguires Crossing Water Source into the Upper Nepean Rivers Water Source of a flow at least equivalent to the greater of 2ML/day or the volume calculated in accordance with the following formula—

$$A \times B$$

where—

**A** is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

**B** is—

- (a) if the daily inflows into Lake Nepean in the previous 24 hours are less than or equal to 17.2ML/day—the amount of the daily inflows, or
- (b) if the daily inflows into Lake Nepean in the previous 24 hours are more than 17.2ML/day—17.2ML/day plus 20% of the daily inflow above 17.2ML/day.

- (5) For this section—
- (a) inflows must be measured at the following gauges and an estimate of other tributary inflows must be taken into account—
- (i) for the Avon Dam—Avon River at Summit Tank gauge (2122111) and the Flying Fox No. 3 Creek at Fire Road gauge (2122112),
  - (ii) for the Cataract Dam—Loddon River at Bulli Appin Road gauge (2122322) and the Cataract River at Corrimal No. 1 gauge (2122323),
  - (iii) for the Cordeaux Dam—Goondarrin Creek at Kemira “D” Cast gauge (2122201), the Sandy Creek at Cordeaux River gauge (2122205) and the Cordeaux River at Cordeaux Dam No 1 gauge (2122204),
  - (iv) for the Nepean Dam—Nepean River at Nepean Dam gauge (2122051) and the Burke River at Nepean Dam gauge (2122052), and
- (b) changes in water storage levels, net evaporation, other losses and outflows must be taken into account.

#### **57G Pheasants Nest Weir and Broughtons Pass Weir**

- (1) A daily flow must pass through the Pheasants Nest Weir at least equivalent to the greater of 5ML/day or the volume calculated in accordance with the following formula—
- $$A + B$$
- where—
- A* is the sum of all flows released from Avon Dam, Cordeaux Dam and Nepean Dam, including amounts released from each dam’s environmental contingency allowance.
- B* is—
- (a) if the daily inflows into the catchment between Pheasants Nest Weir and Avon Dam, Cordeaux Dam and Nepean Dam in the previous 24 hours are less than or equal to 5.6ML/day—the amount of the daily inflows, or
  - (b) if the daily inflows into the catchment between Pheasants Nest Weir and Avon Dam, Cordeaux Dam and Nepean Dam in the previous 24 hours are more than 5.6ML/day—5.6ML/day plus 20% of the daily inflow above 5.6ML/day.
- (2) A daily flow must pass through the Broughtons Pass Weir at least equivalent to the greater of 1ML/day or the volume calculated in accordance with the following formula—
- $$A + B$$
- where—
- A* is the sum of all flows released from Cataract Dam, including amounts released from each dam’s environmental contingency allowance.
- B* is—
- (a) if the daily inflows into the catchment between Broughtons Pass Weir and Cataract Dam in the previous 24 hours are less than or equal to 1.8ML/day—the amount of the daily inflows, or
  - (b) if the daily inflows into the catchment between Broughtons Pass Weir and Cataract Dam in the previous 24 hours are more than 1.8ML/day—1.8ML/day plus 20% of the daily inflow above 1.8ML/day.



### 57H Lake Lyell

- (1) When the total active storage capacity in Lake Lyell, Lake Wallace and Thompsons Creek Reservoir is 50,000ML or more, daily releases must be made from Lillyvale Dam as follows—
  - (a) when daily inflows into Lake Lyell in the previous 24 hours are less than or equal to 13.6ML/day—a release equal to the daily inflows,
  - (b) when daily inflows into Lake Lyell in the previous 24 hours are more than 13.6ML/day—13.6ML/day plus 25% of the daily inflow volume above 13.6ML/day.
- (2) When the total active storage capacity in Lake Lyell, Lake Wallace and Thompsons Creek Reservoir is less than 50,000ML, daily releases must be made as follows—
  - (a) if the total active storage capacity has been less than 50,000ML continuously for less than 6 months—a release equal to the lesser of the daily inflows to Lake Lyell or 9ML/day,
  - (b) if the total active storage capacity has been less than 50,000ML continuously for at least 6 months—a release equal to the lesser of the daily inflows to Lake Lyell or 5ML/day.
- (3) If, within a 12-month period, a flow of 800ML/day or more has not occurred for at least 1 hour at the Coxs River at Lithgow gauge (212011) and the total active storage in Lake Lyell, Lake Wallace and Thompsons Creek Reservoir is at least 50,000ML, an annual channel maintenance flow release must be made for 2 continuous hours from Lillyvale Dam equal to the lesser of—
  - (a) a release rate of 800ML/day, or
  - (b) the maximum daily release rate obtainable from the outlet valves when fully open.
- (4) In this section—
  - (a) daily inflows into Lake Lyell must be measured by taking into account—
    - (i) flows measured at the Coxs River at upstream of Lake Lyell gauge (212058) and Farmers Creek at Mount Walker gauge (212042), and
    - (ii) changes in water storage levels, net evaporation, other losses and outflows, and
  - (b) the volume of water released must be measured by taking into account flows measured at Coxs River at Lithgow flow gauge (212011).

### 57I Environmental contingency allowance

- (1) A total combined volume of 9,000ML/year (the *environmental contingency allowance*) must be set aside in the Avon Dam, Cataract Dam, Cordeaux Dam, Nepean Dam and Warragamba Dam in the Upper Nepean and Upstream Warragamba Extraction Management Unit.
- (2) The environmental contingency allowance may be released only for the following environmental purposes—
  - (a) pool destratification to disrupt thermal differences between water at the top and bottom of deep natural pools to reduce water quality risks associated with the thermal differences,
  - (b) the management of weed proliferation,
  - (c) the management of water quality events,
  - (d) fish breeding migration to encourage or enable fish migration for fish-breeding events.

- (3) Any remaining environmental contingency allowance not released in a water year must not be carried over to the following water year.

**57J Wallerawang Dam, Thompsons Creek Dam and Wingecarribee Reservoir**

- (1) A daily release must be made from Wallerawang Dam in the Wywandy Water Source of at least 0.7ML/day as measured at the Bathurst Road gauge (212008).
- (2) A daily release must be made from Thompsons Creek Dam of at least the following as measured at V Notch Weirs at Thompsons Creek Reservoir—
- (a) between 1 September and 30 April, inclusive—0.8ML/day,
  - (b) between 1 May and 31 August, inclusive—0.3ML/day.
- (3) A daily release must be made from Wingecarribee Reservoir in the Wingecarribee River Water Source of at least 3ML/day as measured at the Sheepwash Bridge gauge (212275) of the Wingecarribee River.
- (4) An additional daily release must be made from Wingecarribee Reservoir into the Wingecarribee River Water Source of at least 1ML/day as measured at the Sheepwash Bridge gauge (212275) of the Wingecarribee River to ensure the sharing of water with water users downstream of the reservoir.

**57K Daily pass through from Wallacia Weir in the Mid Nepean River Weirs Water Source**

- (1) A daily release must be made from the Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam to ensure a flow of water is passed through the Wallacia Weir equal to the amount calculated in accordance with the following formula—

$$(A + B) \times C$$

where—

*A* is water passed through the Pheasants Nest Weir in the previous 24 hours

*B* is water passed through the Broughtons Pass Weir in the previous 24 hours

*C* is a transmission loss factor based on inflows, being—

- (a) if the total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are more than the 80th percentile of the total daily inflows to the dams—1, or
  - (b) if the total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are equal to or less than the 80th percentile, and more than the 95th percentile, of the total daily inflows to the dams—0.810, or
  - (c) if the total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are equal to or less than the 95th percentile of the total daily inflows to the dams—0.640.
- (2) The volume of water released must be measured at Nepean River at Wallacia Weir gauge (212202).

**57L Releases from Warragamba pipeline**

Daily releases must be made from the Warragamba Pipeline in the Warragamba River Water Source as follows—

- (a) a dilution flow of at least 5ML/day to dilute the discharge from the Wallacia Sewerage Treatment Plant into the Warragamba River,
- (b) a flow equal to the following for drinking water supply purposes—
  - (i) from 1 November to 31 March, inclusive—25ML/day,

- (ii) from 1 April to 31 October, inclusive—17ML/day.

#### **57M Woronora Dam**

- (1) A daily environmental flow release must be made from Woronora Dam of a volume at least equal to—
- (a) when the daily inflows into Lake Woronora in the previous 24 hours are less than or equal to 1.2ML—the daily inflows, or
  - (b) when the daily inflows into Lake Woronora in the previous 24 hours are more than 1.2ML—1.2ML plus 20% of the inflow volume above 1.2ML.
- (2) A further high flow release must be made before 1 February in each water year to enable fish passage within the Woronora River unless tributary flows and environmental releases have otherwise produced a flow since 1 February in the previous water year measuring 800ML/day at the Needles gauge (213211) for at least 3 days.
- (3) The high flow release must maintain a maximum flow of 800ML/day as measured at the Woronora River at Needles gauge (213211) for at least 3 days in a way that mimics a natural flow pattern.
- (4) In this section, daily inflows into Lake Woronora must be measured by taking into account—
- (a) flows measured at the Waratah Rivulet gauge (2132102) and the Woronora River, upstream of Woronora Dam, gauge (2132101), and
  - (b) changes in water storage levels, net evaporation, other losses and outflows.

#### **57N Exceptions**

- (1) An approval holder is not required to make a daily release under this Part if—
- (a) the water supply work concerned is spilling at a rate equal to or more than the total daily release required for the work under this Part, or
  - (b) an annual channel maintenance or annual high flow is being released from the water supply work concerned on the same day, or
  - (c) the Minister—
    - (i) is satisfied the releases must not or cannot be made because—
      - A. there is an emergency situation, or
      - B. capacity constraints or maintenance, refurbishment or modification works on the water supply work may temporarily affect the flow rate or behaviour of water for a period of at least 24 hours, and
    - (ii) gives a written direction to the approval holder to not make the release under this Part.
- (2) If a release has not been made under this Part in accordance with subsection (1)(c)—
- (a) the approval holder must make the release in accordance with a direction of the Minister, or
  - (b) if not directed by the Minister, the approval holder must—
    - (i) make the release as soon as reasonably practicable, and
    - (ii) notify the Minister when the release has been made.

## Part 9 Mandatory conditions—the Act, s 17(c)

### Division 1 General

#### 58 Definition

In this Part—

*AS 4747* has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

*Logbook* means a written record, kept in hard copy or electronic form.

*operational meter* means an operational meter that complies with AS 4747.

*mandatory metering equipment condition* has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

*water account debit* means a water allocation that is taken, assigned under the Act, section 71T or 71V, or otherwise debited or withdrawn from a water allocation account.

### Division 2 Access licences

#### 59 General conditions

- (1) Each access licence must be subject to the following mandatory conditions—
  - (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 31,
  - (b) the access rules for the taking of water specified in Part 6, Division 4 that are relevant to the access licence,
  - (c) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department’s website,
  - (d) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with section 60(1).
- (2) The holder of a local water utility access licence or a major utility access licence must give notice of run of river town water supply transfers planned for the following 24 hours.
- (3) The notice must be published—
  - (a) on a website maintained by the holder of the access licence, and
  - (b) no later than 9am each day.

#### 60 Record-keeping conditions

- (1) Before water is taken under an access licence, the licence holder must—
  - (a) confirm a cease-to-take condition does not apply, and
  - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook.
- (2) Each access licence must be subject to the following mandatory conditions—
  - (a) the licence holder must record the following information in a Logbook each time water is taken using a water supply work that does not have an operational meter or an operational data logger—

- (i) the date, start-time and end-time during which water was taken under the 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 purposes for which the water was taken on that date,
  - (v) the volume of water taken in a water year compared with the water account debit permitted under section 31 for the licence,
- (b) the licence holder must keep the information required to be recorded in the Logbook for 5 years from the date to which that information relates.
- (3) Subsections (1)(b) and (2)(a) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the mandatory metering equipment condition applies.

**Note**—See the *Water Management (General) Regulation 2018*, clause 230(1).

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

#### **61 General conditions**

- (1) Each water supply work approval must be subject to the following mandatory conditions—
- (a) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department’s website,
  - (b) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,
  - (c) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with sections 62 and 63.
- (2) A water supply work approval held by Water NSW must be subject to mandatory conditions to give effect to the following—
- (a) the rules set out in Part 8A,
  - (b) Water NSW must make available to the Minister data relating to flows at flow reference points operated by Water NSW, as determined by the Minister,
  - (c) Water NSW must give notice of the following—
    - (i) releases from storages for environmental and other purposes planned for the following 24 hours,
    - (ii) run of river town water supply transfers planned for the following 24 hours.
- (3) The notice must be published—
- (a) on a website maintained by Water NSW, and
  - (b) no later than 9am each day.
- (4) A water supply work approval held by Energy Australia must be subject to mandatory conditions to give effect to the following—
- (a) the rules set out in Part 8A,

- (b) Energy Australia must make available to the Minister data relating to flows at flow reference points operated by Energy Australia, as and when determined by the Minister.
- (5) A water supply work approval held by Origin Energy must be subject to mandatory conditions to give effect to the rules set out in Part 8A.
- (6) A water supply work approval for a water supply work to which section 57I applies must be subject to mandatory conditions to give effect to the following—
  - (a) an account of environmental contingency allowances must be kept and maintained,
  - (b) releases of environmental contingency allowances must be made in accordance with section 57I.

## **62 Record-keeping conditions**

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) Before a water supply work is used to take water, the approval holder must—
  - (a) confirm a cease-to-take condition does not apply, and
  - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook.
- (3) The approval holder must—
  - (a) record the following information in a Logbook whenever the water supply work does not have an operational meter or an operational data logger—
    - (i) the date, start-time and end-time during which water was taken using the water supply work,
    - (ii) the volume of water taken on that date,
    - (iii) the access licence under which water was taken on that date or, if water was taken under some other authority, the authority under which water was taken,
    - (iv) the purposes for which the water was taken on that date,
    - (v) details of 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) if metering equipment has been installed for use in connection with the water supply work and is operational, the meter reading before each time water is taken,
    - (vii) if metering equipment has not been installed for use in connection with the water supply work, or has been installed but is not operational, details of all pumping activities for the water supply work including pump running times, pump power usage or pump fuel usage, pump start times, pump stop times and pump capacity per unit of time, and
  - (b) keep the information recorded in the Logbook for 5 years from the date to which that information relates.
- (4) If the holder of a water supply work approval is the same person as the holder of the access licence under which water is proposed to be taken, the holder may comply with the requirements of this Plan in 1 Logbook.

- (5) Subsections (2)(b), (3)(a) and (4) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

**Note**—See the *Water Management (General) Regulation 2018*, clause 230(1).

### **63 Metering conditions**

- (1) This section applies to water supply works used to take water under an access licence.
- (2) The approval holder must, if directed by the Minister to install metering equipment under the Act, install metering equipment that complies with AS 4747.
- (3) If directed to install metering equipment under subsection (2), the approval holder must ensure the following—
- (a) the metering equipment accurately measures and records the flow of all water taken through each water supply work,
  - (b) the metering equipment is operated and maintained in a proper and efficient way at all times,
  - (c) other requirements relating to the type, standard or other criteria for metering equipment are complied with, as directed by the Minister.
- (4) This section is repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

**Note**—See the *Water Management (General) Regulation 2018*, clause 230(1).

## **Division 4 Water supply work approvals for groundwater**

### **64 Application of Division**

[Not applicable]

### **65 Water supply work construction conditions**

[Not applicable]

### **66 Water quality condition**

[Not applicable]

### **67 Water supply work decommissioning condition**

[Not applicable]

## Part 10 Amendment of this Plan—the Act, s 17(d)

### 68 Amendments

- (1) This Plan may be amended as follows—
  - (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
  - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
  - (c) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
  - (d) if the amendments will not substantially change a long-term average annual extraction limit or the time at which water may be extracted from a water source—
    - (i) to replace Part 4, Division 2 to establish extraction limits that have been determined based on a proportion of flow, and
    - (ii) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
  - (e) if the amendments will not substantially change a long-term average annual extraction limit—to add provisions relating to the following—
    - (i) total daily extraction limits,
    - (ii) individual daily extraction components,
  - (f) to add or modify provisions relating to the following—
    - (i) the interception of water before it reaches a stream or aquifer by plantations or other means,
    - (ii) the management of aquifer interference activities, including the granting of aquifer interference approvals,
    - (iii) stormwater harvesting,
    - (iv) access rules relating to access licences held by Penrith Lakes Development Corporation as at the date of the commencement of this Plan,
    - (v) access rules or dealing rules that apply to the Hawkesbury & Lower Nepean River Extraction Management Unit, Nattai River Water Source or the Stonequarry Creek Water Source, following consultation carried out in the first 5 years of this Plan regarding the effectiveness of the provisions in achieving the objects of this Plan,
  - (g) to protect water-dependent Aboriginal cultural assets, including as follows—
    - (i) by identifying water-dependent Aboriginal cultural assets,
    - (ii) by establishing new flow classes or access rules,
    - (iii) by restricting the construction and use of water supply works,
    - (iv) by establishing new access licence dealing rules,
  - (h) if, within 5 years of the commencement of this Plan, an analysis of the uptake of harvestable rights determines the take of harvestable rights has increased above the take permitted under the 2006 Harvestable Rights Order—to modify Parts 6–8 to protect critical environmental needs and basic landholder rights,



- (ha) to modify the Water NSW LTAAEL to enable the supply of additional drinking water or protect critical environmental needs,
  - (hb) to add to or modify Part 8A in relation to changes to dam infrastructure or sewerage treatment plants in the water sources or following a review of the effectiveness of the provisions in achieving the objects of this Plan,
    - (i) to add, modify or remove a definition,
    - (j) to modify Schedule 2, 3 or 3B to add or remove an access licence,
    - (k) to make amendments consequential on an amendment to the Act or regulations.
- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

## Schedule 1 Flow classes

section 33

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Bomaderry Creek Water Source		Very Low Flow class	(a) On a falling river—less than or equal to 0.7ML/day (b) On a rising river—less than or equal to 1.3ML/day	Bomaderry Creek at Bomaderry gauge (215016)
		A Class	(a) On a falling river—more than 0.7ML/day (b) On a rising river—more than 1.3ML/day	
Broughton Creek Water Source		Very Low Flow Class	Less than or equal to 1.8ML/day	Broughton Creek at Broughton Vale gauge (215018)
		A Class	More than 1.8ML/day and less than or equal to 17ML/day	
		B Class	More than 17ML/day	
Bungonia Creek Water Source		Very Low Flow Class	Less than or equal to 0.2ML/day	Bungonia Creek at Bungonia gauge (215014)
		A Class	More than 0.2ML/day	
Cabramatta Creek Water Source		Very Low Flow Class	Less than or equal to 0.1ML/day	Cabramatta Creek at Orange Grove gauge (213011)
		A Class	More than 0.1ML/day and less than or equal to 2.4ML/day	
		B Class	More than 2.4ML/day	
Capertee River Water Source		Very Low Flow Class	Less than or equal to 2ML/day	Capertee River at Glen Davis gauge (212018)
		A Class	More than 2ML/day	
Cattai Creek Water Source		Very Low Flow Class	Less than or equal to 3ML/day	Cattai Creek at Cattai Ridge Road gauge (2122951)
		A Class	More than 3ML/day	
Colo River Water Source		Very Low Flow Class	Less than or equal to 24ML/day	Colo River at Upper Colo gauge (212290)
		A Class	More than 24ML/day	
Corang and Endrick Rivers Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 0.6ML/day (b) On a rising river – less than or equal to 2ML/day	Corang River at Hockeys gauge (215004)
		A Class	(a) On a falling river—more than 0.63ML/day and less than or equal to 58.3ML/day	

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Dharabuladh Water Source		B Class	(b) On a rising river—more than 2ML/day and less than or equal to 58.3ML/day More than 58.3ML/day	Coxs River at Island Hill gauge (212045)
		Very Low Flow Class	(a) On a falling river—less than or equal to 15ML/day (b) On a rising river—less than or equal to 17ML/day	
		A Class	(a) On a falling river—more than 15ML/day (b) On a rising river—more than 17ML/day	
Fitzroy Falls Water Source		Very Low Flow Class	Less than or equal to 1.3ML/day	Yarrunga Creek at Wildes Meadow gauge (215233)
		A Class	More than 1.3ML/day	
Grose River Water Source		Very Low Flow Class	Less than or equal to 30ML/day	Grose River at Buralow gauge (212291)
		A Class	More than 30ML/day	
Jaspers Brush Creek and Tributaries Water Source		Very Low Flow Class	Less than or equal to 0.5ML/day	Jaspers Brush Creek at Jaspers Brush gauge (215019)
		A Class	More than 0.5ML/day	
Jenolan River Water Source		Very Low Flow Class	Less than or equal to 6ML/day	Coxs River at Kelpie Point (212250)
		A Class	More than 6ML/day and less than or equal to 163ML/day	
		B Class	More than 163ML/day	
Kangaroo River Water Source		Very Low Flow Class	Less than or equal to 7ML/day	Kangaroo River at Hampden Bridge gauge (215220)
		A Class	More than 7ML/day	
Kedumba River Water Source		Very Low Flow Class	Less than or equal to 5ML/day	Kedumba River at Kedumba Crossing (212016)
		A Class	More than 5ML/day and less than or equal to 27.3ML/day	
		B Class	More than 27.3ML/day	
Kowmung River Water Source		Very Low Flow Class	Less than or equal to 0.8ML/day	Kowmung River at Cedor Ford (212260)
		A Class	More than 0.8ML/day and less than or equal to 129ML/day	
		B Class	More than 129ML/day	

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Lower Georges River and Bunbury Curran Creek Water Source		Very Low Flow Class	Less than or equal to 0.3ML/day	Bunbury Curran Creek at Railway Parade gauge (213012)
		A Class	More than 0.3ML/day	
Lower Kangaroo River Water Source		Very Low Flow Class	Less than or equal to 16.5ML/day	Kangaroo River at Hampden Bridge gauge (215220)
		A Class	More than 16.5ML/day and less than or equal to 162ML/day	
		B Class	More than 162ML/day	
Lower Shoalhaven River Water Source		Very Low Flow Class	Less than or equal to 69ML/day	Shoalhaven River at Grassy Gully No 2 gauge (215216)
		A Class	More than 69ML/day	
Lower Wollondilly River Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 4ML/day (b) On a rising river - less than or equal to 7ML/day	Wollondilly River at Golden Valley gauge (212271)
		A Class	(a) On a falling river – more than 4ML/day and less than or equal to 38ML/day (b) On a rising river – more than 7ML/day and less than or equal to 38 ML/day	
		B Class	More than 38 ML/day	
Macdonald River Water Source		Very Low Flow Class	Less than or equal to 1ML/day	MacDonald River at St Albans gauge (212228)
		A Class	More than 1ML/day and less than or equal to 16ML/day	
		B Class	More than 16ML/day	
Macquarie Rivulet Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 6.5ML/day (b) On a rising river—less than or equal to 8ML/day	Macquarie Rivulet at Albion Park gauge (214003)
		A Class	(a) On a falling river—more than 6.5ML/day (b) On a rising river—more than 8ML/day	
Maguires Crossing Water Source		Very Low Flow Class	Less than or equal to 14ML/day	Nepean River at Maguires Crossing gauge (212209)
		A Class	More than 14 ML/day	

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Mid Shoalhaven River Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 48ML/day (b) On a rising river—less than or equal to 63ML/day	Shoalhaven River at Warri gauge (215002)
		A Class	(a) On a falling river—more than 48ML/day and less than or equal to 345ML/day (b) On a rising river—more than 63ML/day and less than or equal to 345ML/day	
		B Class	More than 345ML/day	
Minnamurra River Water Source		Very Low Flow Class	Less than or equal to 3.6ML/day	Minnamurra River at Browns Lane gauge (214010)
		A Class	More than 3.6ML/day and less than or equal to 19ML/day	
		B Class	More 19ML/day	
Mulwaree River Water Source		Very Low Flow Class	Less than or equal to 1ML/day	Mulwaree River at the Towers gauge (2122725)
		A Class	More than 1ML/day	
Nattai River Water Source		Very Low Flow Class	Less than or equal to 2.5ML/day	Nattai River at the Craggs gauge (2122801)
		A Class	More than 2.5ML/day	
Parramatta River Water Source	Upper Parramatta River Management Zone	Very Low Flow Class	Less than or equal to 1ML/day	Toongabbie Creek at Briens Road gauge (213005)
		A Class	More than 1ML/day	
Prospect Creek Water Source		Very Low Flow Class	Less than or equal to 1.6ML/day	Prospect Creek at Smithfield Road gauge (213009)
		A Class	More than 1.6ML/day	
Shoalhaven River Gorge Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 40ML/day (b) On a rising river—less than or equal to 77ML/day	Shoalhaven River at Fossickers Flat gauge (215207)
		A Class	(a) On a falling river—more than 40ML/day and less than or equal to 697ML/day (b) On a rising river—more than 77ML/day and less than or equal to 697ML/day	
		B Class	More than 697ML/day	

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Stonequarry Creek Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 0.6ML/day (b) On a rising river—less than or equal to 0.7ML/day	Stonequarry Creek at Picton gauge (212053)
		A Class	(a) On a falling river—more than 0.6ML/day (b) On a rising river—more than 0.7ML/day	
Upper Shoalhaven River Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 10ML/day (b) On a rising river—less than or equal to 14ML/day	Shoalhaven River at Kadoona gauge (215008)
		A Class	(a) On a falling river—more than 10ML/day and less than or equal to 45ML/day (b) On a rising river—more than 14ML/day and less than or equal to 45ML/day	
		B Class	More than 45ML/day and less than or equal to 95ML/day	
		C Class	More than 95ML/day	
Upper Shoalhaven Tributaries Water Source	Boro Creek Management Zone	Very Low Flow Class	Less than or equal to 3.2ML/day	Boro Creek at Marlowe gauge (215239)
		A Class	More than 3.2ML/day and less than or equal to 49ML/day	
		B Class	More than 49ML/day	
	Mongarlowe River Management Zone	Very Low Flow Class	(a) On a falling river—less than or equal to 7.6ML/day (b) On a rising river—less than or equal to 12.8ML/day	Mongarlowe River at Mongarlowe gauge (215210)
		A Class	(a) On a falling river—more than 7.6ML/day and less than or equal to 84.6ML/day (b) On a rising river—more than 12.8ML/day and less than or equal to 84.6ML/day	
		B Class	More than 84.6ML/day	
Reedy Creek Management Zone		Very Low Flow Class	(a) On a falling river—less than or equal to 0.2ML/day (b) On a rising river—less than or equal to 0.6ML/day	Reedy Creek at Manar gauge (215238)

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Upper Wollondilly River Water Source		A Class	(a) On a falling river—more than 0.2ML/day and less than or equal to 16.4ML/day  (b) On a rising river—more than 0.6ML/day and less than or equal to 16.4ML/day	Wollondilly River at Murrays Flat gauge (2122711)
		B Class	More than 16.4ML/day	
		Very Low Flow Class	Less than or equal to 2ML/day	
Warragamba River Water Source		A Class	More than 2ML/day	Discharge point from Warragamba Dam into Megarritys Creek
		Very Low Flow Class	(a) From 1 November to 31 March—less than or equal to 30ML/day  (b) From 1 April to 31 October—less than or equal to 22ML/day	
Werriberri Creek Water Source		A Class	(a) From 1 November to 31 March—more than 30ML/day  (b) From 1 April to 31 October—more than 22ML/day	Werriberri Creek at Werombi gauge (212244)
		Very Low Flow Class	Less than or equal to 2ML/day	
Wianamatta-South Creek Water Source	Lower Wianamatta-South Creek Management Zone	A Class	More than 2ML/day	South Creek at Richmond Road gauge (212297)
		Very Low Flow Class	Less than or equal to 3ML/day	
		Very Low Flow Class	Less than or equal to 0.2ML/day	
Wingecarribee River Water Source	Upper Wianamatta-South Creek Management Zone	A Class	More than 3ML/day	South Creek at Great Western Highway gauge (212048)
		Very Low Flow Class	Less than or equal to 0.2ML/day	
	Lower Wingecarribee River Management Zone	A Class	More than 0.2ML/day	Wingecarribee River at Greenstead gauge (212009)
		Very Low Flow Class	Less than or equal to 13.9ML/day	
Upper Wingecarribee River Management Zone		A Class	More than 13.9ML/day	Wingecarribee River at Bong Bong Weir gauge (212031)
		Very Low Flow Class	Less than or equal to 9ML/day	
		A Class	More than 9ML/day and less than or equal to 63.5ML/day	
Wywanddy Water Source		B Class	More than 63.5ML/day	Coxs River at Wallerawang
		Very Low Flow Class	(a) On a falling river—less than or equal to 2ML/day	

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
		A Class	(b) On a rising river—less than or equal to 4ML/day (a) On a falling river—more than 2ML/day and less than or equal to 27.6ML/day	Power Station gauge (212054)
		B Class	(b) On a rising river—more than 4ML/day and less than or equal to 27.6ML/day More than 27.6ML/day	



## Schedule 2 Access licences used to take surface water that are exempt from specified access rules

Section 37(1)(a) and (d)

**Table A - Access licences other than town water supply**

<b>Water source</b>	<b>Water access licence numbers</b>
Broughton Creek Water Source	25229, 25275
Colo River Water Source	35752, 35770
Fitzroy Falls Water Source	25204
Grose River Water Source	35845
Jaspers Brush Creek and Tributaries Water Source	25370, 25292
Kangaroo River Water Source	1436, 10561, 1447, 1450, 1453, 13393, 1461, 1465, 1467, 1490
Lake Illawarra Water Source	25059, 25076, 25167, 25140, 25069, 25168, 25131, 25120
Macquarie Rivulet Water Source	25075, 25108, 25143, 25157, 25130, 25145, 25074, 25090, 25163, 25063, 25134, 25068
Minnamurra River Water Source	25056, 25057, 25153, 25169, 25101, 25058, 25126
Mulwaree River Water Source	25724, 25550

**Table B - Local water utility access licences and access licences of the subcategory “Town water supply”**

<b>Water source</b>	<b>Water access licence numbers</b>
Bundanoon Creek Water Source	25371
Colo River Water Source	26195
Lower Wollondilly River Water Source	25718, 25674
Medway Rivulet Water Source	25625
Upper Shoalhaven River Water Source	25376

### Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement

Section 35(1)(b)

Water access licence number	Water source	Management zone
25221	Bungonia Creek	
25995	Capertee River	
25757	Kowmung River	
26094	Lower Hawkesbury River	
26934	Lower Nepean River	
26943	Lower Nepean River	
25785	Lower Wollondilly River	
25070	Macquarie Rivulet	
25127	Macquarie Rivulet	
26859	Mid Nepean River Weirs	
25248	Mid Shoalhaven River	
25314	Mid Shoalhaven River	
25384	Mid Shoalhaven River	
25078	Minnamurra River	
25079	Minnamurra River	
25095	Minnamurra River	
25097	Minnamurra River	
25110	Minnamurra River	
25116	Minnamurra River	
25146	Minnamurra River	
25161	Minnamurra River	
25155	Minnamurra River	
25883	Upper Hawkesbury River	Grose River to Winamatta-South Creek
26139	Upper Hawkesbury River	Wianamatta-South Creek to Cattai Creek
26393	Upper Hawkesbury River	Wianamatta-South Creek to Cattai Creek
25286	Upper Shoalhaven River	
25288	Upper Shoalhaven River	
25312	Upper Shoalhaven River	
25343	Upper Shoalhaven River	
25387	Upper Shoalhaven River	
25749	Upper Wollondilly River	

## Schedule 3A Linear interpolation factor

Section 36(16)

Sum of inflows percentile	Linear interpolation factor
100	0
99	0.01
98	0.02
97	0.03
96	0.04
95	0.05
94	0.06
93	0.07
92	0.08
91	0.09
90	0.1
89	0.11
88	0.12
87	0.13
86	0.14
85	0.15
84	0.16
83	0.17
82	0.18
81	0.19
80	0.2
79	0.224
78	0.248
77	0.272
76	0.296
75	0.32
74	0.344
73	0.368
72	0.392
71	0.416
70	0.44
69	0.464
68	0.488
67	0.512

<b>Sum of inflows percentile</b>	<b>Linear interpolation factor</b>
66	0.536
65	0.56
64	0.583
63	0.606
62	0.629
61	0.652
60	0.675
59	0.698
58	0.721
57	0.744
56	0.767
55	0.79
54	0.812
53	0.834
52	0.856
51	0.878
50	0.9
49	0.902
48	0.904
47	0.906
46	0.908
45	0.91
44	0.912
43	0.914
42	0.916
41	0.918
40	0.92
39	0.922
38	0.924
37	0.926
36	0.928
35	0.93
34	0.932
33	0.934
32	0.936
31	0.938
30	0.94

<b>Sum of inflows percentile</b>	<b>Linear interpolation factor</b>
29	0.942
28	0.944
27	0.946
26	0.948
25	0.95
24	0.952
23	0.954
22	0.956
21	0.958
20	0.96
19	0.962
18	0.964
17	0.966
16	0.968
15	0.97
14	0.972
13	0.974
12	0.976
11	0.978
10	0.98
9	0.982
8	0.984
7	0.986
6	0.988
5	0.99
4	0.992
3	0.994
2	0.996
1	0.998
0	1

## **Schedule 3B Licences in Upper Hawkesbury River Water Source relating to off-river pools subject to a cease-to-take condition**

Sections 36(15) and 37(2)

### **Water access licence number**

25793

25832

25955

25989

26066

26081

26183

26215

26301

26385

26439

26478

26530

26660

26665

26765

26774

26785

35862

35903

## **Schedule 4      Contamination sources**

[Not applicable]

## Schedule 5 Water sources and management zones specified by access licences

section 29(3), (4)

Table A

Column 1	Column 2	Column 3	Column 4
Water Source	Management Zone	Water Source	Management Zone
Hawkesbury and Lower Nepean Rivers Water Source	Berowra Creek and Cowan Creek Management Zone	Berowra Creek and Cowan Creek Water Source	
	Brownlow Hill Weir Management Zone	Mid Nepean River Weirs Water Source	Brownlow Hill Weir Management Zone
	Camden Weir Management Zone	Mid Nepean River Weirs Water Source	Camden Weir Management Zone
	Capertee River Management Zone	Capertee River Water Source	
	Cattai Creek Management Zone	Cattai Creek Water Source	
	Cobbity Weir Management Zone	Mid Nepean River Weirs Water Source	Cobbity Weir Management Zone
	Colo River Management Zone	Colo River Water Source	
	Erskine Creek and Glenbrook Creek Management Zone	Erskine Creek and Glenbrook Creek Water Source	
	Grose River Management Zone	Grose River Water Source	
	Lower Hawkesbury River Management Zone	Lower Hawkesbury River Water Source	
	Lower Nepean River Management Zone	Lower Nepean River Water Source	
	Lower South Creek Management Zone	Wianamatta-South Creek Water Source	Lower Wianamatta- South Ck Management Zone
	Macdonald River Management Zone	Macdonald River Water Source	
	Menangle Weir Management Zone	Mid Nepean River Weirs Water Source	Menangle Weir Management Zone
	Mid Nepean River Catchment Management Zone	Mid Nepean River Weirs Water Source	Mid Nepean River Catchment Management Zone
	Mount Hunter Rivulet Weir Management Zone	Mid Nepean River Weirs Water Source	Mount Hunter Rivulet Weir Management Zone
	Sharpes Weir Management Zone	Mid Nepean River Weirs Water Source	Sharpes Weir Management Zone
	Theresa Park Weir Management Zone	Mid Nepean River Weirs Water Source	Theresa Park Weir Management Zone
	Upper Hawkesbury River (Cattai Creek to Colo River) Management Zone	Upper Hawkesbury River Water Source	Upper Hawkesbury River (Cattai Creek to Colo River) Management Zone
	Upper Hawkesbury River (Grose River to South Creek) Management Zone	Upper Hawkesbury River Water Source	Upper Hawkesbury River (Grose River to Wianamatta-South Creek) Management Zone
Upper Hawkesbury River (South Creek to Cattai Creek) Management Zone	Upper Hawkesbury River Water Source	Upper Hawkesbury River (Wianamatta-South Creek to Cattai Creek) Management Zone	
Upper South Creek Management Zone	Wianamatta-South Creek Water Source	Upper Wianamatta-South Ck Management Zone	
Wallacia Weir Management Zone	Mid Nepean River Weirs Water Source	Wallacia Weir Management Zone	



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Water Source</b>	<b>Management Zone</b>	<b>Water Source</b>	<b>Management Zone</b>
	Warragamba River Management Zone	Warragamba River Water Source	
Illawarra Rivers Water Source	Lake Illawarra Management Zone	Lake Illawarra Water Source	
	Macquarie Rivulet Management Zone	Macquarie Rivulet Water Source	
	Minnamurra Coastal Management Zone	Minnamurra Coastal Water Source	
	Minnamurra River Management Zone	Minnamurra River Water Source	
	Wollongong Coastal Management Zone	Wollongong Coastal Water Source	
Northern Sydney Rivers Water Source	Lane Cove River Management Zone	Lane Cove River Water Source	
	Lower Parramatta River Management Zone	Parramatta River Water Source	Lower Parramatta River Management Zone
	Middle Harbour Management Zone	Middle Harbour Water Source	
	Northern Sydney Coastal Management Zone	Northern Sydney Coastal Water Source	
	Upper Parramatta River Management Zone	Parramatta River Water Source	Upper Parramatta River Management Zone
Shoalhaven River Water Source	Barbers Creek Management Zone	Barbers Creek Water Source	
	Bomaderry Creek Management Zone	Bomaderry Creek Water Source	
	Boro Creek Management Zone	Upper Shoalhaven Tributaries Water Source	Boro Creek Management Zone
	Broughton Creek Management Zone	Broughton Creek Water Source	
	Broughton Mill Creek Management Zone	Broughton Creek Water Source	
	Bundanoon Creek Management Zone	Bundanoon Creek Water Source	
	Bungonia Creek Management Zone	Bungonia Creek Water Source	
	Corang and Endrick Rivers Management Zone	Corang and Endrick Rivers Water Source	
	Fitzroy Falls Management Zone	Fitzroy Falls Water Source	
	Jaspers Brush Creek and Tributaries Management Zone	Jaspers Brush Creek and Tributaries Water Source	
	Kangaroo River Management Zone	Kangaroo River Water Source	
	Lower Kangaroo River Management Zone	Lower Kangaroo River Water Source	
	Lower Shoalhaven River Catchment Management Zone	Lower Shoalhaven River Catchment Water Source	
	Lower Shoalhaven River Management Zone	Lower Shoalhaven River Water Source	
	Mid Shoalhaven River Management Zone	Mid Shoalhaven River Water Source	
Mongarlowe River	Upper Shoalhaven Tributaries	Mongarlowe River	

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Water Source</b>	<b>Management Zone</b>	<b>Water Source</b>	<b>Management Zone</b>
	Management Zone	Water Source	Management Zone
	Nerrimunga Creek Management Zone	Nerrimunga Creek Water Source	
	Reedy Creek Management Zone	Upper Shoalhaven Tributaries Water Source	Reedy Creek Management Zone
	Shoalhaven River Gorge Management Zone	Shoalhaven River Gorge Water Source	
	Upper Shoalhaven River Management Zone	Upper Shoalhaven River Water Source	
	Yarrunga Creek Management Zone	Yarrunga Creek Water Source	
Southern Sydney Rivers Water Source	Cabramatta Creek Management Zone	Cabramatta Creek Water Source	
	Cooks River and Botany Bay Management Zone	Cooks River and Botany Bay Water Source	
	Georges River Catchment Management Zone	Georges River Catchment Water Source	
	Hacking River Management Zone	Hacking River Water Source	
	Lower Georges River and Bunbury Curran Creek Management Zone	Lower Georges River and Bunbury Curran Creek Water Source	
	Lower Woronora River Management Zone	Woronora River Water Source	Lower Woronora River Management Zone
	Prospect Creek Management Zone	Prospect Creek Water Source	
	Southern Sydney Coastal Management Zone	Southern Sydney Coastal Water Source	
	Upper Woronora River Management Zone	Woronora River Water Source	Upper Woronora River Management Zone
Upper Nepean and Upstream Warragamba Water Source	Avon River Management Zone	Upper Nepean Rivers Water Source	Upper Nepean Rivers Management Zone
	Cordeaux River Management Zone	Upper Nepean Rivers Water Source	Upper Nepean Rivers Management Zone
	Dharabuladh Management Zone	Dharabuladh Water Source	
	Jenolan River Management Zone	Jenolan River Water Source	
	Kedumba River Management Zone	Kedumba River Water Source	
	Kowmung River Management Zone	Kowmung River Water Source	
	Lake Burragorang Management Zone	Lake Burragorang Water Source	
	Little River Management Zone	Little River Water Source	
	Lower Cataract River Management Zone	Upper Nepean Rivers Water Source	Upper Nepean Rivers Management Zone
	Lower Wingecarribee River Management Zone	Wingecarribee River Water Source	Lower Wingecarribee River Management Zone
	Lower Wollondilly River Management Zone	Lower Wollondilly River Water Source	
	Maguires Crossing Management Zone	Maguires Crossing Water Source	

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Water Source</b>	<b>Management Zone</b>	<b>Water Source</b>	<b>Management Zone</b>
	Maldon Weir Management Zone	Maldon Weir Water Source	
	Medway Rivulet Management Zone	Wingecarribee River Water Source	Medway Rivulet Management Zone
	Mid Cataract River Management Zone	Upper Nepean Rivers Water Source	Upper Nepean Rivers Management Zone
	Mulwaree River Management Zone	Mulwaree River Water Source	
	Nattai River Management Zone	Nattai River Water Source	
	Pheasants Nest Weir to Nepean Dam Management Zone	Upper Nepean Rivers Water Source	Pheasants Nest to Nepean Dam Management Zone
	Stonequarry Creek Management Zone	Stonequarry Creek Water Source	
	Upper Nepean Tributaries Headwater Management Zone	Upper Nepean Rivers Water Source	Upper Nepean Rivers Management Zone
	Upper Wingecarribee River Management Zone	Wingecarribee River Water Source	Upper Wingecarribee River Management Zone
	Upper Wollondilly River Management Zone	Upper Wollondilly River Water Source	
	Werriberri Creek Management Zone	Werriberri Creek Water Source	
	Wywandy Management Zone	Wywandy Water Source	

**Table B**

<b>Column 1</b>	<b>Column 2</b>
<b>Water Access Licence number</b>	<b>Water management area</b>
27431	Hawkesbury Nepean Water Management Area
27433	Southern Water Management Area

## Schedule 6 Dictionary

Section 6(1)

**2006 Harvestable Rights Order** means the *Order under section 54, the Act for harvestable rights—Eastern and Central Division*, Gazette No 40, 31 March 2006, pages 1628–1630.

**3-year average higher flow extraction**—see section 18.

**3-year average standard extraction**—see section 18.

**annual higher flow extraction**—see section 18.

**annual higher flow extraction limit**—see section 18.

**annual standard extraction**—see section 18.

**AS 4747**—see section 58.

**cease-to-take condition** means a term or condition of an access licence or a water supply work approval that prohibits the take of water in a particular circumstance.

**coastal wetlands** means land identified as coastal wetlands on the Coastal Wetlands and Littoral Rainforests Area Map.

**Coastal Wetlands and Littoral Rainforests Area Map** has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*.

**Note**— The Coastal Wetlands and Littoral Rainforests Area Map is available on the NSW Planning Portal at [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au).

**declared Ramsar wetland** has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

**environmental contingency allowance**—see section 57I(1).

**extraction management unit** means an extraction management unit established under section 5.

**flood-runner** means a stream or part of a stream that only flows during a flood.

**former entitlement** has the same meaning as in the Act, Schedule 10, clause 2.

**full capacity** means the volume of water impounded in a pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of the pool, lagoon or lake would stop.

**higher flow extraction licence**—see section 18.

**in-river dam** means a dam located in a river.

**in-river dam pool** means the water impounded by an in-river dam, but does not include water in an in-river pool.

**in-river pool** means a natural pool, lagoon or lake within a river or stream, but does not include—

- (a) a pool on a flood-runner or floodplain, or
- (b) a pool on an effluent that only begins to flow during high flows.

**kl/day** means kilolitres per day.

**Logbook**—see section 58.

**mAHD** means elevation in metres in relation to the Australian Height Datum.

**ML/unit share** means megalitres per unit share.

**ML/year** means megalitres per year.

**off-river pool** means a natural pool, lagoon or lake that is not within a river or stream, regardless of stream size, and located on—

- (a) a flood-runner or floodplain, or
- (b) an effluent that only begins to flow during high flows.

**operational meter**—see section 58.

**Plan Map** means the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 Plan Map*.

**Note**— The Plan Map is available on the Department's website.

**planning approval** means—

- (a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4, or
- (b) a State significant infrastructure approval under that Act, Part 5.1, or
- (c) a transitional Part 3A project approval under that Act, Schedule 6A.

**Note**— The Environmental Planning and Assessment Act 1979, Schedule 6A has been transferred to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017.

**reduced available water determinations**—see section 18.

**standard LTAAEL**—see section 18.

**surface water** means all water naturally occurring on the surface of the land, including all rivers, lakes and wetlands, within the boundaries of the water sources shown on the Plan Map.

**the Act** means the *Water Management Act 2000*.

**third order or higher stream** means a stream identified as a third order or higher stream, as determined in accordance with the system set out in the *Water Management (General) Regulation 2018*, Schedule 2.

**visible flow** means the continuous perceptible downstream movement of water.

**Water NSW LTAAEL**—see section 26A.

**water account debit**—see section 58.

**water year** means a period of 1 year commencing on 1 July.

**wetland** means either of the following—

- (a) coastal wetlands,
- (b) a declared Ramsar wetland.

**wild river** means a river or part of a river declared to be a wild river under the *National Parks and Wildlife Act 1974*, section 61.