



New South Wales

Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024

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

Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024.....	5
Part 1 Introduction	5
1 Name of Plan	5
2 Commencement	5
3 Water sources to which Plan applies	5
4 Management zones to which Plan applies	6
5 Extraction management units established by Plan—the Act, s 20(2)(a).....	6
6 Interpretation	6
7 Maps	6
Part 2 Vision, objectives, strategies and performance indicators.....	7
8 Vision statement—the Act, s 35(1)(a)	7
9 Objectives of Plan—the Act, s 35(1)(b).....	7
10 Strategies for reaching objectives—the Act, s 35(1)(c).....	7
11 Performance indicators—the Act, s 35(1)(d).....	8
Part 3 Requirements for water	9
Division 1 Requirements for water to satisfy basic landholder rights—the Act, s 20(1)(b) 9	
12 Domestic and stock rights	9
13 Native title rights	9
14 Harvestable rights.....	9
Division 2 Requirements for water for extraction under access licences	9
15 Share components of access licences in the water sources—the Act, s 20(1)(c) .9	
Part 4 Limits to the availability of water.....	11
Division 1 Available water determinations—the Act, s 20(2)(b).....	11
16 Available water determinations	11
Division 2 Extraction limits—the Act, s 20(1)(a) and s 20(1)(e).....	11
Subdivision 1 Preliminary	11
17 Operation of Division—the Act, s 8	11
18 Definitions	11
Subdivision 2 LTAAEL and SDL.....	12
19 Establishment of LTAAEL.....	12
20 Calculation of annual extraction	13
21 Assessment of compliance with LTAAEL.....	13
22 Establishment of SDL	13
23 Calculation of annual permitted take and annual actual take.....	13
24 Assessment of compliance with SDL	14
25 Compliance with LTAAEL and SDL.....	14
Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b) 15	
26 Specific purpose access licences.....	15
27 Management of access licences	15
Part 6 Operation of water allocation accounts and managing access licences 16	

Division 1 Preliminary	16
28 Operation of Part—the Act, s 8	16
Division 2 Operation of water allocation accounts—the Act, s 21(c).....	16
29 Water allocation account debiting	16
30 Carryover of water remaining in water allocation account	16
Division 3 Flow classes.....	17
31 Flow classes for specified water sources and management zones—the Act, s 21(a)	17
32 Minister may determine flow classes in certain circumstances.....	17
Division 4 Access rules for take of surface water—the Act, s 20(1)(a) and s 21(a) 17	17
33 General	17
34 Specific access rules	17
35 Exceptions	18
Division 5 Access rules for the take of unconsolidated sediments water—the Act, s 21(a) 19	19
35A Application	19
35B General	19
35C Specific access rules	19
35D Exceptions	19
Part 7 Construction and use of water supply works—the Act, s 21(b)	21
36 Application of Part	21
37 In-river dams.....	21
38 Wetlands.....	21
Part 8 Access licence dealing rules—the Act, s 20(1)(d).....	22
38A General	22
39 Conversion of access licence to new category dealings.....	22
40 Assignment of rights dealings	22
41 Amendment of share component dealings—change of water source	24
42 Amendment of extraction component dealings	25
43 Assignment of water allocations dealings	27
44 Interstate access licence transfer dealings	29
45 Interstate assignment of water allocations dealings.....	29
46 Nominations of water supply works dealings	29
Part 9 Mandatory conditions—the Act, s 17(c).....	31
Division 1 General	31
47 Definitions	31
Division 2 Access licences	31
48 General conditions.....	31
49 Record-keeping conditions	31
Division 3 Water supply work approvals.....	31
50 General conditions.....	31
51 Record-keeping conditions	31
52 Specific conditions	32
Part 10 Amendment of this Plan—the Act, s 17(d).....	33
53 Amendments	33
Schedule 1 Flow classes	34

Schedule 2	Access licences exempt from specified access rules	35
Schedule 3	Access licences and approvals subject to cease-to-take condition of a former entitlement.....	36
Schedule 4	Dictionary	37

Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024

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 Central West Water Management Area.

1 Name of Plan

This Plan is the Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024.

2 Commencement

This Plan commences on 1 July 2024.

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 Central West Water Management Area—
 - (a) the Binnaway to Gilgandra Water Source,
 - (b) the Castlereagh River above Binnaway Water Source,
 - (c) the Castlereagh River below Coonamble Water Source,
 - (d) the Castlereagh River Gilgandra to Coonamble Water Source,
 - (e) the Nedgera Creek Water Source,
 - (f) the Teridgerie Creek Water Source,
 - (g) the Tooraweenah to Coonamble Tributaries Water Source.
- (2) The water sources include all surface water.
- (3) The following water sources also include water contained in unconsolidated sediments on or below the surface of the ground within the bed and the top of the high banks of rivers (*unconsolidated sediments water*) that is not surface water—
 - (a) the Binnaway to Gilgandra Water Source,
 - (b) the Castlereagh River Gilgandra to Coonamble Water Source.
- (4) The water sources do not include water to which the following water sharing plans apply—
 - (a) *Water Sharing Plan for the Macquarie-Castlereagh Groundwater Sources 2020*,
 - (b) *Water Sharing Plan for NSW Great Artesian Basin Groundwater Sources 2020*, or
 - (c) *Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2020*.

Note— Under the Act, section 57A(4), water taken from the floodplain for a regulated river water source under a floodplain harvesting access licence is treated as having been taken from the regulated river water source.

4 Management zones to which Plan applies

- (1) The Binnaway to Gilgandra Water Source is divided into the following management zones as shown on the Plan Map—
 - (a) Binnaway to Gilgandra Tributaries Management Zone,
 - (b) Castlereagh River Binnaway to Gilgandra Management Zone.
- (2) The Castlereagh River above Binnaway Water Source is divided into the following management zones as shown on the Plan Map—
 - (a) Belar Creek Management Zone,
 - (b) Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone,
 - (c) Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone,
 - (d) Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone,
 - (e) Castlereagh River-Timor Dam to Pound Yard Weir Management Zone,
 - (f) Independent Tributaries Management Zone.

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

[Not applicable]

6 Interpretation

- (1) The Dictionary in Schedule 4 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 following maps are available on the Department's website—
 - (a) the Plan Map,
 - (b) the Significant Wetlands Map.
- (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 water-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,
- (e) to maintain and where possible improve water quality within target ranges for the water sources to support water-dependent ecosystems and social, cultural and economic 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 and long-term average sustainable diversion 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 or off-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,
 - (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 for in-river dams on third or higher order 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.
- (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)

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
- (e) water quality condition.

11A Monitoring and evaluation

- (1) Monitoring and evaluation of this Plan’s objectives, strategies and performance indicators must be undertaken in the way approved by the Minister.
- (2) By 30 June 2025, the Minister must publish the monitoring, evaluation and reporting plan for this Plan that links with the objectives, strategies and performance indicators of this Plan.
- (3) By 31 December 2025, and annually thereafter, the Minister must publicly report on implementation of this Plan, including on progress against the monitoring, evaluation and reporting plan.
- (4) Commencing work in year 8 of this Plan, the Minister must publicly report in year 9 of this Plan on the results of the monitoring and evaluation undertaken according to the plan developed under subsection (2).

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 1,404 ML/year distributed as follows—

- (a) 586 ML/year in the Binnaway to Gilgandra Water Source,
- (b) 315ML/year in the Castlereagh River above Binnaway Water Source,
- (c) 84 ML/year in the Castlereagh River below Coonamble Water Source,
- (d) 61 ML/year in the Castlereagh River Gilgandra to Coonamble Water Source,
- (e) 38 ML/year in the Nedgera Creek Water Source,
- (f) 98 ML/year in the Teridgerie Creek Water Source,
- (g) 222 ML/year in the Tooraweenah to Coonamble Tributaries Water Source.

13 Native title rights

The requirement for water to satisfy native title rights is the water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including—

- (a) any determination of native title, and
- (b) any indigenous land use agreement.

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

14 Harvestable rights

On the commencement of this Plan, the amount of water required to satisfy harvestable rights had not been estimated.

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 211 ML/year distributed as follows—
 - (a) 45 ML/year in the Binnaway to Gilgandra Water Source,
 - (b) 12 ML/year in the Castlereagh River above Binnaway Water Source,
 - (c) 26 ML/year in the Castlereagh River below Coonamble Water Source,
 - (d) 96 ML/year in the Castlereagh River Gilgandra to Coonamble Water Source,
 - (e) 12 ML/year in the Nedgera Creek Water Source,
 - (f) 14 ML/year in the Teridgerie Creek Water Source,
 - (g) 6 ML/year in the Tooraweenah to Coonamble Tributaries Water Source.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 2,730 ML/year distributed as follows—
 - (a) 175 ML/year in the Binnaway to Gilgandra Water Source,

- (b) 959 ML/year in the Castlereagh River above Binnaway Water Source,
 - (c) 1,559 ML/year in the Castlereagh River Gilgandra to Coonamble Water Source,
 - (d) 37 ML/year in the Tooraweenah to Coonamble Tributaries Water Source,
 - (e) 0 ML/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 17,266 unit shares distributed as follows—
- (a) 8,253 unit shares in the Binnaway to Gilgandra Water Source,
 - (b) 4,194 unit shares in the Castlereagh River above Binnaway Water Source,
 - (c) 1,512 unit shares in the Castlereagh River below Coonamble Water Source,
 - (d) 3,190 unit shares in the Castlereagh River Gilgandra to Coonamble Water Source,
 - (e) 0 unit shares in the Nedgera Creek Water Source,
 - (f) 48 unit shares in the Teridgerie Creek Water Source,
 - (g) 69 unit shares in the Tooraweenah to Coonamble Tributaries Water Source.
- (4) On the commencement of this Plan, the share components of unregulated river (special additional high flow) access licences are estimated to be a total of 3,330 unit shares distributed as follows—
- (a) 3,330 unit shares in the Castlereagh River below Coonamble Water Source,
 - (b) 0 unit shares in all other water sources.

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—1 ML/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 should be made—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for unregulated river access licences—1 ML/unit share,
 - (d) for unregulated river (special additional high flow) access licences—1 ML/unit share.
- (3) This section is subject to sections 22 and 25.

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 extraction means the average of the annual extractions calculated for the most recent 3 consecutive water years for the water sources.

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

annual extraction means the volume of water taken from the water sources for the water year—

- (a) under an access licence, or
- (b) in the exercise of basic landholder rights, or
- (c) for the purposes of plantation forestry, or
- (d) for the purposes of floodplain harvesting, other than under an access licence.

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

average annual extraction means the average volume of water taken each year calculated over a defined period.

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

LTADEL means the long-term average annual extraction limit established by section 19.

plantation forestry means a commercial plantation, as defined in the Basin Plan.

reduced available water determination means available water determinations of a sum that are less than the amount specified in section 16(1) for the category of licence for which the determination is made.

SDL means the long-term average sustainable diversion limit established by section 22.

Subdivision 2 LTADEL and SDL

19 Establishment of LTADEL

- (1) The LTADEL is the sum of the following within the water sources—
 - (a) an estimate of the average annual extraction under entitlements under the *Water Act 1912*, Part 2 between 1 July 1993 and 30 June 1999,
 - (b) an estimate of the annual water requirements for basic landholder rights—
 - (i) for the Castlereagh River above Binnaway Water Source at the commencement of the *Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003*,
 - (ii) for the water sources, other than the Castlereagh River above Binnaway Water Source, at the commencement of the *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2011*,
 - (c) an estimate of the average annual extraction for the purposes of plantation forestry between the date of the earliest available information and 30 June 2009,
 - (d) an estimate of the annual average extraction for the purposes of floodplain harvesting between 1 July 1993 and 30 June 1999.
- (2) By 30 June 2026, the Minister will determine and publish a numeric LTADEL for the water sources to facilitate assessment of compliance against the LTADEL under section 21.
- (3) The Minister may amend this Plan to replace the LTADEL as established by subsection (1) with the numeric LTADEL.
- (4) In year 6 of this Plan, the Minister will have reviewed the numerical LTADEL to ensure a sustainable level of take. This review will include consideration of the following—
 - (a) the protection of water sources and their dependent ecosystems and species,
 - (b) the health of hydrologically connected water sources and their dependent ecosystems,
 - (c) future climate projections, including likely bounds of climate change impact within the term of this Plan,

- (d) a precautionary and adaptive approach to how the limit is determined as climate projections change,
 - (e) cultural, social and economic outcomes.
- (5) The Minister will request the Natural Resources Commission to provide advice on the adequacy of the calculations used to establish the numeric LTAAEL under subsection (2) and the adequacy of the methodology used to determine the sustainability of the LTAAEL under subsection (4) while undertaking the review required under subsection (4).
- (6) On the basis of the review referred to in subsection (4), and taking into consideration outcomes of the Basin Plan review and any associated changes to sustainable diversion limits, if available, the Minister may make amendments to this Plan to give effect to the findings of the review.
- (7) In year 5 of this Plan, the Minister is to consider whether any amendments to this Plan should be made in light of the review described in the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*, clause 83(4), and may amend this Plan accordingly, to ensure that the rules in this Plan consider and adapt to climate change.

Note— The LTAAEL is 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 extraction

As soon as practicable after the end of a water year, the annual extraction for the water sources must be calculated.

21 Assessment of compliance with LTAAEL

- (1) As soon as practicable after the end of a water year, a 3-year average extraction for the water sources must be compared against the LTAAEL.
- (2) There is non-compliance with a LTAAEL if the 3-year average extraction exceeds the LTAAEL by 5% or more.

22 Establishment of SDL

- (1) The SDL for the water sources to which this Plan applies is the part of the long-term average sustainable diversion limit for the Macquarie-Castlereagh SDL resource unit established by the Basin Plan that, in the Minister's opinion, applies to the water sources.
- (2) The SDL must be varied in accordance with an amendment made to the Basin Plan under the *Water Act 2007* of the Commonwealth, section 23B.

23 Calculation of annual permitted take and annual actual take

- (1) After the end of a water year, the annual permitted take and annual actual take of water for the water year must be calculated for the water sources to which the Plan applies in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water sources, and
 - (b) a reference to the water accounting period in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water year.
- (3) In this section—

annual actual take and *annual permitted take* have the same meaning as they have in the Basin Plan, section 6.10.

24 Assessment of compliance with SDL

- (1) After the end of a water year, compliance with the SDL must be assessed using the method set out in the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the long-term annual diversion limit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the SDL for the water sources, and
 - (b) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water sources.
- (3) There is non-compliance with the SDL in the circumstances set out in the Basin Plan, Chapter 6, Part 4, Division 2.

25 Compliance with LTAAEL and SDL

- (1) This section applies if—
 - (a) there is non-compliance with the LTAAEL for the water sources, or
 - (b) there is non-compliance with the SDL for the water sources.
 - (2) In the water year occurring immediately after a non-compliance is assessed (the *next water year*), reduced available water determinations of less than 1 ML/unit share must be made for at least one or both of the following categories of access licence—
 - (a) an unregulated river access licence,
 - (b) an unregulated river (special additional high flow) access licence.
 - (3) Reduced available water determinations must be made to the extent necessary—
 - (a) for non-compliance with the LTAAEL—to return the 3 year-average extraction to be calculated at the end of that water year to the LTAAEL, and
 - (b) otherwise—to ensure compliance with the SDL in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.
- 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.
- (4) The Minister may also take one or more actions specified in this section if there would have been non-compliance with the SDL but for a reasonable excuse under the Basin Plan, Chapter 6, Part 4, Division 2, as a result of any action taken under clause 6.12(5) of the Basin Plan.

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

26 Specific purpose access licences

Note— A person may 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).

- (1) 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.
- (2) 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 10 ML/year, and
 - (b) the licence is only for the taking of water by an Aboriginal person or Aboriginal community primarily 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) traditional food production,
 - (viii) purposes to achieve environmental outcomes,
 - (ix) recreational, cultural and ceremonial purposes, and
 - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.

- (3) In this section—

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

27 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.

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

28 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)

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

29 Water allocation account debiting

- (1) The volume of water debited from the water allocation account of a domestic and stock access licence, a local water utility access licence or an unregulated river 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.

30 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) of an unregulated river (special additional high flow) access licence—must not be carried over from one water year to the next water year,
- (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—1 ML/unit share.

Division 3 Flow classes

31 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.

32 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)

Note— Discretionary conditions may also be imposed under sections 66(1)(b) and 100(1)(b) of the Act, in addition to mandatory conditions which are required to be imposed by the access rules in this Division.

33 General

- (1) Surface water must not be taken if there is no visible flow at the location from which the water would be taken, except from the following locations—
 - (a) an in-river pool,
 - (b) an off-river pool,
 - (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 pool.

34 Specific access rules

- (1) Surface water must not be taken from the following management zones in the Castlereagh River above Binnaway Water Source if flows are in the Very Low Flow Class—
 - (a) Belar Creek Management Zone,

- (b) Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone,
 - (c) Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone,
 - (d) Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone,
 - (e) Castlereagh River-Timor Dam to Pound Yard Weir Management Zone.
- (2) Surface water must not be taken from the Castlereagh River below Coonamble Water Source under an unregulated river (special additional high flow) access licence if flows in the Castlereagh River are less than 1130ML/day when measured at the Gungahman Gauge (420020).
- (3) Surface water must not be taken under an access licence specified in Schedule 3 in contravention of the specified cease-to-take condition.
- (4) Surface water must not be taken from an in-river dam pool under a replacement access licence in the following circumstances —
- (a) the in-river dam pool was created by a structure authorised by a water supply work approval,
 - (b) flows or storage levels of the in-river dam pool are at or less than the flows or storage levels at which water could not be taken under the entitlement from which the replacement access licence arose.
- (5) Surface water must not be taken from an in-river dam pool to which a replacement approval applies unless the in-river dam pool is passing—
- (a) the flows that were specified in the entitlement from which the replacement approval arose, or
 - (b) if no such flows were specified, such flows as are determined by the Minister.
- (6) In this section—
- entitlement, replacement access licence* and *replacement approval* have the same meaning as in the Act, Schedule 10.

35 Exceptions

- (1) Section 33(2)(a) and (b) does not apply to the take of surface water from an in-river pool or off-river pool subject to a cease-to-take condition that permits the taking of water when the pool is below full capacity.
- (2) Sections 33 and 34 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 20 kl/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 1 kl/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,
 - (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.
- (3) Section 34(1) does not apply to the take of surface water in the following circumstances—
- (a) from an off-river pool in a water source or management zone to which that section applies,
 - (b) from an in-river dam pool formed by an in-river dam that is referred to in a water supply work approval.
- (4) Sections 33(1) and 33(2)(a) do not apply to licences specified in Schedule 2, Table C.
- (5) Sections 33(1) and 34(1) do not apply to water access licence number WAL 128.

Division 5 Access rules for the take of unconsolidated sediments water—the Act, s 21(a)

35A Application

This Division applies to the following water sources—

- (a) the Binnaway to Gilgandra Water Source,
- (b) the Castlereagh River Gilgandra to Coonamble Water Source.

35B General

Unconsolidated sediments water must not be taken if there is no visible flow of surface water at the location from which the water would be taken.

35C Specific access rules

Unconsolidated sediments water must not be taken during the 24-hour period starting at 18:00 on an even-numbered calendar day if there is no visible flow of surface water at the location from which the water would be taken.

35D Exceptions

- (1) Sections 35B and 35C do not apply to the take of unconsolidated sediments water in the following circumstances—
- (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20 kl/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 1 kl/day for each household supplied by the access licence is taken,
 - (c) under an access licence specified in Schedule 2, Table B, or
 - (d) 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.
- (2) Section 35B does not apply to the take of unconsolidated sediments water under an access licence specified in Schedule 2, Table C in the following circumstances—
- (a) if the access licence has an extraction component which specifies the following water sources and management zones—
 - (i) the Castlereagh River Binnaway to Gilgandra Management Zone in the Binnaway to Gilgandra Water Source,
 - (ii) the Castlereagh River Gilgandra to Coonamble Water Source, and
 - (b) using a water supply work constructed before 1 July 2024 or a water supply work that replaces an existing water supply work that takes water where—
 - (i) the existing water supply work is authorised by a water supply work approval, and
 - (ii) the replacement water supply work is to be constructed in the same water source and the same location as the existing water supply work.

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 pursuant to a basic landholder right.

36 Application of Part

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.

37 In-river dams

- (1) An in-river dam on a third or higher order stream must not be constructed within the Castlereagh River above Binnaway Water Source.
- (2) This section does not apply to—
 - (a) a water supply work that replaces an existing water supply work where—
 - (i) the existing water supply work is authorised by a water supply work approval, and
 - (ii) the replacement water supply work is to be constructed to impound water from the same water source and the same location as the existing water supply work,
 - (b) a water supply work to be used for town water supply purposes.

38 Wetlands

- (1) A water supply work must not be constructed 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 a significant wetland.
- (2) Subsection (1) does not apply to a replacement water supply work.
- (3) In this section—

replacement water supply work means a water supply work that—

 - (a) replaces an existing water supply work authorised by a water supply work approval (the **replaced water supply work**),
 - (b) is constructed and used to extract water from the same water source as the replaced water supply work,
 - (c) is, in the Minister’s opinion, the same size or smaller than the replaced water supply work,
 - (d) is located within 20m of the replaced water supply work,
 - (e) is not located within 20m of the replaced water supply work and, in the Minister’s opinion, the water supply work is not likely to—
 - (i) result in a greater adverse impact than the replaced water supply work on the water source or public health and safety, and
 - (ii) adversely affect the ability of another person to take water using an existing water supply work.

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.

38A General

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 with extraction components specifying the management zone concerned as of the date this Plan commenced—

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

39 Conversion of access licence to new category dealings

Dealings under the Act, section 71O, are prohibited.

40 Assignment of rights dealings

- (1) The following assignments of rights under the Act, section 71Q, between water sources in the same water management area 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 the following water sources from a different water source—
 - (i) the Binnaway to Gilgandra Water Source,
 - (ii) the Castlereagh River above Binnaway Water Source,
 - (iii) the Castlereagh River Gilgandra to Coonamble Water Source,
 - (iv) the Castlereagh River below Coonamble Water Source, if it would cause the sum of share components in the water source to exceed the sum of share components in the water source at the commencement of this Plan,
 - (v) the Nedgera Creek Water Source, if it would cause the sum of share components in the water source to exceed—
 - A. the sum of share components in the Nedgera Creek Water Source at the commencement of this Plan, plus
 - B. 10 ML/year,
 - (vi) the Teridgerie Creek Water Source, if it would cause the sum of share components in the water source to exceed—
 - A. the sum of share components in the Teridgerie Creek Water Source at the commencement of this Plan, plus
 - B. 10 ML/year,

- (vii) the Tooraweenah to Coonamble Tributaries Water Source, if it would cause the sum of share components in the water source to exceed—
 - A. the sum of share components in the Tooraweenah to Coonamble Tributaries Water Source at the commencement of this Plan, plus
 - B. 17 ML/year,
- (c) an assignment to an access licence that nominates a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a significant wetland,
 unless the assignment is from an access licence that nominates a water supply work—
 - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (iv) within the same significant wetland.
- (2) An assignment of rights under the Act, section 71Q, from an access licence in the Binnaway to Gilgandra Water Source to an access licence with an extraction component specifying a different management zone in the same water source is prohibited.
- (3) The following assignments of rights under the Act, section 71Q, within the Castlereagh River above Binnaway Water Source are prohibited—
 - (a) an assignment to an access licence with an extraction component specifying a management zone in Column 1 of Table 1, unless the assignment is from an access licence with an extraction component specifying a management zone in the corresponding row in Column 2—

Table 1—Assignment of rights dealings

Column 1	Column 2
Management Zone	Management Zone
Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone
	Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone
Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone
	Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone
Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone

Castlereagh River-Merryula Road
Crossing to Belar Creek Confluence
Management Zone

Belar Creek Management Zone

- (b) an assignment to an access licence with an extraction component that specifies the Belar Creek Management Zone, unless the assignment is from—
- (i) an access licence with an extraction component that specifies the following management zones—
 - A. Castlereagh River-Timor Dam to Pound Yard Weir Management Zone,
 - B. Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone,
 - C. Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone, or
 - D. Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone, and
 - (ii) the assignment will not cause the sum of share components of unregulated river access licences with an extraction component specifying the Belar Creek Management Zone in the Castlereagh River above Binnaway Water Source to exceed—
 - A. the sum of share components of unregulated river access licences with an extraction component specifying the Belar Creek Management Zone on the commencement of this Plan, plus
 - B. 92 ML/year,
- (c) an assignment to an access licence that nominates a water supply work or extraction point located on Shawns Creek in the Independent Tributaries Management Zone from an access licence that does not nominate a water supply work or extraction point located on that same creek,
- (d) an assignment to an access licence that nominates a water supply work or extraction point located in the Independent Tributaries Management Zone from an access licence that does not nominate a water supply work or extraction point located in that management zone.
- (4) An assignment of rights under the Act, section 71Q, to or from an unregulated river (special additional high flow) access licence is prohibited.

41 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 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,
 - (b) the granting of an access licence in the following water sources following the cancellation of an access licence in a different water source—
 - (i) the Binnaway to Gilgandra Water Source,
 - (ii) the Castlereagh River above Binnaway Water Source,
 - (iii) the Castlereagh River Gilgandra to Coonamble Water Source,

- (iv) the Castlereagh River below Coonamble Water Source, if it would cause the sum of share components in the water source to exceed the sum of share components in the water source at commencement of the Plan,
 - (v) the Nedgera Creek Water Source, if it would cause the sum of share components in the water source to exceed—
 - A. the sum of share components in the water source at commencement of the Plan, plus
 - B. 10 ML/year,
 - (vi) the Teridgerie Creek Water Source, if it would cause the sum of share components in the water source to exceed—
 - A. the sum of share components in the water source at commencement of the Plan, plus
 - B. 10 ML/year,
 - (vii) the Tooraweenah to Coonamble Tributaries Water Source, if it would cause the sum of share components in the water source to exceed—
 - A. the sum of share components in the water source at commencement of the Plan, plus
 - B. 17 ML/year.
 - (c) the cancellation or grant of an unregulated river (special additional high flow) access licence.
- (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.

42 Amendment of extraction component dealings

- (1) An amendment under the Act, section 71S(1)(b), within the Binnaway to Gilgandra Water Source is prohibited if the extraction component of an access licence is being amended to specify a different management zone in the Binnaway to Gilgandra Water Source as the area or location from which water may be taken under the access licence.
- (2) The following dealings under the Act, section 71S(1)(b), within the Castlereagh River above Binnaway Water Source are prohibited—
 - (a) the extraction component of an access licence being amended to specify a different management zone in the Castlereagh River above Binnaway Water Source as the area or location from which water may be taken under the access licence, unless the amendment is to specify a management zone in Column 1 of Table 2 from a management zone specified in the corresponding row in Column 2—

Table 2—Amendment of extraction component dealings

Column 1	Column 2
Management Zone	Management Zone
Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone

	Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone
Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone
	Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone
Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone
	Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone
	Belar Creek Management Zone

- (b) the extraction component of an access licence being amended to specify the Belar Creek Management Zone in the Castlereagh River above Binnaway Water Source as the area or location from which water may be taken under the access licence, unless—
- (i) the amendment is to an access licence with an extraction component that specifies the following management zones in the Castlereagh River above Binnaway Water Source—
- A. Castlereagh River-Timor Dam to Pound Yard Weir Management Zone,
 - B. Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone,
 - C. Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone, or
 - D. Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone, and
- (ii) the amendment will not cause the sum of share components of unregulated river access licences with an extraction component specifying the Belar Creek Management Zone in the Castlereagh River above Binnaway Water Source to exceed—
- A. the sum of share components of unregulated river access licences with an extraction component specifying the Belar Creek Management Zone on the commencement of this Plan, plus
 - B. 92 ML/year.
- (3) The following dealings under the Act, section 71S(1)(b), are prohibited—
- (a) the extraction component of an access licence being amended to specify an area or location being within, or within 3km upstream of, a declared Ramsar wetland as an

area or location from which water may be taken under the licence, unless the extraction component of the access licence currently specifies an area or location being within, or within 3km upstream of, the same declared Ramsar wetland,

- (b) the extraction component of an access licence being amended to specify an area or location being within a significant wetland as an area or location from which water may be taken under the licence, unless the extraction component of the access licence currently specifies an area or location being within the same significant wetland.

Note— The *Access Licence Dealing Principles Order 2004*, clause 16, regulates dealings under the Act, section 71S(1)(a).

43 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 that nominates a water supply work—
- (i) within, or within 3km upstream of, a declared Ramsar wetland, or
- (ii) within a significant wetland,
- unless the assignment is from an access licence that nominates a water supply work—
- (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
- (iv) within the same significant wetland,
- (c) an assignment to an access licence in the following water sources from a different water source—
- (i) Binnaway to Gilgandra Water Source,
- (ii) Castlereagh River above Binnaway Water Source,
- (iii) Castlereagh River Gilgandra to Coonamble Water Source,
- (iv) the Castlereagh River below Coonamble Water Source, if it would cause the sum of water allocations in the water source to exceed the sum of share components in the water source at commencement of the Plan,
- (v) the Nedgera Creek Water Source, if it would cause the sum of water allocations in the water source to exceed—
- A. the sum of share components in the Nedgera Creek Water Source at the commencement of this Plan, plus
- B. 10 ML/year,
- (vi) the Teridgerie Creek Water Source, if it would cause the sum of water allocations in the water source to exceed—
- A. the sum of share components in the Teridgerie Creek Water Source at the commencement of this Plan, plus
- B. 10 ML/year,
- (vii) the Tooraweenah to Coonamble Tributaries Water Source, if it would cause the sum of water allocations in the water source to exceed—

- A. the sum of share components in the Tooraweenah to Coonamble Tributaries Water Source at the commencement of this Plan, plus
 - B. 17 ML/year
- (d) an assignment to or from an unregulated river (special additional high flow) access licence.
- (2) An assignment of water allocations under the Act, section 71T, to an access licence with an extraction component specifying a different management zone in the following water source is prohibited—
- (a) the Binnaway to Gilgandra Water Source.
- (3) The following assignments of water allocations under the Act, section 71T, within the Castlereagh River above Binnaway Water Source are prohibited—
- (a) an assignment to an access licence with an extraction component specifying a management zone in Column 1 of Table 3, unless the assignment is from an access licence with an extraction component specifying a management zone in the corresponding row in Column 2—

Table 3—Assignment of allocations dealings

Column 1	Column 2
Management Zone	Management Zone
Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone
	Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone
Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone
	Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone
Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone
	Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone
	Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone
	Belar Creek Management Zone

- (b) an assignment to an access licence with an extraction component that specifies the Belar Creek Management Zone, unless the assignment is from—

- (i) an access licence with an extraction component that specifies the following management zones—
 - A. Castlereagh River-Timor Dam to Pound Yard Weir Management Zone,
 - B. Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone,
 - C. Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone, or
 - D. Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone, and
- (ii) the assignment will not cause the sum of water allocations of unregulated river access licences with an extraction component specifying the Belar Creek Management Zone in the Castlereagh River above Binnaway Water Source to exceed—
 - A. the sum of share components of unregulated river access licences with an extraction component specifying the Belar Creek Management Zone on the commencement of this Plan, plus
 - B. 92 ML/year,
- (c) an assignment to an access licence that nominates a water supply work or extraction point located on Shawns Creek in the Independent Tributaries Management Zone from an access licence that does not nominate a water supply work or extraction point located on that same creek,
- (d) an assignment to an access licence that nominates a water supply work or extraction point located in the Independent Tributaries Management Zone from an access licence that does not nominate a water supply work or extraction point located in that management zone.

44 Interstate access licence transfer dealings

Dealings under the Act, section 71U, are prohibited.

45 Interstate assignment of water allocations dealings

Dealings under the Act, section 71V, are prohibited.

46 Nominations of water supply works dealings

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 or extraction point located on Shawns Creek in the Independent Tributaries Management Zone in the Castlereagh River above Binnaway Water Source unless the access licence currently nominates a water supply work or extraction point located on that same creek,
- (c) an access licence being amended to nominate a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a significant wetland,unless the access licence being amended nominates a water supply work—

- (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
- (iv) within the same significant wetland,

and, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned.

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

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

Division 1 General

47 Definitions

In this Part—

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

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

48 General conditions

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 29,
- (b) the relevant access rules for the taking of water specified in Part 6, Divisions 4 and 5,
- (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 49.

49 Record-keeping conditions

- (1) Before water is taken under an access licence, the licence holder must confirm a cease-to-take condition does not apply.
- (2) The licence holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

Division 3 Water supply work approvals

50 General conditions

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 section 51.

51 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 confirm a cease-to-take condition does not apply.
- (3) The approval holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

52 Specific conditions

- (1) A water supply work approval for a new, existing or replacement water supply work used to take unconsolidated sediments water from the Castlereagh River Binnaway to Gilgandra Management Zone of the Binnaway to Gilgandra Water Source or the Castlereagh River Gilgandra to Coonamble Water Source must be subject to the following mandatory condition—
 - (a) a water supply work must not be installed so it is capable of taking any water from a depth of more than 8 metres as measured from the surface of the unconsolidated sediments.
- (2) In this section, a replacement water supply work means a water supply work that replaces an existing water supply work where—
 - (a) the existing water supply work is authorised by a water supply work approval, and
 - (b) the replacement water supply work is to be constructed in the same water source and the same location as the existing water supply work.

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

53 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) to add or modify flow classes, flow reference points and access rules in response to changes in water availability by amending Part 6, Divisions 2–5 and Schedule 1,
 - (e) 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) total daily extraction limits,
 - (v) individual daily extraction components,
 - (vi) floodplain harvesting (unregulated river) access licences,
 - (f) 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,
 - (g) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (h) to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for the water sources, the Macquarie Bogan Unregulated Rivers Water Sources and the Macquarie and Cudgegong Regulated Rivers Water Source,
 - (i) to add, modify or remove a definition,
 - (j) to modify Schedule 2 or 3 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 31

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Castlereagh River above Binnaway	Belar Creek Management Zone	Very Low Flow	Less than or equal to 1 ML/day	Castlereagh River at Hidden Valley (420017)
Castlereagh River above Binnaway	Castlereagh River-Belar Creek Confluence to New Mollyann Road Management Zone	Very Low Flow	Less than or equal to 1 ML/day	Castlereagh River at Hidden Valley (420017)
Castlereagh River above Binnaway	Castlereagh River-Merryula Road Crossing to Belar Creek Confluence Management Zone,	Very Low Flow	Less than or equal to 1 ML/day	Castlereagh River at Hidden Valley (420017)
Castlereagh River above Binnaway	Castlereagh River-Pound Yard Weir to Merryula Road Crossing Management Zone	Very Low Flow	Less than or equal to 1 ML/day	Castlereagh River at Hidden Valley (420017)
Castlereagh River above Binnaway	Castlereagh River-Timor Dam to Pound Yard Weir Management Zone	Very Low Flow	Less than or equal to 1 ML/day	Castlereagh River at Coonabarabran #3 (420022)

Schedule 2 Access licences exempt from specified access rules

Sections 35(2)(a) and (d), 35(4) and 35D(1)(a), (c) and (2)(c)

Table A — Access licences used to take surface water other than for town water supply purposes

[Not used]

Table B — Local water utility access licences and access licences of subcategory 'town water supply'

Water source	Access licences numbers
Binnaway to Gilgandra Water Source	27213, 27219
Castlereagh River above Binnaway Water Source	6424, 6425
Castlereagh River Gilgandra to Coonamble Water Source	27299, 27310, 27346
Tooraweenah to Coonamble Tributaries Water Source	27361

Table C — Access licences exempt from rules relating to take of water when there is no visible flow

Water source	Access licences numbers
Binnaway to Gilgandra Water Source	27191, 27192, 27193, 27194, 27195, 27196, 27197, 27198, 27199, 27200, 27201, 27202, 27203, 27205, 27206, 27207, 27209, 27210, 27212, 27214, 27215, 27216, 27220, 27221, 27222, 27223, 27225, 27227, 27228, 27229, 27231, 27234, 27235, 27236, 27237, 27238, 27241, 27242, 27243, 27245, 27246, 27247, 27248, 27249, 27250, 27251, 27252, 27254, 27256, 27258, 30276, 30307, 30328, 37338
Castlereagh River Gilgandra to Coonamble Water Source	27275, 27276, 27277, 27278, 27280, 27281, 27283, 27284, 27285, 27286, 27287, 27288, 27289, 27290, 27291, 27292, 27293, 27294, 27295, 27296, 27297, 27298, 27300, 27301, 27302, 27303, 27304, 27305, 27306, 27307, 27308, 27309, 27311, 27312, 27313, 27314, 27315, 27317, 27318, 27319, 27320, 27321, 27322, 27323, 27324, 27325, 27326, 27327, 27328, 27329, 27330, 27331, 27332, 27333, 27334, 27336, 27337, 27338, 27339, 27341, 27342, 27343, 27344, 27345, 27347, 27348, 27349, 27351, 27352, 27353, 27354, 27819, 27820, 27826

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

Sections 34(3)

Column 1	Column 2	Column 3
Access licence	Water source	Cease-to-take condition
27265	Castlereagh River below Coonamble Water Source	If the rate of extraction is greater than 10 megalitres on any calendar day, water must not be taken on the following calendar day.
27356	Nedgera Creek Water Source	Water must not be taken unless a flow is present in Garrawilla Watercourse equivalent to a depth of 75 millimetres over the concrete causeway on the Merri Merri Road, located within Portion 31, Parish of Yarrayin, County of Leichardt.

Schedule 4 Dictionary

Section 6

3-year average extraction—see section 18.

annual extraction—see section 18.

average annual extraction—see section 18.

Basin Plan—see section 18.

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.

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

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.

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 47.

LTAEL—see section 18.

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

ML/day means megalitres per day.

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.

Plan Map means the *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024* Plan Map (WSP012_Version 4).

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,
- (b) a State significant infrastructure approval under that Act, Part 5.2, 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*.

plantation forestry—see section 18.

reduced available water determination—see section 18.

SDL—see section 18.

significant wetland means a wetland shown on the Significant Wetlands Map.

Significant Wetlands Map means the *Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024* Significant Wetlands Map (wet002.v2).

Note— The Significant Wetlands Map is available on the Department's website.

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*.

the water sources—see section 3.

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

unconsolidated sediments means particles of gravel, sand, silt or clay that are not bound or hardened by mineral cement, pressure or thermal alteration.

unconsolidated sediments water—see section 3.

visible flow means the continuous perceptible downstream movement of water.

water account debit—see section 47.

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