

# Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012

[2012-488]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Notes—

- **Previously named**  
Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012
- **Editorial note**  
The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes (em-dashes). Text of the legislation is not affected.

This version has been updated.

### 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 1 July 2020

# Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012



New South Wales

## Contents

<b>Part 1 Introduction</b> .....	8
Notes .....	8
1 Name of this Plan .....	8
2 Nature and status of this Plan .....	8
3 Commencement of this Plan.....	8
4 Application of this Plan .....	9
5 Management zones .....	10
6 River sections .....	11
7 Understanding the rules in this Plan.....	11
8 Interpretation .....	11
<b>Part 2 Vision, objectives, strategies and performance indicators</b> .....	12
Notes .....	12
8A Acknowledgement.....	12
9 Vision statement.....	12
10 Environmental objectives .....	12
11 Economic objectives .....	15
12 Aboriginal cultural objectives .....	17
12A Social and cultural objectives.....	19
<b>Part 3 Bulk access regime</b> .....	21
13 Bulk access regime.....	21
14 Climatic variability.....	21

<b>Part 4 Planned environmental water provisions</b> .....	22
Note.....	22
15 General.....	22
16 Commitment and identification of planned environmental water .....	22
17 Establishment and maintenance of planned environmental water.....	22
<b>Part 5 Requirements for water</b> .....	23
<b>Division 1 General</b> .....	23
18 Application.....	23
<b>Division 2 Requirements for water for basic landholder rights</b> .....	24
19 Domestic and stock rights .....	24
20 Native title rights.....	24
21 Harvestable rights .....	25
<b>Division 3 Requirements for water for extraction under access licences</b> .....	25
22 Share components of domestic and stock access licences.....	25
23 Share components of local water utility access licences .....	25
24 Share components of supplementary water (Aboriginal environmental) access licences .....	25
25 Share components of unregulated river access licences.....	25
26 Share components of unregulated river (A Class) access licences .....	25
27 Share components of unregulated river (B Class) access licences .....	25
28 Share components of unregulated river (C Class) access licences .....	25
29, 30 (Repealed) .....	25
31 Amendment of share components of access licences .....	26
<b>Part 6 Limits to the availability of water</b> .....	26
Note.....	26
<b>Division 1 Calculations under this Part</b> .....	26
32 Exclusions, inclusions and variations in calculations .....	26
<b>Division 1A Long-term average annual extraction limit</b> .....	27
33 Calculation of the long-term average annual extraction limit.....	27

34 Calculation of average annual extraction .....	28
35 Assessment of compliance with the long-term average annual extraction limit .....	28
<b>Division 1B Long-term average sustainable diversion limit .....</b>	<b>28</b>
Note.....	28
35A Calculation of the long-term average sustainable diversion limit.....	29
35B Calculation of annual permitted and annual actual take for the water year.....	29
35C Assessment of compliance with the long-term average sustainable diversion limit.....	29
<b>Division 1C Compliance with extraction and diversion limits .....</b>	<b>29</b>
36 Action following non-compliance .....	30
37 (Repealed) .....	30
<b>Division 2 Available water determinations .....</b>	<b>30</b>
38 General.....	31
39 Available water determinations .....	31
Note.....	32
<b>Part 7 Rules for granting access licences .....</b>	<b>32</b>
Notes .....	32
40 Specific purpose access licences.....	32
41 (Repealed) .....	33
<b>Part 8 Rules for managing access licences .....</b>	<b>33</b>
<b>Division 1 Water allocation account management rules .....</b>	<b>33</b>
Note.....	33
42 Individual access licence account management rules.....	33
42A Take in accordance with individual daily extraction components .....	35
43 Rules for access licences intending to protect water from extraction .....	36
<b>Division 2 Daily access rules and flow classes.....</b>	<b>36</b>
Note.....	36
44 Access rules for supplementary water (Aboriginal environmental) access licences .....	36
45 Access rules for domestic and stock, local water utility and unregulated river access licences.....	38
46 Access rules for unregulated river (A class), (B class) and (C class) access licences .....	39

47 Access rules for specified access licences .....	40
48 Access rules for taking of water from an in-river dam pool .....	40
49 Exemptions from access rules .....	41
49A Announcement of flow classes .....	41
50 Resumption of flows .....	51
51 Total daily extraction limits.....	54
52 Amendment of access licence extraction components.....	54
52A Active Management Procedures Manual.....	55
<b>Part 9 (Repealed)</b> .....	<b>56</b>
<b>Part 10 Access licence dealing rules</b> .....	<b>56</b>
62 General.....	56
63 Conversion of access licence to new category .....	56
64 Assignment of rights dealings (within water sources) .....	56
64A Assignment of individual daily extraction component.....	58
65 Amendment of share component dealings (change of water source) .....	58
66 Amendment of extraction component dealings.....	59
67 Assignment of water allocations dealings .....	59
68 Interstate transfer of access licences and assignment of water allocation.....	59
69 Nomination of water supply works dealings .....	59
<b>Part 11 Mandatory conditions</b> .....	<b>61</b>
Note.....	61
<b>Division 1 General</b> .....	<b>61</b>
70 General.....	61
<b>Division 2 Access licences</b> .....	<b>62</b>
Note.....	62
71 General.....	62
<b>Division 3 Water supply work approvals</b> .....	<b>64</b>
Note.....	64
72 General.....	64
73 (Repealed) .....	67

<b>Part 12 Amendment of this Plan</b> .....	67
74 General.....	67
75 Part 1 .....	67
76 (Repealed) .....	68
77 Part 6.....	68
78 Part 8.....	68
79 (Repealed) .....	69
80 Part 10 .....	69
81 Part 11 .....	69
82 Dictionary .....	70
83 Schedules .....	70
84 Other .....	71
<b>Dictionary</b> .....	72
<b>Schedule 1 Sections of water courses included in the Barwon-Darling Unregulated River Water Source</b> .....	74
<b>Schedule 2 Access licences with cease to pump rules that are in addition to the flow class announcement rules</b> .....	76
<b>Schedule 2A Unregulated river (C Class) access licences with cease to pump rules in addition to the C Class flow announcement rule</b> .....	79
<b>Schedule 3 Access licences used to take surface water exempt from cease to pump rules</b> .....	79
<b>Schedule 4 Office</b> .....	80
<b>Schedules 5-7 (Repealed)</b> .....	80
<b>Appendix 1 Overview of the Plan Map</b> .....	80

**Appendices 2, 3 (Repealed)** ..... 81

# Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012



New South Wales

## Part 1 Introduction

### Notes—

- 1 Part 12 allows for amendments to be made to Part 1.
- 2 In accordance with section 48 of the *Water Management Act 2000*, the Minister must take all reasonable steps to give effect to the provisions of this Plan when exercising functions under the Act.
- 3 In accordance with section 49 of the *Water Management Act 2000*, public authorities must also have regard to the provisions of this Plan to the extent they apply to the public authority.
- 4 The Minister may amend this Plan at any time under section 45 of the *Water Management Act 2000*, including if satisfied it is in the public interest to do so, or in such circumstances, in relation to such matters and to such extent as Part 12 of this Plan provides.

### 1 Name of this Plan

This Plan is the *Water Sharing Plan for the Barwon-Darling Unregulated 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 the notes to this Plan.

### 3 Commencement of this Plan

- (1) This Plan commences on 4 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.

**3** Under the Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin and the associated National Partnership Agreement, NSW has agreed to develop water resource plans for Murray-Darling Basin water resources consistent with the requirements for the Basin Plan. This Plan was amended in 2020, partly to meet NSW commitments under these agreements. Certain provisions of this Plan form part of the water resource plan for the Barwon-Darling Watercourse water resource plan area.

**4 *Basin Plan*** is defined in the Dictionary.

- (2) Despite subclause (1), the following provisions of this Plan commence on 1 December 2020—
- (a) subclauses 42A (2) and (3),
  - (b) clause 43,
  - (c) subclause 46 (1),
  - (d) subclauses 47 (4) and (5),
  - (e) subclause 49A (4), and
  - (f) clause 52A.

**Notes—**

**1** This means that the rules to protect Active Environmental Water will not commence until 1 December 2020.

**2 *Active Environmental Water*** is defined in the Dictionary.

#### **4 Application of this Plan**

- (1) This Plan applies to the Barwon-Darling Unregulated River Water Source within the Border Rivers Water Management Area, the Central West Water Management Area, the Gwydir Water Management Area, the Namoi Water Management Area and the Western Water Management Area (hereafter ***the water source***).

**Note—**

The Border Rivers Water Management Area, the Central West Water Management Area, the Gwydir Water Management Area, the Namoi Water Management Area and the Western Water Management Area were constituted by Ministerial order made under section 11 of the [Water Management Act 2000](#) published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) The water source is shown on the Plan Map called [Plan Map \(WSP022\\_Version 2\), Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012](#) (hereafter ***the Plan Map***) held by the Department.

**Note—**

The Plan Map is part of this Plan and is available on the NSW Legislation website. An overview of the Plan Map is shown in Appendix 1.

- (3) The water source includes all water—

- (a) occurring naturally on the surface of the ground within the boundaries of the water source as shown on the Plan Map,
- (b) in rivers, lakes and wetlands within the boundaries of the water source as shown on the Plan Map,
- (c) between the bed and banks of those sections specified in Column 2 of Schedule 1 of the respective water courses specified in Column 1 of Schedule 1, and
- (d) taken in the course of floodplain harvesting under a floodplain harvesting access licence with a share component that specifies the water source.

**Notes—**

- 1** This Plan, as amended by the [Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources Amendment Order 2020](#), does not apply to the Upper Darling Alluvial Groundwater Source. The [Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020](#) applies to that water source.
- 2** **Floodplain harvesting** is defined in the Dictionary.

## **5 Management zones**

- (1) For the purposes of this Plan, the water source is divided into the following management zones—
  - (a) Mungindi to Boomi River Confluence Management Zone,
  - (b) Boomi River Confluence to Upstream Mogil Mogil Weir Pool Management Zone,
  - (c) Mogil Mogil Weir Pool Management Zone,
  - (d) Downstream Mogil Mogil to Collarenebri Management Zone,
  - (e) Collarenebri to Upstream Walgett Weir Pool Management Zone,
  - (f) Walgett Weir Pool Management Zone,
  - (g) Downstream Walgett to Boorooma Management Zone,
  - (h) Boorooma to Brewarrina Management Zone,
  - (i) Brewarrina to Culgoa River Junction Management Zone,
  - (j) Culgoa River Junction to Bourke Management Zone,
  - (k) Bourke to Louth Management Zone,
  - (l) Louth to Tilpa Management Zone,
  - (m) Tilpa to Wilcannia Management Zone, and
  - (n) Wilcannia to Upstream Lake Wetherell Management Zone.

**Note—**

**Management zone** is defined in the Dictionary.

(2) The management zones in subclause (1) are shown on the Plan Map.

**6 River sections**

(1) For the purposes of this Plan, the water source is divided into the following river sections—

- (a) River Section 1 which is comprised of the management zones specified in clause 5(1) (a)–(f),
- (b) River Section 2 which is comprised of the management zones specified in clause 5(1)(g)–(h),
- (c) River Section 3 which is comprised of the management zones specified in clause 5(1) (i)–(j), and
- (d) River Section 4 which is comprised of the management zones specified in clause 5(1) (k)–(n).

(2) The river sections in subclause (1) are shown on the Plan Map.

**7 Understanding the rules in this Plan**

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

**8 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 to 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.
- (4A) The Plan Map forms part of this Plan.
- (4B) A number in brackets following the name of a gauge is the gauge number.
- (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

### Notes—

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 This Part describes broad objectives, which are the long term outcomes sought by this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in this Part are specific outcomes that can be achieved by the strategies in this Plan and can be directly measured so that success or failure to achieve the objective can be quantified.

### 8A Acknowledgement

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, the Central West Water Management Area, the Gwydir Water Management Area, the Namoi Water Management Area and the Western Water Management Area.

### 9 Vision statement

The vision for this Plan is to provide for the following—

- (a) the health and enhancement of the water source and its water-dependent ecosystems,
- (b) the continuing productive extraction of surface water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of surface water to Aboriginal communities,
- (d) social and cultural benefits to urban and rural communities that depend on surface water.

### 10 Environmental objectives

- (1) The broad environmental objective of this Plan is to protect, and contribute to the enhancement of, the ecological condition of the water source and its water-dependent ecosystems over the term of the Plan.

#### Note—

The ecological condition of the water source will be assessed by reference to the condition of high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined in the MER plan for the water source. Water-dependent ecosystems in the water source include instream, riparian and floodplain ecosystems.

- (2) The targeted environmental objectives of this Plan are as follows—
  - (a) to protect, and, contribute to the enhancement of, the following over the term of this Plan—
    - (i) the recorded distribution or extent, and population structure, of target ecological populations,

#### Notes—

**1 Target ecological populations** is defined in the Dictionary.

**2** Target ecological populations in the water source may include known or predicted populations of the following—

- (a) native fish including golden perch, silver perch, eel-tailed catfish, Murray cod and olive perchlet,
- (b) native vegetation including river red gum woodland, black box-coolibah woodland, Marsh club rush and carbeen open forest,
- (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds and native vegetation communities.

**3** Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species population, or measures that describe the health and condition of species or populations.

- (ii) the longitudinal and lateral connectivity within the water source and between the water source and other water sources to support target ecological processes,

**Notes—**

**1** Longitudinal connectivity means flows along the length of the river and between hydrologically connected rivers. Lateral connectivity means flows between the river and its anabranches, riparian zones, wetlands and floodplains.

**2** Target ecological processes in the water source include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for the water source.

**3** Connectivity may be within the water source or between the water source and other water sources.

- (iii) water quality within target ranges for the water source to support water-dependent ecosystems and ecosystem functions, and

**Note—**

Water quality target ranges for the water source are defined in the Water Quality Management Plan for the Barwon-Darling Watercourse Water Resource Plan Area SW12 and the NSW State Water Quality Assessment and Monitoring Plan.

- (b) to support water-dependent ecosystem functions within the water source by protecting environmental watering events that have originated in upstream water sources.

**Note—**

Environmental watering events that contribute to the water source may include Environmental Water Allowance (**EWA**) and other environmental water releases that are managed in accordance with the upstream water sharing plans where the water originates.

- (3) The strategies for reaching the targeted environmental objectives of this Plan are as follows—

- (a) establish and maintain compliance with a long-term average annual extraction limit and a long-term average sustainable diversion limit,

**Note—**

Part 6 of this Plan sets out the provisions for maintaining compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit.

- (b) restrict the take of water to protect Active Environmental Water and to restore connectivity within and between water sources following an extended dry period,

**Notes—**

**1 Active Environmental Water** is defined in the Dictionary.

**2** The provisions in clause 46, 47 and 50 protect Active Environmental Water and restrict access for consumptive use following extended dry periods. These provisions contribute to the objectives in subclause (2).

- (c) reserve a portion of flows to partially mitigate alterations to natural flow regimes in the water source,

**Notes—**

**1 Flow regimes** is defined in the Dictionary.

**2** The provisions in Division 2 of Part 8 of this Plan establish flow classes that manage the take of water.

- (d) reserve a portion of flows to maintain longitudinal connectivity within and between the water source and other connected water sources.

**Note—**

The provisions in Division 2 of Part 8 of this Plan ensure that low flows are protected from extraction.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objectives in subclause (2) are the changes or trends in ecological condition during the term of this Plan, as assessed using one or more of the following—
- (a) the recorded range, extent or condition of target ecological populations,
  - (b) measurements of fish movements through priority fish passage areas,
  - (c) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant—
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,

- (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
- (d) the extent to which external influences on the water source during the term of this Plan have affected progress toward achieving the environmental objectives.

**Note—**

External influences may include climate trends, land use patterns, decisions made by the NSW Environmental Water Manager and other factors.

## **11 Economic objectives**

- (1) The broad economic objective of this Plan is to maintain, and where possible improve access to water to optimise economic benefits for agriculture, surface water-dependent industries and local economies.
- (2) The targeted economic objectives of this Plan are as follows—
  - (a) to maintain, and where possible improve, water trading opportunities for surface water-dependent businesses,

**Note—**

Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.

- (b) to maintain, and where possible improve, access to water up to the long-term average sustainable diversion limit for agriculture, surface water-dependent businesses, and landholders,
  - (c) to contribute to maintaining water quality within target ranges for agriculture, surface water-dependent businesses and landholders.

- (3) The strategies for reaching the targeted economic objectives of this Plan are as follows—

- (a) provide for trade of water allocations and share components, subject to environmental constraints,

**Note—**

The provisions in Part 10 of this Plan permit a variety of dealings within environmental constraints, including assignment of rights under access licences and assignment of water allocations between access licences.

- (b) provide a stable and predictable framework for sharing water among water users,

**Note—**

The compliance with extraction and diversion limit provisions in Part 6 of this Plan and the flow class and access provisions in Part 8 of this Plan provide certainty in how water access will be shared between different categories of access licences.

(c) provide flexibility of access to water,

**Note—**

The individual account management provisions in clause 42 of this Plan, including the limit on the volume of water that can be taken in any water year or over three consecutive water years and the amount of water that may be carried over from one water year to the next, provide flexibility that reflects the characteristics of the licence category.

(d) manage extractions to the long-term extraction limit and the long-term average sustainable diversion limit.

**Note—**

Part 6 of this Plan manages the extraction of water within the long-term average annual extraction limits and the long-term average sustainable diversion limits.

(4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.

(5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or trends economic benefits during the term of this Plan, as assessed using one or more of the following—

(a) the economic benefits of water extraction and use,

(b) the economic benefits of water trading as demonstrated by—

(i) the annual number or volume of share components of access licences transferred or assigned,

(ii) the weighted average unit price of share components of access licences transferred or assigned,

**Note—**

**Weighted average unit price** is defined in the Dictionary.

(iii) the annual volume of water allocations assigned,

(iv) the weighted average unit price of water allocations assigned.

(c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen.

(6) In evaluating the effectiveness of the strategies in meeting the objectives of this clause the following will be relevant—

(a) the extent to which the strategies in subclause (3) and provisions in this Plan have



been implemented and complied with,

- (b) the extent to which the changes in the economic benefits of surface water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the extent to which the strategies in subclause (3) support achievement of the economic objectives,
- (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress toward achieving the economic objectives.

**Note—**

External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances, climate or changes in industry policy or regulation.

## **12 Aboriginal cultural objectives**

- (1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.
- (2) The targeted Aboriginal cultural objectives of this Plan are as follows—
  - (a) to provide access to water in the exercise of native title rights,
  - (b) to provide access to water for Aboriginal cultural use, including fishing,
  - (c) to protect, and where possible improve, identified surface water-dependent culturally significant areas, including important riparian vegetation communities,
  - (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use.
- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows—
  - (a) manage access to water consistently with the exercise of native title rights,
  - (b) provide for water associated with Aboriginal cultural values and uses,

**Note—**

The provisions in Part 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural'.

- (c) reserve a portion of flows to partially mitigate alterations to natural flow regimes in the water source,

- (d) restrict the take of water to protect Active Environmental Water and to restore connectivity within and between water sources following an extended dry period,

**Note—**

The provisions in clause 46, 47 and 50 protect Active Environmental Water and restrict access for consumptive use following extended dry periods. These provisions contribute to the objectives in subclause (2).

- (e) reserve a portion of flows to maintain longitudinal connectivity within and between the water source, and between the water source and other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.
  - (5) The performance indicators used to measure the success of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in Aboriginal cultural benefits during the term of this Plan, as assessed using one or more of the following—
    - (a) the use of water by Aboriginal people by measuring factors including—
      - (i) the extent to which native title rights are capable of being exercised, consistently with any determination of native title or indigenous land use agreement,
      - (ii) the extent to which access to water has contributed to achieving Aboriginal cultural outcomes,
    - (b) the recorded range or extent of target populations of native fish,
    - (c) the recorded range or condition of target populations of riparian vegetation,
    - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen.
  - (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant—
    - (a) the extent to which the strategies in subclause (3) and provisions in the Plan have been implemented and complied with,
    - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provision in this Plan,
    - (c) the extent to which the strategies in subclause (3) support achievement of the

Aboriginal cultural objectives,

- (d) the water made available for Aboriginal cultural values and uses during the term of this Plan through available water determinations and the granting of new access licences,
- (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress toward achieving the Aboriginal cultural objectives.

**Note—**

External influences can include trends in Aboriginal cultural activity, urban, agricultural and industrial development, climate or changes in policy or regulation.

## **12A Social and cultural objectives**

- (1) The broad social and cultural objective of this Plan is to provide access to surface water to support surface water-dependent social and cultural values.
- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible, improve the following—
  - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
  - (b) access to surface water for water-dependent cultural, heritage and recreational uses, including recreational fishing,
  - (c) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows—
  - (a) provide access to water for basic landholder rights, town water supply, and for licensed domestic and stock purposes,
  - (b) restrict the take of water to protect Active Environmental Water and to restore connectivity within and between water sources following an extended dry period,

**Note—**

The provisions in clauses 46, 47 and 50 protect Active Environmental Water and restrict access for consumptive use following extended dry periods.

- (c) reserve a portion of flows to partially mitigate alterations to natural flow regimes in the water source,
- (d) reserve a portion of flows to maintain longitudinal connectivity within the water source, and between the water source and other connected water sources.

**Note—**

The provisions in clauses 46, 47 and 50 protect Active Environmental Water and restrict access for consumptive use following extended dry periods.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan, as assessed using one or more of the following—
  - (a) the social and cultural uses of water during the term of this Plan, by measuring factors including—
    - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and
    - (ii) the extent to which major utility access licence and local utility access licence requirements have been met,
  - (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
  - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
  - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant—
  - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provision in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
  - (d) the extent to which external influences on surface water-dependent social and cultural activities during the term of this Plan have affected progress toward achieving the social and cultural objectives.

**Note—**

External influences may include trends in urban, agricultural and industrial development, social or cultural behaviour, climate, or changes in policy or regulation.

## **Part 3 Bulk access regime**

### **13 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in the 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 for the water source—
  - (a) recognises and is consistent with the limits to the availability of water set in relation to the water source contained in Part 6 of this Plan,
  - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 7 and 8 of this Plan and available water determinations to be made contained in Part 6 of this Plan,
  - (c) recognises the effect of climatic variability on the availability of water as described in clause 14,
  - (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 and long-term average sustainable diversion limit, contained in Part 6 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.

### **14 Climatic variability**

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

having provisions that—

- (a) manage the sharing of water in the 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 reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit and long-term average sustainable diversion limit, contained in Part 6 of this Plan, and
- (b) manage the sharing of water on a daily basis, contained in Part 8 of this Plan.

**Note—**

Other statutory tools are available to manage for 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 section 8 of the Act.

### **15 General**

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

### **16 Commitment and identification of planned environmental water**

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

- (a) by reference to the commitment of the physical presence of water in the 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.

### **17 Establishment and maintenance of planned environmental water**

- (1) This Plan establishes planned environmental water in the water source as follows—

- (a) the physical presence of water resulting from the access rules specified in Part 8 of this Plan,

**Note—**

The rules in Part 8 of this Plan set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (b) the long-term average annual commitment of water as planned environmental water resulting from compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit as specified in Part 6,
- (c) the water remaining after water has been taken under basic landholder rights and for sharing and extraction under any other rights under the Act in accordance with the rules specified in Parts 6 and 8 of this Plan.
- (2) The planned environmental water established under subclause (1) (a) is maintained by the rules specified in Part 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained in by the provisions specified in Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained by the provisions specified in Parts 6 and 8 of this Plan.

**Note—**

The provisions in Part 6 ensure that there will be water remaining in the water source over the long-term by maintaining compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit. The provisions in Part 6 provide for a reduction in available water determinations when either the long-term average annual extraction limit or the long-term average sustainable diversion limit has been assessed to have been exceeded.

## **Part 5 Requirements for water**

### **Division 1 General**

#### **18 Application**

- (1) This Part identifies the requirements for water from the 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 the water source and the total volumes or unit shares specified in the share components of all access licences in the water source. The actual volumes of water available for extraction in the 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 the water source and the total

share components of all access licences authorised to extract water from the 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 Part 6 of this Plan.

**Note—**

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

- (a) the granting, surrender or cancellation of access licences in the water source,
- (b) the variation of local water utility access 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**

### **19 Domestic and stock rights**

The water requirements of persons entitled to domestic and stock rights in the water source are estimated to total 824 megalitres per year (hereafter **ML/year**).

**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 the water source should not be consumed without first being tested and if necessary, appropriately treated. Such testing and treatment are the responsibility of the water user.

### **20 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 Barkandji Traditional Owners #8 (Parts A and B, National Native Title Tribunal references NCD2015/001 and NCD2017/00),
- (b) any other determination of native title,
- (c) any indigenous land use agreement.

**Notes—**

- 1** A map of the native title determination area can be viewed by search the National Native Title Tribunal website at [www.nntt.gov.au](http://www.nntt.gov.au)
- 2** This Plan may be amended if there is an additional or change to a native title determination in accordance with the [Native Title Act 1993](#) of the Commonwealth by which water is required.
- 3** This Plan may be amended if consultation with native title holders identifies more specific requirements to water to satisfy native title rights.
- 4** Native title rights may be exercised in accordance with the [Native Title Act 1993](#) of the Commonwealth,



including section 211 of that Act.

## **21 Harvestable rights**

The requirement for water under harvestable rights in the 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**

### **22 Share components of domestic and stock access licences**

It is estimated that the share components of domestic and stock access licences authorised to take water from the water source total 967.5 ML/year.

### **23 Share components of local water utility access licences**

It is estimated that the share components of local water utility access licences authorised to take water from the water source total 5,373 ML/year.

### **24 Share components of supplementary water (Aboriginal environmental) access licences**

It is estimated that the share components of supplementary water (Aboriginal environmental) access licences authorised to take water from the water source total 0 ML/year.

### **25 Share components of unregulated river access licences**

It is estimated that the share components of unregulated river access licences authorised to take water from the water source total 1488 unit shares.

### **26 Share components of unregulated river (A Class) access licences**

It is estimated that the share components of unregulated river (A Class) access licences authorised to take water from the water source total 9,856 unit shares.

### **27 Share components of unregulated river (B Class) access licences**

It is estimated that the share components of unregulated river (B Class) access licences authorised to take water from the water source total 133,069 unit shares.

### **28 Share components of unregulated river (C Class) access licences**

It is estimated that the share components of unregulated river (C Class) access licences authorised to take water from the water source total 45,746 unit shares.

### **29, 30 (Repealed)**

### 31 Amendment of share components of access licences

- (1) Subject to subclause (2), the Minister may amend the share component of an access licence under section 68A of the Act to increase it following a recalibration of the hydrologic computer model that at the time is approved by the Department for assessing long term extraction from the water source.
- (2) The Minister may not amend the share component of an access licence under subclause (1) unless the Minister is satisfied that the sum of amended share components of unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences in the water source will equal the long-term average annual extractions for irrigation that would have occurred under the long-term average annual extraction limit conditions specified in clause 33 (2).
- (3) An amendment under this clause must maintain the weighting of active Annual Volumetric Limit to inactive Annual Volumetric Limit of 2.25:1 that was applied when Annual Volumetric Limits were converted to Barwon-Darling Cap-compliant shares as determined by the Minister. For the purpose of this paragraph—
  - (a) **active** is the average annual extraction under a [Water Act 1912](#) entitlement between 1995/96 and 2004/5 with appropriate adjustment for years with zero extraction, as determined by the Minister, and
  - (b) **inactive** is the difference between the [Water Act 1912](#) entitlement's Annual Volumetric Limit and active.

**Note—**

Adjustments made to share components under this clause will be consistent with the method for converting Annual Volumetric Limits to Barwon-Darling Cap-compliant shares as agreed to in the *Heads of Agreement for the Barwon-Darling River System regarding proposed management actions to comply with the Murray-Darling Basin Cap on Diversions*.

## Part 6 Limits to the availability of water

**Note—**

This Part sets out the rules for managing the availability of water for extraction in accordance with the following long-term limits on extraction—

- (a) a long-term average annual extraction limit,
- (b) a long-term average sustainable diversion limit.

### Division 1 Calculations under this Part

#### 32 Exclusions, inclusions and variations in calculations

- (1) This clause applies to the calculation of the following—

- (a) the long-term average annual extraction limit under clause 33,
- (b) the average annual extraction under clause 34,
- (c) the annual permitted take under clause 35B,
- (d) the annual actual take under clause 35B.

**Note—**

**Annual permitted take** and **annual actual take** are defined in the Dictionary.

- (2) The calculations by the Minister to which this clause applies must—
  - (a) exclude the following—
    - (i) allocations assigned from an access licence in the water source to an access licence in a water source other than the water source, under section 71T of the Act,
    - (ii) in relation to average annual extraction under clause 34 only, water committed as licensed environmental water under section 8F of the Act, and
  - (b) include allocations assigned to an access licence in the water source from an access licence in a water source other than the water source, under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limit under clause 33 must be adjusted by a volume that appropriately reflects the following—
  - (a) the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act,
  - (b) any change to the amount of water committed as licensed environmental water under section 8F of the Act.

## **Division 1A Long-term average annual extraction limit**

### **33 Calculation of the long-term average annual extraction limit**

- (1) Following the end of each water year, the Minister must calculate the long-term average annual extraction limit for the water source in accordance with this clause.
- (2) The long-term average annual extraction limit for the water source is the long-term average annual extraction from the water source that would occur under Cap baseline conditions as agreed under the Murray-Darling Basin Agreement at the commencement of this Plan.

**Notes—**

- 1** At the commencement of this Plan, an assessment of the long-term average annual extraction that

would occur under the conditions specified in subclause (2) is 223 gigalitres per year. The component of this long-term average annual extraction that would be taken by irrigation and industry under the conditions specified in subclause (2) has been assessed using the Barwon-Darling IQQM computer model with system file LT92\_30.sqq. This computer model indicates a long-term average annual extraction volume of 214 gigalitres per year (189 gigalitres from 'within channel' extractions). This figure may change if the Barwon-Darling Cap IQQM is recalibrated with new observed data as a result of more accurate metering data.

**2** The long-term average annual extraction limit recognises the effect of known climatic variability on the availability of water, in accordance with section 20(2)(c) of the Act, as historic climate and river flow information is used in its determination.

**3** Under section 8F of the Act the long-term average annual extraction limit is to be varied by any change to licensed environmental water, excluding water committed under section 8C of the Act. Supplementary water (Aboriginal environmental) access licences will be prescribed as licensed environmental water under section 8 of the Act. Water committed as licensed environmental water is not to be accounted for as extraction.

**4** **Cap baseline conditions** is defined in the Dictionary.

- (3) For the purposes of subclause (2), the long-term average annual extraction limit is to be calculated over the duration of available water climate records using the hydrological computer model approved by the Minister.

### **34 Calculation of average annual extraction**

The Minister, using the hydrological computer model approved by the Minister, is to calculate the average annual extraction following the end of each water year, calculated over the duration of available climate records and based on the following—

- (a) the take of water by basic landholder rights and all access licences under the water storages, water use development that existed in that water year and the current rules in this Plan,
- (b) the level of development for plantation forestry in that water year,

**Note—**

**Plantation forestry** is defined in the Dictionary.

- (c) the level of development for floodplain harvesting that existed in that water year in conjunction with extractions under an access licence in the water source.

### **35 Assessment of compliance with the long-term average annual extraction limit**

- (1) Following the calculations under clauses 33 and 34, the Minister is to compare average annual extraction calculated under clause 34 against the long-term average annual extraction limit.
- (2) There is non-compliance with the long-term average annual extraction limit if average annual extraction exceeds the long-term average annual extraction limit by 3% or more.

## **Division 1B Long-term average sustainable diversion limit**

**Note—**

**Barwon-Darling Watercourse SDL resource unit** is defined in the Dictionary.

### **35A Calculation of the long-term average sustainable diversion limit**

- (1) Subject to any variation in accordance with subclause (2), the long-term average sustainable diversion limit for the water source is—
  - (a) the baseline diversion limit for the Barwon-Darling Watercourse SDL resource unit determined under Schedule 3 of the Basin Plan, minus
  - (b) 32,000 ML/year, minus
  - (c) the shared reduction amount for the Barwon-Darling Watercourse SDL resource unit as determined under section 6.05 of the Basin Plan.
- (2) The long-term average sustainable diversion limit is to be varied as determined under Chapter 7 of the Basin Plan.

#### **Notes—**

- 1** **Baseline diversion limit** is defined in the Dictionary.
- 2** The subtraction of 32,000 ML/year and the SDL resource unit shared reduction amount is prescribed in Schedule 2 of the Basin Plan.

### **35B Calculation of annual permitted and annual actual take for the water year**

- (1) Following the end of each water year, the Minister is to calculate the annual permitted take and annual actual take of water for the previous water year in accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to the water source.

#### **Notes—**

- 1** Under the Basin Plan take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in the calculation as they fall outside the definition of take for consumptive use.
- 2** **Consumptive use** and **take** are defined in section 4 of the [Water Act 2007](#) of the Commonwealth.

### **35C Assessment of compliance with the long-term average sustainable diversion limit**

- (1) Following the calculation under clause 35B after the end of each water year, the Minister is to undertake an assessment of compliance with the long-term average sustainable diversion limit in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) There is non-compliance with the long-term average sustainable diversion limit in the circumstances set out in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

## **Division 1C Compliance with extraction and diversion limits**

### **36 Action following non-compliance**

- (1) Pursuant to section 58(4) of the Act, this Plan amends the relative priorities of the categories of unregulated river access licences, unregulated river (A Class) access licences, unregulated river (B Class) access licences, unregulated river (C Class) access licences and supplementary water (Aboriginal environmental) access licences to the extent necessary to make the reductions to available water determinations as set out in this clause.
- (2) Subject to subclause (4) and (5), if an assessment under clauses 35 or 35C demonstrates that there is non-compliance with either the long-term average annual extraction limit or the long-term average sustainable diversion limit, the Minister is to reduce the sum of available water determinations that is permitted to be made in accordance with clause 38 for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences.
- (3) The Minister may take action as specified in subclause (2) if an assessment under clause 35C would have demonstrated non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse, as provided for in Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (4) An action under subclause (2) and (3) is to be taken to the extent to which, and only for as long as, the Minister considers the following necessary—
  - (a) in the case of non-compliance with the long-term average annual extraction limit—to return average annual extraction in the water source to the long-term average annual extraction limit,
  - (b) in the case of non-compliance with the long-term average sustainable diversion limit—to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan,
  - (c) in the case where non-compliance with the long-term average sustainable diversion limit would have occurred but for there being a reasonable excuse—to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (5) Before taking action under subclause (2) or (3), the Minister may consult with water user representatives on the following—
  - (a) the data used for the calculations under Divisions 2 and 3,
  - (b) the proposed actions under this Division.

### **37 (Repealed)**

## **Division 2 Available water determinations**

### 38 General

- (1) Available water determinations for access licences with share components that specify the 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 the water source, excluding unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, must not, in any water year, exceed—
  - (a) 100% of the access licence share component for all access licences where share components are specified as ML/year, or
  - (b) 1 megalitre per unit share of the access licence share component for all access licences where share components are specified as a number of unit shares.
- (3) The sum of available water determinations made for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, must not, in any water year, exceed an amount that is equal to  $A$  divided by  $B$  or such lower amount that is determined under Division 1C of this Part, where—

**A** is the long-term average annual extractions for irrigation that would have occurred under the long-term average annual extraction limit conditions specified in clause 33 (2) calculated using the hydrologic computer model that, at the time, is approved by the Department for assessing long-term extraction from the water source, and

**B** is the sum of share components of all unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences at that time.

### 39 Available water determinations

Unless the Minister otherwise determines, at the commencement of each water year the following available water determinations are to be made for access licences with a share component that specifies the water source—

- (a) 100% of the access licence share component for domestic and stock access licences,
- (b) 100% of the access licence share component for local water utility access licences,
- (c) 100% of the access licence share component for supplementary water (Aboriginal

environmental) access licences,

- (d) 1 megalitre per unit of share component for unregulated river access licences,
- (e) the volume in megalitres per unit of share component for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences calculated under clause 38 (3).

**Note—**

Division 1C of this Part provides for the sum of available water determinations for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences to be reduced where the long-term average annual extraction limit or long-term average sustainable diversion limit for the water source has been assessed to have been exceeded.

## **Part 7 Rules for granting access licences**

**Notes—**

- 1 This Part is made in accordance with sections 20 and 61 of the Act.
- 2 Access licences granted in the water source are subject to mandatory conditions and may be subject to discretionary conditions.

### **40 Specific purpose access licences**

- (1) Applications may not be made for a specific purpose access licence of the subcategory “Aboriginal cultural” if the share component of the proposed access licence is more than 10 ML/year.
- (2) Applications may be made for a supplementary water (Aboriginal environmental) access licence in the water source provided the share component of the proposed access licence is less than or equal to 500 ML/year.
- (3) A specific purpose access licence must not be granted in the 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.
- (4) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

**Note—**

**Aboriginal person** is defined in the Dictionary.

- (5) A supplementary water (Aboriginal environmental) access licence may only be granted for the taking of water by an Aboriginal person or Aboriginal community for enhancing Aboriginal cultural value of important lagoons and billabongs.



- (6) A supplementary water (Aboriginal environmental) access licence must not be granted in the water source if the granting of the access licence would cause the sum of the share components of all supplementary water (Aboriginal environmental) access licences in the water source to exceed 2,000 ML/year.

**Note—**

Section 61 of the Act allows for a person to apply for a specific purpose access licence where the regulations or relevant water sharing plan provides that an application can be made.

**41 (Repealed)**

**Part 8 Rules for managing access licences**

**Division 1 Water allocation account management rules**

**Note—**

The Act and the regulations provide for the keeping of water allocation accounts for access licences. The rules in this Division impose further limits on the water that may be taken under an access licence over a specified period of time. These limits 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 under an access licence for which there is no or insufficient water allocation.

**42 Individual access licence account management rules**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the water source.
- (2) In any water year in which this Plan has effect, water taken under, and assigned under section 71T of the Act from, an access licence, excluding an unregulated river (A Class) access licence, unregulated river (B Class) access licence or unregulated river (C Class) 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) the net amount of any water allocations assigned to the water allocation account for the access licence under section 71T of the Act in that water year, plus
  - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) In any water year in which this Plan has effect, water taken under, and assigned under section 71T of the Act from, an unregulated river (A Class) access licence, unregulated river (B Class) access licence or unregulated river (C Class) access licence must not exceed a volume equal to—
- (a) three times the share component of the access licence at the commencement of that water year multiplied by 1 ML/unit share, plus

- (b) the net amount of any water allocations assigned to the water allocation account for the access licence under section 71T of the Act in that water year, plus
  - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (4) Subject to subclause (6), the Minister may determine that the maximum volume of water that may be taken under, and assigned under section 71T of the Act from, an unregulated river (A Class) access licence, unregulated river (B Class) access licence or an unregulated river (C Class) access licence over a period of three consecutive water years must not exceed a volume equal to the sum of—
- (a) the share component of the access licence at the commencement of the first of those three water years multiplied by 1 ML/unit share, plus
  - (b) the share component of the access licence at the commencement of the second of those three water years, multiplied by 1 ML/unit share, plus
  - (c) the share component of the access licence at the commencement of the third of those three water years, multiplied by 1 ML/unit share, plus
  - (d) the net amount of any water allocations assigned to the water allocation account for the access licence under section 71T of the Act in those water years, plus
  - (e) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those water years.
- (5) The Minister must notify the access licence holder in writing of a determination made in accordance with subclause (4).
- (6) The Minister may only make a determination under subclause (4) if—
- (a) the Murray-Darling Basin Ministerial Council considers that the Barwon-Darling sub-valley within the Barwon/Upper Darling and Lower Darling Designated River Valley is in breach of Schedule E of the Murray-Darling Basin Agreement in Schedule 1 of the [Water Act 2007](#) of the Commonwealth, and
  - (b) the Minister has agreed to address this breach.
- (7) An unregulated river (A Class) access licence, an unregulated river (B Class) access licence or an unregulated river (C Class) access licence must not be used to take more water than permitted by rules specified in a written notice to the holder from the Minister under subclause (5).
- (8) Water allocations can be carried over in the water allocation account for an unregulated river (A Class) access licence, an unregulated river (B Class) access licence or an unregulated river (C Class) access licence from one water year to the next.

**Note—**

Water allocations remaining in the accounts of water licences under the *Water Act 1912* will transition across to an unregulated river (A Class) access licence, an unregulated river (B Class) access licence or an unregulated river (C Class) access licence immediately prior to the commencement of this Plan.

- (9) Water allocations remaining in the water allocation account of an access licence, excluding unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, cannot be carried over from one water year to the next.

**42A Take in accordance with individual daily extraction components**

- (1) The maximum volume of water that may be taken on any day under an access licence with an IDEC is 1 ML per daily flow share, or an amount per daily flow share announced by the Minister in accordance with subclause (3).
- (2) Before making an announcement under subclause (3), the Minister must invite expressions of interest to take water from relevant access licence holders in accordance with the Active Management Procedures Manual.
- (3) The Minister may announce, in accordance with the Active Management Procedures Manual, that 1 ML per daily flow share or a lesser amount is the maximum volume of water permitted to be taken on any day in a specified management zone in relation to specified access licences over a specified period. This announcement only applies to access licences in relation to which expressions of interest have been made in response to the Minister's invitation in subclause (2). An announcement may only be made to protect the following—
- (a) Active Environmental Water,
- (b) water below the flow class threshold for a flow class listed in Table B to clause 49A.

**Notes—**

**1** *Active Management Procedures Manual, daily flow share* and *IDEC* are defined in the Dictionary.

**2** The IDEC is part of the extraction component of an access licence, specifying the daily volume of water that may be taken under the licence by reference to daily flow shares. Daily flow shares are initially specified by amending the extraction component of access licences under section 68A of the Act, in accordance with clause 52. IDECs are recorded in the water allocation account of an access licence under section 85AA of the Act. Water taken is recorded in the water allocation account for the access licence kept under section 85 of the Act.

**3** The Minister may make an announcement to reduce the maximum volume of water permitted to be taken per daily flow share under subclause (3)(b) if the sum of IDECs for licence holders that have expressed interest to take water exceeds the water available to be taken under those licences for the relevant flow class. In these situations, the available water must be shared between licence holders that have expressed an interest in taking the water.

**4** This clause and clause 64A will be amended to in relation to the assignment of daily flow shares specified in the IDEC on a temporary or short-term basis once such dealings under section 71QA of the Act are permitted. Permanent assignment of daily flow shares under section 71Q of the Act is permitted in the circumstances set out in clause 64.

5 Subclauses (2) and (3) commence on 1 December 2020 (clause 3 (2) of this Plan).

#### **43 Rules for access licences intending to protect water from extraction**

- (1) A licence holder may notify the Minister of the licence holder's intent to have water that would otherwise be permitted to be taken under that access licence protected from extraction.
- (2) The licence holder must make, and the Minister must assess, a notification under subclause (1) in accordance with the Active Management Procedures Manual.
- (3) The water allocation account of an access licence referred to in subclause (1) is to be debited by an amount determined by the Minister, in accordance with the Active Management Procedures Manual.

**Note—**

This clause 43 commences on 1 December 2020 (clause 3 (2) of this Plan).

### **Division 2 Daily access rules and flow classes**

**Note—**

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

#### **44 Access rules for supplementary water (Aboriginal environmental) access licences**

- (1) This clause applies to the taking of water from the water source under supplementary water (Aboriginal environmental) access licences.
- (2) Water may only be taken under a supplementary water (Aboriginal environmental) access licence in accordance with relevant announcements made by the Minister.
- (3) Water may only be taken under a supplementary water (Aboriginal environmental) access licence if the holder of the licence has written to the Minister expressing interest in taking water during that water year and that expression of interest is made between one week and 12 months prior to the period during which access will be permitted by an announcement made under subclause (4).
- (4) The Minister may make announcements permitting the taking of water under a supplementary water (Aboriginal environmental) access licence in accordance with subclauses (5) and (6).
- (5) The Minister must not make an announcement permitting the taking of water by supplementary water (Aboriginal environmental) access licences in a management zone specified in Column 1 of Table A when flows in that management zone are less than the corresponding flow threshold specified in Column 2 of Table A at the corresponding flow reference point specified in Column 3 of Table A.

#### **Table A Flow thresholds for supplementary water (Aboriginal environmental)**

**access licences**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Management Zone</b>	<b>Flow threshold (ML/day)</b>	<b>Flow reference point</b>
Mungindi to Boomi River Confluence Management Zone	197	Barwon River upstream of Presbury Weir gauge (416050)
Boomi River Confluence to Upstream Mogil Mogil Weir Pool Management Zone	273	Barwon River at Mogil Mogil gauge (422004)
Mogil Mogil Weir Pool Management Zone	273	Barwon River at Mogil Mogil gauge (422004)
Downstream Mogil Mogil to Collarenebri Management Zone	435	Barwon River at Collarenebri Main Channel gauge (422003)
Collarenebri to Upstream Walgett Weir Pool Management Zone	440	Barwon River at Tara gauge (422025)
Walgett Weir Pool Management Zone	761	Barwon River at Dangar Bridge gauge (422001)
Downstream Walgett to Boorooma Management Zone	756	Barwon River at Boorooma gauge (422026)
Boorooma to Brewarrina Management Zone	916	Barwon River at Brewarrina gauge (422002)
Brewarrina to Culgoa River Junction Management Zone	958	Barwon River at Beemery gauge (422028)
Culgoa River Junction to Bourke Management Zone	1,339	Darling River at Bourke Town gauge (425003)
Bourke to Louth Management Zone	1,180	Darling River at Louth gauge (425004)
Louth to Tilpa Management Zone	1,074	Darling River at Tilpa gauge (425900)
Tilpa to Wilcannia Management Zone	942	Darling River at Wilcannia Main Channel gauge (425008)
Wilcannia to Upstream Lake Wetherell Management Zone	942	Darling River at Wilcannia Main Channel gauge (425008)

**Note—**

These rules are intended to allow Aboriginal persons and Aboriginal communities to access water to enhance the Aboriginal cultural value of important lagoons and billabongs by restoring the natural filling sequence of that lagoon or billabong. The flows specified in Table A correspond to the estimated 41st

percentile flow at the respective flow reference point. The 41st percentile flow relates to the frequency that the lowest floodplain lagoon or billabong in the water source would have received flow under pre-development conditions. The flows have been calculated using the Barwon-Darling IQQM based on simulated flows over the 1895–2009 period. The Barwon-Darling IQQM computer model that simulates these flows is based on 2009/2010 development levels and access conditions together with simulated tributary flows that would occur as a result of Queensland’s Resource Operation Plans and NSW Water Sharing Plans.

- (6) Announcements made by the Minister permitting the taking of water under supplementary water (Aboriginal environmental) access licences must ensure the following—
- (a) that the total amount of water permitted to be taken under these licences in any water year does not exceed 500 ML,
  - (b) that access is shared according to the following order of priority—
    - (i) firstly—in order of least frequent to most frequent history of access provided by announcements made under this clause,
    - (ii) secondly—in the chronological order that a written expression of interest made under subclause (3), is received.
  - (c) that access is only provided to holders of supplementary water (Aboriginal environmental) access licences that have written to the Minister expressing an interest in taking water in accordance with subclause (3).

#### **45 Access rules for domestic and stock, local water utility and unregulated river access licences**

**Note—**

This clause does not apply to supplementary water (Aboriginal environmental) access licences, unregulated river (A class) access licences, unregulated river (B class) access licences or unregulated river (C class) access licences.

- (1) Subject to clause 47 and 49, water may only be taken under a domestic and stock access licence, local water utility access licence or an unregulated river access licence during a period for which the Minister has announced, under clause 49A, that flows in the management zone specified in the access licence are in the Low Flow Class, A Class, B Class, or C Class.

**Note—**

The taking of water under an access licence specified in Column 1 of Schedule 2 is subject to additional requirements specified in Column 2 of Schedule 2.

- (2) The volume of water taken under a domestic and stock access licence must not exceed 0.6 ML/day when the Minister has announced that flows in the management zone specified in the access licence are in the Low Flow Class.

#### **46 Access rules for unregulated river (A class), (B class) and (C class) access licences**

- (1) Water must not be taken under an unregulated river (A Class) access licence, unregulated river (B Class) access licence or unregulated river (C Class) access licence during any period that the Minister has made an announcement under clause 42A (3), unless the licence holder has placed an expression of interest to take that water in accordance with the Active Management Procedures Manual and the take of water is in accordance with the announcement.

**Note—**

This subclause (1) commences on 1 December 2020 (clause 3 (2) of this Plan).

- (2) Subject to clauses 47 and 49, water may only be taken under an unregulated river (A Class) access licence if the Minister has announced, under clause 49A, that flows in the management zone specified in the access licence are in A Class, B Class, or C Class.
- (3) Subject to clauses 47 and 49, water may only be taken under an unregulated river (B Class) access licence if the Minister has announced, under clause 49A, that flows in the management zone specified in the access licence are in B Class or C Class.
- (4) Subject to clause 47 and 49, water may only be taken under an unregulated river (C Class) access licence if the Minister has announced, under clause 49A, that flows in the management zone specified in the access licence are in C Class.

**Notes—**

- 1** An order under section 324 of the Act may be made by the Minister to restrict or prohibit the taking of water under unregulated river (B Class) access licences and/or unregulated river (C Class) access licences if the Minister is satisfied that it is necessary to do so in the public interest to meet the following requirements—
  - (a) a flow of 14,000 ML/day in the Darling River at Brewarrina for five consecutive days, or 10,000 ML/day in the Darling River at Bourke for five consecutive days, during September to February inclusive, providing two such flow events have not already occurred during that period in that water year,
  - (b) a flow of 2,000 ML/day in the Darling River at Wilcannia for five consecutive days during October to April, inclusive, providing flows of this quantity have not already been reached during the preceding three months within the October to April period, and
  - (c) a flow of—
    - (i) 150 ML/day in the Darling River at Wilcannia,
    - (ii) 280 ML/day in the Darling River at Louth,
    - (iii) 390 ML/day in the Darling River at Bourke,
    - (iv) 550 ML/day in the Darling River at Brewarrina, and
    - (v) 700 ML/day in the Barwon River at Walgett.
- 2** The intention of the flow requirement in 1(a) above is to provide opportunity for the passage of fish across the major weirs in the Barwon-Darling.

**3** The intention of the flow requirement in 1(b) above is to protect flows needed to suppress blue-green algae blooms.

**4** The intention of the flow requirement in 1(c) above is to protect flows needed to meet basic landholder rights requirements along the Barwon-Darling River.

#### **47 Access rules for specified access licences**

- (1) Clauses 45 and 46 do not apply to access licences specified in Schedule 2 and Schedule 2A.
- (2) Water may only be taken under an access licence specified in Column 1 of Schedule 2 from a management zone specified in Column 3 of Schedule 2 in accordance with the access rule specified in Column 2 of Schedule 2 for that access licence.
- (3) Water may only be taken under an access licence specified in Column 1 of Schedule 2A from a management zone specified in Column 3 of Schedule 2A in accordance with the access rule specified in Column 2 of Schedule 2A for that access licence.
- (4) The Minister may adjust an access rule referred to in Column 2 of Schedule 2 or Schedule 2A by an amount determined by the Minister as necessary to protect Active Environmental Water in accordance with the Active Management Procedures Manual.

**Note—**

This subclause (4) commences on 1 December 2020 (clause 3(2) of this Plan).

- (5) Water must not be taken under an access licence specified in Column 1 of Schedule 2 or Schedule 2A during any period that the Minister has made an announcement under clause 42A (3), unless the licence holder has placed an expression of interest to take that water in accordance with the Active Management Procedures Manual and the take of water is in accordance with the announcement.

**Note—**

This subclause (1) commences on 1 December 2020 (clause 3(2) of this Plan).

- (6) On any day that accurate flow data is not available from a flow measuring gauge used to determine whether water is permitted to be taken under an access rule specified in Column 2 of Schedule 2 or Schedule 2A, then the following applies—
  - (a) the Minister is to determine and announce whether water is permitted to be taken, and
  - (b) water may only be taken under an access licence specified in Schedule 2 or Schedule 2A in accordance with announcements made by the Minister.

#### **48 Access rules for taking of water from an in-river dam pool**

Water must not be taken from an in-river dam pool unless the in-river dam is—

- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and



- (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

**Note—**

*In-river dam pool* and *in-river dam* are defined in the Dictionary.

#### **49 Exemptions from access rules**

- (1) Despite clauses 45, 46 and 47, the following take of water is permitted—
  - (a) the taking of water under an access licence specified in Table C of Schedule 3 of up to 20 kilolitres per day or as determined under subclause (2), for any of the following purposes—
    - (i) fruit washing,
    - (ii) cleaning of dairy plant and equipment for the purposes of hygiene,
    - (iii) poultry watering and misting, or
    - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
  - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
  - (c) the taking of water from a runoff harvesting dam, and

**Note—**

*Runoff harvesting dam* is defined in the Dictionary.

- (d) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” specified in Table D of Schedule 3.
- (2) The Minister may reduce the maximum daily volume limit imposed under subclause (1)(a) if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

**Note—**

The method by which the Minister can reduce the maximum daily volume limit is by amending the mandatory conditions of the relevant water supply work approval. Under section 102(3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

#### **49A Announcement of flow classes**

- (1) For the purposes of clauses 45 and 46, the flow class that applies at any time in a

management zone is as announced by the Minister, except where subclause (7) applies.

- (2) Subject to subclauses (4), (5) and (6), and clause 50, for each management zone in Column 1 of Table B, the Minister is to announce the flow class specified in Column 2 of Table B corresponding to the flow class threshold in Column 3 of Table B as determined at the flow reference point in Column 4 of Table B.
- (3) The announcement referred to in subclause (2) is to apply for a 24 hour or longer period from the time specified in the announcement, as determined by the Minister.
- (4) The Minister may adjust the flow class threshold referred to in Column 3 of Table B by an amount determined by the Minister as necessary to protect Active Environmental Water in accordance with the Active Management Procedures Manual.

**Note—**

This subclause (4) commences on 1 December 2020 (clause 3 (2) of this Plan).

- (5) For flow classes that are determined based on flows at more than one gauge, on any day that it is not possible to determine the flow at a flow reference point specified in Column 4 of Table B due to flow data not being available from a gauge, the Minister is to announce the flow class using the flow class threshold that applies to the remaining functioning gauge, as adjusted in accordance with subclause (4).
- (6) Subject to subclause (5) if, in the Minister’s opinion, on any day accurate flow data is not available from a gauge used to determine a flow class, the Minister is to determine and announce the flow class that is to apply, as adjusted in accordance with subclause (4).
- (7) If the Minister has not announced a specific flow class for a specific period of time under subclauses (2) and (3), then the flow class that was previously announced is to continue to apply to each subsequent 24 hour period until a new flow class is announced.

**Table B Flow class thresholds**

**Note—**

The flow class thresholds in Column 3 of Table B may be adjusted by the Minister under subclause 49A(4).

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class thresholds (ML/day) as at 9:00 am</b>	<b>Flow reference point</b>

Mungindi to Boomi River Confluence Management Zone	No Flow Class	0 ML/day at Mungindi gauge or 0 ML/day at Presbury gauge	
		1. More than 0 ML/day at Mungindi gauge and more than 0 ML/day at Presbury gauge, and	
	Low Flow Class	2. Less than or equal to 198 ML/day at Mungindi gauge or less than or equal to 176 ML/day at Presbury gauge	
	A Class	1. More than 198 ML/day at Mungindi gauge and more than 176 ML/day at Presbury gauge, and	Barwon River at Mungindi gauge (416001) and Barwon River upstream of Presbury Weir gauge (416050)
		2. Less than or equal to 270 ML/day at Presbury gauge	
	B Class	1. More than 230 ML/day at Mungindi gauge and more than 270 ML/day at Presbury gauge, and	
	2. Less than or equal to 1,500 ML/day at Presbury gauge		
	C Class	More than 230 ML/day at Mungindi gauge and more than 1,500 ML/day at Presbury gauge	
Boomi River Confluence to Upstream Mogil Mogil Weir Pool Management Zone	No Flow Class	0 ML/day at Presbury gauge or 0 ML/day at Mogil Mogil gauge	
		1. More than 0 ML/day at Presbury gauge and more than 0 ML/day at Mogil Mogil gauge, and	Barwon River upstream of Presbury Weir gauge (416050) and Barwon River at Mogil Mogil gauge (422004)
	Low Flow Class	2. Less than or equal to 176 ML/day at Presbury gauge or less than or equal to 220 ML/day at Mogil Mogil gauge	

	A Class	<ol style="list-style-type: none"> <li>1. More than 176 ML/day at Presbury gauge and more than 220 ML/day at Mogil Mogil, and</li> <li>2. Less than or equal to 270 ML/day at Presbury gauge or less than or equal to 230 ML/day at Mogil Mogil gauge</li> </ol>	
	B Class	<ol style="list-style-type: none"> <li>1. More than 270 ML/day at Presbury gauge and more than 230 ML/day at Mogil Mogil gauge, and</li> <li>2. Less than or equal to 1,800 ML/day at Mogil Mogil gauge</li> </ol>	
	C Class	More than 270 ML/day at Presbury gauge and more than 1,800 ML/day at Mogil Mogil gauge	
	No Flow Class	0 ML/day	
	Low Flow Class	More than 0 ML/day and less than or equal to 220 ML/day	
Mogil Mogil Weir Pool Management Zone	A Class	More than 220 ML/day and less than or equal to 570 ML/day	Barwon River at Mogil Mogil gauge (422004)
	B Class	More than 570 ML/day and less than or equal to 1,800 ML/day	
	C Class	More than 1,800 ML/day	
	No Flow Class	0 ML/day at Mogil Mogil gauge or 0 ML/day at Collarenebri gauge	
Downstream Mogil Mogil to Collarenebri Management Zone	Low Flow Class	<ol style="list-style-type: none"> <li>1. More than 0 ML/day at Mogil Mogil gauge and more than 0 ML/day at Collarenebri gauge, and</li> <li>2. Less than or equal to 220 ML/day at Mogil Mogil gauge or less than or equal to 317 ML/day at Collarenebri gauge</li> </ol>	Barwon River at Mogil Mogil (422004) and Barwon River at Collarenebri Main Channel gauge (422003)

		<ol style="list-style-type: none"> <li>1. More than 220 ML/day at Mogil Mogil gauge and more than 317 ML/day at Collarenebri gauge, and</li> <li>2. Less than or equal to 570 ML/day at Mogil Mogil gauge or less than or equal to 500 ML/day at Collarenebri gauge</li> </ol>	
	A Class		
		<ol style="list-style-type: none"> <li>1. More than 570 ML/day at Mogil Mogil gauge and more than 500 ML/day at Collarenebri gauge, and</li> <li>2. Less than or equal to 2,900 ML/day at Collarenebri gauge</li> </ol>	
	B Class		
		More than 570 ML/day at Mogil Mogil gauge and more than 2,900 ML/day at Collarenebri gauge	
	C Class		
		0 ML/day at Collarenebri gauge (422003) or 0 ML/day at Tara gauge (422025)	
	No Flow Class		
		<ol style="list-style-type: none"> <li>1. More than 0 ML/day at Collarenebri gauge and more than 0 ML/day at Tara gauge, and</li> <li>2. Less than or equal to 317 ML/day at Collarenebri gauge or less than or equal to 275 ML/day at Tara gauge</li> </ol>	
	Low Flow Class		
Collarenebri to Upstream Walgett Weir Pool Management Zone			Barwon River at Collarenebri Main Channel gauge (422003) and Barwon River at Tara gauge (422025)
		<ol style="list-style-type: none"> <li>1. More than 317 ML/day at Collarenebri gauge and more than 100 ML/day at Tara gauge, and</li> <li>2. Less than or equal to 500 ML/day at Collarenebri gauge or less than or equal to 430 ML/day at Tara gauge</li> </ol>	
	A Class		

	B Class	<ol style="list-style-type: none"> <li>1. More than 500 ML/day at Collarenebri gauge and more than 430 ML/day at Tara gauge, and</li> <li>2. Less than or equal to 3,050 ML/day at Tara gauge</li> </ol>	
	C Class	More than 500 ML/day at Collarenebri gauge and more than 3,050 ML/day at Tara gauge	
	No Flow Class	0 ML/day	
	Low Flow Class	More than 0 ML/day and less than or equal to 600 ML/day or less	
Walgett Weir Pool Management Zone	A Class	More than 600 ML/day and less than or equal to 900 ML/day	Barwon River at Dangar Bridge gauge (422001)
	B Class	More than 900 ML/day and less than or equal to 5,650 ML/day	
	C Class	More than 5,650 ML/day	
	No Flow Class	0 ML/day at Dangar Bridge gauge or 0 ML/day at Boorooma gauge	
	Low Flow Class	<ol style="list-style-type: none"> <li>1. More than 0 ML/day at Dangar Bridge gauge and more than 0 ML/day at Boorooma gauge, and</li> <li>2. Less than or equal to 600 ML/day at Dangar Bridge gauge or less than or equal to 400 ML/day at Boorooma gauge</li> </ol>	Barwon River at Dangar Bridge gauge (422001) and Barwon River at Boorooma gauge (422026)
Downstream Walgett to Boorooma Management Zone	A Class	<ol style="list-style-type: none"> <li>1. More than 600 ML/day at Dangar Bridge gauge and more than 400 ML/day at Boorooma gauge, and</li> <li>2. Less than or equal to 900 ML/day at Dangar Bridge gauge or less than or equal to 870 ML/day at Boorooma gauge</li> </ol>	

	B Class	<ol style="list-style-type: none"> <li>1. More than 900 ML/day at Dangar Bridge gauge and more than 870 ML/day at Boorooma gauge, and</li> <li>2. Less than or equal to 5,500 ML/day at Boorooma gauge</li> </ol>	
	C Class	More than 900 ML/day at Dangar Bridge gauge and more than 5,500 ML/day at Boorooma gauge	
	No Flow Class	0 ML/day at Geera gauge or 0 ML/day at Brewarrina gauge	
	Low Flow Class	<ol style="list-style-type: none"> <li>1. More than 0 ML/day at Geera gauge and more than 0 ML/day at Brewarrina gauge, and</li> <li>2. Less than or equal to 496 ML/day at Geera gauge or less than or equal to 550 ML/day at Brewarrina gauge</li> </ol>	
Boorooma to Brewarrina Management Zone	A Class	<ol style="list-style-type: none"> <li>1. More than 496 ML/day at Geera gauge and more than 550 ML/day at Brewarrina gauge, and</li> <li>2. Less than or equal to 870 ML/day at Geera gauge or less than or equal to 840 ML/day at Brewarrina gauge</li> </ol>	Barwon River at Geera gauge (422027) and Barwon River at Brewarrina gauge (422002)
	B Class	<ol style="list-style-type: none"> <li>1. More than 870 ML/day at Geera gauge and more than 840 ML/day at Brewarrina gauge, and</li> <li>2. Less than or equal to 6,800 ML/day at Brewarrina gauge</li> </ol>	
	C Class	More than 870 ML/day at Geera gauge and more than 6,800 ML/day at Brewarrina gauge	
Brewarrina to Culgoa River Junction Management Zone	No Flow Class	0 ML/day at Brewarrina gauge or 0 ML/day at Beemery gauge	Barwon River at Brewarrina gauge (422002) and Barwon River at Beemery gauge (422028)

	Low Flow Class	<ol style="list-style-type: none"> <li>1. More than 0 ML/day at Brewarrina gauge and more than 0 ML/day at Beemery gauge, and</li> <li>2. Less than or equal to 550 ML/day at Brewarrina gauge or less than or equal to 570 ML/day at Beemery gauge</li> </ol>	
	A Class	<ol style="list-style-type: none"> <li>1. More than 550 ML/day at Brewarrina gauge and more than 570 ML/day at Beemery gauge, and</li> <li>2. Less than or equal to 840 ML/day at Brewarrina gauge or less than or equal to 760 ML/day at Beemery gauge</li> </ol>	
	B Class	<ol style="list-style-type: none"> <li>1. More than 840 ML/day at Brewarrina gauge and more than 760 ML/day at Beemery gauge, and</li> <li>2. Less than or equal to 8,250 ML/day at Beemery gauge</li> </ol>	
	C Class	More than 840 ML/day at Brewarrina gauge and more than 8,250 ML/day at Beemery gauge	
	No Flow Class	0 ML/day at Warraweena gauge or 0 ML/day at Bourke Town gauge	
Culgoa River Junction to Bourke Management Zone	Low Flow Class	<ol style="list-style-type: none"> <li>1. More than 0 ML/day at Warraweena gauge and more than 0 ML/day at Bourke Town gauge, and</li> <li>2. Less than or equal to 645 ML/day at Warraweena gauge or less than or equal to 605 ML/day at Bourke Town gauge</li> </ol>	Darling River at Warraweena gauge (425039) and Darling River at Bourke Town gauge (425003)



	A Class	<ol style="list-style-type: none"> <li>1. More than 645 ML/day at Warraweena gauge and more than 605 ML/day at Bourke Town gauge, and</li> <li>2. Less than or equal to 1,330 ML/day at Warraweena gauge or less than or equal to 1,250 ML/day at Bourke Town gauge</li> </ol>	
	B Class	<ol style="list-style-type: none"> <li>1. More than 1,330 ML/day at Warraweena gauge and more than 1,250 ML/day at Bourke Town gauge, and</li> <li>2. Less than or equal to 11,000 ML/day at Bourke Town gauge</li> </ol>	
	C Class	More than 1,330 ML/day at Warraweena gauge and more than 11,000 ML/day at Bourke Town gauge	
	No Flow Class	0 ML/day at Bourke Town gauge or 0 ML/day at Louth gauge	
	Low Flow Class	<ol style="list-style-type: none"> <li>1. More than 0 ML/day at Bourke Town gauge and more than 0 ML/day at Louth gauge, and</li> <li>2. Less than or equal to 605 ML/day at Bourke Town gauge or less than or equal to 555 ML/day at Louth gauge</li> </ol>	Darling River at Bourke Town gauge (425003) and Darling River at Louth gauge (425004)
Bourke to Louth Management Zone	A Class	<ol style="list-style-type: none"> <li>1. More than 605 ML/day at Bourke Town gauge and more than 555 ML/day at Louth gauge, and</li> <li>2. Less than or equal to 1,250 ML/day at Bourke Town gauge or 1,130 ML/day at Louth gauge</li> </ol>	

	B Class	<ol style="list-style-type: none"> <li>1. More than 1,250 ML/day at Bourke Town gauge and more than 1,130 ML/day at Louth gauge, and</li> <li>2. Less than or equal to 11,150 ML/day at Louth gauge</li> </ol>	
	C Class	More than 1,250 ML/day at Bourke Town gauge and more than 11,150 ML/day at Louth gauge	
	No Flow Class	0 ML/day at Louth gauge or 0 ML/day at Tilpa gauge	
	Low Flow Class	<ol style="list-style-type: none"> <li>1. More than 0 ML/day at Louth gauge and more than 0 ML/day at Tilpa gauge, and</li> <li>2. Less than or equal to 555 ML/day at Louth gauge or less than or equal to 505 ML/day at Tilpa gauge</li> </ol>	
Louth to Tilpa Management Zone	A Class	<ol style="list-style-type: none"> <li>1. More than 555 ML/day at Louth gauge and more than 505 ML/day at Tilpa gauge, and</li> <li>2. Less than or equal to 1,130 ML/day at Louth gauge or less than or equal to 1,010 ML/day at Tilpa gauge</li> </ol>	Darling River at Louth gauge (425004) and Darling River at Tilpa gauge (425900)
	B Class	<ol style="list-style-type: none"> <li>1. More than 1,130 ML/day at Louth gauge and more than 1,010 ML/day at Tilpa gauge, and</li> <li>2. Less than or equal to 11,000 ML/day at Tilpa gauge</li> </ol>	
	C Class	More than 1,130 ML/day at Louth gauge and more than 11,000 ML/day at Tilpa gauge	

Tilpa to Wilcannia Management Zone	No Flow Class	0 ML/day at Tilpa gauge or 0 ML/day at Wilcannia gauge	
		1. More than 0 ML/day at Tilpa gauge and more than 0 ML/day at Wilcannia gauge, and	
	Low Flow Class	2. Less than or equal to 505 ML/day at Tilpa gauge or less than or equal to 455 ML/day at Wilcannia gauge	
	A Class	1. More than 505 ML/day at Tilpa gauge and more than 455 ML/day at Wilcannia gauge, and 2. Less than or equal to 1,010 ML/day at Tilpa gauge or less than or equal to 850 ML/day at Wilcannia gauge	Darling River at Tilpa gauge (425900) and Darling River at Wilcannia Main Channel gauge (425008)
	B Class	1. More than 1,010 ML/day at Tilpa gauge and more than 850 ML/day at Wilcannia gauge, and 2. Less than or equal to 12,000 ML/day at Wilcannia gauge	
	C Class	More than 1,010 ML/day at Tilpa gauge and more than 12,000 ML/day at Wilcannia gauge	
Wilcannia to Upstream Lake Wetherell Management Zone	No Flow Class	0 ML/day	
	Low Flow Class	More than 0 ML/day and less than or equal to 455 ML/day	
	A Class	More than 455 ML/day and less than or equal to 850 ML/day	Darling River at Wilcannia Main Channel gauge (425008)
	B Class	More than 850 ML/day and less than or equal to 12,000 ML/day	
	C Class	More than 12,000 ML/day	

## 50 Resumption of flows

- (1) Despite clause 49A, the Minister must make a No Flow Class announcement for a management zone in River Section 1 for each day following the occurrence of one or more of the following—

- (a) the flow in the Barwon River at Dangar Bridge (Walgett) (422 001) has been less than 326 ML/day for more than 150 consecutive days,
  - (b) the flow in the Barwon River at Brewarrina (422 002) has been less than 468 ML/day for more than 150 consecutive days,
  - (c) the flow in the Darling River at Bourke Town (425 003) has been less than 450 ML/day for 120 days consecutive days,
  - (d) the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for 90 consecutive days.
- (2) Subclause (1) ceases to apply if, in the Minister's opinion, an announcement of a flow class other than a No Flow Class under clause 49A will not prevent one of the following from occurring—
- (a) each of—
    - (i) a flow greater than 706 ML/day for 10 consecutive days in the Barwon River at Dangar Bridge (Walgett) (422 001),
    - (ii) a flow greater than 1008 ML/day for more than 10 consecutive days in the Barwon River at Brewarrina (422 002),
    - (iii) a flow greater than 972 ML/day for more than 10 consecutive days in the Darling River at Bourke Town (425 003), and
    - (iv) a flow greater than 400 ML/day for more than 10 consecutive days in the Darling River at Wilcannia (425 008),
  - (b) a total flow of 30,000 ML in the Darling River at Bourke Town (425 003) since the commencement of the period when the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for more than 90 consecutive days.
- (3) Despite clause 49A, the Minister must make a No Flow Class announcement for a management zone in River Section 2 for each day following the occurrence of one or more of the following—
- (a) the flow in the Barwon River at Brewarrina (422 002) has been less than 468 ML/day for more than 150 consecutive days,
  - (b) the flow in the Darling River at Bourke Town (425 003) has been less than 450 ML/day for 120 days consecutive days,
  - (c) the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for 90 consecutive days.
- (4) Subclause (3) ceases to apply if, in the Minister's opinion, an announcement of a flow class other than a No Flow Class under clause 49A will not prevent one of the following

flows from occurring—

(a) each of—

- (i) a flow greater than 1008 ML/day for more than 10 consecutive days in the Barwon River at Brewarrina (422 002),
- (ii) a flow greater than 972 ML/day for more than 10 consecutive days in the Darling River at Bourke Town (425 003),
- (iii) a flow greater than 400 ML/day for more than 10 consecutive days in the Darling River at Wilcannia (425 008),

(b) a total flow of 30,000 ML in the Darling River at Bourke Town (425 003) since the commencement of the period where the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for more than 90 consecutive days.

(5) Despite clause 49A, the Minister must make a No Flow Class announcement for a management zone in River Section 3 for each day following the occurrence of one or more of the following—

- (a) the flow in the Darling River at Bourke Town (425 003) has been less than 450 ML/day for 120 consecutive days,
- (b) the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for 90 consecutive days.

(6) Subclause (5) ceases to apply if, in the Minister's opinion, an announcement of a flow class other than a No Flow Class under clause 49A will not prevent one of the following flows from occurring—

(a) each of—

- (i) a flow greater than 972 ML/day for more than 10 consecutive days in the Darling River at Bourke Town (425 003),
- (ii) a flow greater than 400 ML/day for more than 10 consecutive days in the Darling River at Wilcannia (425 008),

(b) a total flow of 30,000 ML in the Darling River at Bourke Town (425 003) since the commencement of the period when the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for more than 90 consecutive days.

(7) Despite clause 49A, the Minister must make a No Flow Class announcement for a management zone in River Section 4 for each day following a period where the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for 90 consecutive days.

(8) Subclause (7) ceases to apply if, in the Minister's opinion, an announcement of a flow

class other than a No Flow Class under clause 49A will not prevent one of the following flows from occurring—

- (a) a flow greater than 400 ML/day for more than 10 consecutive days in the Darling River at Wilcannia (425 008),
- (b) a total flow of 30,000 ML in the Darling River at Bourke Town (425 003) since the commencement of the period when the flow in the Darling River at Wilcannia (425 008) has been less than 200 ML/day for more than 90 consecutive days.

## **51 Total daily extraction limits**

At the commencement of this Plan, there are no total daily extraction limits (hereafter **TDELS**) established for any access licences in the water source.

**Note—**

**Total daily extraction limit** is defined in the Dictionary.

## **52 Amendment of access licence extraction components**

- (1) This clause applies to the following access licences in the water source, if the access licence does not have daily flow shares specified in the extraction component of the access licence—
  - (a) each unregulated river (A Class) access licence,
  - (b) each unregulated river (B Class) access licence,
  - (c) each unregulated river (C Class) access licence,
  - (d) access licence WAL36273.
- (2) The Minister may amend the extraction component of the access licences referred to in subclause (1) under section 68A of the Act to specify an IDEC, expressed as the following—
  - (a) a specified number of daily flow shares, and
  - (b) an entitlement to take a volume of water per daily flow share per day, as determined in accordance with this Plan.
- (3) Any amendment of the extraction component of access licence WAL36273 under subclause (2) must specify 123 daily flow shares.
- (4) Any amendment of the extraction component of an unregulated river (A Class) access licence, unregulated river (B Class) access licence and unregulated river (C Class) access licence under subclause (2) must specify the number of daily flow shares calculated in accordance with subclause (5) adjusted to the closest one decimal place with any value that is to two decimal places and ending in a “5” being adjusted

upwards to the next one decimal place.

- (5) The following formula is to be applied for the purposes of calculating daily flow shares for the purposes of subclause (4)—

$$DFS = (SC/TSC) \times TDFS$$

where

**DFS** is the number of daily flow shares,

**SC** is the share component of the unregulated river (A Class) access licence, unregulated river (B Class) access licence or unregulated river (C Class) access licence respectively, as at 26th September 2019.

**TSC** is the sum of all share components for each of the following access licence categories—

- (a) unregulated river (A Class) access licence,
- (b) unregulated river (B Class) access licence,
- (c) unregulated river (C Class) access licence,

as at 26th September 2019.

**TDFS** is the total daily flow shares for each category of access licence as follows—

- (a) unregulated river (A Class) access licences—512.73,
- (b) unregulated river (B Class) access licences—10,962.25,
- (c) unregulated river (C Class) access licences—8,192.73.

**Notes—**

- 1** An amendment to the extraction component takes effect when it is recorded in the Access Register, in accordance with section 68A(3) of the Act.
- 2** The total volume of water that may be taken on any day under an access licence with daily flow shares specified in the extraction component is as set out in clause 42A.
- 3** Once the extraction component of an access licence has been amended to specify an IDEC in accordance with this clause, this clause has no further operation. Changes to IDECs may be effected through dealings as set out in the access licence dealing rules in Part 10 of this Plan. Dealings affecting the extraction component are able to operate independently of dealings relating to the share component of a licence.

## **52A Active Management Procedures Manual**

The Minister must prepare and publish on the Department's website an Active Management Procedures Manual that includes but is not limited to the following—

- (a) the means for identifying and determining Active Environmental Water on any given day,

- (b) the means for determining and making announcements under clause 42A(3),
- (c) the requirements for access licence holders intending to protect water from extraction to notify the Minister under clause 43,
- (d) the means for assessing a notification and determining the amounts to be debited from access licence water allocation accounts under clause 43,
- (e) the means for determining the amounts necessary to protect Active Environmental Water under clause 47 and 49A,
- (f) the means for determining the circumstances set out in clause 50 to enable the management of resumption of flows,
- (g) any other matter the Minister considers relevant.

**Note—**

This clause commences on 1 December 2020 (clause 3(2) of this Plan).

## **Part 9**

### **53-61 (Repealed)**

## **Part 10 Access licence dealing rules**

### **62 General**

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

**Notes—**

- 1** Access licence dealings in the 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.

### **63 Conversion of access licence to new category**

Dealings under section 71O of the Act are prohibited in the water source.

### **64 Assignment of rights dealings (within water sources)**

- (1) Dealings under section 71Q of the Act within the water source are prohibited if the dealing involves an assignment of rights from—
  - (a) an unregulated river (A Class) access licence to an unregulated river (A Class) access licence that nominates a water supply work located in River Section 1 if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 1 to exceed 3,434 unit shares,



- (b) an unregulated river (B Class) access licence to an unregulated river (B Class) access licence that nominates a water supply work located in River Section 1 if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 1 to exceed 82,940 unit shares,
- (c) an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that nominates a water supply work located in River Section 1 if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 1 to exceed 26,040 unit shares,
- (d) an unregulated river (A Class) access licence to an unregulated river (A Class) access licence that nominates a water supply work located in River Section 2 if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 2 to exceed 2,535 unit shares,
- (e) an unregulated river (B Class) access licence to an unregulated river (B Class) access licence that nominates a water supply work located in River Section 2 if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 2 to exceed 38,282 unit shares,
- (f) an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that nominates a water supply work located in River Section 2 if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 2 to exceed 114,197 unit shares,
- (g) an unregulated river (A Class) access licence to an unregulated river (A Class) access licence that nominates a water supply work located in River Section 3 if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 3 to exceed 13,515 unit shares,
- (h) an unregulated river (B Class) access licence to an unregulated river (B Class) access licence that nominates a water supply work located in River Section 3 if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 3 to exceed 126,019 unit shares,
- (i) an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that nominates a water supply work located in River Section 3 if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 3 to

exceed 34,344 unit shares,

- (j) an unregulated river (A Class) access licence to an unregulated river (A Class) access licence that nominates a water supply work located in River Section 4 if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 4 to exceed 5,860 unit shares,
  - (k) an unregulated river (B Class) access licence to an unregulated river (B Class) access licence that nominates a water supply work located in River Section 4 if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 4 to exceed 38,246 unit shares,
  - (l) an unregulated river (C Class) access licence to an unregulated river (C Class) access licence that nominates a water supply work located in River Section 4 if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 4 to exceed 44,720 unit shares, or
  - (m) (Repealed)
- (2) Dealings under section 71Q of the Act are prohibited if the dealing involves the assignment of daily flow shares from an access licence specifying one river section to an access licence specifying another river section.
  - (3) Dealings under section 71Q of the Act are prohibited if the dealing involves the assignment of daily flow shares from one access licence to another access licence that is subject to less restrictive take conditions.
  - (4) Dealings under section 71Q of the Act between water sources are prohibited.

**Note—**

An assignment of share component from one access licence to another under section 71Q of the Act does not affect the daily flow shares specified in the extraction components of those licences unless daily flow shares are also assigned under section 71Q.

**64A Assignment of individual daily extraction component**

Dealings under section 71QA of the Act are prohibited in the water source.

**Note—**

The trading of daily flow shares under section 71Q of the Act within river sections is permitted under clause 64. However, it is intended that the short-term trading of daily flow shares in an IDEC will be considered as part of the remake of this Plan.

**65 Amendment of share component dealings (change of water source)**

Dealings under section 71R of the Act are prohibited in the water source.

## **66 Amendment of extraction component dealings**

- (1) Dealings under section 71S of the Act are permitted unless—
  - (a) the dealing involves the extraction component of an access licence being varied to specify a different river section, or
  - (b) the dealing involves the amendment of daily flow shares.

### **Note—**

Daily flow shares may be permanently traded as an assignment of rights under section 71Q.

## **67 Assignment of water allocations dealings**

- (1) Dealings under section 71T of the Act within the water source are prohibited if the dealing involves an assignment of water allocation from an access licence to another access licence with more restrictive take conditions.
- (2) A dealing under section 71T of the Act between an access licence entitled to take water in the water source and an access licence entitled to take water in any other water source is prohibited.

## **68 Interstate transfer of access licences and assignment of water allocation**

- (1) Dealings under section 71U of the Act involving the interstate transfer of an access licence to or from the 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 the water source are prohibited.

## **69 Nomination of water supply works dealings**

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves—
  - (a) an access licence that does not nominate a water supply work located—
    - (i) within a natural pool, lagoon or lake that is not within a river or stream (regardless of size),
    - (ii) on a flood-runner or floodplain, or
    - (iii) on an effluent,being amended to nominate a water supply work located within a natural pool, lagoon or lake that is not within a river or stream (regardless of size), on a flood-runner or floodplain, or on an effluent,
  - (b) an access licence being amended to nominate a water supply work that was nominated by an access licence specified in Column 1 of Schedule 2 at the commencement of this Plan,

- (c) an unregulated river (A Class) access licence being amended to nominate a water supply work located in River Section 1, if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 1 to exceed 3,434 unit shares,
- (d) an unregulated river (B Class) access licence being amended to nominate a water supply work located in River Section 1, if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 1 to exceed 82,940 unit shares,
- (e) an unregulated river (C Class) access licence being amended to nominate a water supply work located in River Section 1, if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 1 to exceed 26,040 unit shares,
- (f) an unregulated river (A Class) access licence being amended to nominate a water supply work located in River Section 2, if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 2 to exceed 2,535 unit shares,
- (g) an unregulated river (B Class) access licence being amended to nominate a water supply work located in River Section 2, if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 2 to exceed 38,282 unit shares,
- (h) an unregulated river (C Class) access licence being amended to nominate a water supply work located in River Section 2, if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 2 to exceed 114,197 unit shares,
- (i) an unregulated river (A Class) access licence being amended to nominate a water supply work located in River Section 3, if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 3 to exceed 13,515 unit shares,
- (j) an unregulated river (B Class) access licence being amended to nominate a water supply work located in River Section 3, if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 3 to exceed 126,019 unit shares,
- (k) an unregulated river (C Class) access licence being amended to nominate a water supply work located in River Section 3, if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 3 to exceed 34,344 unit shares,
- (l) an unregulated river (A Class) access licence being amended to nominate a water

supply work located in River Section 4, if it would cause the sum of the share components of all unregulated river (A Class) access licences that nominate water supply works located in River Section 4 to exceed 5,860 unit shares,

- (m) an unregulated river (B Class) access licence being amended to nominate a water supply work located in River Section 4, if it would cause the sum of the share components of all unregulated river (B Class) access licences that nominate water supply works located in River Section 4 to exceed 38,246 unit shares,
- (n) an unregulated river (C Class) access licence being amended to nominate a water supply work located in River Section 4, if it would cause the sum of the share components of all unregulated river (C Class) access licences that nominate water supply works located in River Section 4 to exceed 44,720 unit shares, or
- (o) an unregulated river (C Class) access licence that arose from the [Water Act 1912](#) entitlement 85SL105068 at the commencement of this Plan being amended to nominate a water supply work that is not located on Collymungle lagoon.

(2), (3) (Repealed)

## Part 11 Mandatory conditions

### Note—

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

## Division 1 General

### 70 General

In this Part—

- (a) a requirement to notify the Minister in writing will be satisfied by making a notification in writing to the address listed in Schedule 4 of this Plan or to the email address for enquiries on the Department's website,

### Note—

At the commencement of this Plan, the email address for enquiries on the Department's website is [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au)

- (b) a ***metered water supply work with a data logger*** means a water supply work with—
  - (i) a data logger, and
  - (ii) a meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated and replaced from time to time, and
- (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.

### **71 General**

- (1) Access licences in the water source must have mandatory conditions to give effect to the following—
  - (a) the relevant water allocation account management rules specified in Division 1 of Part 8 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 upon becoming aware of a breach of any condition of the access licence must—
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach, and
  - (d) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
  - (e) any other condition required to implement the provisions of this Plan.
- (2) Access licences in the water source, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions 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,
- (v) for access licences, with share components that specify the water source, excluding unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 42 (2),
- (vi) for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 42 (3) and the volume of water taken in any three consecutive water years by comparison to the volume of water permitted to be taken in those years under clause 42 (4),
- (vii) (Repealed)
- (viii) any other information required to be recorded in the Logbook under the rules of this Plan,

(c) (Repealed)

(d) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and

(e) 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 the access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements from subclause (2).

(4) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the licence.

**Note—**

The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals in the water source by 1 December 2021.

(5) Subclauses (2), (3) and (4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water source in accordance with clause 230 (1) of the *Water Management*

*(General) Regulation 2018.*

**Note—**

**Mandatory metering equipment condition** is defined in clause 228 of the *Water Management (General) Regulation 2018*.

## **Division 3 Water supply work approvals**

**Note—**

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

### **72 General**

- (1) Water supply work approvals for water supply works in the 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 8, Schedule 2 and Schedule 2A 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 the Australian Standard AS 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 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 in the notice,

**Note—**

The Minister may also direct a landholder or person to install, replace or 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) (Repealed)

(e) the holder of the water supply work approval upon becoming aware of a breach of any condition of the approval must—

(i) notify the Minister as soon as practicable, and

(ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach, and

(f) any other conditions required to implement the provisions of this Plan.

(1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, subclause (1)(b) ceases to have effect in relation to the work on the day on which the condition applies to the approval.

(1B) Subclauses (1)(b) and (1A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water source in accordance with clause 230(1) of the *Water Management (General) Regulation 2018*.

**Note—**

Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in the water source from 1 December 2021.

(2) Water supply work approvals for water supply works in the water source, excluding any water supply work that is a metered water supply work with a data logger is used for the purpose of taking water under basic landholder rights only, must have mandatory conditions 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).
- (3A) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the approval.
- (3B) Subclauses (2), (3) and (3A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water sources in accordance with clause 230(1) of the *Water Management (General) Regulation 2018*.
- (4) All water supply works must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook.
- (5) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share component

arising from—

- (a) a dealing under section 71Q or 71W of the Act,
  - (b) the surrender under section 77(4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A(6) of the Act,
  - (c) the amendment of the share component of an access licence by the Minister under section 68A of the Act, or
  - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.
- (6) The water supply work approval for an in-river dam that replaces a [Water Act 1912](#) entitlement, must have mandatory conditions that give effect to the conditions for construction, operation and maintenance of the in-river dam, and the passing of flows in the circumstances referred to on the [Water Act 1912](#) entitlement that was replaced by the water supply work approval.

**Note—**

[Water Act 1912](#) entitlement is defined in the Dictionary.

### **73 (Repealed)**

## **Part 12 Amendment of this Plan**

### **74 General**

- (1) Amendments specified throughout this Plan and in this Part, are amendments authorised by this Plan.
- (2) Amendments authorised by this Plan are taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

**Note—**

For example, if Part 1 is amended to add a new management zone, this may require amendments to other parts of this Plan to include rules for that management zone.

- (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.

### **75 Part 1**

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

- (a) apply this Plan to new or additional water sources or water management areas (including part thereof) or modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) from this

Plan,

- (b) add, remove or modify a management zone or river section, including the water sources to which a management zone or river section applies and the boundaries of such a zone or section,
- (c) (Repealed)
- (d) amend the Plan Map.

**76 (Repealed)**

**77 Part 6**

Part 6 may be amended to increase the sum of available water determinations that can be made in a water year under clause 38(3) and increase the available water determination that should be made at the commencement of each water year under clause 39 for unregulated river (A Class) access licences, unregulated river (B Class) access licences and unregulated river (C Class) access licences, if a recalibration of the hydrologic computer model that at the time is approved by the Department for assessing long term extraction from the water source results in an increase to the estimate of the long-term average annual extraction limit for the water source.

**78 Part 8**

Division 2 of Part 8 of this Plan may be amended to do any of the following—

- (a) amend the existing flow classes, establish new or additional flow classes and flow reference points and access rules for the Boorooma to Brewarrina Management Zone in the water source following a study that shows to the satisfaction of the Minister that the current access rules are having an adverse impact on the Aboriginal cultural value of the fish traps at Brewarrina, provided that such amendments—
  - (i) do not apply to domestic and stock access licences and local water utility access licences,
  - (ii), (iii) (Repealed)
  - (iv) the Minister has consulted with Government agencies and stakeholders,
- (b) amend the existing flow classes, establish new or additional flow classes and flow reference points and access rules after year five of this Plan for any management zone in the water source following a study that shows to the satisfaction of the Minister that the current access rules are having an adverse impact on an endangered aquatic ecological community in the water source, or an individual listed threatened fish species within that community, provided that such amendments—
  - (i) do not apply to domestic and stock access licences and local water utility access licences,

(ii), (iii) (Repealed)

(iv) the Minister has consulted with Government agencies and stakeholders,

**Note—**

Amendments under paragraph (b) may be designed to protect refuge pools and connectivity between refuge pools, protect in-stream aquatic habitat values, maintain or improve water quality within pools and/or to allow longitudinal movement of native fish during key fish spawning and recruitment periods to support the recovery of an endangered aquatic ecological community in the water source, or an individual listed threatened fish species within that community.

(c) establish new or additional flow classes in any water source where management zones are added, or in any water source or management zone that is amended, during the term of this Plan as specified in clause 75,

(d)-(f) (Repealed)

(g) amend clause 44 to specify alternate rules to share water between holders of supplementary water (“Aboriginal environmental”) access licences,

(g1) amend rules for the establishment, amendment, assignment and removal of IDECs,

(h) amend clause 51 to establish TDELs,

(i) amend or remove TDELs if TDELs have been established under paragraph (h),

(j) include rules to facilitate active management to share flows, including requiring the taking of water to be carried out in accordance with Ministerial notices or announcements or to require licence holders to express interest in accessing their entitlement during an event,

(k) amend clause 50 to specify alternate or additional rules for the resumption of flows following a dry period.

**79 (Repealed)**

**80 Part 10**

Part 10 may be amended to—

(a) include dealing rules to give effect to an interstate trading agreement for these water sources, or

(b) amend the dealing rules in relation to sections 71O, 71Q, 71QA, 71S and 71W of the Act.

**81 Part 11**

Part 11 may be amended to in relation to metering and record keeping including in relation to requirements for Logbooks.

## 82 Dictionary

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

## 83 Schedules

(1) Schedule 2 may be amended to do any of the following—

- (a) remove an access licence or entitlement from Column 1 of Schedule 2 and to remove the corresponding access rule from Column 2 of Schedule 2,
- (b) amend the access rule specified in Column 2 of Schedule 2, or
- (c) add an access licence to Column 1 of Schedule 2 and to specify an access rule in Column 2 of Schedule 2.

(1A) Schedule 2A may be amended to do any of the following—

- (a) remove an access licence or entitlement from Column 1 of Schedule 2A and remove the corresponding access rule from Column 2 of Schedule 2A,
- (b) amend the access rule specified in Column 2 of Schedule 2A,
- (c) add an access licence to Column 1 of Schedule 2A and specify an access rule in Column 2 of Schedule 2A.

(2) Schedule 3 may be amended to do any of the following—

- (a) add a new access licence to Table C of Schedule 3, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 49(1)(a) and that purpose was specified on, or referred to in the conditions of, the [Water Act 1912](#) entitlement that was replaced by the access licence,
- (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to Table D of Schedule 3, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
- (c) remove an access licence from Table C of Schedule 3 if—
  - (i) an access licence dealing results in water being taken under the licence from a different location,
  - (ii) an alternative water supply is obtained, or
  - (iii) the access licence is surrendered or cancelled,
- (d) remove a local water utility access licence or an access licence of the subcategory “Town water supply” from Table D of Schedule 3 if—

- (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
  - (ii) the access licence is surrendered or cancelled.
- (3) Schedule 3 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (4)-(7) (Repealed)

#### **84 Other**

- (1) This Plan may be amended to include rules for the following—
- (a) the management of floodplain harvesting within the 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,
  - (d) the interception of water before it reaches a stream or aquifer by plantations or other means,
  - (e) to accommodate any amendment to or replacement of the Interim Unregulated Flow Management Plan for the North-West, providing that such amendments—
    - (i) do not apply to domestic and stock access licences and local water utility access licences in the water source, and
    - (ii), (iii) (Repealed)
    - (iv) the Minister has consulted with Government agencies and stakeholders.
  - (f)-(h) (Repealed)
- (1A) This Plan may be amended to provide for the amendment of the share component under section 68A of the Act following a recalibration of the Barwon-Darling Cap IQQM as a result of more accurate metering and new observed data.
- (1B) This Plan may be amended to change or replace the long-term average annual extraction limit rules in Division 1A of Part 6 as a result of the Cap no longer applying under the Murray-Darling Basin Agreement.

**Note—**

**Murray-Darling Basin Agreement** and **the Cap** are defined in the Dictionary.

- (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 to give effect to, or in connection with, a determination of native title under the [Native Title Act 1993](#) of the Commonwealth.
- (4) This Plan may be amended to enable a water resource plan to be accredited under the [Water Act 2007](#) of the Commonwealth.
- (5) This Plan may be amended after year five 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,
  - (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 dealing rules to protect water dependent Aboriginal cultural assets.
- (6) (Repealed)
- (7) Before making an amendment pursuant to subclause (5) the Minister should consult with Government agencies and stakeholders.

## Dictionary

### Note—

Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the 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](#).

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

- (a) held environmental water flowing from a water source that is upstream of the water source,
- (b) a notification by a licence holder to the Minister of the licence holder's intention to protect the water from extraction under clause 43 of this Plan.

**Active Management Procedures Manual** means the manual established by the Minister under clause 52A.

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

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

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



**Barwon-Darling Watercourse SDL resource unit** has the same meaning as provided for in section 6.05 of the Basin Plan.

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

**Cap baseline conditions** has the same meaning as it has under the Murray-Darling Basin Agreement in Schedule 1 of the [Water Act 2007](#) of the Commonwealth.

**Cease to pump rules** means any term or condition on a water supply work approval, an access licence or [Water Act 1912](#) entitlement that prohibits the taking of water in a particular circumstance.

**cease to take condition** means any term or condition on a water supply work approval, an access licence or [Water Act 1912](#) entitlement that prohibits the taking of water in a particular circumstance.

**consumptive use** has the same meaning as it has in section 4 of the [Water Act 2007](#) of the Commonwealth.

**daily flow share** is a number specified in the extraction component of an access licence as part of the IDEC in accordance with clause 52.

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

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

**flow regimes** mean, collectively, the magnitudes, durations, frequency and patterns of flows that characterise a river or water source.

**held environmental water** has the same meaning as it has in section 4 of the [Water Act 2007](#) of the Commonwealth.

**IDEC** means individual daily extraction component.

**individual daily extraction limit (IDEL)** is the volume of water that may be extracted by an individual access licence from an unregulated river on a daily basis from a particular flow class.

**in-river dam** means a dam located in a river created by a structure authorised by a water supply work approval.

**in-river dam pool** means the area of water immediately upstream of an in-river dam where the river has pooled at that point in time as a result of an in-river dam.

**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.

**long-term average sustainable diversion limit** has the same meaning as it has in section 4 of the

[Water Act 2007](#) of the Commonwealth.

**management zone** is an area within a water source in which rules particular to that management zone will apply, for example daily extraction limits and restrictions on dealings.

**Murray-Darling Basin Agreement** means the Murray-Darling Basin Agreement as set out in Schedule 1 of the [Water Act 2007](#) of the Commonwealth.

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

**runoff harvesting dam** means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in any harvestable rights order made under section 54 of the Act. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

**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.

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

**the Cap** means the Cap On Diversions as set out in the Murray-Darling Basin Agreement.

**total daily extraction limit (TDEL)** is the volume of water that may be extracted under access licences from an unregulated river on a daily basis from a particular flow class.

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

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

## Schedule 1 Sections of water courses included in the Barwon-Darling Unregulated River Water Source

Column 1	Column 2
Water course	Section
Barwon River	The section from the Mungindi Weir (end of Border Rivers Regulated River water source) to the junction with Culgoa River (formation of Darling, NW corner of Lot 4084, DP 766589)
Darling River	The section from the junction of Culgoa and Barwon Rivers (NW corner of Lot 4084 DP 766589) to Lake Wetherell (start of Darling Regulated River)
Briery Anabranch	The section from the junction with Barwon River (NW corner of Lot 8, DP 751619) to the junction with the unregulated Macquarie River (NE corner of Lot 19, DP 42179)

Collymungle Lagoon	The section from the junction with Gnungarah Creek (SE corner of Lot 32, DP 750445) to the junction with the unregulated Gwydir River (NW corner of Lot 17, DP 750445)
Dead Horse Creek	The section from the junction with Darling River to the border of Lot 6659, DP820415 and Lot 6657, DP 820416
Gnungarah Creek	The section from the junction with Barwon River (northern most point of Lot 61, DP 727897) to the junction with Collymungle Lagoon (SE corner of Lot 32, DP 750445)
Gwydir River	The section from the junction with Collymungle Lagoon (NW corner of Lot 17, DP 750445) to the junction with Balonne River.
Kiar Lagoon	The section from the upstream junction with Barwon River (within Lot 18, DP 752725) to the downstream junction with Barwon River (within Lot 18, DP 752725)
Little Weir River	The section from the junction with Barwon River to the Queensland Border
Orange Tree Lagoon	The section from the upstream junction with Darling River (within Lot 6683, DP 820484) to the downstream junction with Darling River (within Lot 6683, DP 820484)
Ross Billabong	The section from the junction with Darling River (within Lot 5185, DP 720967) to Pebbles Dam diversion bank
Talyawalka Creek	The section from the downstream junction with Darling River (near western corner of Lot 4, DP 1092567) to the crossing with Paka Tank Tilpa Rd (SE boundary of Lot 5758, DP 768658)
Pagan Creek	The section from the junction with Barwon River (most Northern point of Lot 7004, DP 1058926) to the junction with Thalaba Creek
Thalaba Creek	The section from the junction with Pagan Creek to the junction with the second crossing with a public road within Lot 2, DP 752231, between Ivanhoe crossing Rd and Mercadool Rd
The Big Billabong	The section from the upstream junction with the Darling River (near Barwon St) to the downstream junction with Darling River (within Lot 20, DP 753574)
Unnamed water courses	The section within Lot 6232, DP 769084, Parish of Werribilla, County of Finch
Unnamed water courses	The section within Lot 65, DP 827166 and Lot 20, DP 750445, Parish of Collymungle, County of Benarba
Unnamed water courses	The section within Lot 35, DP 752697, Parish of Gingie, County of Finch
Unnamed water courses	The section within Lot 6218, DP 769070, Parish of Townday, County of Finch
Unnamed water courses	The section within Lot 3990, DP 766463, Parish of Mohenia, County of Narran
Unnamed water courses	The section within Lot 25, DP 752745, Parish of Scott, County of Finch

Unnamed water courses	The section within Lot 1, DP 751597, Parish of Stonehenge, County of Clyde
Unnamed water courses	The section within Lot 6360, DP 769254, Parish of Euminbah, County of Finch
Unnamed water courses	The section within Lot 6709, DP 822028, Parish of Pera, County of Gunderbooka
Unnamed water courses	The section within Lot 2789, DP 764923, Parish of Milrea, County of Finch
Unnamed water courses	The section within Lots 2 and 31, DP 752725, Parish of Milrea, County of Finch
Unnamed water courses	The section within crown land adjacent to Lot 2, DP 752725 and Lot 2789, DP 764923, Parish of Milrea, County of Finch
Unnamed water courses	The section within Lots 20, 53, 54 and 60, DP 752263, Parish of Pokataroo, County of Denham
Unnamed water courses	The section within Lot 50, DP 1112131, Lot 13,5 DP 751848 and Lot 6568, DP 768113, Parish of Bourke, County of Cowper
Unnamed water courses	The section within Lot 6927, DP 1032628, Parish of Banga, County of Cowper
Unnamed water courses	The section within Lot 9, DP 753545, Parish of Boyong, County of Gunderbooka
Unnamed water courses	The section within Lot 6, DP 753545 and Lot 8, DP 815343, Parish of Boyong, County of Gunderbooka
Unnamed water courses	The section within Lot 5159, DP 720987, Parish of Nil, County of Gunderbooka
Unnamed water courses	The section within Lots 33 and 32, DP 750435, Parish of Bucknel, County of Benarba
Unnamed water courses	The section within Lots 20, 53, 54, 60, DP 752263, Parish of Pokataroo, County of Denham

## **Schedule 2 Access licences with cease to pump rules that are in addition to the flow class announcement rules**

(Clause 47)

Those access licences listed in Column 1 of the table below will have the access rule specified in Column 2 imposed as a mandatory condition on all water supply work approvals nominated by that access licence to give effect to clause 47 of this Plan.

The access rules in Column 2 of Schedule 2 may be adjusted by the Minister under subclause 47(4) to protect Active Environmental Water.

**Column 1**

**Column 2**

**Column 3**

**Water Management Act**

**2000 water access licence**

**Access rule**

**Management zone**

35396 36273 36274	Water must not be taken when the flow in the Barwon River at the Brewarrina gauge (422002) is equal to or less than 750 ML/day.	Boorooma to Brewarrina Management Zone
33670 33671	Water must not be taken when the flow in the Darling River at the Louth gauge (425004) is equal to or less than 1,339 ML/day.	Bourke to Louth Management Zone
33722 33622	Water must not be taken when water is flowing from Thalaba Creek into the Pagan Creek offtake adjacent to TSR 3677, Parish of Pagan, County of Denham.	Collarenebri to Upstream Walgett Weir Pool Management Zone
35432	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day.	Downstream Walgett to Boorooma Management Zone
35402	Water must not be taken when the flow in the Barwon River at the Presbury Weir gauge (416050) is equal to or less than 1,500 ML/day.	Mungindi to Boomi River Confluence Management Zone

33667	<p>(1) Subject to subclause (2), water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 1,610 ML/day.</p> <p>(2) Notwithstanding subclause (1), when the flow in the Darling River at the Bourke Town gauge (425003) is more than 1,250 ML/day and less than or equal to 1,610 ML/day, application may be made to the Department's Dubbo office at the address listed in Appendix 3 for permission to take water for the irrigation of an area equal to or less than 1,000 hectares on properties: Lot 4914 Plan 40034, Lot 5159 Plan 720987 (Western Land Lease 13652), and Lot 5183 Plan 720986 (Western Land Lease 13879) in Parish Paka and County Gunderbooka, Lot 6656 Plan 820416 (Western Land Lease 14082) in Parish Nulty and County Gunderbooka and/or Lot 7 Plan 815343 in Parish Boyong and County Gunderbooka.</p> <p>Permission to divert water, for limited periods, for the purpose of such irrigation is to only be granted by the Department when the quantity of water flowing in the Darling River exceeds the quantity considered by the Department to be required for all purposes. If any such application is granted in whole or in part by the Department, then the water may be taken for such period and under such conditions as specified by the Department in granting the application. The application and the granting thereof by the Department is to be in writing.</p>	Bourke to Louth Management Zone
33667	<p>Water must not be taken by the water supply work located on the Darling River unless the water supply work on Ross Billabong is operating and the storage in Ross Billabong is not increasing.</p>	Bourke to Louth Management Zone
35411	<p>Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day.</p>	Brewarrina to Culgoa River Junction Management Zone
33688	<p>Water must not be taken when the flow in the Barwon River at the Brewarrina gauge (422002) is equal to or less than 2,500 ML/day.</p>	Booroomba to Brewarrina Management Zone
33768	<p>Water must not be taken when the flow in the Barwon River at the Brewarrina gauge (422002) is equal to or less than 2,500 ML/day.</p>	Booroomba to Brewarrina Management Zone

35393	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day.	Brewarrina to Culgoa River Junction Management Zone
35417	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day.	Brewarrina to Culgoa River Junction Management Zone
33692	Water must not be taken when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 4,894 ML/day.	Brewarrina to Culgoa River Junction Management Zone

## Schedule 2A Unregulated river (C Class) access licences with cease to pump rules in addition to the C Class flow announcement rule

(Clause 47)

Those unregulated river (C Class) access licences listed in Column 1 of the table below will have a mandatory condition imposed on the water supply work approval for all water supply works nominated by those access licences to give effect to the access rules specified in Column 2, as required by clause 47 of this Plan.

The access rules in Column 2 of Schedule 2A may be adjusted by the Minister under subclause 47(4) to protect Active Environmental Water.

Column 1	Column 2	Column 3
<i>Water Management Act 2000</i> water access licence	Access rule	Management zone
33773	Water must not be taken under an unregulated river (C Class) access licence when the flow in the Darling River at the Bourke gauge (425003) is equal to or less than 11,000 ML/day.	Culgoa River Junction to Bourke Management Zone
33798	Water must not be taken under an unregulated river (C Class) access licence when the flow in the Barwon River at the Collarenebri gauge (422003) is equal to or less than 1,100 ML/day.	Downstream Mogil Mogil to Collarenebri Management Zone

## Schedule 3 Access licences used to take surface water exempt from cease to pump rules

(Clause 49)

### 1 General

Clause 49 applies to each access licence listed in Table C and Table D below.

#### Table C

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**Table D**

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**Schedule 4 Office**

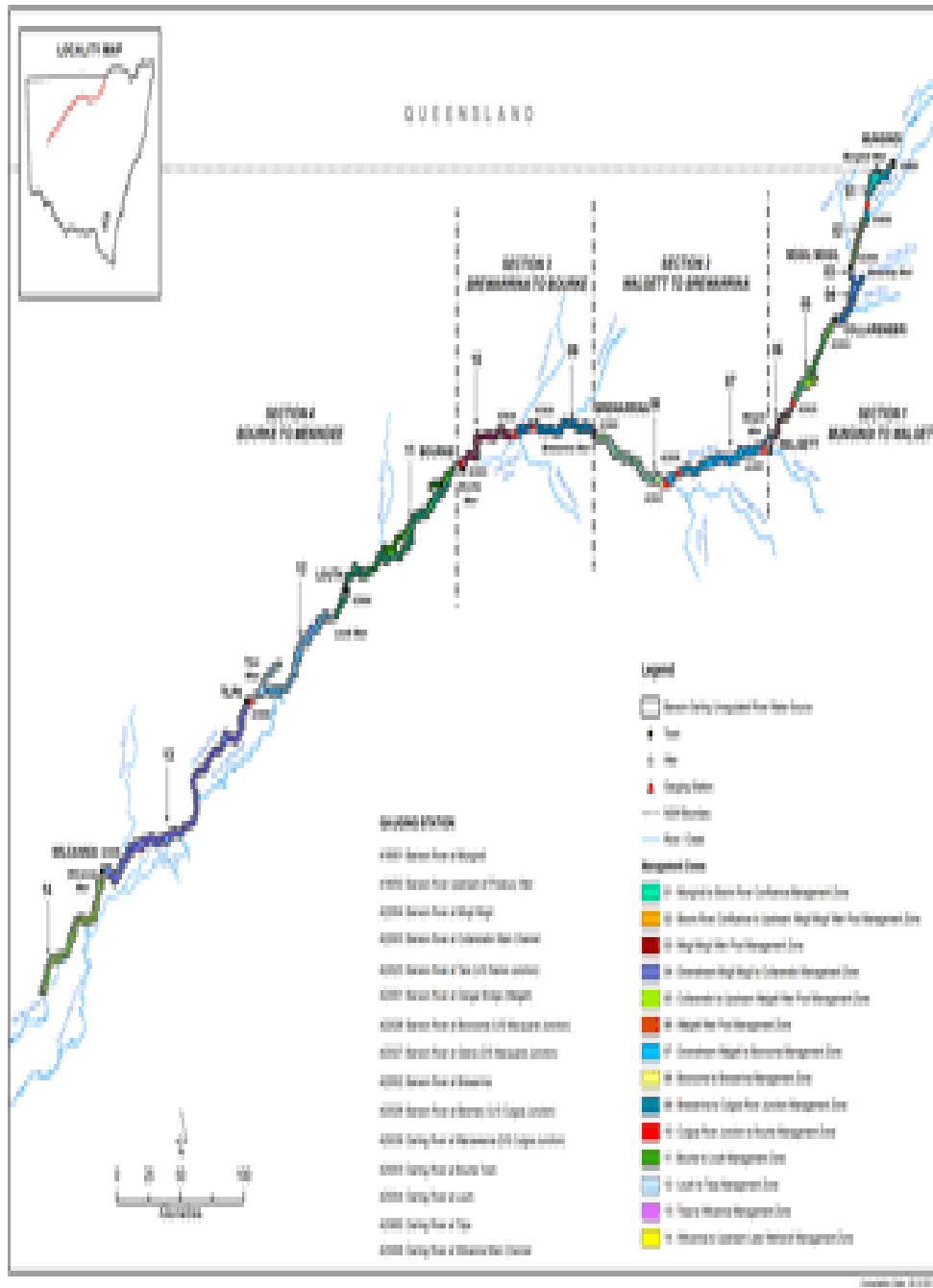
NSW Department of Planning, Industry and Environment—Water  
209 Cobra St  
DUBBO NSW 2830

**Schedules 5-7 (Repealed)**

**Appendix 1 Overview of the Plan Map**

**Overview of Plan Map (WSP022\_Version 2), [Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012](#)**





### Appendices 2, 3 (Repealed)