

Water Sharing Plan for the Belubula Regulated River Water Source 2012

[2012-489]



New South Wales

Status Information

Currency of version

Historical version for 25 October 2013 to 16 September 2014 (accessed 13 November 2024 at 7:07)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Water Management Amendment Bill 2014](#)
- **Note**
This Plan ceases to have effect on 1.7.2023—see cl 3.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 29 May 2014

Water Sharing Plan for the Belubula Regulated River Water Source 2012



New South Wales

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Water Sharing Plan for the Belubula Regulated River Water Source 2012



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Part 1 Introduction

Note—

Part 12 of this Plan allows for amendments to be made to this Part.

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Belubula Regulated River Water Source 2012* (hereafter **this Plan**).

2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000* (hereafter **the Act**).
- (2) This Plan is a plan for water sharing and generally deals with the matters set out in sections 20 and 21 of the Act, as well as other sections of the Act.

Note—

Where a provision of this Plan is made under another section of the Act, the section is referred to in notes to this Plan.

3 Commencement of this Plan

This Plan commences on the 4th October 2012.

Notes—

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.

4 Application of this Plan

- (1) This Plan applies to the following water source known as the Belubula Regulated River Water Source (hereafter **this water source**) within the Lachlan Water Management Area.

Note—

The Lachlan Water Management Area was constituted by Ministerial order made under section 11 of the [Water Management Act 2000](#) and published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) This water source is shown on the Plan Map called [Plan Map \(WSP025_Version 1\), Water Sharing Plan for the Belubula Regulated River Water Source](#) (hereafter the **Plan Map**) held by the Department.

Note—

The Plan Map is part of this Plan. An overview of the Plan Map is shown in Appendix 1. Copies of the Plan Map may be inspected at the offices listed in Appendix 2 and are available on the NSW Legislation website.

- (3) Subject to subclause (4), the Belubula Regulated River Water Source includes all water:
- (a) occurring between the banks of all rivers, from the upper limit of Carcoar Dam water storage, downstream to the junction with the Lachlan River, which have been declared by the Minister to be a regulated river, and
 - (b) taken under a floodplain harvesting access licence with a share component that specifies this water source.
- (4) This water source does not apply to water:
- (a) contained in the Lachlan Unregulated and Alluvial Water Sources to which the [Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources 2012](#) applies, and
 - (b) taken under a floodplain harvesting access licence with a share component that specifies a water source to which this Plan does not apply.

5 Understanding the rules in this Plan

This Plan contains various rules. Where appropriate, rules specified in this Plan are given effect by mandatory conditions for access licences and approvals contained in Part 11 of this Plan.

6 Interpretation

- (1) Words and expressions that are defined in the Dictionary to this Plan have the meaning set out in the Dictionary.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in regulations made under the Act have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.

- (4) The Dictionary and Schedules to this Plan form part of this Plan.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

Note—

This Part is made in accordance with section 35 (1) of the Act.

7 Vision statement

The vision for this Plan is to provide for a healthy and enhanced water source and its water dependent ecosystems and for equitable water sharing among users in this water source.

8 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain and enhance the important river flow dependent ecosystems of this water source,
- (b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of this water source,
- (c) protect basic landholder rights,
- (d) manage this water source to ensure equitable sharing between users,
- (e) provide opportunities for enhanced market based trading of access licences and water allocations within environmental and system constraints,
- (f) provide water allocation account management rules which allow sufficient flexibility in water use,
- (g) contribute to the maintenance of water quality,
- (h) adaptively manage this water source, and
- (i) contribute to the “environmental and other public benefit outcomes” identified under the “Water Access Entitlements and Planning Framework” in the *Intergovernmental Agreement on a National Water Initiative (2004)* (hereafter **the NWI**).

Note—

Under the NWI, water that is provided by NSW to meet agreed environmental and other public benefit outcomes as defined within relevant water plans is to:

- (i) be given statutory recognition and have at least the same degree of security as water access

entitlements for consumptive use and be fully accounted for,

- (ii) be defined as the water management arrangements required to meet the outcomes sought, including water provided on a rules basis or held as a water access entitlement, and
- (iii) if held as a water access entitlement, may be made available to be traded (where physically possible) on the temporary market, when not required to meet the environmental and other public benefit outcomes sought and provided such trading is not in conflict with these outcomes.

9 Strategies

The strategies of this Plan are to:

- (a) establish performance indicators,
- (b) establish environmental water rules,
- (c) identify water requirements for basic landholder rights,
- (d) identify water requirements for access licences,
- (e) establish rules for the granting and amending of access licences and approvals,
- (f) establish rules that place limits on the availability of water for extraction,
- (g) establish rules for making available water determinations,
- (h) establish rules for the operation of water accounts,
- (i) establish rules which specify the circumstances under which water may be extracted,
- (j) establish access licence dealing rules, and
- (k) identify triggers for and limits to changes to the rules in this Plan.

10 Performance indicators

The following indicators are to be used to measure the success of the strategies to reach the objectives of this Plan:

- (a) change in the flow regime,
- (b) change in surface water extraction relative to the long-term average annual extraction limit,
- (c) change in the ecological value of the water source and its dependent ecosystems,
- (d) the extent to which domestic and stock rights and native title rights requirements have been met,
- (e) the extent to which local water utility requirements have been met,

- (f) the change in economic benefits derived from water extraction and use, and
- (g) the extent of recognition of spiritual, social and customary values of water to Aboriginal people.

Part 3 Bulk access regime

11 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in this water source, having regard to:
 - (a) the environmental water rules established in Part 4 of this Plan,
 - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
 - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
 - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime established in this Plan for this water source:
 - (a) recognises and is consistent with the limits to the availability of water set in relation to this water source contained in Division 1 of Part 7 of this Plan,
 - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 8 and 9 of this Plan and available water determinations to be made contained in Division 2 of Part 7 of this Plan,
 - (c) recognises the effect of climatic variability on the availability of water as described in clause 12,
 - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 7 of this Plan,
 - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences contained in Division 2 of Part 11 of this Plan, and
 - (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

12 Climatic variability

This Plan recognises the effects of climatic variability on river flow in this water source by

having provisions that:

- (a) manage the sharing of water in this water source within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reductions in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 7 of this Plan, and
- (b) manage the sharing of water between categories of access licences on an annual basis in this water source, contained in Division 2 of Part 7 of this Plan.

Note—

Other statutory tools are available to manage climatic variability within a water source, for example, temporary water restrictions under section 324 of the Act.

Part 4 Planned environmental water provisions

Note—

This Part is made in accordance with sections 8, 8A and 20 of the Act.

13 General

This Part contains environmental water rules for the commitment, identification, establishment and maintenance of planned environmental water in this water source.

Note—

In accordance with the Act, planned environmental water is water that is committed by management plans for fundamental ecosystem health or other specified environmental purposes, either generally or at specified times or in specified circumstances and that cannot, to the extent committed, be taken or used for any other purpose.

14 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in this water source in the following ways:

- (a) by reference to the commitment of the physical presence of water in this water source,
- (b) by reference to the long-term average annual commitment of water as planned environmental water, and
- (c) 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.

15 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established in this water source as follows:

- (a) it is the physical presence of water in this water source that results from:
- (i) the environmental release rules from Carcoar Dam as specified in clause 26 of this Plan,

Note—

The rules in clause 26 ensure that a minimum flow target will be maintained when the volume of water in Carcoar Dam is at varying storage levels.

- (ii) the limitations on access to uncontrolled flows for regulated river (high security) access licences as specified in clause 47 and for regulated river (general security) access licences as specified in clause 48 of this Plan, and
- (iii) the limitations on access to flows for supplementary water access licences as specified in clause 49 of this Plan,
- (b) it is the long-term average annual commitment of water as planned environmental water in this water source that results from compliance with the long-term average annual extraction limit as specified in clause 36 of this Plan, and
- (c) it is the water remaining in this water source after water has been taken pursuant to basic landholder rights and access licences, in accordance with the rules specified in Parts 7 and 9 of this Plan.

- (2) The planned environmental water established under subclause (1) (a) is maintained in this water source by the environmental release rules from Carcoar Dam as specified in clause 26 and the limitations on access to uncontrolled flows for regulated river (high security) and regulated river (general security) access licences as specified in clauses 47 and 48 and the limitations on access to flows for supplementary water access licences as specified in clause 49.
- (3) The planned environmental water established under subclause (1) (b) is maintained by the rules specified in Division 1 of Part 7 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained by the rules specified in Division 1 of Part 7 and Part 9 of this Plan.

Note—

The rules in Part 7 of this Plan ensure that there will be water remaining in this water source over the long term by maintaining compliance with the long-term average annual extraction limit. The rules in Part 7 of this Plan provide for a reduction in available water determinations when the long-term average annual extraction limit has been assessed to have been exceeded.

Part 5 Requirements for water

Division 1 General

16 Application

- (1) This Part identifies the requirements for water from this water source for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in this water source and the total volumes or unit shares specified in the share components of all access licences in this water source. The actual volumes of water available for extraction in this water source at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in this water source and the total share components of all access licences authorised to extract water from this water source may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Division 1 of Part 7 of this Plan.

Note—

The total share components of access licences in this water source may change during the term of this Plan as a result of:

- (a) the grant, surrender or cancellation of access licences in this water source,
- (b) the variation of local water utility licences under section 66 of the Act, or
- (c) changes due to the volumetric conversion of [Water Act 1912](#) entitlements that are currently non-volumetric.

Division 2 Requirements for water for basic landholder rights

17 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in this water source are estimated to total 0.55 megalitres per day (hereafter **ML/day**).

Notes—

- 1** Domestic and stock rights are set out in Division 1 of Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock watering.
- 2** Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from this water source should not be consumed without first being tested and, if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

18 Native title rights

At the commencement of this Plan, there are no native title rights in this water source. Therefore the water requirements for native title rights total 0 megalitres per year (hereafter **ML/year**).

Note—

A change in native title rights may occur pursuant to the provisions of the [Native Title Act 1993](#) (Cth).

19 Harvestable rights

The requirement for water under harvestable rights in this water source is equal to the total amount of water that owners or occupiers of landholdings are entitled to capture and store pursuant to a harvestable rights order made under Division 2 of Part 1 of Chapter 3 of the Act.

Division 3 Requirements for water for extraction under access licences

20 Share components of domestic and stock access licences

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from this water source will total 233 ML/year.

21 Share components of local water utility access licences

It is estimated that at the time of commencement of this Plan the share components of local water utility access licences authorised to take water from this water source will total 0 ML/year.

22 Share components of regulated river (high security) access licences

It is estimated that at the time of commencement of this Plan the share components of regulated river (high security) access licences authorised to take water from this water source will total 1,095 unit shares.

23 Share components of regulated river (general security) access licences

It is estimated that at the time of commencement of this Plan the share components of regulated river (general security) access licences authorised to take water from this water source will total 22,766 unit shares.

24 Share components of supplementary water access licences

It is estimated that at the time of commencement of this Plan the share components of supplementary water access licences authorised to take water from this water source will total 3,125 unit shares.

Part 6 System operation rules

25 General

The rules in this Part apply to the Belubula Regulated River Water Source.

26 Environmental release rules for Carcoar Dam

- (1) The water supply system in this water source will be managed to maintain a flow at the Helensholme gauge (412033) of 10 ML/day.
- (2) To achieve subclause (1), sufficient volumes of water must be set aside from inflows into this water source and in reserves held in Carcoar Dam.
- (3) Water reserved in Carcoar Dam under subclause (2) must be released when necessary to meet the requirements of subclause (1).

27 Water delivery and channel capacity constraints

Where necessary for determining numerical extraction components, managing water releases or providing water under access licences, the maximum water delivery or operating channel capacity in this water source or in any section of this water source will be determined and specified in accordance with procedures established by the Minister, taking into account:

- (a) inundation of private land or interference with access,
- (b) the effects of inundation on the floodplain and associated wetlands,
- (c) the transmission losses expected to occur, and
- (d) capacities of water management structures controlled by the Minister.

Note—

There are no defined channel constraints at the commencement of this Plan.

28 Rates of change to storage releases

Rules regarding rates of change to releases from Carcoar Dam may be specified by the Minister in accordance with any procedures that the Minister establishes taking into account:

- (a) relevant environmental considerations,
- (b) damage to river banks,
- (c) public safety, and
- (d) any other matters considered relevant by the Minister.

29 Supply of orders when remaining allocations are low

- (1) If, in the Minister's opinion, the total remaining volume of water in access licence water allocation accounts has been reduced to a level where the continuous delivery of water orders would involve unacceptably high delivery losses, then if water ordering has been imposed on access licence holders, water orders may be grouped and released periodically.
- (2) The Minister should consult with irrigation industry representatives regarding the circumstances under which action under subclause (1) should be taken and the manner of management.

Note—

During the course of an extended drought, the implementation of the above provisions may result in short term ordering delays.

30 Dam operation during floods and spills

- (1) The operation of Carcoar Dam during times of flood and spilling of water is to be undertaken in a manner that maintains the safety of dam infrastructure.
- (2) Providing it is consistent with subclause (1), operation:
 - (a) should leave the storage at full supply level at the completion of the flood or spilling of water, and
 - (b) should aim to lessen downstream flood damage where possible.

31 Supply for domestic and stock and native title rights

- (1) The water supply system in this water source will be managed to maintain supply to those exercising domestic and stock rights and native title rights in the water source through a repeat of the worst period of low inflows to this water source, as represented by flow information held by the Department. Flow information held by the Department may be updated to take into account new flow data.
- (2) To achieve subclause (1), a minimum daily release of 2 ML/day must be made from Carcoar Dam.
- (3) To achieve subclauses (1) and (2), sufficient volumes of water must be set aside from inflows into this water source and in reserves held in Carcoar Dam.

Part 7 Limits to the availability of water

Division 1 Long-term average annual extraction limit

32 General

The availability of water for extraction in this water source on a long-term basis is to be

managed in accordance with this Part.

33 Volume of the long-term average annual extraction limit

- (1) This clause establishes the long-term average annual extraction limit for this water source.
- (2) Subject to any variation under subclause (3), the long-term average annual extraction limit is the lesser of:
 - (a) the long-term average annual extraction from this water source that would occur with the water storages and water use development that existed in 2009/2010, domestic and stock rights, native title rights and the share components existing at the commencement of this Plan and the application of the rules defined in this Plan, at the commencement of this Plan, and

Note—

The rules referred to in paragraph (a) include any rules within this Plan that impact on the amount of water that can be extracted, or conditions under which water may be extracted from the Belubula Regulated River Water Source, including the environmental release rules in Part 6 of this Plan and access rules in Division 2 of Part 9 of this Plan.

- (b) the long-term average annual extraction from this water source that would occur under baseline conditions as agreed under the Murray-Darling Basin Agreement in Schedule 1 of the [Water Act 2007](#) (Cth).

Notes—

- 1** An assessment of the long-term average annual extraction that would result from subclause (2) (a) has been made using the Belubula Cap IQQM computer model with system file lachw106.sqq. This indicates a long-term average annual extraction volume of 7.37 gigalitres at the commencement of this Plan.
- 2** An assessment of the long-term average annual extraction that would result from the Cap baseline conditions specified in subclause (2) (b) has been made using the Belubula Cap IQQM computer model with system file lachC71A.sys. This indicates a long-term average annual extraction volume of 7.38 gigalitres at the commencement of this Plan.

- (3) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in this water source, the Minister may vary the long-term average annual extraction limit that applies to this water source.

Notes—

- 1** An example of where the Minister may vary the long-term average annual extraction limit under subclause (3) is where water is surrendered and cancelled to benefit the environment.
- 2** Under Section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water, excluding water committed under section 8C of the Act. Water committed as licensed environmental water is not to be accounted for as extraction. The variation in the long-term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

34 Calculation of the long-term average annual extraction limit and current levels of

annual extraction

- (1) After each water year, the long-term average annual extraction limit as defined in clause 33 may be reassessed to incorporate new information.
- (2) The total volume of water taken during that water year under access licences and pursuant to domestic and stock rights and native title rights must be calculated for this water source in accordance with subclause (3).
- (3) For the purpose of calculating the total volume of water taken during a water year, the following must be taken into account:
 - (a) all water taken by holders of all categories of access licence in this water source,
 - (b) all water taken pursuant to domestic and stock rights and native title rights in this water source, and
 - (c) floodplain harvesting extractions determined to be taken for use in conjunction with extractions from this water source.
- (4) The long-term average annual extraction limit and current levels of long-term average annual extraction will be calculated using the hydrologic computer model that, at the time, is approved by the Department for assessing long-term extraction from this water source.
- (5) The calculation of the long-term average annual extraction limit, as defined in clause 33 (2), and current levels of long-term average annual extraction will comprise:
 - (a) all water taken by holders of all categories of access licences in this water source,
 - (b) all water taken pursuant to domestic and stock rights and native title rights in this water source, and
 - (c) floodplain harvesting extractions determined to be taken for use in conjunction with extractions under access licences in this water source.

Note—

The reassessment of the long-term average annual extraction limit in subclause (1) assists in meeting the Plan objective of adaptive management of this water source.

35 Assessment of average annual extractions against the long-term average annual extraction limit

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted for this water source as set out in this clause.
- (2) The assessment referred to in subclause (1) is to be undertaken as follows:
 - (a) at the commencement of each water year after the first water year in which this

Plan has effect, the average of annual total extractions for the preceding ten water years (including years prior to the commencement of this Plan) are to be compared to the average modelled annual extractions for the same period under the long-term average annual extraction limit conditions referred to in clause 33 (2),

- (b) if the average of annual total extractions for the preceding ten water years exceeds the average modelled total annual extractions for the same period under the long-term average annual extraction limit conditions referred to in clause 33 (2) by more than 10% then a further assessment will be undertaken,
- (c) the further assessment referred to in paragraph (b) will be based on a comparison of the long-term average annual modelled extractions under current conditions and long-term average annual extraction limit conditions as set out in clause 34 (4) and (5), and
- (d) to assess the long-term average annual modelled extractions for current conditions under paragraph (c) the model will be set to represent as close as possible all water use development, supply system management and other factors affecting the long-term average annual extraction volume from this water source at the time of assessment.

36 Compliance with the long-term average annual extraction limit

- (1) Compliance with the long-term average annual extraction limit established for this water source is to be managed in accordance with this clause.
- (2) At the commencement of each water year after the first water year in which this Plan has effect, if, in the Minister's opinion the assessment under clause 35 (2) (b) to (d) demonstrates that modelled long-term average annual extractions have exceeded the long-term average annual extraction limit by 3% or more, then the maximum available water determination that can be made for supplementary water access licences and the limit to the annual volume that may be taken under regulated river (general security) access licences under clause 37 will be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return long-term average annual extractions in the water source to the long-term average annual extraction limit established by this Part, provided that the reduction applied to the limit to the annual volume that may be taken under regulated river (general security) access licences is equal to the reduction applied to available water determinations for supplementary water access licences.
- (4) For the purposes of diminishing available water determinations for supplementary water access licences and the take limit for regulated river (general security) access licences under subclause (2) and (3), regulated river (general security) access licences

and supplementary water access licences have the same priority.

37 Limit to the annual volume that may be taken under regulated river (general security) access licences

- (1) The volume of water that can be taken in a water year under a regulated river (general security) access licence, including water taken from uncontrolled flows under clause 48, is hereafter known as the **take limit**.
- (2) For the first water year of this Plan, the take limit must not exceed 1 ML per unit of share component of the access licence at the commencement of this Plan plus the volume of any water assigned to the A sub-account of the access licence via dealings under section 71T of the Act, minus the volume of water assigned from the A sub-account of the access licence to another access licence via dealings under section 71T of the Act.

Note—

Clause 45 establishes an A sub-account and a B sub-account for all regulated river (general security) access licences. The A sub-account holds water that may be taken by the licence holder in the current water year, the B sub-account holds water allocation that may not be taken by the licence holder during the current water year.

- (3) In any water year after the first water year of this Plan, the take limit must not exceed the lesser of:
 - (a) the sum of:
 - (i) 1 ML per unit of share component of the access licence at the beginning of that water year, plus
 - (ii) the volume of any water assigned to the A sub-account of the access licence via dealings under section 71T of the Act, minus the volume of water assigned from the A sub-account of the access licence to another access licence via dealings under section 71T of the Act, or
 - (b) the sum of:
 - (i) the amount in ML per unit of share component of the access licence at the beginning of that water year resulting from the reduced take limit determined by the Minister under clause 36, plus
 - (ii) the volume of any water assigned to the A sub-account of the access licence via dealings under section 71T of the Act, minus the volume of water assigned from the A sub-account of the access licence to another access licence via dealings under section 71T of the Act.

Division 2 Available water determinations

38 General

- (1) Available water determinations for access licences with share components that specify this water source are to be expressed as either:
 - (a) a percentage of share component for access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies this water source must not, in any water year, exceed:
 - (a) 100% of the access licence share component or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as ML/year,
 - (b) 1 megalitre per unit share of the access licence share component, for all regulated river (high security) access licences, or
 - (c) 1 megalitre per unit share of the access licence share component or such lower amount that is determined under Division 1 of this Part, for all supplementary water access licences.

39 Available water determinations for domestic and stock access licences

- (1) In making available water determinations for domestic and stock access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year, an available water determination of 100% of the access licence share component should be made for domestic and stock access licences with a share component that specifies this water source.
- (3) Sufficient volumes of water will be set aside from inflows to this water source and reserves held in Carcoar Dam so that available water determinations of 100% of the access licence share component for domestic and stock access licences, provided for in subclause (2) can be maintained through a repeat of the worst period of inflows into this water source, as represented in flow information held by the Department.

40 Available water determinations for local water utility access licences

- (1) In making available water determinations for local water utility access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year, an available water determination of 100% of the access licence share component should be made for local water utility access

licences with a share component that specifies this water source.

- (3) Sufficient volumes of water must be set aside from inflows to this water source and reserves held in Carcoar Dam so that available water determinations of 100% of the access licence share component for local water utility access licences provided for in subclause (2) can be maintained through a repeat of the worst period of inflows into this water source, as represented in flow information held by the Department.

41 Available water determinations for regulated river (high security) access licences

- (1) In making available water determinations for regulated river (high security) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year, an available water determination of 1 ML per unit of share component should be made, whenever possible, for regulated river (high security) access licences in this water source.
- (3) Sufficient volumes of water must be set aside from assured inflows to this water source and reserves held in Carcoar Dam so that available water determinations of 1 ML per unit of share component for regulated river (high security) access licences, provided for in subclause (1), can be maintained through a repeat of the worst period of inflows into the water source, as represented in flow information held by the Department at the commencement of this Plan.
- (4) Subject to the limits in clause 38 (2) (b), available water determinations for regulated river (high security) access licences in this water source may be made after the sum of available water determinations for domestic and stock and local water utility access licences in that water source in that water year equals 100% of share components and there is sufficient water available after making provision for:
 - (a) the environmental release rules established in clause 26,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) allocations remaining in access licence water allocation accounts,
 - (g) water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a) to (f),
 - (h) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from available water determinations for regulated river (high security) access licences, and

- (i) any other relevant matters.

42 Available water determinations for regulated river (general security) access licences

- (1) In making available water determinations for regulated river (general security) access licences, the Minister should consider the rules in this clause.
- (2) Subject to subclause (3), whenever the sum of available water determinations for regulated river (high security) access licences is equal to 1 ML per unit share, then available water determinations may be made for regulated river (general security) access licences in this water source.
- (3) An available water determination for regulated river (general security) access licences in this water source may be made when there is sufficient water available after taking into account:
 - (a) the environmental release rules established in clause 26,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) requirements for regulated river (high security) access licences,
 - (g) allocations remaining in access licence water allocation accounts,
 - (h) water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a) to (g),
 - (i) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination for regulated river (general security) access licences, and
 - (j) any other matters considered relevant by the Minister.

43 Available water determinations for supplementary water access licences

- (1) In making available water determinations for supplementary water access licences, the Minister should consider the rules in this clause.
- (2) An available water determination of 1 ML per unit of share component, or such lower amount that results from Division 1 of this Part, should be made at the commencement of each water year, for supplementary water access licences in this water source.

Note—

Division 1 of this Part provides for available water determinations for supplementary water access licences to be reduced where the long-term average annual extraction limit for this water source has been assessed to have been exceeded, as per clauses 35 and 36.

Part 8 Rules for granting access licences

Notes—

- 1** This Part is made in accordance with sections 20, 61 and 63 of the Act.
- 2** Access licences granted in this water source will be subject to mandatory conditions and discretionary conditions.
- 3** Part 12 allows for amendments to be made to this Part.

44 Specific purpose access licences

- (1) Applications for specific purpose access licences, other than those permitted under the Regulation, may not be made in this water source.
- (2) A specific purpose access licence must not be granted in this water source unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (3) An access licence of the subcategory “Aboriginal cultural” must not be granted in this water source if the share component of the proposed access licence is more than 10 ML/year.

Part 9 Rules for managing access licences

Division 1 Water allocation account management rules

Notes—

- 1** Part 12 of this Plan allows for amendments to be made to this Division.
- 2** The Act provides for the keeping of water allocation accounts for access licences. The rules in this Part impose further restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water otherwise than in accordance with the water allocation account for an access licence.

45 Individual access licence account management rules for the Belubula Regulated River Water Source

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Belubula Regulated Water Source.
- (2) In any water year, the water taken under an access licence in this water source, excluding regulated river (high security) access licences and regulated river (general security) access licences must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) any water allocations assigned from another access licence under section 71T of

- the Act, in that water year, plus
- (c) any water allocations re-credited in accordance with section 76 of the Act, in that water year, minus
 - (d) any water allocations assigned to another access licence under section 71T of the Act, in that water year.
- (3) In any water year, the water taken under a regulated river (high security) access licence in this water source must not exceed a volume equal to:
- (a) 1 ML per unit share of the regulated river (high security) access licence share component, plus
 - (b) any water allocations assigned from another access licence under section 71T of the Act, in that water year, plus
 - (c) any water allocations re-credited in accordance with section 76 of the Act, in that water year, minus
 - (d) any water allocations assigned to another access licence under section 71T of the Act, in that water year.
- (4) Water allocations remaining in the water allocation account of an access licence in this water source, excluding regulated river (general security) access licences, cannot be carried over from one water year to the next.
- (5) The water allocation accounts of all regulated river (general security) access licences will be comprised of two sub-accounts, referred to as the **A sub-account** and the **B sub-account**.
- (6) Water allocations can be carried over in the water allocation sub-accounts for a regulated river (general security) access licence from one water year to the next.
- (7) At the beginning of each water year, the volume of water allocations in the A sub-account of each access licence will be compared against the take limit for that water year and:
- (a) if the volume of water allocations in the A sub-account is less than the take limit, then water will be moved from the B sub-account to the A sub-account until the volume of water allocations in the A sub-account equals the take limit or there is no longer water available to move, or
 - (b) if the volume of water allocations in the A sub-account is greater than the take limit, then water will be moved from the A sub-account to the B sub-account until the volume of water allocations in the A sub-account equals the take limit.
- (8) Water allocations accrued from available water determinations for regulated river

(general security) access licence will be credited to the A sub-account until the sum of:

- (a) the volume of water allocations in the A sub-account resulting from adjustments under subclause (7), plus
- (b) the sum of allocations credited to the A sub-account in that water year from available water determinations, plus
- (c) the volume of water allocations taken from the A sub-account within that water year prior to the available water determination, plus
- (d) the volume of water taken under clause 48 within that water year prior to the available water determination,

equals the take limit for that water year.

- (9) Water allocations from available water determinations for regulated river (general security) access licences that were not credited to the A sub-account under subclause (8) will be credited to the B sub-account subject to subclause (10).
- (10) The sum of the volume of water allocations held in the A sub-account of a regulated river (general security) access licence plus the volume of water allocations held in the B sub-account of the access licence may not, at any time, exceed a volume equivalent to 1.3 megalitres per unit share.

Note—

This rule may be amended to alter the account limit, following a review in year four and year eight of the Plan of the socioeconomic impacts of the account limit. The review in year four and year eight of the Plan will be undertaken in consultation with the water users group operating at the time.

- (11) Subject to subclause (13), water taken under a regulated river (general security) access licence is to be debited from the A sub-account of the access licence.
- (12) Water must not be taken under a regulated river (general security) access licence if it would cause the volume of water in the A sub-account to be less than zero.
- (13) The volume of water taken in an uncontrolled flow event will not be debited from the water allocation account of a regulated river (high security) access licence or a regulated river (general security) access licence except in accordance with the rules in clauses 47 and 48 respectively.

Division 2 Daily access rules

46 General priority of extractions for access licences

- (1) This clause does not apply to supplementary water access licences.
- (2) Where the extraction component of an access licence in this water source does not specify a rate of extraction as a share of supply capability or a volume per unit time,

the following priority of extraction will apply whenever supply capability is insufficient to satisfy all water requirements in any section of the water source:

- (a) water will be supplied to domestic and stock access licences, local water utility access licences and regulated river (high security) access licences that have placed orders for water, in that order, and
- (b) then any remaining supply capability will be shared between regulated river (general security) access licences that have placed an order for water, in proportion to share components specified on the access licences.

Note—

During periods of channel capacity constraint, the implementation of the above provisions may result in short term ordering delays.

- (3) The extraction components of access licences in this water source may be amended under section 68A of the Act to specify a volume per unit of time or share of supply capability in order to share the impacts of any future physical supply constraint amongst access licences.
- (4) The rate or shares specified in the amended extraction components of domestic and stock access licences, local water utility access licences and regulated river (high security) access licences under subclause (3) should, where possible, be the amount which, in the Minister's opinion, is sufficient to satisfy the maximum daily water requirements.
- (5) The rate or shares specified in the amended extraction components of the regulated river (general security) access licences under subclause (3) should be in proportion to the share component of each access licence.

47 Taking of uncontrolled flows under regulated river (high security) access licences

- (1) An order under section 85A of the Act authorising the taking of uncontrolled flows may be made in accordance with the provisions of this clause for regulated river (high security) access licences that nominate a water supply work that has had metering equipment installed in connection with it.

Note—

Uncontrolled flows are defined in the Dictionary to this Plan.

- (2) The following rules apply to the taking of uncontrolled flows:
 - (a) when the sum of available water determinations in any water year is less than or equal to 0.2 ML per unit share for regulated river (high security) access licences then the taking of water will only be permitted when uncontrolled flows in the Belubula Regulated River are greater than or equal to 13 ML/day at the Helensholme gauge (412033),

- (b) when the sum of available water determinations in any water year is less than or equal to 0.5 ML and greater than 0.2 ML per unit share for regulated river (high security) access licences then the taking of water will only be permitted when uncontrolled flows in the Belubula Regulated River are greater than or equal to 20 ML/day at the Helensholme gauge (412033), and
 - (c) when the sum of available water determinations in any water year is greater than 0.5 ML per unit share for regulated river (high security) access licences, the taking of water from uncontrolled flows will not be permitted.
- (3) The total amount of water that may be extracted under this clause in any water year by a regulated river (high security) access licence holder must not exceed an amount that is equal to 0.5 ML per unit share of the regulated river (high security) access licence share component.
 - (4) If available water determinations are made for regulated river (high security) access licences during that water year after the taking of water from uncontrolled flows is no longer permitted, then the water allocation accounts of regulated river (high security) access licences will be debited by the volume of water taken from uncontrolled flows up to the amount credited to the account from those available water determinations.
 - (5) Access licence holders must supply State Water with meter readings taken immediately prior to and after the taking of uncontrolled flow within 7 days of ceasing to take uncontrolled flows.
 - (6) If the total amount of uncontrolled flows taken under an access licence exceeds the limits specified in subclause (3), then a volume equivalent to the exceedence will be debited from allocations credited to the access licence water allocation account in that water year.

48 Taking of uncontrolled flows under regulated river (general security) access licences

- (1) Subject to subclause (2), an order under section 85A of the Act authorising the taking of uncontrolled flows may be made in accordance with the provisions of this clause for regulated river (general security) access licences that nominate a water supply work that has had metering equipment installed in connection with it.
- (2) Any order made under subclause (1) will not apply to an access licence specified in Schedule 1.
- (3) For the purpose of this clause, **effective available water** equals $(C + D)/E$, where:
 - (a) **C** equals the volume of water in all regulated river (general security) access licence A sub-accounts resulting from adjustments under clause 45 (7),
 - (b) **D** equals the sum of allocations credited to all regulated river (general security) access licence A sub-accounts in that water year from available water

determinations, and

- (c) **E** equals the sum of the share components of all regulated river (general security) access licences in this water source.
- (4) An order under section 85A of the Act and subclause (1) may authorise the taking of water:
- (a) that has not been credited to a regulated river (general security) access licence water allocation account, and
- (b) when there are uncontrolled flows that have arisen from unregulated inflows to the Belubula Regulated River Water Source.
- (5) The following rules apply to the taking of uncontrolled flows:
- (a) when the effective available water is less than or equal to 0.2 then the taking of water will only be permitted when flows in the Belubula Regulated River are greater than or equal to 13 ML/day at the Helensholme gauge (412033),
- (b) when the effective available water is less than or equal to 0.5 and greater than 0.2 then the taking of water will only be permitted when flows in the Belubula Regulated River are greater than or equal to 20 ML/day at the Helensholme gauge (412033), and
- (c) when the effective available water is greater than 0.5, the taking of water from uncontrolled flows will not be permitted.
- (6) The total amount of uncontrolled flow that may be extracted in any water year by a regulated river (general security) access licence holder must not exceed an amount that is the lesser of:
- (a) $F - G$, where:
- (i) **F** equals the take limit for that water year multiplied by the share component of that regulated river (general security) access licence, and
- (ii) **G** equals the volume of water allocations credited to the A sub-account under clause 45 (7) and any available water determinations credited to the A sub-account made between the commencement of the water year and the commencement of uncontrolled flow access, and
- (b) 0.5 ML multiplied by the share component for that regulated river (general security) access licence at the beginning of that water year.
- (7) If available water determinations are made for regulated river (general security) access licences during that water year after the taking of water from uncontrolled flows has commenced, then the water allocation accounts of regulated river (general

security) access licences will be debited by the volume of water taken from uncontrolled flows up to the amount credited to the account from those available water determinations.

- (8) Access licence holders must supply State Water with meter readings taken immediately prior to and after the taking of uncontrolled flow within 7 days of ceasing to take uncontrolled flows.
- (9) If the total amount of uncontrolled flows taken under an access licence exceeds the limits specified in subclause (6), then a volume equivalent to the exceedence will be debited from allocations credited to the access licence water allocation account in that water year.

49 Taking of water under supplementary water access licences

- (1) An order under section 70 of the Act must be made in accordance with the provisions of this clause.
- (2) An order under section 70 and subclause (1) may authorise the taking of water under a supplementary water access licence in accordance with the following rules:
 - (a) the taking of water under supplementary water access licences should, as far as possible, be managed to evenly share access opportunity between all supplementary water access licence holders,
 - (b) the maximum volume of water that may be taken under the supplementary water access licences referred to in subclause (1) during each period of time to which an announcement applies may be expressed as a percentage of the supplementary water account limit specified on the water allocation account statement,
 - (c) taking of water under the supplementary water access licences should only be permitted when flows in the Belubula River at the Helensholme gauge (412033) are equal to or greater than 20 ML/day.

Note—

Access to supplementary water access licences is from unregulated flows and not from water released from the dam. Access to supplementary water access licences is only permitted in accordance with this clause and when releases are being made as in accordance with Clause 31 (2).

Part 10 Access licence dealing rules

Note—

Part 12 of this Plan allows for amendments to be made to this Part.

50 General

The access licence dealing rules established in this Part apply to all access licence dealings in this water source.

Notes—

- 1 Access licence dealings in this water source are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

51 Conversion of access licence to new category

- (1) This clause relates to dealings under section 71O of the Act in this water source.
- (2) Dealings under section 71O of the Act are prohibited in this water source.

52 Amendment of share component dealings (change of water source)

- (1) This clause relates to dealings under section 71R of the Act in this water source.
- (2) Dealings under section 71R of the Act are prohibited in this water source.

53 Assignment of water allocations dealings

- (1) Dealings under section 71T of the Act between different water sources are prohibited in this water source.
- (2) Dealings under section 71T of the Act within the same water source are prohibited in this water source if the dealing involves:
 - (a) the assignment of water allocation from the B sub-account of a regulated river (general security) access licence to the A sub-account of another regulated river (general security) access licence,
 - (b) the assignment of water allocation will cause the sum of the water allocations in the A sub-account and B sub-account of a regulated river (general security) access licence to exceed 1.3 ML per unit share,
 - (c) the assignment of water allocation from a supplementary water access licence to an access licence of another category, or
 - (d) the assignment of water allocation to a supplementary water access licence from an access licence of another category.

54 Interstate transfer of access licence and assignment of water allocation

- (1) Dealings under section 71U of the Act involving the interstate transfer of access licences to or from this water source are prohibited.
- (2) Dealings under section 71V of the Act involving the interstate assignment of water allocations to or from access licences in this water source are prohibited.

Part 11 Mandatory conditions

Note—

Part 12 of this Plan allows for amendments to be made to this Part.

Division 1 General

55 General

In this Part:

- (a) a requirement to notify the Minister in writing is satisfied by making a notification in writing to one of the addresses listed in Appendix 3 of this Plan or to the email address for the Department's Licensing Enquiries Information Centre,

Note—

At the commencement of this Plan, the email address for the Department's Licensing Enquiries Information Centre is information@water.nsw.gov.au.

- (b) a **metered water supply work with a data logger** means a water supply work with a data logger and a meter that complies with the Australian Technical Specification ATS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time, and

Note—

The definition of **metered water supply work with a data logger** does not include all water supply works that are metered or that have a data logger. The water supply work must meet the parameters of this definition for the water supply work to be a metered water supply work with a data logger.

- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

Note—

Logbook is defined in the Dictionary.

Division 2 Access licences

Note—

This Division is made in accordance with sections 17 (c), 20 and 66 of the Act.

56 General

- (1) Access licences in this water source must have mandatory conditions where required to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 1 of Part 9 of this Plan,
- (b) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,

- (c) the holder of the access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in this water source, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the access licence must record the following in the Logbook:
 - (i) each date and period of time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take the water on that date,
 - (iv) the purpose or purposes for which the water was taken on that date, and
 - (v) any other information required to be recorded in the Logbook under the rules of this Plan,
 - (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
 - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of an access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements set out in subclause (2).
- (4) All access licences, except supplementary water access licences, shall have a mandatory condition that only allows the taking of water, other than from uncontrolled flows, if it has been ordered in accordance with procedures established by the Minister.
- (5) All regulated river (high security) access licences must have mandatory conditions where required, to give effect to the rules in clause 47.
- (6) All regulated river (general security) access licences must have mandatory conditions where required, to give effect to the rules in clauses 37 and 48.
- (7) All supplementary water access licences must have mandatory conditions where

required, to give effect to the rules in clause 49.

- (8) All access licences of the subcategory “Aboriginal cultural” must have a mandatory condition that specifies that water must only be taken under the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

Division 3 Water supply work approvals

Note—

This Division is made in accordance with sections 17 (c) and 100 of the Act.

57 General

- (1) Water supply work approvals for water supply works in this water source must have mandatory conditions where required to give effect to the following:
- (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 9 of this Plan,
 - (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
 - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
 - (ii) the metering equipment must comply with Australian Technical Specification *ATS 4747, Meters for non-urban water supply*, as may be updated or replaced from time to time,
 - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
 - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water into or out of the pipe, channel or conduit between the water source and the metering equipment, and
 - (v) any other requirements as to type, standard or other criteria for the metering equipment specified by the Minister by notice in writing,

Note—

The Minister may also direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.

- (c) the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned in accordance with any direction from the Minister. The Minister may direct that any such water supply work need not be decommissioned,
 - (d) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned, and
 - (e) the holder of the water supply work approval must notify the Minister in writing immediately upon becoming aware of a breach of any condition of the approval, and
 - (f) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in this water source, excluding a water supply work that is a metered water supply work with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
 - (b) the holder of a water supply work approval must record the following in the Logbook:
 - (i) each date and period of time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) the number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
 - (viii) any other information required to be recorded in the Logbook under the rules

of this Plan,

(c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection when requested, and

(d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.

(3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).

(4) Subclauses (1)-(3) do not apply to water supply work approvals held by State Water.

(5) Water supply work approvals held by State Water must have mandatory conditions where required to give effect to the System Operation Rules in Part 6 of this Plan and clauses 39 (3), 40 (3) and 41 (3).

Part 12 Amendment of this Plan

58 General

(1) Amendments specified throughout this Plan and in this Part are amendments authorised by this Plan.

(2) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

(3) An amendment authorised by this Plan which results in a variation of the bulk access regime is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

59 Part 1

Part 1 may be amended to do any of the following:

(a) add a river or section of river to this water source or remove a river or section of river from this water source, or

(b) amend the Plan Map.

60 Part 8

Part 8 may be amended to include additional categories of specific purpose access licence.

61 Part 9

- (1) Part 9 may be amended to alter the account limit, as established in clause 45 (10), following a review in year four and year eight of the socioeconomic impacts of the account limit.

Note—

The review in year four and year eight will be undertaken in consultation with the water users group operating at the time.

- (2) Clauses 47 and 48 may be amended to provide alternate rules for accessing uncontrolled flows.

Note—

The intent of this amendment provision is to allow for refinement of access and accounting rules, in the event of any unintended outcomes.

62 Part 10

Part 10 may be amended to allow dealings under section 71R of the Act from regulated river (general security) access licences with share components that nominate the Lachlan Regulated River Water Source as defined in the [Water Sharing Plan for the Lachlan Regulated River Water Source 2003](#) to regulated river (general security) access licences with share components that nominate the Belubula Regulated River Water Source, provided the [Water Sharing Plan for the Lachlan Regulated River Water Source 2003](#) has been amended to permit dealings under 71R from the Belubula Regulated River Water Source, subject to total share components of all access licences in the Belubula Regulated River Water Source not exceeding 27,219 ML.

63 Part 11

Part 11 of this Plan may be amended to change the rules in relation to record keeping including amendments in relation to requirements for Logbooks.

64 Dictionary

The Dictionary may be amended to add, modify or remove a definition.

65 Schedule 1

Schedule 1 may be amended to add or remove an access licence.

66 Other

- (1) This Plan may be amended to provide rules for the following:
 - (a) the management of floodplain harvesting within this water source,
 - (b) the shepherding of water,

Note—

Shepherding is defined in the Dictionary.

- (c) any new category of access licence established for the purpose of urban stormwater harvesting, or
 - (d) the interception of water before it reaches a stream or aquifer by plantations or other means.
- (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
 - (3) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the [Native Title Act 1993](#) (Cth) to give effect to an entitlement granted under that claim.
 - (4) This Plan may be amended to enable a water resource plan to be accredited under the [Water Act 2007](#) (Cth).
 - (5) This Plan may be amended after year five of this Plan to provide rules for the protection of water dependent Aboriginal cultural assets to do any of the following:
 - (a) identify water dependent Aboriginal cultural assets in a Schedule to this Plan,
 - (b) amend the access rules to protect water dependent Aboriginal cultural assets,
 - (c) restrict the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets, or
 - (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.
 - (6) Any amendment under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
 - (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.

Dictionary

Note—

Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in regulations have the same meaning in this Plan.

Aboriginal person has the same meaning as under section 4 of the [Aboriginal Land Rights Act 1983](#).

Logbook, in relation to an access licence or water supply work approval, means a written record, kept in hard copy or electronic form, which accurately records all information required to be kept in relation to the access licence or water supply work approval under the rules of this Plan.

shepherding means the delivery of a calculated volume of water that was created by the non-

activation/reduced extraction at a nominated licence location to a more downstream location, after consideration of losses, where it will be made available for extraction or use for the environment.

transmission losses are any loss of water volume, through natural influences such as evaporation or seepage, which occurs as water travels down a river.

uncontrolled flows are flows within this water source that are either not required for or not able to be used to meet the environmental release rules specified in clause 26, the supply for domestic and stock and native title rights rules specified in clause 31 or access licence water orders.

Water Act 1912 entitlement has the same meaning as an entitlement has in clause 2 of Schedule 10 to the Act.

water storage means the water body impounded by a dam, weir or other structure, which is used to regulate and manage river flows in this water source.

water year means a year commencing 1 July.

Schedule 1 Access licences prohibited from taking uncontrolled flows

1 General

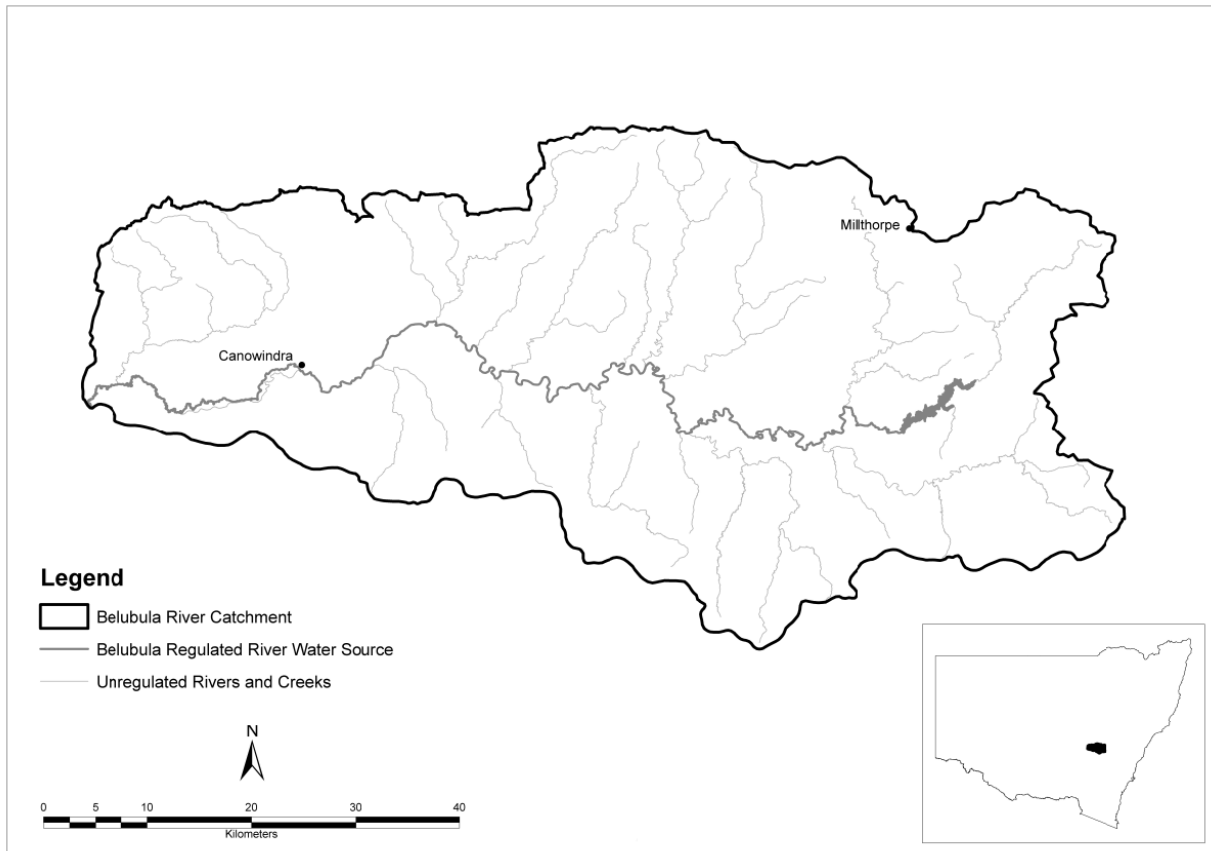
This clause applies to each access licence which replaces a [Water Act 1912](#) entitlement listed in the table below.

[Water Act 1912](#) access licences that are prohibited from taking uncontrolled flows

70SL051344
70SL046463
70SL090584
70SL024759
70SL038219
70SL025579
70SL045151
70SL031405

Appendix 1 Overview of the Plan Map

Overview of the Plan Map (WSP025_Version 1), Water Sharing Plan for the Belubula Regulated River Water Source 2012



Appendix 2 Inspection of the Plan Map

Copies of the Plan Map may be inspected at the following offices:

NSW Office of Water,
Department of Trade and Investment, Regional Infrastructure and Services
10 Valentine Ave
PO Box 3720
PARRAMATTA NSW 2150

NSW Office of Water,
Department of Trade and Investment, Regional Infrastructure and Services
9 Spring St
PO Box 291
FORBES NSW 2871

NSW Office of Water,
Department of Trade and Investment, Regional Infrastructure and Services
Level 2
181-187 Anson St
PO Box 53
ORANGE NSW 2800

Appendix 3 Offices

Any notifications that may be required to be made to the Minister, as specified in this Plan can be made to the following office:

NSW Office of Water,
Department of Trade and Investment, Regional Infrastructure and Services
10 Valentine Ave
PO Box 3720
PARRAMATTA NSW 2150

NSW Office of Water,
Department of Trade and Investment, Regional Infrastructure and Services
9 Spring St
PO Box 291
FORBES NSW 2871

NSW Office of Water,
Department of Trade and Investment, Regional Infrastructure and Services
Level 2
181-187 Anson St
PO Box 53
ORANGE NSW 2800