



New South Wales
Government

Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 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 Macquarie Bogan Unregulated Rivers Water Sources 2012*.

Dated 8 November 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 Macquarie Bogan Unregulated Rivers Water Sources 2012*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order as required under section 45 of the *Water Management Act 2000*.

1 Name of Order

This Order is the *Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources Amendment Order 2023*.

2 Commencement

This Order commences on publication on the NSW legislation website.

Schedule 1 Amendment of Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012

[1] Clause 81

Omit “clause 58” in subclause (2)(b)(i) and insert instead “clause 84”.

[2] Clause 81

Omit “according to clause 14” in subclause (2)(b)(ii) and insert instead “under Part 10”.

[3] Dictionary

Insert the following definitions, in alphabetical order:

Active Environmental Water is the water in these water sources identified or determined by the Minister on any given day as requiring protection from extraction, in accordance with the Active Management Procedures Manual, that arises from the following—

- (a) held environmental water flowing from a water source that is upstream of one of the following management zones—
 - (i) Gum Cowal Management Zone,
 - (ii) Lower Macquarie River Upstream Management Zone,
 - (iii) Lower Macquarie River Downstream Management Zone,
 - (iv) Lower Marthaguy Creek Management Zone,
- (b) a notification by a licence holder to the Minister of the licence holder’s intention to protect the water from extraction under clause 51 of this Plan,
- (c) releases made according to clause 75 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*.

Active Management Procedures Manual means the manual established by the Minister under clause 55A.

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

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

baseline diversion limit has the same meaning as it has in section 1.07 of the Basin Plan.

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

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

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

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

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

Macquarie-Castlereagh SDL resource unit has the same meaning as provided for in section 6.02 of the Basin Plan.

NSW Environmental Water Manager means the NSW Government department or agency with the conservation role for water-dependent assets. This responsibility extends to managing the NSW environmental water portfolio.

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

pump capacity means the volume of water in litres per second that a pump is able to take from a water source.

replacement surface water supply work has the meaning given to that term in clause 57(4) of this Plan.

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

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

[4] Schedule 2 Access rules for in-river pools, off-river pools and in-river dams

Omit the definitions for the following:

- (a) ***Active Environmental Water***
- (b) ***Active Management Procedures Manual***
- (c) ***annual actual take***

- (d) *annual permitted take*
- (e) *baseline diversion limit*
- (f) *Basin Plan*
- (g) *floodplain harvesting*
- (h) *flow regimes*
- (i) *full capacity*
- (j) *Macquarie-Castlereagh SDL resource unit*
- (k) *NSW Environmental Water Manager*, including the Note
- (l) *plantation forestry*
- (m) *pump capacity*
- (n) *replacement surface water supply work*
- (o) *target ecological populations*
- (p) *weighted average unit price*