



New South Wales
Government

Water Sharing Plan for the Belubula Regulated River Water Source Amendment Order 2023

under the

Water Management Act 2000

I, Rose Jackson MLC, Minister for Water, in pursuance of section 45 (1) of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Belubula Regulated River Water Source 2012*.

Dated 15 August 2023

ROSE JACKSON, MLC
Minister for Water

Explanatory note

This Order is made under section 45 (1) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Belubula Regulated River Water Source 2012*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order as required under section 45 of the *Water Management Act 2000*.

1 Name of Order

This Order is the *Water Sharing Plan for the Belubula Regulated River Source Amendment Order 2023*.

2 Commencement

This Order commences on publication on the NSW legislation website.

Schedule 1 Amendment of Water Sharing Plan for the Belubula Regulated River Water Source 2012

[1] Clause 10 Aboriginal cultural objectives

Insert “,” after “fishing” in clause 10 (2) (b).

[2] Clause 37B Action following non-compliance

Insert “(5)” after “clause 45” in clause 37B (1) (b).

[3] Clause 45 Individual access licence account management rules

Omit clause. Insert instead:

45 Individual access licence account management rules

General

(1) For any access licence:

- (a) if the Minister has given written notice to the holder of the licence in accordance with a water order debiting protocol established by the Minister, the Minister must debit the greater of the following from the water allocation account for that access licence when water is ordered:
 - (i) the volume of water extracted by water supply works nominated by the access licence,
 - (ii) the water ordered for extraction under the access licence,
- (b) otherwise, the Minister must debit the volume of water extracted by water supply works nominated by the access licence from the water allocation account for that access licence, except in respect of uncontrolled flows, where subclause (13) and (14) apply,
- (c) the Minister must withdraw water from a water allocation account as required to ensure compliance with the maximum volume of water allocations that may be held in the account under clause (11).

Note. The Minister may take action under subclause (1) if, for example, water orders from a particular licence holder exceed the volume of water taken under the licence and this cannot be explained by rainfall or other unavoidable factors.

(2) Water allocations remaining in the water allocation account of an access licence, other than a regulated river (general security) access licence, must not be carried over from one water year to the next.

Maximum water to be taken

- (3) In any water year, the water taken under an access licence in the water source, excluding regulated river (high security) access licences and regulated river (general security) access licences must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) any water allocations assigned from another access licence under section 71T of the Act in the water year, plus
 - (c) any water allocations re-credited in accordance with section 76 of the Act in the water year, minus
 - (d) any water allocations assigned to another access licence under section 71T of the Act in the water year.
- (4) In any water year, the water taken under a regulated river (high security) access licence in the water source must not exceed a volume equal to:
 - (a) 1 ML per unit share of the regulated river (high security) access licence share component, plus
 - (b) any water allocations assigned from another access licence under section 71T of the Act in the water year, plus
 - (c) any water allocations re-credited in accordance with section 76 of the Act in the water year, minus
 - (d) any water allocations assigned to another access licence under section 71T of the Act in the water year.
- (5) At any time after the first water year of this Plan, the volume of water taken under a regulated river (general security) access licence (including from uncontrolled flows in accordance with clause 48) in a water year must not exceed the sum of the following (*the take limit*):
 - (a) 1 ML per unit of share component of the access licence (or such lower amount as determined by the Minister under clause 37B), plus
 - (b) any water allocations assigned to the A sub-account of the access licence under section 71T of the Act during that water year, minus

- (c) any water allocations assigned from the A sub-account of the access licence under section 71T of the Act during that water year.

Note: The assignment of shares under 71Q of the Act may also change the take limit during a water year as a result of subclause (5)(a).

Regulated river (general security) access licences accounts

- (6) The water allocation accounts of all regulated river (general security) access licences will be comprised of two sub-accounts, referred to as the *A sub-account* and the *B sub-account*.
- (7) Water allocations remaining in the water allocation account of a regulated river (general security) access licence must be carried over from one water year to the next.
- (8) At the beginning of each water year, the volume of water allocations in the A sub-account of each regulated river (general security) access licence will be compared against the take limit for the licence at the beginning of the water year and:
 - (a) if the volume of water allocations in the A sub-account is less than the take limit, then water allocations will be moved from the B sub-account to the A sub-account until the volume of water allocations in the A sub-account equals the take limit or there is no longer water allocations available to move, or
 - (b) if the volume of water allocations in the A sub-account is greater than the take limit, then water allocations will be moved from the A sub-account to the B sub-account until the volume of water allocations in the A sub-account equals the take limit.
- (9) Water allocations from available water determinations for regulated river (general security) access licence will be credited to the A sub-account:
 - (a) if the sum of the following is less than the take limit for the licence:
 - (i) the volume of water allocations in the A sub-account resulting from adjustments under subclause (8),
 - (ii) the sum of allocations credited to the A sub-account in that water year from available water determinations, and
 - (b) until the sum of subclause (9)(a)(i) and (ii) equals the take limit.

- (10) Water allocations from available water determinations for regulated river (general security) access licences that are not credited to the A sub-account under subclause (9) are to be credited to the B sub-account.
- (11) The sum of the volume of water allocations held in the A sub-account of a regulated river (general security) access licence plus the volume of water allocations held in the B sub-account of the access licence must not, at any time, exceed a volume equal to 1.1 ML per unit share.
- (12) Water taken under a regulated river (general security) access licence is to be debited from the A sub-account of the access licence, except in relation to uncontrolled flows where water is to be withdrawn from the B sub-account when there are no allocations remaining in the A sub-account.

Water taken from uncontrolled flows

- (13) The water allocation account of a regulated river (general security) access licence or regulated river (high security) access licence must be withdrawn by the lesser of the following amounts for water taken from uncontrolled flows if an available water determination is made for that category of licence after that water has been taken:
 - (a) the volume of allocations credited by the available water determination,
 - (b) the volume of water taken from uncontrolled flows under the licence during the water year that has not been withdrawn that water year.
- (14) If the total amount of uncontrolled flows taken under an access licence exceeds the respective limit specified in subclause 47(3) or 48(2)(f), then a volume equivalent to the exceedance must be withdrawn from allocations credited to the access licence water allocation account in that water year.

[4] Clause 47 Taking of uncontrolled flows under regulated river (high security) access licences

Omit clauses 47 (4) and (6).

[5] Clause 48 Taking of uncontrolled flows under regulated river (general security) access licences

Omit clauses 48 (2) (f) and (g). Insert instead:

- (f) if it would cause the total amount of uncontrolled flow taken in the water year under the access licence to exceed the lesser of the following amounts:

- (i) the A sub-account limitation as at the time of each uncontrolled flow,
- (ii) 0.5 ML multiplied by the share component for that regulated river (general security) access licence at the beginning of that water year.

[6] Clause 48 (3) (a)

Omit clause. Insert instead:

- (a) *A sub-account limitation* is equal to the amount calculated using the formula:

$$F - G$$

where:

F equals the take limit as at the time of the uncontrolled flow,

G equals the volume of water allocations credited to the A sub-account under clause 45 (8) plus any allocations credited to the A sub-account under an available water determination made between the commencement of the water year and the commencement of uncontrolled flow access.

[7] Clause 48 (3) (b)

Insert “ ” before and after “/”.

[8] Clause 48 (3) (b)

Omit “(9)”. Insert instead “(8)”.

[9] Clause 48 (4)

Omit clause.

[10] Clause 53 Assignment of water allocations dealings

Omit “1.3” in clause 53 (c). Insert instead “1.1”.

[11] Dictionary

Insert:

take limit –see subclause 45(5).