

# Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011

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# Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011

## Notes.

- 1 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.
- 2 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.
- 3 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.

## Part 1 Introduction

**Note.** Part 12 allows for amendments to be made to Part 1.

### 1 Name of this Plan

This Plan is the *Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011* (hereafter *this Plan*).

### 2 Nature and status of this Plan

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

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

### 3 Commencement of this Plan

This Plan commences on 14 November 2011.

#### Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2012.
- 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 of 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 Intersecting Streams water resource plan area.
- 4 *Basin Plan* is defined in the Dictionary.

#### 4 Application of this Plan

(1) This Plan applies to the following water sources known as the Intersecting Streams Unregulated River Water Sources (hereafter *these water sources*) within the Western Water Management Area:

(a) Mooni River Water Source,

(b) Narran River Water Source,

(c) Culgoa River Water Source,

**Note.** The Culgoa River Water Source includes the Bokhara River to its confluence with the Barwon River.

(d) Warrego River Water Source,

(e) Paroo River Water Source, and

(f) Yanda Creek Water Source.

**Note.** The Western Water Management Area was 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) These water sources are shown on the Plan Map called *Plan Map (WSP046\_Version 2), Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2011*, (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) Subject to subclause (5), these water sources include all water:

(a) occurring naturally on the surface of the ground within the boundaries of these water sources as shown on the Plan Map, and

(b) in rivers, lakes and wetlands within the boundaries of these water sources.

(4) (Repealed)

(5) These water sources do not include water:

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

(b) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence.

**Note.** *Floodplain harvesting* is defined in the Dictionary.

**Note.** This Plan, as amended by the *Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources Amendment Order 2020*, does not apply to the Warrego Alluvial Groundwater Source and Paroo Alluvial Groundwater Source. The *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020* applies to those water sources.

## 5 Management Zones

- (1) For the purposes of this Plan, the Narran River Water Source is divided into the following management zones:
  - (a) Zone 1 Management Zone,
  - (b) Zone 2 Management Zone,
  - (c) Zone 3 Management Zone, and
  - (d) Narran River Tributaries Management Zone.

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

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

## 6 Understanding the rules in this Plan

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

**Note.** The rules in this Plan include environmental water rules, access licence dealing rules, rules for granting and managing access licences, rules for water supply work approvals, rules for the making of available water determinations, water allocation account rules and daily access rules.

## 7 Interpretation

- (1) Words and expressions that are defined in the Dictionary in Schedule 2 to this Plan have the meaning set out in that Schedule.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in regulations made under the Act have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) The Dictionary and Schedules to this Plan form part of this Plan.
- (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 A monitoring, evaluation and reporting (*MER*) plan has been developed for water sources in the Intersecting Streams Water Resource Plan area, which includes these water sources, and is available on the Department's website. The MER plan describes the following:
  - (a) guidelines and principles for developing broad and targeted objectives, strategies and performance indicators,
  - (b) selection criteria used to identify target ecological populations,
  - (c) selection criteria used for identifying priority monitoring locations for targeted objectives,
  - (d) selection criteria used to identify external influences that may affect the success of achieving objectives or implementing strategies,
  - (e) selection criteria used to determine how the objectives to 'protect' or 'enhance' will be measured for different target populations and performance indicators,
  - (f) which strategies contribute to the achievement of which objectives.
- 3 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.

### **7A Acknowledgment**

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Western Water Management Area.

### **8 Vision statement**

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

- (a) the health and enhancement of these water sources and their 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.

### **9 Environmental objectives**

- (1) The broad environmental objective of this Plan is to protect, and where possible enhance, the ecological condition of these water sources and their water-dependent ecosystems over the term of this Plan.

**Note.** The ecological condition of these water sources 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 these water sources. Water-dependent ecosystems in these water sources include instream, riparian and floodplain ecosystems.

(2) The targeted environmental objective of this Plan is to protect, and where possible enhance, the following over the term of this Plan:

(a) 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 these water sources may include known or predicted populations of the following:
  - (a) native fish including Murray cod, olive perchlet and silver perch,
  - (b) native vegetation including river red gum, coolibah–black box woodland and wetland communities,
  - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds and vegetation.
- 3 Ecological communities that are associated with Ramsar and Directory of Important Wetlands Australia (DIWA) listed wetlands, including waterbirds and lignum vegetation, will be monitored under a range of government and academic programs.
- 4 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.

(b) the longitudinal and lateral connectivity within and between 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 these water sources include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for these water sources.
- 3 Connectivity may be within or between water sources in this Plan, or between water sources in this Plan and the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*.
- 4 Connectivity may be between water sources in this Plan and connected water sources in Queensland, where an intergovernmental agreement between the New South Wales and Queensland governments has been made to shepherd water for environmental benefits.
- 5 Connectivity includes flows into and out of significant wetlands, including Ramsar and DIWA listed wetlands, including Narran Lakes, Nocolche Nature Reserve, Paroo-Darling National Park and Yantabulla Swamp.

(c) water quality within target ranges for these water sources to support water-dependent ecosystems and ecosystem functions.

**Note.** Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Intersecting Streams Water Resource Plan Area SW13 and NSW State Water Quality Assessment and Monitoring Plan.

(3) The strategies for reaching the targeted environmental objective of this Plan are as follows:

(a) reserve all water volume in excess of the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment,

**Note.** Part 4 of this Plan reserves all water remaining above the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment. This contributes to the protection of target ecological populations.

(b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,

**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.

(c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full containment volume,

**Notes.**

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

2 The provisions in clause 46 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full containment volume.

(d) restrict or prevent water supply work approvals within the Paroo River and its tributaries in the Paroo River Water Source,

**Note.** The provisions in Part 9 of this Plan prevent the granting or amendment of a water supply work approval in the Paroo River and its tributaries in the Paroo River Water Source.

(e) reserve a portion of natural flows to maintain hydrological connectivity between these water sources and other connected water sources.

**Note.** The provisions in clauses 45 and 46 of this Plan ensure that very 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 these water sources during the term of this Plan have affected progress toward achieving the environmental objectives.

**Note.** External influences may include climate trends, land use patterns and other factors.

## 10 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 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 Division 4 of Part 6 of this Plan and the flow class and access provisions in Division 2 of 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 average annual 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 in 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 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 the changes in the economic benefits of 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 policy or regulation.

## **11 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 natural flows to partially mitigate alterations to natural flow regimes in these water sources,
  - (d) restrict the take of water from in-river and off-river pools when the volume of that water is less than full containment volume,  
**Note.** The provisions in clause 46 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full containment volume, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.
  - (e) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.  
**Note.** The provisions in clauses 45 and 46 of this Plan ensure that a portion of natural flows are protected from extraction.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal 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 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 provisions 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 may include trends in Aboriginal cultural activity, urban, agricultural and industrial development, climate or changes in policy or regulation.

### **11A 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 water for surface 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) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,
  - (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full containment volume,
  - (d) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.
- (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 objectives.
- (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 water 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 the 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 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**

### **12 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
  - (a) the environmental water rules established in Part 4 of this Plan,
  - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
  - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
  - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime established in this Plan for these water sources:
  - (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources 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 are 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 13,
  - (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 the 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.



### 13 Climatic variability

This Plan recognises the effects of climatic variability on river flow in these water sources by having provisions that:

- (a) manage the sharing of water within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reductions in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit and long-term average annual sustainable diversion limit contained in Part 6 of this Plan, and
- (b) manage the sharing of water in specified water sources on a daily basis, contained in Division 2 of 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.

### 14 General

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

**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.

### 15 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in these water sources in the following ways:

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

### 16 Establishment and maintenance of planned environmental water

- (1) This Plan establishes planned environmental water in these water sources as follows:
  - (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8 of this Plan,

**Note.** The rules in Division 2 of 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 limits and long-term average sustainable diversion limits as specified in Part 6,
  - (c) the water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act in accordance with the provisions 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 Division 2 of Part 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained 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 Part 6 and Part 8 of this Plan.

**Note.** The provisions in Part 6 ensure that there will be water remaining in these water sources 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 the long-term average annual extraction limit and the long-term average sustainable diversion limit have been assessed to have been exceeded.

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## Part 5 Requirements for water

### Division 1 General

#### 17 Application

- (1) This Part identifies the requirements for water from these water sources 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 these water sources and the total volumes or unit shares to be specified in the share components of all access licences in these water sources. The actual volumes of water available for extraction in these water sources 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 these water sources and the total share components of all access licences authorised to extract water from these water sources 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 these water sources may change during the term of this Plan as a result of:

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

### Division 2 Requirements for water for basic landholder rights

#### 18 Domestic and stock rights

The water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 6.73 megalitres per day (hereafter **ML/day**), distributed as follows:

- (a) 0.06 ML/day in the Mooni River Water Source,
- (b) 0.76 ML/day in the Narran River Water Source,
- (c) 1.06 ML/day in the Culgoa River Water Source,

- (d) 0.70 ML/day in the Warrego River Water Source,
- (e) 2.24 ML/day in the Paroo River Water Source, and
- (f) 1.91 ML/day in the Yanda Creek Water Source.
- (g) (repealed)
- (h) (repealed)

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

## 19 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), and
- (b) any other determination of native title, and
- (c) any indigenous land use agreement.

**Notes.**

- 1 A map of the native title determination area can be viewed by searching 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 for 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.

## 20 Harvestable rights

The requirement for water under harvestable rights in these water sources is 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 Part 1 of Chapter 3 of the Act.

### **Division 3 Requirements for water for extraction under access licences**

#### **Notes.**

- 1 The share component estimates in this Division include licensed environmental water as defined in section 8 of the Act. The Environmental Water Register maintained by the Department provides a record of licensed environmental water licences, as well as other water intended for environmental purposes.
- 2 As at 1 July 2020, there are four access licences with share components totalling 17,826 unit shares that are not identified as licensed environmental water but are intended to be used for environmental purposes. These licences are held by the Commonwealth Government. These access licences are unregulated river access licences and unregulated river (special additional high flow) access licences.

#### **21 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 these water sources total 482 ML/year, distributed as follows:

- (a) 16 ML/year in the Mooni River Water Source,
- (b) 39 ML/year in the Narran River Water Source,
- (c) 146.5 ML/year in the Culgoa River Water Source,
- (d) 42.5 ML/year in the Warrego River Water Source,
- (e) 230 ML/year in the Paroo River Water Source, and
- (f) 8 ML/year in the Yanda Creek Water Source.
- (g) (repealed)
- (h) (repealed)

#### **22 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 these water sources total 221 ML/year, distributed as follows:

- (a) (repealed),
- (b) 221 ML/year in the Paroo River Water Source, and
- (c) 0 ML/year in all other water sources.

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

It is estimated that the share components of unregulated river access licences authorised to take water from these water sources total 23,083 unit shares, distributed as follows:

- (a) 1,047 unit shares in the Mooni River Water Source,
- (b) 8,834 unit shares in the Narran River Water Source,
- (c) 2,979 unit shares in the Culgoa River Water Source,
- (d) 9,432 unit shares in the Warrego River Water Source,
- (e) 791 unit shares in the Paroo River Water Source, and
- (f) 0 unit shares in the Yanda Creek Water Source.

**24 Share components of unregulated river (special additional high flow) access licences**

It is estimated that the share components of unregulated river (special additional high flow) access licences authorised to take water from these water sources total 12,150 unit shares, distributed as follows:

- (a) 12,150 unit shares in the Warrego River Water Source, and
- (b) 0 unit shares in all other water sources.

**25 (Repealed)**

## 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 for each water source,
- (b) a long-term average sustainable diversion limit.

### Division 1 Calculations under this Part

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

- (1) This clause applies to the calculation of the following:
  - (a) the long-term average annual extraction limits under clause 27,
  - (b) the annual extraction under clause 28,
  - (c) the annual permitted take under clause 29B,
  - (d) the annual actual take under clause 29B.

**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 one of these water sources to an access licence in a water source other than these water sources, under section 71T of the Act,
    - (ii) in relation to annual extraction under clause 31 only, water committed as licensed environmental water under section 8F of the Act, and
  - (b) include allocations assigned to an access licence in one of these water sources from an access licence in a water source other than these water sources, under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limits under clause 27 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 changes to the amount of water committed as licensed environmental water under section 8F of the Act.

## **Division 2 Long-term average annual extraction limits**

### **27 Calculation of the long-term average annual extraction limits**

The long-term average annual extraction limit for each of the water sources to which this Plan applies is the sum of:

- (a) the estimated annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the respective water source, plus
- (b) the estimated annual water requirements pursuant to basic landholder rights in the respective water source at the commencement of this Plan, plus
- (c) the estimated annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in the respective water source, plus

**Note.** In unregulated river water sources (including these water sources) the extraction of water by floodplain harvesting activities is typically already accounted for within the existing access licence share components. However, there may be instances where this is not the case and floodplain harvest access licences may be issued in accordance with the NSW Floodplain Harvesting Policy. Subclause (2)(c) applies only to those estimated extractions for which floodplain harvesting access licences are later issued, and not to estimated extractions under entitlements issued under Part 2 of the *Water Act 1912*.

- (d) the estimated annual take of water from the respective water source by plantation forestry that existed on 30 June 2009.

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

### **28 Calculation of annual extraction**

Following the end of each water year, the Minister is to calculate the total annual extraction from each of the water sources to which this Plan applies based on the following:

- (a) the take of water by basic landholder rights and access licences in that water year,
- (b) the estimated take of water by plantation forestry in that water year,

- (c) until such time as it is included under paragraph (a), the estimated take of water in that water year by floodplain harvesting, for which floodplain harvesting (unregulated river) access licences may be issued in that water source.

## **29 Assessment of compliance with the long-term average annual extraction limits**

- (1) Following the calculation under clause 28, the Minister is to compare the average of the total annual extraction for each of the water sources to which this Plan applies over the preceding five water years against the respective long-term average annual extraction limit.
- (2) There is non-compliance with a long-term average annual extraction limit if the average of the total annual extraction over the preceding five water years exceeds the long-term average annual extraction limit by 5% or more.

### **Division 3 Long-term average sustainable diversion limit**

**Note.** *Intersecting Streams SDL resource unit* is defined in the Dictionary.

#### **29A 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 sources to which this Plan applies is:
  - (a) the baseline diversion limit for the Intersecting Streams SDL resource unit as calculated in accordance with Schedule 3 of the Basin Plan, minus
  - (b) the shared reduction amount for the Intersecting Streams SDL resource unit as determined in accordance with 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.

**Note.** *Baseline diversion limit* is defined in the Dictionary.

#### **29B 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 the water sources to which this Plan applies 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 sources.

**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.

**29C Assessment of compliance with the long-term average sustainable diversion limit**

- (1) Following the calculation under clause 29B 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.

**30 (Repealed)**

**Division 4 Compliance with extraction and diversion limits**

**31 Action following non-compliance**

- (1) Subject to subclause (2) to (4), if an assessment under clauses 29 or 29C demonstrates non-compliance with either a long-term average annual extraction limit for a water source or the long-term average sustainable diversion limit, the Minister is to take one or both of the following actions for the water year after the assessment:
  - (a) make available water determinations for unregulated river access licences of less than 1 ML per unit share,
  - (b) make available water determinations for unregulated river (special additional high flow) access licences of less than 1 ML per unit share.
- (2) The Minister may take one or both of the actions specified in subclause (1) (a) and (1) (b) if an assessment under clause 29C 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.
- (3) An action taken in accordance with subclause (1) and (2) is to be taken to the extent to which, and only for as long as, the Minister considers the following is necessary:

- (a) in the case of non-compliance with a long-term average annual extraction limit— to return average annual extraction in the water source to the respective long-term average annual extraction limit, or
  - (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.
- (4) An action taken in accordance with subclause (1) and (2) to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan is to only apply to a water source to the extent to which extractions from the water source: :
- (a) have caused non-compliance with the long-term average sustainable diversion limit, or
  - (b) would have caused non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse.

**32 (Repealed)**

**Division 5 Available water determinations**

**33 General**

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
  - (a) a percentage of the 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 one of these water sources 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) (Repealed)

**34 Available water determinations for domestic and stock access licences**

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for domestic and stock access licences.

**35 Available water determinations for local water utility access licences**

Unless the Minister otherwise determines, at the commencement of each water year, an available water determination of 100% of the access licence share component is to be made for local water utility access licences.

**36 Available water determinations for unregulated river access licences**

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1ML per unit of access licence share component or such lower amount that is determined in accordance with clause 31 is to be made for unregulated river access licences.

**Note.** Division 4 of this Part provides for the making of available water determinations for unregulated river access licences of less than 1 ML per unit share if there is non-compliance with a long-term average annual extraction limit or the long-term average sustainable diversion limit, or if the long-term average sustainable diversion limit is exceeded but there is a reasonable excuse for this.

**37 Available water determinations for unregulated river (special additional high flow) access licences**

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 31 is to be made for unregulated river (special additional high flow) access licences.

**Note.** Division 4 of this Part provides for the making of available water determinations for unregulated river (special additional high flow) access licences of less than 1 ML per unit share if there is non-compliance with a long-term average annual extraction limit or the long-term average sustainable diversion limit, or if the long-term average sustainable diversion limit is exceeded but there is a reasonable excuse for this.

**38 (Repealed)**

## 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 in these water sources are subject to mandatory conditions and may be subject to discretionary conditions.

### 39 Specific purpose access licences

**Note.** Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan.

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

### 40 (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. The rules in this Division impose further limits on the volume of 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.

#### **41 (Repealed)**

#### **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 one of these water sources.
- (2) For the period of the first three water years in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or an unregulated river access licence in these water sources, must not exceed a volume equal to:
  - (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
  - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, plus
  - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act, in those water years, plus
  - (d) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in those water years.
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or an unregulated river access licence in these water sources, must not exceed a volume equal to the lesser of:
  - (a) the sum of:
    - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,

- (ii) the water allocations carried over from the water year prior to those three water years under subclause (5),
  - (iii) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T or 71V of the Act, in those three water years, and
  - (iv) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in those three water years, or
- (b) the sum of:
  - (i) the share component of the access licence at the beginning of the first of those three water years,
  - (ii) the share component of the access licence at the beginning of the second of those three water years,
  - (iii) the share component of the access licence at the beginning of the third of those three water years,
  - (iv) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T or 71V of the Act, in those three water years, and
  - (v) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in those three water years.
- (4) In any water year, the water taken under an unregulated river (special additional high flow) access licence in these water sources must not exceed a volume equal to:
  - (a) the sum of water allocations accrued under the access licence from available water determinations in that water year, plus
  - (b) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T or 71V of the Act, in that water year, plus
  - (c) any water allocation re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in that water year.
- (5) The maximum water allocation that can be carried over in the water allocation account for a domestic and stock access licence, a local water utility access licence or an



unregulated river access licence in these water sources, from one water year to the next is equal to:

- (a) 100% of the access licence share component, for access licences with share components expressed as ML/year, or
  - (b) 1 ML per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) Water allocations remaining in the water allocation account for an unregulated river (special additional high flow) access licence in these water sources cannot be carried over from one year to the next.

#### **43 (Repealed)**

### **Division 2 Flow classes and daily access rules**

#### **44 General**

The rules in this Division apply to the taking of water under an access licence with a share component that specifies one of these water sources.

#### **45 Flow classes**

- (1) This Plan establishes the flow classes specified in Column 3 of Table A as the basis for the sharing of flows on a daily basis in these water sources.
- (2) The flow classes in Column 3 and the reference points specified in Column 6 of Table A are established for each water source specified in Column 1 and each management zone specified in Column 2 of Table A.
- (3) The flow classes commence in the year specified in Column 4 of Table A.
- (4) A flow class applies in the respective water source or management zone, on the day specified in Column 7 of Table A when the flow (ML/day) or river height (metres) as measured at the reference point specified in Column 6 of Table A are equal to the flow or river height specified in Column 5 of Table A.
- (5) For the purpose of Table A, *Year 1 of this Plan* means from the date of commencement of this Plan.

#### **Notes.**

- 1 The flow classes, reference points, water sources or management zones to which a flow class applies or any other matter listed in Table A may be amended as provided for in Part 12 of this Plan.
- 2 Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table A.

**Table A—Flow Classes**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Water Source	Management Zone	Flow class	Commencement	Flow (ML/day) or river height (metres)	Reference point	Day on which flow class applies
Narran River Water Source	Zone 1 Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 0.45 metres	New Angledool No 2 gauge (422030)	Same day
		A Class	Year 1 of this Plan	More than 0.45 metres		Same day
	Zone 2 Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1.18 metres	Wilby Wilby (Belvedere) gauge (422016)	Same day
		A Class	Year 1 of this Plan	More than 1.18 metres		Same day
	Zone 3 Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Narran Park gauge (422029)	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day

**46 Access rules for the taking of surface water**

- (1) This clause applies to the taking of water under an access licence from these water sources.
- (2) Subject to subclause (10), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows in that water source or management zone are in the Very Low Flow Class. This subclause does not apply to the taking of water from a natural pool, lagoon or lake that is not within a river or stream (regardless of stream size), is on a flood-runner or floodplain, or is on an effluent that only commences to flow during high flows.
- (3) Subject to subclause (10), water must not be taken under an access licence if there is no visible flow in the water source at the location at which water is proposed to be taken. This subclause does not apply to the taking of water from a natural pool, lagoon or lake that is not within a river or stream (regardless of stream size), is on a flood-runner or floodplain, or is on an effluent that only commences to flow during high flows.

- (4) Subject to subclause (10), water must not be taken under an access licence from a natural pool, lagoon or lake that is not within a river or stream (regardless of stream size), is on a flood-runner or floodplain, or is on an effluent that only commences to flow during high flows, when the water level in that pool, lagoon or lake is less than 100% of its full containment volume.
- (5) Water must not be taken under an access licence where the cease to pump threshold on an entitlement issued under Part 2 of the *Water Act 1912* that the access licence replaces is, in the Minister's opinion, higher than the upper limit of the relevant Very Low Flow Class (as specified in Column 5 of Table A) or the cease to take condition specified in subclauses (3) and (4), when flows are at or less than the cease to pump threshold that was specified on the replaced *Water Act 1912* entitlement. In this subclause, ***cease to pump threshold*** means a condition or restriction on the replaced entitlement which placed a limit on when water may be taken.
- (6) Water must not be taken under an unregulated river (special additional high flow) access licence specified in Column 1 of Schedule 3 in contradiction of the access rule specified in Column 3 of Schedule 3.
- (7) Water must not be taken from an in-river dam pool unless the in-river dam is passing such flows as specified on the water supply work approval for the in-river dam.
- Note.** *In-river dam* and *in-river dam pool* are defined in the Dictionary.
- (8) The flows to be specified on the water supply work approval for the in-river dam referred to in subclause (7) are:
- (a) the flows that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
  - (b) where no flows were specified, the amount of flows determined by the Minister.
- (9) Water must not be taken under an access licence from an in-river dam pool created by a structure authorised by a water supply work approval when flows or storage levels of the in-river dam pool are at or less than the cease to pump threshold that was specified on the entitlement issued under Part 2 of the *Water Act 1912* that the access licence replaces.
- (10) Subclauses (2) to (4) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 4 applies, for any of the purposes listed below, provided that the volume of water

taken does not exceed 20 kilolitres per day per access licence or such lower amount specified on the access licence in accordance with subclause (11):

- (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) (repealed)
- (d) the taking of water using a runoff harvesting dam or from an in-river dam pool, and
- (e) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 4 applies.
- (11) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclause (10) (a), if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose referred to in subclause (10) (a).

**Note.** Part 12 of this Plan allows for amendments to be made to clause 46.

#### **47 Total daily extraction limits**

At the commencement of this Plan, total daily extraction limits (hereafter *TDELS*) are not established for any access licences in these water sources.

**Notes.**

- 1 TDELS are an assessment tool only and can be used to determine which access licences (if any) may require individual daily extraction limits. If TDELS are established, continued exceedance of a TDEL may result in the imposition of individual daily extraction limits under clause 48.
- 2 Part 12 of this Plan allows for amendments to be made to establish TDELS.
- 3 **Total daily extraction limit** is defined in the Dictionary.

#### **48 Individual daily extraction limits**

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established for access licences in these water sources.
- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 47 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

**Notes.**

- 1 Part 12 of this Plan allows for amendments to be made to establish IDELs.
- 2 *Individual daily extraction limit* is defined in the Dictionary.

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## Part 9 Rules for water supply work approvals

### Notes.

- 1 This Part is made in accordance with sections 5, 21 and 95 of the Act.
- 2 Part 12 allows for amendments to be made to Part 9.

### Division 1 Rules applying to water supply works

#### 49 General

The rules in this Division apply to water supply work approvals for water supply works that may be used to take water from these water sources.

#### 50 Granting water supply work approvals

- (1) (Repealed)
- (2) Subject to subclause (3), a water supply work approval must not be granted or amended for a water supply work, which in the Minister's opinion, is capable of taking water from between the bed and banks of the Paroo River and its tributaries in the Paroo River Water Source.
- (3) Subclause (2) does not apply to the grant or amendment of a water supply work approval for a replacement water supply work capable of taking water from between the bed and banks of the Paroo River and its tributaries in the Paroo River Water Source. For the purpose of this subclause, a *replacement water supply work* means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from between the bed and banks of the Paroo River and its tributaries in the Paroo River Water Source where:
  - (a) the existing water supply work is authorised by a water supply work approval under the Act, and
  - (b) the replacement water supply work is to be constructed to extract water from the same location as the existing water supply work.

#### Division 2 (Repealed)

#### 51-57 (Repealed)

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

### **58 General**

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

**Notes.**

- 1 Access licence dealings in these water sources 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.
- 3 Part 12 allows for amendments to be made to Part 10.

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

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

### **60 Assignment of rights dealings**

- (1) This clause relates to dealings under section 71Q of the Act in these water sources.
- (2) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from an access licence that does not nominate a water supply work located on the Paroo River or its tributaries in the Paroo River Water Source to an access licence that does nominate a water supply work located on the Paroo River or its tributaries in the Paroo River Water Source.
- (3) Dealings under section 71Q of the Act are prohibited if the dealing involves an unregulated river (special additional high flow) access licence.
- (4) Dealings between water sources under section 71Q of the Act are prohibited in these water sources.

### **61 Amendment of share component dealings (change of water source)**

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

### **62 Assignment of water allocations dealings**

- (1) This clause relates to dealings under section 71T of the Act in these water sources.

- (2) Dealings within a water source under section 71T of the Act are prohibited in these water sources if the dealing involves an assignment of water allocation from an access licence that does not nominate a water supply work located on the Paroo River or its tributaries in the Paroo River Water Source to an access licence that does nominate a water supply work located on the Paroo River or its tributaries in the Paroo River Water Source.
- (3) Dealings within a water source under section 71T of the Act are prohibited in these water sources if the dealing involves an unregulated river (special additional high flow) access licence.
- (4) Dealings between water sources under section 71T of the Act are prohibited in these water sources.

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

- (1) This clause relates to dealings under section 71U or 71V of the Act in these water sources.
- (2) Dealings involving the interstate transfer of an access licence to or from access licences in these water sources are prohibited unless administrative arrangements have been agreed to, and implemented by, NSW and the other State or Territory, and the interstate access licence transfer is made in accordance with these arrangements.
- (3) Dealings involving the interstate assignment of water allocations to or from access licences in these water sources are prohibited unless administrative arrangements have been agreed to, and implemented by, NSW and the other State or Territory, and the interstate assignment of water allocations is made in accordance with these arrangements.

**Note.** As at 1 July 2020, administrative arrangements are not in place between New South Wales and Queensland. New South Wales will, in collaboration with Queensland, consider introducing a cross border trading framework, if and when demand increases to a level that justifies the investment in administrative resources.

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

- (1) This clause relates to dealings under section 71W of the Act in these water sources.
- (2) Dealings under section 71W of the Act are prohibited if the dealing involves an access licence that does not nominate a water supply work located on the Paroo River or its tributaries in the Paroo River Water Source being amended to nominate a water supply work located on the Paroo River or its tributaries in the Paroo River Water Source.



- (3) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources may be permitted subject to administrative arrangements agreed to, and implemented by, NSW and the other State or Territory.
- (4) A dealing under section 71W of the Act is prohibited if it involves:
  - (a) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence, or
  - (b) an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence.

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## Part 11 Mandatory conditions

**Note.** Part 12 allows for amendments to be made to Part 11.

### Division 1 General

#### 65 General

In this Part:

- (a) a requirement to notify the Minister in writing is satisfied by making a notification in writing to the address listed in Schedule 5 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@industry.nsw.gov.au](mailto:water.enquiries@industry.nsw.gov.au).

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

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

- (c) if the holder of a water supply 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.

### Division 2 Access licences

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

#### 66 General

- (1) Access licences in these water sources 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 for the respective category or subcategory of access licence,
- (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,

- (c) the holder of the access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
  - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only a metered water supply work 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) (repealed)
    - (vi) for domestic and stock access licences, local water utility access licences and unregulated river access licences, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in those years under clause 42 (3),
    - (vii) for unregulated river (special additional high flow) access licences, the volume of water taken in any water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 42 (4), and
    - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
  - (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and

- (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) When directed by the Minister by notice in writing, the holder of an access licence that nominates only a metered water supply work with a data logger must keep a Logbook in accordance with any requirements from subclause (2) that are specified in the notice.
- (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 by 1 December 2021.
- (5) Subclauses (2) - (4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources 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.

#### **67 General**

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions 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 of this Plan,
- (b) that 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 Technical Specification: ATS 4747 Meters for non-urban water supply* as may be updated or replaced from time to time,
- (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
- (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water into or out of the pipe, channel or conduit between the water source and the metering equipment, and
- (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice, and

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

- (c) 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 these water sources 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 these water sources from 1 December 2021.

(2) Water supply work approvals for water supply works in these water sources must have mandatory conditions to give effect to the following, provided that these requirements do not apply to a water supply work that is a metered water supply work with a data logger:

- (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 access licence 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.
- (2A) 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, subclause (2) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (2B) Subclause (2) and (2A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

- (3) All water supply work approvals 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 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. In this paragraph *cease to take conditions* means any condition on the water supply work approval or on the access licence under which water is proposed to be taken, that prohibits the taking of water in a particular circumstance.
- (4) A water supply work approval for a runoff harvesting dam or an in-river dam must contain a mandatory condition that requires the approval holder 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 the 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.
- (5) (Repealed)
- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in clause 50 (3).

**68 (Repealed)**

## Part 12 Amendment of this Plan

### 69 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 amendment 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.

### 70 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 to modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) included in this Plan,
- (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone,
- (c) add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies, and
- (d) amend the Plan Map.

### 71 (Repealed)

### 72 Part 6

Clause 37 may be amended to specify that reductions to available water determinations for unregulated river (special additional high flow) access licences may be made prior to, or at a rate greater than, reductions for unregulated river access licences.



### **73 Part 8**

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

- (a) 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 70,
- (b) amend clause 46 to specify alternate access rules for lagoons, lakes, in-river pools and other lentic water bodies, and/or
- (c) establish or assign new TDELS in these water sources or management zones, following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (d) establish or assign new TDELS in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (e) amend or remove TDELS if TDELS have been established or assigned under paragraphs (c) and/or (d),
- (f) include rules for the establishment, assignment and removal of IDELS,
- (g) amend clause 46 to remove the existing access rules where TDELS and/or IDELS have been established under paragraphs (d) and/or (f) to protect a proportion of flow within each flow class for the environment, or
- (h) amend clause 46 to reinstate access rules that applied at the commencement of this Plan, where TDELS and IDELS have been removed under paragraphs (e) and (f).

### **74 Part 9**

Part 9 may be amended to do any of the following:

- (a) amend clause 50 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise an in-river dam on third order or higher streams,
- (b) amend the definition of a replacement water supply work in clause 50.

### **75 Part 10**

Part 10 may be amended to provide rules for interstate trading as a result of an interstate agreement between the States.

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## 76 Part 11

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

## 77 Schedules

- (1) Schedule 2 may be amended to add, modify and/or remove a definition.
- (2) Schedule 3 may be amended to do any of the following:
  - (a) to add or remove an access licence, or
  - (b) to add, modify and/or remove an access licence condition.
- (3) Schedule 4 may be amended to do any of the following:
  - (a) add a new access licence to clause 1 of Schedule 4, 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 46 (10) (a) and that purpose was specified on or referred to in the conditions of the former *Water Act 1912* entitlement that was replaced by the access licence or referred to in its conditions,
  - (b) add a local water utility access licence or an access licence of the subcategory “town water supply” to clause 2 of Schedule 4, 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 or former *Water Act 1912* entitlement from Schedule 4 if:
    - (i) an access licence dealing results in water being taken under the licence being taken from a different location,
    - (ii) an alternative water supply is obtained,
    - (iii) the licence is surrendered or cancelled or its purpose ceases to exist, or
  - (d) remove a local water utility access licence or an access licence of the subcategory “town water supply” or former *Water Act 1912* entitlement from clause 2 of Schedule 4 if the Minister is satisfied that the water supply system used to extract, store and deliver water has undergone major augmentation since the commencement of this Plan.

## 78 Other

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

**Note.** *Shepherding* is defined in the Dictionary.
  - (d) any new category of access licence established for the purpose of stormwater harvesting, provided that the amendments do not affect the long-term average annual extraction limit specified in this Plan, or
  - (e) the interception of water before it reaches a stream by plantations or other means.
- (2) (repealed)
- (3) This Plan may be amended to give effect to an intergovernmental agreement between the New South Wales and Queensland governments for the management of water contained within these water sources.
- (4) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
- (5) 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.
- (6) This Plan may be amended after Year 5 to provide rules for the protection of water dependent Aboriginal cultural assets, including:
  - (a) the identification of water dependent Aboriginal cultural assets in a Schedule to this Plan,
  - (b) amendments to the access rules to protect water dependent Aboriginal cultural assets,
  - (c) restrictions on the granting and amendment of water supply works to protect water dependent Aboriginal cultural assets, and/or
  - (d) amendments to the dealing rules to protect water dependent Aboriginal cultural assets.

- (7) This Plan may be amended to include or amend access rules for unregulated river access licences so as to protect Active Environmental Water from extraction.

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

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**Schedule 1 (Repealed)**

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## Schedule 2 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** means water flowing from a water source that is upstream of these water sources that requires protection from extraction as determined by the Minister.

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

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

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

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

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

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

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

**full containment volume** means the volume of water that is impounded in the pool, lagoon or lake when the level of water in the pool, lagoon or lake is at the high water mark.

**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.

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

**in-river pool** means a natural pool, lagoon or lake that is within a river or stream (regardless of stream size) and excludes:

- (a) a pool that is on a flood-runner or floodplain, or
- (b) a pool that is on an effluent that only begins to flow during high flows.

**Note.** In the Dictionary to the Act, a **lake** is defined to include:

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and
- (b) any water declared by the regulations to be a lake, whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.

**Intersecting Streams SDL resource unit** has the same meaning as provided for in section 6.02 of the Basin Plan.

**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.

**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.

**off-river pool** means a natural pool, lagoon or lake that is:

- (a) not within a river or stream (regardless of stream size)
- (b) located on a flood-runner or floodplain, or
- (c) located on an effluent that only commences to flow during high flows.

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

**runoff harvesting dam** is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 54 of the Act. For the purposes of this order references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam.

**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** are 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.

**target ecological processes** are processes that support a range of ecological communities, such as connecting flows or flow events that can mobilise nutrients and other water-borne materials within and between water sources. These processes must be easily monitored and measurable.

**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.

**visible flow** means the continuous downstream movement of water that is perceptible to the eye.

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

**water year** means a year commencing 1 July.

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

**Schedule 3 Access rule for unregulated river (special additional high flow) access licences subject to clause 46 (6)**

Column 1	Column 2	Column 3
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>Water Source</b>	<b>Access rule</b>
85SL036285H	Warrego River Water Source	The licensed work shall not be used for the purpose of irrigation when the discharge of the Warrego River at the Barrington No 2 gauge is less than 750 megalitres per day (such discharge corresponding to a reading on the said gauge of 2.33 metres or such other reading as may be determined from time to time.
85SL022275H	Warrego River Water Source	The licensed work shall not be used for irrigation of the area referred to in this license, or any part thereof, unless there is a visible flow in the Warrego River at or near its junction with the Darling River and unless the discharge of the Darling River at the Louth gauge exceeds 979 megalitres per day.



**Schedule 4 Access licences used to take surface water exempt from cease to pump rules**

**1 General**

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below:

<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>

**2 Local water utility access licences and an access licence of the subcategory “town water supply”**

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

<b><i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences or access licences of the subcategory “town water supply” on commencement of this Plan</b>
85SL043369
85SL016395

**Schedule 5 Office**

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

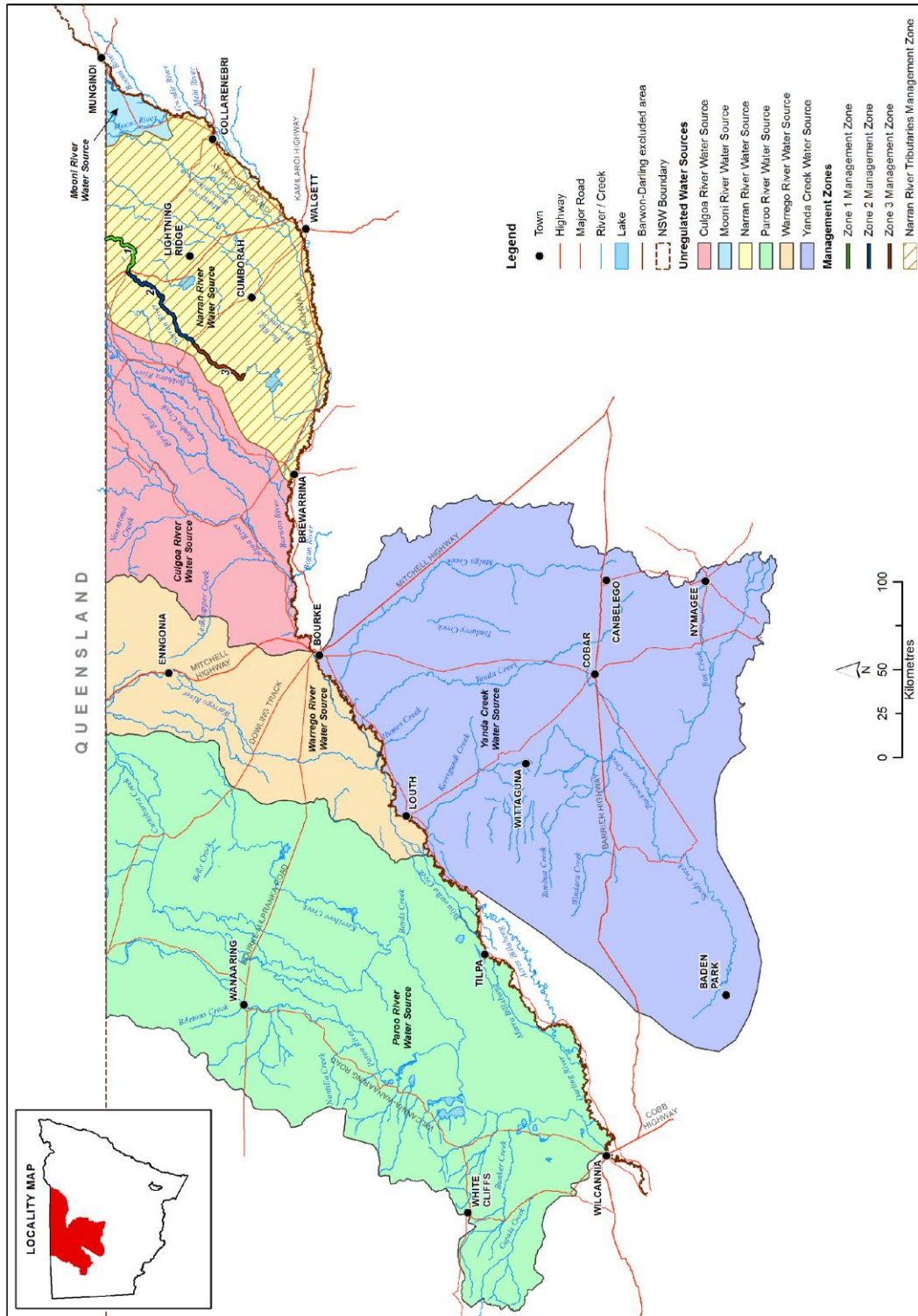
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**Schedule 6 (Repealed)**

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## Appendix 1 Overview of the Plan Map

### Overview of the Plan Map (WSP046\_Version 2), Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources



**Appendix 2 (Repealed)**

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