



New South Wales

# Water Sharing Plan for the NSW Border Rivers 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

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## **Water Sharing Plan for the NSW Border Rivers 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 Border Rivers Water Management Area.

#### **1 Name of Plan**

This Plan is the *Water Sharing Plan for the NSW Border Rivers 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 Border Rivers Water Management Area—

- (a) Beardy River Water Source,
- (b) Bonshaw Water Source,
- (c) Camp Creek Water Source,
- (d) Campbells Creek Water Source,
- (e) Croppa Creek and Whalan Creek Water Source,
- (f) Glen Innes Water Source,
- (g) Inverell Water Source,
- (h) Kings Plains Water Source,
- (i) Mole River Water Source,
- (j) Ottleys Creek Water Source,
- (k) Reedy Creek Water Source,
- (l) Tenterfield Creek Water Source,
- (m) Yetman Water Source.

**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.

(2) The water sources include all surface water.

(3) The water sources do not include water—

- (a) to which the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* applies,

- (b) to which the *Water Sharing Plan for the Gwydir Unregulated River Water Source 2012* applies,
- (c) to which the *Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021* applies.

#### **4 Management zones to which Plan applies**

- (1) The Inverell Water Source is divided into the following management zones as shown on the Plan Map—
  - (a) Downstream Dintonvale Road Crossing Management Zone,
  - (b) Upstream Dintonvale Road Crossing Management Zone.
- (2) The Mole River Water Source is divided into the following management zones as shown on the Plan Map—
  - (a) Mole River Management Zone 1,
  - (b) Mole River Management Zone 2.
- (3) The Tenterfield Creek Water Source is divided into the following management zones as shown on the Plan Map—
  - (a) Tenterfield Creek Management Zone 1,
  - (b) Tenterfield Creek Management Zone 2,
  - (c) Tenterfield Creek Management Zone 3,
  - (d) Tenterfield Creek Management Zone 4,
  - (e) Tenterfield Creek Management Zone 5.

#### **4A Trading Zones to which Plan applies**

- (1) The Croppa Creek and Whalan Creek Water Source is divided into the following trading zones shown on the Trading Zone Map—
  - (a) Croppa Creek and Whalan Creek Tributaries Trading Zone,
  - (b) Boomi River and the tributaries and effluents of the Boomi River and the Macintyre River Trading Zone.
- (2) The Glen Innes Water Source is divided into the following trading zones shown on the Trading Zone Map—
  - (a) Beardy Waters Trading Zone,
  - (b) Glen Innes Tributaries Trading Zone,
  - (c) Severn River Trading Zone,
  - (d) Upstream Beardy Waters Dam Trading Zone.
- (3) The Inverell Water Source is divided into the following trading zones shown on the Trading Zone Map—
  - (a) Downstream Macintyre River Trading Zone,
  - (b) Downstream Macintyre River Tributaries Trading Zone,
  - (c) Upstream Macintyre River Trading Zone,
  - (d) Upstream Macintyre River Tributaries Trading Zone.
- (4) The Kings Plains Water Source is divided into the following trading zones shown on the Trading Zone Map—

- (a) Kings Plains Trading Zone,
  - (b) Upstream Nullamanna Road Crossing Trading Zone.
- (5) The Mole River Water Source is divided into the following trading zones shown on the Trading Zone Map—
- (a) Bluff River and Brassington Creek and Tributaries Trading Zone,
  - (b) Deepwater River and Tributaries Trading Zone,
  - (c) Mole River Trading Zone,
  - (d) Mole River Tributaries Trading Zone,
  - (e) Unregulated Dumaresq River Trading Zone.

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

The following extraction management units are established—

- (a) the Croppa Creek and Whalan Creek Extraction Management Unit, consisting of the Croppa Creek and Whalan Creek Water Source,
- (b) the Border Rivers Unregulated Extraction Management Unit, consisting of all other water sources to which this Plan applies.

#### **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,
  - (c) the Trading Zone Maps.
- (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) on average, 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 2,761 ML/year distributed as follows—

- (a) 158 ML/year in the Beardy River Water Source,
- (b) 46 ML/year in the Bonshaw Water Source,
- (c) 25 ML/year in the Camp Creek Water Source,
- (d) 18 ML/year in the Campbells Creek Water Source,
- (e) 481 ML/year in the Croppa Creek and Whalan Creek Water Source,
- (f) 498 ML/year in the Glen Innes Water Source,
- (g) 484 ML/year in the Inverell Water Source,
- (h) 205 ML/year in the Kings Plains Water Source,
- (i) 306 ML/year in the Mole River Water Source,
- (j) 172 ML/year in the Ottleys Creek Water Source,
- (k) 48 ML/year in the Reedy Creek Water Source,
- (l) 234 ML/year in the Tenterfield Creek Water Source,
- (m) 86 ML/year in the Yetman 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) the native title determination for the Western Bundjalung People (Parts A and B, National Native Title Tribunal references NCD2017/002 and NCD2018/001),
- (b) any other determination of native title, and
- (c) 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 1,545 ML/year distributed as follows—
  - (a) 6 ML/year in the Beardy River Water Source,
  - (b) 5 ML/year in the Bonshaw Water Source,

- (c) 5 ML/year in the Campbells Creek Water Source,
  - (d) 77.5 ML/year in the Croppa Creek and Whalan Creek Water Source,
  - (e) 1,160 ML/year in the Glen Innes Water Source,
  - (f) 51.5 ML/year in the Inverell Water Source,
  - (g) 4.5 ML/year in the Kings Plains Water Source,
  - (h) 36.5 ML/year in the Mole River Water Source,
  - (i) 21 ML/year in the Ottleys Creek Water Source,
  - (j) 178 ML/year in the Tenterfield Creek Water Source,
  - (k) 0 ML/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 988 ML/year distributed as follows—
- (a) 100 ML/year in the Inverell Water Source,
  - (b) 64 ML/year in the Mole River Water Source,
  - (c) 824 ML/year in the Tenterfield Creek Water Source,
  - (d) 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 41,986.5 unit shares distributed as follows—
- (a) 464 unit shares in the Beardy River Water Source,
  - (b) 51 unit shares in the Bonshaw Water Source,
  - (c) 430 unit shares in the Camp Creek Water Source,
  - (d) 120 unit shares in the Campbells Creek Water Source,
  - (e) 15,674 unit shares in the Croppa Creek and Whalan Creek Water Source,
  - (f) 4,599 unit shares in the Glen Innes Water Source,
  - (g) 7,206 unit shares in the Inverell Water Source,
  - (h) 671.5 unit shares in the Kings Plains Water Source,
  - (i) 4,766.5 unit shares in the Mole River Water Source,
  - (j) 4,447 unit shares in the Ottleys Creek Water Source,
  - (k) 102.5 unit shares in the Reedy Creek Water Source,
  - (l) 3,215 unit shares in the Tenterfield Creek Water Source,
  - (m) 240 unit shares in the Yetman 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 92 unit shares distributed as follows—
- (a) 92 unit shares in the Glen Innes 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 section 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)(a) and 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 an 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 extraction** means the estimated volume of water taken from an extraction management unit 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 extraction management unit 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 a long-term average annual extraction limit established by section 19.

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

**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.

## Subdivision 2 LTAAELs and SDL

### 19 Establishment of LTAAELs

- (1) The LTAAEL for the Border Rivers Unregulated Extraction Management Unit is the sum of the following —
  - (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 in the following water sources in the water year at the commencement of—
    - (i) the *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2012*—
      - A. Beardy River Water Source,
      - B. Bonshaw Water Source,
      - C. Camp Creek Water Source,
      - D. Campbells Creek Water Source,
      - E. Glen Innes Water Source,
      - F. Inverell Water Source,
      - G. Kings Plains Water Source,
      - H. Mole River Water Source,
      - I. Ottleys Creek Water Source,
      - J. Reedy Creek Water Source,
      - K. Yetman Water Source,
    - (ii) the *Water Sharing Plan for the Tenterfield Creek Water Source 2003*—
      - A. Tenterfield Creek Water Source,
  - (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) The LTAAEL for the Croppa Creek and Whalan Creek Extraction Management Unit is the sum of the following—
  - (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 in the Croppa Creek and Whalan Creek Extraction Management Unit in the water year at the commencement of the *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2012*,
  - (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.
- (3) By 30 June 2026, the Minister will determine and publish numeric LTAAELs for the water sources to facilitate assessment of compliance against the LTAAELs under section 21.
- (4) The Minister may amend this Plan to replace the LTAAELs as established by subsections (1) and (2) with the numeric LTAAELs.
- (5) In year 6 of this Plan, the Minister will have reviewed the numerical LTAAELs 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 the plan,
  - (d) a precautionary and adaptive approach to how the limit is determined as climate projections change,
  - (e) cultural, social and economic outcomes.
- (6) 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 (3) and the adequacy of the methodology used to determine the sustainability of the LTAAEL under subsection (5) while undertaking the review required under subsection (5).
- (7) On the basis of the review referred to in subsection (5), 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.
- (8) 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 NSW Border Rivers Regulated River Water Source 2021*, clause 57(4), and may amend this Plan accordingly, to ensure that the rules in this Plan consider and adapt to climate change.

**Note—** The 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 extraction

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

## 21 Assessment of compliance with LTAAELs

- (1) As soon as practicable after the end of a water year, the 3-year average extraction for each extraction management unit must be compared against the LTAAEL for the extraction management unit.
- (2) There is non-compliance with the 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 is the part of the long-term average sustainable diversion limit for the NSW Border Rivers 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 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 each 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 LTAAELs and SDL

- (1) This section applies to an extraction management unit if—
  - (a) there is non-compliance with the LTAAEL for the extraction management unit, 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 a 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 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).

- (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 primarily 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) 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 2–4—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 3–4—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

### Division 2 Operation of water allocation accounts—the Act, s 21(c)

**Note—** The *Water Management (General) Regulation 2018*, clause 17, 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, local water utility access licence or unregulated river access licence must not be more than the relevant sum during a period of 3 consecutive water years.
- (2) The volume of water debited from the water allocation account of an unregulated river (special additional high flow) access licence must not be more than the relevant sum during any one water year.
- (3) 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 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, 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—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 or 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 20(1)(a) and 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 water sources or management zones if flows are in the Very Low Flow Class—
  - (a) Glen Innes Water Source,

- (b) Upstream Dintonvale Road Crossing Management Zone in the Inverell Water Source,
  - (c) Mole River Management Zone 1 in the Mole River Water Source.
- (2) Surface water must not be taken under an access licence with a share component that specifies the Croppa Creek and Whalan Creek Water Source from replenishment flows made according to section 58 of the *Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021* as notified by WaterNSW.
  - (3) Surface water must not be taken from the Tenterfield Creek Water Source unless there has been visible flow at the location from which the water would be taken for at least 24 consecutive hours.
  - (4) Surface water must not be taken under an access licence specified in Schedule 3 in contravention of the specified cease-to-take condition.
  - (5) 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.
  - (6) 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.
  - (7) 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) and (3) do 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, or
  - (c) 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.
- (4) Section 34(2) does not apply to the take of surface water under a domestic and stock access licence for domestic and stock purposes.

## 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

- (1) 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.
- (2) In sections 38 and 38A—  
**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.

### 37 In-river dams

- (1) An in-river dam on a third or higher order stream must not be constructed within the following water sources—
  - (a) Beardy River Water Source,
  - (b) Bonshaw Water Source,
  - (c) Camp Creek Water Source,
  - (d) Campbells Creek Water Source,
  - (e) Croppa Creek and Whalan Creek Water Source,
  - (f) Glen Innes Water Source,
  - (g) Mole River Water Source,
  - (h) Ottleys Creek Water Source,
  - (i) Reedy Creek Water Source,
  - (j) Tenterfield Creek 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 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 3 km upstream of, or within, a declared Ramsar wetland,
  - (b) within a significant wetland which is a 2024 wetland.
- (2) Subsection (1) does not apply to a replacement water supply work.

#### **38A Additional prohibitions on construction of certain water supply works**

- (1) A water supply work must not be constructed within a significant wetland which is a 2012 wetland.
- (2) Subsection (1) does not apply to a replacement 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.

### 38B 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, in the same water source are prohibited—
  - (a) an assignment to an access licence which nominates a water supply work in a management zone in the Inverell Water Source from an access licence which nominates a water supply work in a different management zone in the Inverell Water Source,
  - (b) an assignment to an access licence which nominates a water supply work in the Downstream Macintyre River Tributaries Trading Zone in the Inverell Water Source from an access licence which nominates a water supply work in the Downstream Macintyre River Trading Zone in the Inverell Water Source,
  - (c) an assignment to an access licence which nominates a water supply work in the Upstream Macintyre River Tributaries Trading Zone in the Inverell Water Source from an access licence which nominates a water supply work in the Upstream Macintyre River Trading Zone in the Inverell Water Source,
  - (d) an assignment to an access licence which nominates a water supply work in a trading zone in the Glen Innes Water Source from an access licence which nominates a water supply work in a different trading zone in the Glen Innes Water Source,
  - (e) an assignment to an access licence which nominates a water supply work in a trading zone in the Croppa Creek and Whalan Creek Water Source from an access licence which nominates a water supply work in a different trading zone in the Croppa Creek and Whalan Creek Water Source,
  - (f) an assignment to an access licence which nominates a water supply work in a management zone in the Tenterfield Creek Water Source from an access licence which nominates a water supply work in a different management zone in the Tenterfield Creek Water Source,



- (g) an assignment to an access licence which nominates a water supply work in the Upstream Nullamanna Road Crossing Trading Zone in the Kings Plains Water Source from an access licence which nominates a water supply work in the Kings Plains Trading Zone in the Kings Plains Water Source,
  - (h) an assignment to an access licence which nominates a water supply work in a trading zone in the Mole River Water Source from an access licence which nominates a water supply work in a different trading zone in the Mole River Water Source, unless—
    - (i) the assignment is to an access licence which nominates a water supply work in the Unregulated Dumaresq River Trading Zone from an access licence which nominates a water supply work in the Mole River Trading Zone or the Mole River Tributaries Trading Zone, or
    - (ii) the assignment is to an access licence which nominates a water supply work in the Mole River Trading Zone from an access licence which nominates a water supply work in the Mole River Tributaries Trading Zone.
- (2) The following assignments of rights under the Act, section 71Q, between water sources in the same water management area are prohibited—
- (a) an assignment to an access licence in a different extraction management unit,
  - (b) an assignment from an access licence in a water source to which this Plan does not apply,
  - (c) an assignment to an access licence in the following water sources from a different water source—
    - (i) Beardy River Water Source,
    - (ii) Glen Innes Water Source,
    - (iii) Inverell Water Source,
    - (iv) Kings Plains Water Source,
    - (v) Mole River Water Source, or
    - (vi) Tenterfield Creek Water Source,
  - (d) an assignment to an access licence in the Bonshaw Water Source, unless—
    - (i) the assignment is from an access licence in the Beardy River Water Source, the Camp Creek Water Source, the Campbells Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and
    - (ii) the assignment would not cause the sum of share components in the water source to exceed—
      - A. the sum of share components in the Bonshaw Water Source at the commencement of this Plan, plus
      - B. 10 ML/year,
  - (e) an assignment to an access licence in the Camp Creek Water Source, unless—
    - (i) the assignment is from the Beardy River Water Source, the Bonshaw Water Source, the Campbells Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and

- (ii) the assignment would not cause the sum of share components in the water source to exceed—
      - A. the sum of share components in the Camp Creek Water Source at the commencement of this Plan, plus
      - B. 65 ML/year,
  - (f) an assignment to an access licence in the Campbells Creek Water Source, unless—
    - (i) the assignment is from the Beardy River Water Source, the Bonshaw Water Source, the Camp Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and
    - (ii) the assignment would not cause the sum of share components to exceed—
      - A. the sum of share components in the Campbells Creek Water Source at the commencement of this Plan, plus
      - B. 19 ML/year,
  - (g) an assignment to an access licence in the Ottley’s Creek Water Source, unless—
    - (i) the assignment is from the Glen Innes Water Source, the Inverell Water Source, the Kings Plains Water Source, or the Yetman Water Source, and
    - (ii) the assignment would not cause the sum of share components in the water source to exceed—
      - A. the sum of share components in the Ottley’s Creek Water Source at the commencement of this Plan, plus
      - B. 670 ML/year,
  - (h) an assignment to an access licence in the Reedy Creek Water Source, unless—
    - (i) the assignment is from the Beardy River Water Source, the Bonshaw Water Source, the Camp Creek Water Source, the Campbells Creek Water Source, the Mole River Water Source, or the Tenterfield Creek Water Source, and
    - (ii) the assignment would not cause the sum of share components in the water source to exceed—
      - A. the sum of share components in the Reedy Creek Water Source at the commencement of this Plan, plus
      - B. 15 ML/year,
  - (i) an assignment to an access licence in the Yetman Water Source, unless—
    - (i) the assignment is from the Glen Innes Water Source, the Inverell Water Source, the Kings Plains Water Source, or the Ottley’s Creek Water Source, and
    - (ii) the assignment would not cause the sum of share components in the water source to exceed—
      - A. the sum of share components in the Yetman Water Source at the commencement of this Plan, plus
      - B. 19 ML/year.
- (3) An assignment of rights under the Act, section 71Q, is prohibited if it is an assignment to an access licence that nominates a water supply work—
- (a) within, or within 3km upstream of, a declared Ramsar wetland, or

- (b) within a significant wetland,  
unless the assignment is from an access licence that nominates a water supply work—
  - (c) within, or within 3km upstream of, the same declared Ramsar wetland, or
  - (d) within the same significant wetland.
- (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 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,
  - (c) the granting of an access licence in the following water sources following the cancellation of an access licence in a different water source—
    - (i) Beardy River Water Source,
    - (ii) Glen Innes Water Source,
    - (iii) Inverell Water Source,
    - (iv) Kings Plains Water Source,
    - (v) Mole River Water Source, or
    - (vi) Tenterfield Creek Water Source,
  - (d) the cancellation of an access licence to grant an access licence in the Bonshaw Water Source, unless—
    - (i) the cancellation is of an access licence in the Beardy River Water Source, the Camp Creek Water Source, the Campbells Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and
    - (ii) the grant would not cause the sum of share components in the water source to exceed—
      - A. the sum of share components in the Bonshaw Water Source at the commencement of this Plan, plus
      - B. 10 ML/year,
  - (e) the cancellation of an access licence to grant an access licence in the Camp Creek Water Source, unless—
    - (i) the cancellation is of an access licence in the Beardy River Water Source, the Bonshaw Water Source, the Campbells Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and
    - (ii) the grant would not cause the sum of share components in the water source to exceed—
      - A. the sum of share components in the Camp Creek Water Source at the commencement of this Plan, plus

- B. 65 ML/year,
- (f) the cancellation of an access licence to grant an access licence in the Campbells Creek Water Source, unless—
  - (i) the cancellation is of an access licence in the Beardy River Water Source, the Bonshaw Water Source, the Camp Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and
  - (ii) the grant would not cause the sum of share components in the water source to exceed—
    - A. the sum of share components in the Campbells Creek Water Source at the commencement of this Plan, plus
    - B. 19 ML/year,
- (g) the cancellation of an access licence to grant an access licence in the Ottley’s Creek Water Source, unless—
  - (i) the cancellation is of an access licence in the Glen Innes Water Source, the Inverell Water Source, the Kings Plains Water Source, or the Yetman Water Source, and
  - (ii) the grant would not cause the sum of share components in the water source to exceed—
    - A. the sum of share components in the Ottley’s Creek Water Source at the commencement of this Plan, plus
    - B. 670 ML/year,
- (h) the cancellation of an access licence to grant an access licence in the Reedy Creek Water Source, unless—
  - (i) the cancellation is of an access licence in the Beardy River Water Source, the Bonshaw Water Source, the Camp Creek Water Source, the Campbells Creek Water Source, the Mole River Water Source, or the Tenterfield Creek Water Source, and
  - (ii) the grant would not cause the sum of share components in the water source to exceed—
    - A. the sum of share components in the Reedy Creek Water Source at the commencement of this Plan, plus
    - B. 15 ML/year,
- (i) the cancellation of an access licence to grant an access licence in the Yetman Water Source, unless—
  - (i) the cancellation is of an access licence in the Glen Innes Water Source, the Inverell Water Source, the Kings Plains Water Source, or the Ottley’s Creek Water Source, and
  - (ii) the grant would not cause the sum of share components in the water source to exceed—
    - A. the sum of share components in the Yetman Water Source at the commencement of this Plan, plus
    - B. 19 ML/year,

- (j) the cancellation 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**

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,
- (c) the extraction component of an access licence being amended to specify an area or location in a different trading zone in the following water sources as the area or location from which water may be taken under the licence—
  - (i) Croppa Creek and Whalan Creek Water Source,
  - (ii) Glen Innes Water Source,
- (d) the extraction component of an access licence being amended to specify an area or location in a different management zone in the Tenterfield Creek Water Source as the area or location from which water may be taken under the licence if the extraction component currently specifies a management zone in the Tenterfield Creek Water Source,
- (e) the extraction component of an access licence being amended to specify an area or location in a different management zone in the Inverell Water Source as the area or location from which water may be taken under the licence if the extraction component currently specifies a management zone in the Inverell Water Source,
- (f) the extraction component of an access licence being amended to specify an area or location in the Downstream Macintyre River Tributaries Trading Zone in the Inverell Water Source as the area or location from which water may be taken under the licence if the extraction component currently specifies an area or location in the Downstream Macintyre River Trading Zone in the Inverell Water Source,
- (g) the extraction component of an access licence being amended to specify an area or location in the Upstream Macintyre River Tributaries Trading Zone in the Inverell Water Source as the area or location from which water may be taken under the licence if the extraction component currently specifies an area or location in the Upstream Macintyre River Trading Zone in the Inverell Water Source,
- (h) the extraction component of an access licence being amended to specify an area or location in the Upstream Nullamanna Road Crossing Trading Zone in the Kings Plains Water Source as an area or location from which water may be taken under

the licence if the extraction component currently specifies an area or location in the Kings Plains Trading Zone in the Kings Plains Water Source,

- (i) the extraction component of an access licence being amended to specify an area or location in the Mole River Water Source as an area or location from which water may be taken under the licence if the extraction component currently specifies an area or location in a different trading zone in the Mole River Water Source, unless—
  - (i) the amendment is to specify an area or location in the Unregulated Dumaresq River Trading Zone and the access licence currently specifies an area or location in the Mole River Trading Zone or the Mole River Tributaries Trading Zone, or
  - (ii) the amendment is to specify an area or location in the Mole River Trading Zone and the access licence currently specifies an area or location in the Mole River Tributaries Trading Zone.

**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 to an access licence in a different extraction management unit,
  - (b) an assignment from an access licence in a water source to which this Plan does not apply,
  - (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,
  - (d) an assignment to an access licence in the following water sources from a different water source—
    - (i) Beardy River Water Source,
    - (ii) Glen Innes Water Source,
    - (iii) Inverell Water Source,
    - (iv) Kings Plains Water Source,
    - (v) Mole River Water Source, or
    - (vi) Tenterfield Creek Water Source,
  - (e) an assignment to an access licence in the Bonshaw Water Source, unless—
    - (i) the assignment is from an access licence in the Beardy River Water Source, the Camp Creek Water Source, the Campbells Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and

- (ii) the assignment would not cause the sum of water allocations in the water source to exceed—
  - A. the sum of share components in the Bonshaw Water Source at the commencement of this Plan, plus
  - B. 10 ML/year,
- (f) an assignment to an access licence in the Camp Creek Water Source, unless—
  - (i) the assignment is from the Beardy River Water Source, the Bonshaw Water Source, the Campbells Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and
  - (ii) the assignment would not cause the sum of water allocations in the water source to exceed—
    - A. the sum of share components in the Camp Creek Water Source at the commencement of this Plan, plus
    - B. 65 ML/year,
- (g) an assignment to an access licence in the Campbells Creek Water Source, unless—
  - (i) the assignment is from the Beardy River Water Source, the Bonshaw Water Source, the Camp Creek Water Source, the Mole River Water Source, the Reedy Creek Water Source, or the Tenterfield Creek Water Source, and
  - (ii) the assignment would not cause the sum of water allocations to exceed—
    - A. the sum of share components in the Campbells Creek Water Source at the commencement of this Plan, plus
    - B. 19 ML/year,
- (h) an assignment to an access licence in the Ottley’s Creek Water Source, unless—
  - (i) the assignment is from the Glen Innes Water Source, the Inverell Water Source, the Kings Plains Water Source, or the Yetman Water Source, and
  - (ii) the assignment would not cause the sum of water allocations to exceed—
    - A. the sum of share components in the Ottley’s Creek Water Source at the commencement of this Plan, plus
    - B. 670 ML/year,
- (i) an assignment to an access licence in the Reedy Creek Water Source, unless—
  - (i) the assignment is from the Beardy River Water Source, the Bonshaw Water Source, the Camp Creek Water Source, the Campbells Creek Water Source, the Mole River Water Source, or the Tenterfield Creek Water Source, and
  - (ii) the assignment would not cause the sum of water allocations to exceed—
    - A. the sum of share components in the Reedy Creek Water Source at the commencement of this Plan, plus
    - B. 15 ML/year,
- (j) an assignment to an access licence in the Yetman Water Source, unless—
  - (i) the assignment is from the Glen Innes Water Source, the Inverell Water Source, the Kings Plains Water Source, or the Ottley’s Creek Water Source, and
  - (ii) the assignment would not cause the sum of water allocations to exceed—

- A. the sum of share components in the Yetman Water Source at the commencement of this Plan, plus
  - B. 19 ML/year,
- (k) an assignment to or from an unregulated river (special additional high flow) access licence.
- (2) The following assignments under the Act, section 71T, within water sources in the same water management area are prohibited—
- (a) an assignment to an access licence which nominates a water supply work in a management zone in the Inverell Water Source from an access licence which nominates a water supply work in a different management zone in the Inverell Water Source,
  - (b) an assignment to an access licence which nominates a water supply work in the Downstream Macintyre River Tributaries Trading Zone in the Inverell Water Source from an access licence which nominates a water supply work in the Downstream Macintyre River Trading Zone in the Inverell Water Source,
  - (c) an assignment to an access licence which nominates a water supply work in the Upstream Macintyre River Tributaries Trading Zone in the Inverell Water Source from an access licence which nominates a water supply work in the Upstream Macintyre River Trading Zone in the Inverell Water Source,
  - (d) an assignment to an access licence which nominates a water supply work in a trading zone in the Glen Innes Water Source from an access licence which nominates a water supply work in a different trading zone in the Glen Innes Water Source,
  - (e) an assignment to an access licence which nominates a water supply work in a trading zone in the Croppa Creek and Whalan Creek Water Source from an access licence which nominates a water supply work in a different trading zone in the Croppa Creek and Whalan Creek Water Source,
  - (f) an assignment to an access licence which nominates a water supply work in a management zone in the Tenterfield Creek Water Source from an access licence which nominates a water supply work in a different management zone in the Tenterfield Creek Water Source,
  - (g) an assignment to an access licence which nominates a water supply work in the Upstream Nullamanna Road Crossing Trading Zone in the Kings Plains Water Source from an access licence which nominates a water supply work in the Kings Plains Trading Zone in the Kings Plains Water Source,
  - (h) an assignment to an access licence which nominates a water supply work in a trading zone in the Mole River Water Source from an access licence which nominates a water supply work in a different trading zone in the Mole River Water Source, unless—
    - (i) the assignment is to an access licence which nominates a water supply work in the Unregulated Dumaresq River Trading Zone from an access licence which nominates a water supply work in the Mole River Trading Zone or the Mole River Tributaries Trading Zone, or
    - (ii) the assignment is to an access licence which nominates a water supply work in the Mole River Trading Zone from an access licence which nominates a water supply work in the Mole River Tributaries Trading Zone.



#### **44 Interstate access licence transfer dealings**

[Not applicable]

#### **45 Interstate assignment of water allocations dealings**

[Not applicable]

#### **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—
  - (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,
- (c) an amendment of an unregulated river (special additional high flow) access licence,
- (d) an access licence which nominates a water supply work in the Downstream Macintyre River Trading Zone in the Inverell Water Source being amended to nominate a water supply work in the Downstream Macintyre River Tributaries Trading Zone in the Inverell Water Source,
- (e) an access licence which nominates a water supply work in the Upstream Macintyre River Trading Zone in the Inverell Water Source being amended to nominate a water supply work in the Upstream Macintyre River Tributaries Trading Zone in the Inverell Water Source,
- (f) an access licence which nominates a water supply work in a trading zone in the Glen Innes Water Source being amended to nominate a water supply work in a different trading zone in the Glen Innes Water Source,
- (g) an access licence which nominates a water supply work in a trading zone in the Croppa Creek and Whalan Creek Water Source being amended to nominate a water supply work in a different trading zone in the Croppa Creek and Whalan Creek Water Source,
- (h) an access licence which nominates a water supply work in the Kings Plains Trading Zone in the Kings Plains Water Source being amended to nominate a water supply work in the Upstream Nullamanna Road Crossing Trading Zone in the Kings Plains Water Source,
- (i) an access licence which nominates a water supply work in a trading zone in the Mole River Water Source being amended to nominate a water supply work in a different trading zone in the Mole River Water Source, unless—
  - (i) the access licence nominates a water supply work in the Mole River Trading Zone or the Mole River Tributaries Trading Zone and the amendment is to

- nominate a water supply work in the Unregulated Dumaresq River Trading Zone, or
- (ii) the access licence nominates a water supply work in the Mole River Tributaries Trading Zone and the amendment is to nominate a water supply work in the Mole River Trading Zone.

**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, Division 4,
- (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.

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

### 52 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 surface water access rules in response to changes in water availability by amending Part 6, Divisions 2–4 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 and the NSW Border Rivers Regulated River 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,
  - (l) to add, remove or modify a trading zone, including the water sources to which a trading zone applies and the boundaries of the zone,
  - (m) to add or modify access rules that apply to the take of water in the Mole River Water Source for the purpose of protecting threatened species and restoring water-dependent ecosystems, if this Plan has been in force for at least one year and—

- (i) the access rule prohibits take of surface water from the Mole River Management Zone 2 in the Mole River Water Source if flows are less than or equal to 1 ML/day (or other appropriate flow rate or level) when measured at a suitable gauge site, or
  - (ii) an alternative method is used to manage access to water in the Mole River Management Zone 2 in the Mole River Water Source which, in the opinion of the Minister, is appropriate to be used for the purpose of managing access to water in the Mole River Management Zone 2.
- (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

sections 31 and 34(1)

<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>
Glen Innes		Very Low	Less than or equal to 1 ML/day	Severn River at Fladbury (416022)
Inverell	Upstream Dintonvale Road Crossing Management Zone	Very Low	Less than or equal to 1 ML/day	Macintyre at Inverell (416016)
Mole River	Mole River Management Zone 1	Very Low	Less than or equal to 1 ML/day	Deepwater River at Bolivia (416023)

## Schedule 2 Access licences exempt from specified access rules

sections 35(2)(a) and (d)

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

<b>Water Source</b>	<b>Management Zone</b>	<b>Access licence numbers</b>
Tenterfield Creek Water Source	5	8198
Tenterfield Creek Water Source	2	13203
Glen Innes Water Source		30720
Glen Innes Water Source		30752
Inverell Water Source		30796

**Table B—Local water utility access licences and access licences of subcategory ‘town water supply’**

<b>Water Source</b>	<b>Management Zone</b>	<b>Access licence numbers</b>
Mole River Water Source	1	30927
Glen Innes Water Source		36699
Glen Innes Water Source		36700



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

sections 34(4), 35(3)(c)

**Table A—Access licences subject to cease-to-take conditions relating to the taking of water other than from pools**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Access licence</b>	<b>Water source</b>	<b>Cease-to-take condition</b>
30669	Beardy River	The authorised work should not be used for the purpose of pumping unless there is a visible flow in the Beardy River at the bridge crossing on the Bruxner Highway, east of Lot 5 DP 632280, Parish of Bowman, County of Arrawatta.
30674	Bonshaw	The authorised work shall only be operated when there is a visible flow in Little Oaky Creek between Lot 46 DP 750075 and Lot 200 DP 879480, Parish of Bowman, County of Arrawatta and at the same time a flow is maintained at the Bruxner Highway Bridge.
30675	Bonshaw	The authorised work shall only be operated when there is a visible flow in Little Oaky Creek between Lot 46 DP 750075 and Lot 200 DP 879480, Parish of Bowman, County of Arrawatta and at the same time a flow is maintained at the Bruxner Highway Bridge.
30677	Campbells Creek	The work shall not be used for the purpose of irrigation unless there is a visible flow in Campbell's Creek between Lots 25 and 14 DP 750070, Parish of Bebo, County of Arrawatta.
30678	Campbells Creek	The work shall not be used for the purpose of irrigation unless there is a visible flow in Campbell's Creek between Lots 25 and 14 DP 750070, Parish of Bebo, County of Arrawatta.
30679	Croppa Creek and Whalan Creek	The pumps shall not be operated unless the flow in the Boomi River reaches a height of 0.98 metres at Neeworra gauge (which corresponds to a flow of 100 megalitres per day).
30681	Croppa Creek and Whalan Creek	The authorised work shall not be used for the purpose of irrigation when the level of water in Whalan Creek is lower than 0.50 metres below the level of a gauge located immediately adjacent to the site of the work.
30682	Croppa Creek and Whalan Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in the Boomi River at Neeworra Bridge situated on the Moree-Mungindi Road, exceeds 100 megalitres/day, such flow to have a corresponding reading of 0.85 metres on the gauge adjacent or such other reading as may be determined from time to time.
30683	Croppa Creek and Whalan Creek	The licenced works shall not be used for the purpose of irrigation unless there is a visible flow in Carwal Creek at its confluence with the Boomi River, located within Lot 25 DP 750462 Parish, Galloway; County Benarba.
30684	Croppa Creek and Whalan Creek	The pumps shall not be operated unless the flow in the Boomi River reaches a height of 0.98 metres at Neeworra gauge (which corresponds to a flow of 100 megalitres per day).
30686	Croppa Creek and Whalan Creek	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in the Boomi River immediately upstream of its junction with Gil Gil Creek.
30687	Croppa Creek and Whalan Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in the Boomi River at Neeworra Bridge situated on the Moree-Mungindi Road, exceeds 100 megalitres/day, such flow to have a

		corresponding reading of 0.85 metres on the gauge adjacent or such other reading as may be determined from time to time.
30688	Croppa Creek and Whalan Creek	The licensed works shall not be used for the purpose of irrigation unless there is a visible flow in Carwal Creek at its confluence with the Boomi River, located within Lot 24 DP 750462, Parish of Galloway, County of Benarba.
30692	Croppa Creek and Whalan Creek	The licensed works shall not be used for the purpose of irrigation unless there is a visible flow in Carwal Creek at its confluence with the Boomi River, located within Lot 24 DP 750462, Parish of Galloway, County of Benarba.
30693	Croppa Creek and Whalan Creek	The licensed works shall not be used for the purpose of irrigation unless there is a visible flow in the Boomi River, Presbury Road crossing located within Lot 21 DP 750462, Parish of Galloway, County of Benarba.
30696	Croppa Creek and Whalan Creek	The licensed work shall not be operated unless the flow in the Boomi river at Neeworra Bridge, situated on the Moree-Mungindi Road, exceeds 130 megalitres/day, such flow to have a corresponding reading of 1.05 metres on the gauge adjacent
30697	Croppa Creek and Whalan Creek	The authorised work shall not be used for the purpose of irrigation when the level of water in Whalan Creek is lower than 0.50 metres below the level of a gauge located immediately adjacent to the site of the work.
30698	Croppa Creek and Whalan Creek	The licensed work shall not be operated unless the flow in the Boomi river at Neeworra Bridge, situated on the Moree-Mungindi Road, exceeds 130 megalitres/day, such flow to have a corresponding reading of 1.05 metres on the gauge adjacent
30701	Croppa Creek and Whalan Creek	The licensed works shall not be used for the purpose of irrigation unless there is a visible flow in the Boomi River, immediately upstream of its junction with Gil Gil Creek.
30702	Croppa Creek and Whalan Creek	The licensed works shall not be used for the purpose of irrigation unless there is a visible flow in the Boomi River, Presbury Road crossing located within Lot 21 DP 750462, Parish of Galloway, County of Benarba.
30703	Croppa Creek and Whalan Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in the Boomi River at Neeworra Bridge situated on the Moree-Mungindi Road, exceeds 100 megalitres/day, such flow to have a corresponding reading of 0.85 metres on the gauge adjacent or such other reading as may be determined from time to time.
30704	Croppa Creek and Whalan Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in the Boomi River at Neeworra Bridge situated on the Moree-Mungindi Road, exceeds 100 megalitres/day, such flow to have a corresponding reading of 0.85 metres on the gauge adjacent or such other reading as may be determined from time to time.
30704	Croppa Creek and Whalan Creek	The licensed works shall not be used simultaneously for the purpose of irrigation unless the flow in the Boomi River at Neeworra gauge exceeds 745 megalitres per day, which corresponds to a reading on the said gauge of 2.00 metres (or such other reading as may be determined from time to time)
30706	Croppa Creek and Whalan Creek	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in the Boomi River immediately upstream of its junction with Gil Gil Creek.
30707	Croppa Creek and Whalan Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in the Boomi River at Neeworra Bridge situated on the Moree-Mungindi Road, exceeds 100 megalitres/day, such flow to have a

		corresponding reading of 0.85 metres on the gauge adjacent or such other reading as may be determined from time to time.
30708	Croppa Creek and Whalan Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in the Boomi River at Neeworra Bridge situated on the Moree-Mungindi Road, exceeds 100 megalitres/day, such flow to have a corresponding reading of 0.85 metres on the gauge adjacent or such other reading as may be determined from time to time.
30709	Croppa Creek and Whalan Creek	The approval holder must not take any water from an approved work for the purpose of irrigation, unless the water flow in Whalan Creek is greater than 120 megalitres/day.
30710	Croppa Creek and Whalan Creek	The licenced works shall not be used for the purpose of irrigation unless there is a visible flow in Carwal Creek at its confluence with the Boomi River, located within Lot 25 DP 750462 Parish, Galloway; County Benarba.
30717	Glen Innes	The licensed work shall not be operated when the flow of the Severn River at Fladbury gauge is less than 0.25 metre (such discharge corresponding to a flow of 8.4 megalitres per day, or such other reading as may be determined by the department from time to time).
30738	Glen Innes	The approval holder must not take any water from an approved work for the purpose of irrigation, unless the water level in Severn River at the Fladbury gauge is greater than 0.27 metre.
30759	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30761	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road Bridge.
30765	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Bannockburn Creek on Lot 1 DP 731840, Lot 35 DP 750068 and Lot 4 DP 701124, Parish of Bannockburn, County of Arrawatta. These flows must be maintained during pumping
30771	Inverell	The pump shall not be used for the purpose of irrigation unless a flow is maintained in Frying Pan Creek at the Inverell/Bukkulla Rd culverts (Dinton Vale) throughout pumping operations
30772	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30775	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Arrawatta Road causeway located between Lot 23 DP 5217, Parish of Champagne and Lot 2 DP 1053745, Parish of Burgundy, both in the County of Arrawatta.
30776	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge
30779	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road Bridge.
30781	Inverell	The authorised work shall not be used for the purpose of irrigation unless a visible flow is maintained in Bannockburn Creek at or near the road

		crossing located north of Lot 266 DP 750068, Parish of Bannockburn, County of Arrawatta and at or near the road bridge on the Yetman Road
30797	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30801	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30803	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Arrawatta Road causeway located between Lot 23 DP 5217, Parish of Champagne and Lot 2 DP 1053745, Parish of Burgundy, both in the County of Arrawatta.
30808	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Arrawatta Road causeway located between Lot 23 DP 5217, Parish of Champagne and Lot 2 DP 1053745, Parish of Burgundy, both in the County of Arrawatta.
30814	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30829	Inverell	The licensed work shall not be used when the discharge of the Macintyre River is less than 2 megalitres per day at the Wallangra gauge (4160010).
30840	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30843	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Arrawatta Road causeway located between Lot 23 DP 5217, Parish of Champagne and Lot 2 DP 1053745, Parish of Burgundy, both in the County of Arrawatta.
30861	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30872	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30873	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30874	Inverell	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow maintained in the Macintyre River at the Graman-Ashford Road bridge.
30881	Kings Plains	The authorised work shall not be used for any purpose unless there is a visible flow over the rock bar situated immediately downstream of the pump site on Lots 143 and 130 both DP 750121, Parish of Swamp Oak, County of Arrawatta.
30887	Kings Plains	The licensed work shall not be used for the purpose of irrigation unless a visible flow is maintained during pumping operations at the gravel bars in close proximity to the Ashford-Pindari Dam Road bridge over Frasers Creek.

30891	Kings Plains	The pump shall not be operated unless there is a visible flow maintained in King's Plains Creek at the road causeway between Lot 2 DP 113862, Parish of Vivier and Lot 2 DP 1050098, Parish of Buckley, both County of Arrawatta.
30892	Kings Plains	The licensed work shall not be used for the purpose of irrigation unless a visible flow is maintained during pumping operations at the gravel bars in close proximity to the Ashford-Pindari Dam Road bridge over Frasers Creek.
30900	Mole River	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in the Mole River at the road bridge on the Bruxner Highway adjacent to the northeast corner of Lot 24 DP 751509, Parish of Dumaresq, County of Clive.
30901	Mole River	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in the Mole River at 'Bondonga' Ford.
30905	Mole River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Gardeners Gully at the downstream end of the culvert passing under the New England Highway.
30912	Mole River	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Mole River at the Mole River Road causeway downstream from Boggy Camp Flat.
30913	Mole River	The approval holder must not take any water from an approved work for the purpose of irrigation, unless there is a visible flow in the Mole River at the causeway across the Mole River adjacent to Lot 26 DP 751515 Parish Gibraltar, County Clive.
30919	Mole River	The pumps shall not be used for the purpose of irrigation or the filling of off river storages for irrigation, unless there is a visible flow in the Bluff River at the double crossing located between Lot 103 DP 751498, Parish of Bolivia and Lot 8 DP 751522, Parish of Irby, both in the County of Clive.
30919	Mole River	When there is a visible flow in the Bluff River at double crossing the two pumps shall not be operated simultaneously.
30925	Mole River	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Mole River at the 'Bondonga' Ford.
30935	Mole River	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Mole River at the Bondonga Ford.
30944	Mole River	The authorised work shall not be used for the purpose of irrigation unless a visible flow is maintained in Brassington Creek at its junction with the Bluff River.
30945	Mole River	When a flow is entering the storage of the waterhole at the site of the authorised work, the said work shall not be used for the purpose of irrigation unless there is a visible flow at the Bondonga Ford.
30948	Mole River	The licensed work shall not be used for irrigation unless a visible flow is maintained in gipsies creek at the Woodside Road crossing between Lots 27 and 9 DP 751542 and at the same time between Lot 7 DP 751542 and Lot 72 DP 40978, all Parish of Woodside, County of Clive.
30949	Mole River	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in the Mole River at the "6 mile" causeway, located between Lot 1 DP 1050660, Parish of Donaldson and Lot 26 DP 751515, Parish of Gibraltar, both in the County of Clive.
30950	Mole River	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in the Mole River at the road bridge on the Bruxner

		Highway adjacent to the northeast corner of Lot 24 DP 751509, Parish of Dumaresq, County of Clive.
30951	Mole River	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Mole River at the Mole River Road causeway downstream from ‘Boggy Camp Flat’.
30956	Mole River	The pump shall not be used for the purpose of irrigation unless there is a visible flow in the Bluff River at double crossing, located on the Bluff River Road immediately upstream of the Mole River junction.
30957	Mole River	The pump shall not be used for the purpose of irrigation unless there is a visible flow is maintained at the double crossing on the Bluff River, located between Lot 103 DP 751498, Parish of Bolivia and Lot 8 DP 751522, Parish of Irby, both County of Clive.
43219	Ottleys Creek	No water shall be diverted from Ottley’s Creek by means of the authorised diversion pipes until a gauge reading of 0.20 has been reached on a gauge established on the Ottley’s Creek Bridge located on the old Bruxner Highway within Lot 63 DP 755982, Parish of Boonal, County of Stapylton.
90SL037621H	Glen Innes	The authorised work shall not be used for the purpose of irrigating the authorised area or any part thereof unless the discharge of the Severn River at the Flabury gauge exceeds 97 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.58 metres or such other reading as may be determined from time to time).
90SL048827	Croppa Creek and Whalan Creek	The work shall not be used unless the Department of Water and Energy, through its area customer services manager, state water north at Moree has first announced that flows are of sufficient magnitude to allow the holder of this entitlement to commence pump.
90SL048830	Croppa Creek and Whalan Creek	The work shall not be used unless the Department of Water and Energy, through its area customer services manager, state water north at Moree has first announced that flows are of sufficient magnitude to allow the holder of this entitlement to commence pump.
90SL049970	Ottleys Creek	No water shall be diverted from Ottley’s Creek by means of the licensed work until a gauge reading of 0.20 has been reached on a gauge established on the Ottley’s Creek Bridge located on the old Bruxner Highway within Lot 63 DP 755982, Parish of Boonal, County of Stapylton.
90SL049970	Ottleys Creek	The authorised work shall not be used for the purpose of diverting water unless a visible flow is maintained at the bridge over Ottley’s Creek on Lot 63 DP 755982, Parish of Boonal, County of Stapylton.

**Table B—Access licences subject to cease-to-take conditions relating to the taking of water from pools**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Access licence</b>	<b>Water source</b>	<b>Cease-to-take condition</b>
30666	Beardy River Water Source	Water must not be taken from an in-river pool located within Lots 8 and 9 of DP 753275 when the water level of that in-river pool is more than 0.5 metres below the full capacity from 1 March to 31 August or more than 0.35 metres below the full capacity volume from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
30680	Croppa Creek and Whalan	Water must not be taken when the water level of the pool in the Boobera Watercourse is less than 0.08 metres on a gauge established on the left bank

	Creek Water Source	of the watercourse on TS & CR 29416, Parish of Boobera, County of Stapleton.
30830	Mole River Water Source	Water must not be taken from an in-river pool located within Lot 70 of DP 705186, Lots 6,7,8,10 of DP 751508 or Lots 17 and 44 of DP 751509 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
30900	Mole River Water Source	Water must not be taken from an in-river pool located within Lot 2 of DP 235160 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
30908	Mole River Water Source	Water must not be taken from an in-river pool located within Lots 19 and 20 of DP 751508 or Lot 105 of DP 39479 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
30918	Mole River Water Source	Water must not be taken from an in-river pool located within Lot 32 of DP 751509 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
30930	Mole River Water Source	Water must not be taken from an in-river pool located within Lots 7 and 15 of DP 751529 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
30941	Mole River Water Source	Water must not be taken from an in-river pool located within Lots 19 and 20 of DP 751508 or Lot 105 of DP 39479 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
30953	Mole River Water Source	Water must not be taken from an in-river pool located within Lot 2 of DP 235160 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
30954	Mole River Water Source	Water must not be taken from an in-river pool located within Lot 1 of DP 540165 or Lot 38 of DP 751529 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauges installed at that in-river pool, full capacity will be designated on the staff gauge.
30955	Mole River Water Source	Water must not be taken from an in-river pool located within Lot 2 of DP 566722 or within Lot 55 of DP 726327 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31

		August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
90AL802835	Tenterfield Creek Water Source	Water must not be taken from an in-river pool when the water level of that in-river pool is more than 0.12 metres below the full capacity.
90AL802855	Tenterfield Creek Water Source	Water must not be taken from an in-river pool when the water level of that in-river pool is more than 0.12 metres below the full capacity.
90AL802917	Tenterfield Creek Water Source	Water must not be taken from an in-river pool when the water level of that in-river pool is more than 0.12 metres below the full capacity.
90AL802921	Tenterfield Creek Water Source	Water must not be taken from an in-river pool when the water level of that in-river pool is more than 0.12 metres below the full capacity.
90AL827397	Mole River	Water must not be taken from an in-river pool located within Lot 26 of DP 751529 and Lots 1 and 2 of DP 585506 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
90AL827432	Mole River	Water must not be taken from an in-river pool located within Lots 1 and 2 of DP 585506 when the water level of that in-river pool is more than 0.3 metres below the full capacity from 1 March to 31 August or more than 0.2 metres below the full capacity from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
90SL100943	Beardy River Water Source	Water must not be taken from an in-river pool located within Lots 8, 9 and 10 of DP 753275 when the water level of that in-river pool is more than 0.5 metres below the full capacity from 1 March to 31 August or more than 0.35 metres below the full capacity volume from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.
90SL101038	Beardy River Water Source	Water must not be taken from an in-river pool located within Lots 8, 9 and 10 of DP 753275 when the water level of that in-river pool is more than 0.5 metres below the full capacity from 1 March to 31 August or more than 0.35 metres below the full capacity volume from 1 September to 28/29 February. Where a staff gauge is installed at the in-river pool, full capacity will be designated on the staff gauge.



## Schedule 4 Dictionary

section 6

**2024 wetland** means a 2024 wetland shown on the Significant Wetlands Map.

**2012 wetland** means a 2012 wetland shown on the Significant Wetlands Map.

**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.

**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.

**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.

**LTADEL**—see section 18.

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

**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 NSW Border Rivers Unregulated River Water Sources 2024 Plan Map (WSP020\_Version 3)*.

**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.

**replenishment flows** are flows provided to effluent river systems downstream of major headwater dams to address the flow related impacts within those systems caused by dam construction. The purpose of these flows is to refill pools and water holes in unregulated water sources to provide water for household and town use.

**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 NSW Border Rivers Unregulated River Water Sources 2024* Significant Wetlands Map (WET006\_V1).

**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.

**Trading Zone Map** means—

- (a) for section 4A(1), *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2024* Trading Zones of the Croppa Creek and Whalan Creek Water Source (TRAD001\_V1),
- (b) for section 4A(2), *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2024* Trading Zones of the Glen Innes Water Source (TRAD004\_V1),
- (c) for section 4A(3), *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2024* Trading Zones of the Inverell Water Source (TRAD002\_V1),
- (d) for section 4A(4), *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2024* Trading Zones of the Kings Plains Water Source (TRAD003\_V1),
- (e) for section 4A(5), *Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2024* Trading Zones of the Mole River Water Source (TRAD005\_V1).

**Note**— The Trading Zone Maps are available on the Department's website.

**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.