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SPECIAL SUPPLEMENT



New South Wales

Driving Instructors Amendment (Fees) Regulation 2004

under the

Driving Instructors Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Driving Instructors Act 1992*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Driving Instructors Act 1992*. The fees are increased in line with movements in the Consumer Price Index.

This Regulation is made under the *Driving Instructors Act 1992*, including section 59 (the general regulation-making power).

Clause 1 Driving Instructors Amendment (Fees) Regulation 2004

Driving Instructors Amendment (Fees) Regulation 2004

under the

Driving Instructors Act 1992

1 Name of Regulation

This Regulation is the *Driving Instructors Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Driving Instructors Regulation 2003

The *Driving Instructors Regulation 2003* is amended as set out in Schedule 1.

Driving Instructors Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 6)

Document	\$
Licence subject to a condition that the holder complete a further course of training within a specified time	39
Any other licence	129
Renewal of licence	129
Duplicate licence	19
Certificate under section 46 of the Act	16



New South Wales

Road Transport (Mass, Loading and Access) Amendment (Fees) Regulation 2004

under the

Roads Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Roads Act 1993*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to increase certain fees payable under the *Roads Act 1993*, being:

- (a) the fee for the issue of a permit under Part 5A (Special towing provisions) of the *Road Transport (Mass, Loading and Access) Regulation 1996* (**the 1996 Regulation**), and
- (b) the fee for the issue of a Class 1, 2 or 3 permit, and
- (c) the fee for the issue of a permit exempting a person from the operation of any of the provisions of clause 55 (1) of the 1996 Regulation relating to the projection of loading or equipment of vehicles, and
- (d) the fee for an application to be accredited under a Mass Management Accreditation Scheme, and
- (e) the fee for each nominated vehicle that will be the subject of the accreditation referred to in paragraph (d).

The fees are increased in line with movements in the Consumer Price Index.

This Regulation is made under the *Roads Act 1993*, including section 264 (the general regulation-making power).

Clause 1 Road Transport (Mass, Loading and Access) Amendment (Fees)
 Regulation 2004

Road Transport (Mass, Loading and Access) Amendment (Fees) Regulation 2004

under the

Roads Act 1993

1 Name of Regulation

This Regulation is the *Road Transport (Mass, Loading and Access) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Road Transport (Mass, Loading and Access) Regulation 1996

The *Road Transport (Mass, Loading and Access) Regulation 1996* is amended as set out in Schedule 1.

Road Transport (Mass, Loading and Access) Amendment (Fees)
Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 41H Application fee for permit

Omit "\$58" from clause 41H (1). Insert instead "\$60".

[2] Clause 48 Class 1, 2 and 3 permit application fees

Omit "\$58" from clause 48 (1). Insert instead "\$60".

[3] Clause 55B Exemption by permit

Omit "\$58" from clause 55B (4). Insert instead "\$60".

[4] Clause 70 Application for accreditation

Omit "\$71" from clause 70 (2) (a). Insert instead "\$72".

[5] Clause 70 (2) (b)

Omit "\$23". Insert instead "\$24".



New South Wales

Road Transport (Safety and Traffic Management) (Driver Fatigue) Amendment (Fees) Regulation 2004

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to increase from \$16 to \$17 the fee for the issue of a logbook, and
- (b) to increase from \$56 to \$58 the fee for the registration of an applicant as a participant in the Transitional Fatigue Management Scheme (TFMS) for heavy truck drivers and the employers of heavy truck drivers.

The fees are increased in line with movements in the Consumer Price Index.

The fee for the issue of a replacement driver certification manual is not being increased.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and, in particular, section 71 (11) and clause 9 of Schedule 1.

Clause 1 Road Transport (Safety and Traffic Management) (Driver Fatigue)
 Amendment (Fees) Regulation 2004

Road Transport (Safety and Traffic Management) (Driver Fatigue) Amendment (Fees) Regulation 2004

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Driver Fatigue) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Driver Fatigue)
Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clauses 81, 82 and 88)

Issue of logbook under clause 81	\$17
Registration of applicant as participant in TFMS under clause 82	\$58
Issue of replacement driver certification manual under clause 88	\$12



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Tow-away Charge) Regulation 2004

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to increase from \$141 to \$144 the tow-away charge payable under the *Road Transport (Safety and Traffic Management) Act 1999* for the removal of unattended motor vehicles or trailers. The tow-away charge is increased in line with movements in the Consumer Price Index.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and, in particular, section 71 (11), section 76 (5) and clauses 4 and 9 of Schedule 1.

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Tow-away Charge) Regulation 2004

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Tow-away Charge) Regulation 2004

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Tow-away Charge) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended by omitting from clause 155 (2) the matter "\$141" and by inserting instead the matter "\$144".



New South Wales

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to increase certain fees payable for services provided by the Roads and Traffic Authority under the *Road Transport (Vehicles Registration) Act 1997*. The fees are increased in line with movements in the Consumer Price Index.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including sections 14 (the general regulation-making power) and 15 (Regulations to establish registration system) and, in particular, section 15 (2) (b) and (f).

Clause 1 Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004

under the

Road Transport (Vehicle Registration) Act 1997

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Road Transport (Vehicle Registration) Regulation 1998

The *Road Transport (Vehicle Registration) Regulation 1998* is amended as set out in Schedule 1.

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 79)

Matter for which fee payable	Fee
Part 1 Registration or renewal of registration of a motor vehicle or trailer	
(a) Motor lorry (other than an articulated motor lorry or prime mover) with a GVM of 12 tonnes or more:	
(i) for more than 3 months	\$207
(ii) for 3 months or less	\$59
(b) Articulated motor lorry:	
(i) for more than 3 months	\$310
(ii) for 3 months or less	\$84
(c) Prime mover:	
(i) for more than 3 months	\$207
(ii) for 3 months or less	\$59
(d) Tow truck with a GVM of 4.5 tonnes or more but less than less than 12 tonnes:	
(i) for more than 3 months	\$128
(ii) for 3 months or less	\$39

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Matter for which fee payable	Fee
(e) Tow truck with a GVM of 12 tonnes or more:	
(i) for more than 3 months	\$207
(ii) for 3 months or less	\$59
(f) Trailer tow truck with a GVM of less than 4.5 tonnes:	
(i) for more than 3 months	\$128
(ii) for 3 months or less	\$39
(g) Trailer with a GVM of 4.5 tonnes or more:	
(i) for more than 3 months	\$153
(ii) for 3 months or less	\$45
(h) Bus or other vehicle (other than a public passenger vehicle) seating more than 8 adult persons with a GVM of less than 12 tonnes:	
(i) for more than 3 months	\$128
(ii) for 3 months or less	\$39
(i) Bus or other vehicle (other than a public passenger vehicle) seating more than 8 adult persons with a GVM of 12 tonnes or more:	
(i) for more than 3 months	\$207
(ii) for 3 months or less	\$59
(j) Bus or other vehicle seating more than 8 adult persons (being a public passenger vehicle registered otherwise than in the name of the State Transit Authority) with a GVM of less than 12 tonnes:	
(i) for more than 3 months	\$209

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Matter for which fee payable	Fee
(ii) for 3 months or less	\$59
(k) Bus or other vehicle seating more than 8 adult persons (being a public passenger vehicle registered otherwise than in the name of the State Transit Authority) with a GVM of 12 tonnes or more:	
(i) for more than 3 months	\$367
(ii) for 3 months or less	\$99
(l) Taxi-cab (not licensed to operate in a transport district within the meaning of the <i>Transport Administration Act 1988</i>):	
(i) for more than 3 months	\$209
(ii) for 3 months or less	\$59
(m) Public passenger vehicle (other than a vehicle referred to elsewhere in this list):	
(i) for more than 3 months	\$209
(ii) for 3 months or less	\$59
(n) Any vehicle not referred to elsewhere in this list:	
(i) for more than 3 months	\$47
(ii) for 3 months or less	\$19
Part 2 Transfer of registration	
(a) Application made within 14 days after vehicle acquired	\$24
(b) Application made more than 14 days after vehicle acquired	\$108
Part 3 Issue of 1 or 2 number-plates with same number	
(a) Premium number-plates in specially styled aluminium (not having a number that comprises 1 to 6 numerals only):	

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

Matter for which fee payable	Fee
(i) initial issue	\$64
(ii) replacement issue	\$46
(b) Other number-plates:	
(i) initial issue	\$32
(ii) replacement issue	\$32
Part 4 Trader's plate	
(a) Issue of trader's plate for vehicle other than motor bike:	
(i) for 12 months	\$313
(ii) for one month	\$26
(b) Issue of trader's plate for motor bike:	
(i) for 12 months	\$76
(ii) for one month	\$8
(c) Transfer of trader's plate for vehicle (including motor bike)	\$24
Part 5 Initial inspection of registrable vehicle under clause 61 or 62, otherwise than in relation to exhaust emission levels	
(a) Motor lorry (other than an articulated motor lorry or prime mover) with a GVM of 4.5 tonnes or more but less than 12 tonnes	\$40
(b) Motor lorry (other than an articulated motor lorry or prime mover) with a GVM of 12 tonnes or more	\$160
(c) Articulated motor lorry	\$263
(d) Prime mover	\$160
(e) Tow truck with a GVM of less than 12 tonnes	\$81

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Matter for which fee payable	Fee
(f) Tow truck with a GVM of 12 tonnes or more	\$160
(g) Tow truck trailer with a GVM of less than 4.5 tonnes	\$81
(h) Trailer (other than a tow truck trailer) with a GVM of less than 4.5 tonnes	\$17
(i) Trailer (including a tow truck trailer) with a GVM of 4.5 tonnes or more	\$106
(j) Bus or other vehicle seating more than 8 adult persons with a GVM of less than 12 tonnes	\$81
(k) Bus or other vehicle seating more than 8 adult persons with a GVM of 12 tonnes or more	\$160
(l) Taxi-cab	\$81
(m) Public passenger vehicle (other than a vehicle referred to elsewhere in this list)	\$81
(n) Motor bike	\$17
(o) Any vehicle not referred to elsewhere in this list	\$29
Part 6 Further inspection of registrable vehicle that has failed earlier inspection under clause 61 or 62	
(a) Where vehicle may be used while failure is being rectified	\$33
(b) Where vehicle may not be used while failure is being rectified	\$67
Part 7 Inspection of registrable vehicle under clause 61 in relation to exhaust emission levels	
Conduct of inspection	\$38
Part 8 Examiner's authority under clause 63	
(a) Issue of original authority	\$130

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2004
 Schedule 1 Amendment

Matter for which fee payable	Fee
(b) Issue of duplicate authority	\$16
Part 9 Proprietor's authority under clause 64	
(a) Issue of original authority	\$260
(b) Issue of duplicate authority	\$16
Part 10 Maintenance Management Accreditation Scheme under clauses 78A and 78B	
Accreditation of registered operator	\$72, plus \$24 per nominated vehicle
Part 11 Hire Trailer Maintenance Management Accreditation Scheme under clauses 78G and 78H	
Accreditation of registered operator	\$72, plus \$24 per nominated vehicle



New South Wales

Road Transport (Driver Licensing) Amendment (Fees) Regulation 2004

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to increase certain fees payable under the *Road Transport (Driver Licensing) Act 1998*. The fees are increased in line with movements in the Consumer Price Index.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 (the general regulation-making power) and 20 (Driver licensing system) and, in particular, section 20 (2) (f).

Clause 1 Road Transport (Driver Licensing) Amendment (Fees) Regulation 2004

Road Transport (Driver Licensing) Amendment (Fees) Regulation 2004

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Fees) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees

(Clause 62)

		\$
1	Issue or renewal of driver's licence:	
	(a) 1-year	39
	(b) 3-year	96
	(c) 5-year	129
	(d) provisional P1 licence	39
	(e) provisional P2 licence	63
	(f) learner licence	16
2	Replacement or duplicate licence:	
	(a) learner licence	16
	(b) any other licence	19
3	Application for driving or riding test	40
4	Competency based assessment:	
	(a) scheme participation fee	19
	(b) replacement log book	6

Road Transport (Driver Licensing) Amendment (Fees) Regulation 2004

Schedule 1 Amendment

	\$
5	Entry fee for authorised rider training course:
	(a) provisional licence rider training course 99
	(b) learner licence rider training course 66
6	Certificate from Authority's records 22
7	Information from records (other than a certificate) 16
8	Hazard Perception Test 32
9	Driver Qualification Test 32
10	Driver Knowledge Test 32
11	Fee per copy for provision of handbook:
	(a) Road Users' Handbook (including any foreign language version of that handbook) 26
	(b) Heavy Vehicle Drivers' Handbook 26
	(c) Motorcycle Riders' Handbook 26
	(d) Hazard Perception Handbook 26
	(e) Driver Qualification Handbook 26



Road Transport (General) (Penalty Notice Offences) Amendment (Penalties) Regulation 2004

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to increase certain penalties for offences dealt with by way of a penalty notice issued under section 15 of the *Road Transport (General) Act 1999* in relation to contravention of certain road transport legislation and other legislation. The penalties are increased in line with movements in the Consumer Price Index.

This Regulation is made under the *Road Transport (General) Act 1999*, including sections 15 and 71 (the general regulation-making power).

Clause 1 Road Transport (General) (Penalty Notice Offences) Amendment
 (Penalties) Regulation 2004

Road Transport (General) (Penalty Notice Offences) Amendment (Penalties) Regulation 2004

under the

Road Transport (General) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment (Penalties) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Road Transport (General) (Penalty Notice Offences) Regulation 2002

The *Road Transport (General) (Penalty Notice Offences) Regulation 2002* is amended as set out in Schedule 1.

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Penalty notice offences

(Clause 5)

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Australian Road Rules		
Rule 20:		
(a) in the case of a class A motor vehicle (being a vehicle that is not driven at a speed in excess of 130 km/h):		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	1	130
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	208
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	579
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	1	1,597
(b) in the case of a class A motor vehicle (being a vehicle that is driven at a speed in excess of 130 km/h):		
(i) where the speed limit applicable is not exceeded by more than 30 km/h	1	208

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(ii) where the speed limit applicable is exceeded by more than 30 km/h but not more than 45 km/h	1	579
(iii) where the speed limit applicable is exceeded by more than 45 km/h	1	1,597
(c) in the case of a class B motor vehicle (whether or not the vehicle is also driven at a speed in excess of 130 km/h):		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	1	199
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	313
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	579
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	1	1,597
(d) in the case of a class C motor vehicle (whether or not the vehicle is also driven at a speed in excess of 130 km/h):		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	1	199
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	313
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	926
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	1	2,398

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Rule 27 (1); Rule 28 (1); Rule 31 (1) and (4); Rule 32 (1); Rule 33 (1):		
(a) in relation to the use of a motor vehicle	1	182
(b) in relation to the use of any other vehicle	1	50
Rule 29; Rule 33 (1) and (2); Rule 83; Rule 88; Rule 89; Rule 90; Rule 91; Rule 92 (1); Rule 98 (1); Rule 99; Rule 100; Rule 130; Rule 137 (1); Rule 138 (1):		
(a) in relation to the use of a motor vehicle	1	130
(b) in relation to the use of any other vehicle	1	50
Rule 31 (1) and (2); Rule 31 (1) and (3); Rule 56 (2):		
(a) in relation to the use of a motor vehicle	1	233
(b) in relation to the use of any other vehicle	1	50
Rule 37; Rule 38; Rule 57; Rule 60; Rule 61; Rule 62; Rule 63; Rule 64; Rule 65; Rule 67 (1); Rule 68 (1); Rule 69 (1); Rule 70; Rule 71 (1); Rule 72 (1); Rule 73 (1); Rule 84 (1) (b); Rule 85; Rule 101; Rule 108 (1); Rule 114; Rule 119; Rule 154 (1); Rule 157 (1); Rule 159 (1); Rule 274; Rule 275; Rule 277; Rule 279; Rule 281; Rule 282; Rule 284; Rule 286	1	233

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Rule 39; Rule 41; Rule 46 (1); Rule 48 (1); Rule 53; Rule 74 (1); Rule 75 (1); Rule 77 (1); Rule 86 (1); Rule 93 (1); Rule 94; Rule 95 (1); Rule 96 (1); Rule 97 (1); Rule 102 (1); Rule 105; Rule 107; Rule 111 (1) and (5); Rule 112; Rule 113; Rule 116; Rule 117; Rule 118 (1); Rule 128; Rule 136; Rule 140; Rule 141 (1); Rule 142 (1); Rule 143; Rule 144; Rule 145; Rule 148; Rule 149; Rule 152; Rule 153 (1); Rule 162 (1); Rule 287; Rule 288; Rule 289; Rule 290; Rule 296 (1); Rule 297 (1)	1	130
Rule 40; Rule 42; Rule 43; Rule 87; Rule 111 (1); Rule 126	1	182
Rule 46 (4); Rule 48 (4); Rule 51; Rule 76 (2); Rule 84 (1) (a); Rule 118 (2); Rule 124; Rule 160; Rule 161; Rule 163 (1); Rule 164 (1); Rule 213 (2); Rule 215; Rule 216; Rule 217 (1); Rule 218; Rule 219; Rule 221; Rule 269 (1); Rule 269 (3); Rule 271; Rule 272; Rule 294; Rule 295 (1); Rule 296 (2); Rule 297 (2); Rule 298	1	78
Rule 56 (1), otherwise than at toll booth:		
(a) in relation to the use of a motor vehicle	1	233
(b) in relation to the use of any other vehicle	1	50
Rule 56 (1), at toll booth; Rule 59 (1), at toll booth	1	139
Rule 59 (1), otherwise than at toll booth	1	233
Rule 66	1	220
Rule 76 (1)	1	226
Rule 78 (1); Rule 78 (2); Rule 155 (1); Rule 156 (1)	1	155

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Rule 79 (1)	1	311
Rule 80; Rule 81; Rule 82:		
(a) in relation to the use of a motor vehicle	1	337
(b) in relation to the use of any other vehicle	1	50
Rule 103	1, 2, 14	173
Rule 104; Rule 106	1, 2, 14	130
Rule 115 (1)	1	173
Rule 121; Rule 122; Rule 123; Rule 124	1	316
Rule 125 (1); Rule 212	1	70
Rule 127 (1), in relation to a class C motor vehicle in a Safe-T-Cam zone	1	946
Rule 127 (1), otherwise than in relation to a class C motor vehicle in a Safe-T-Cam zone	1	182
Rule 129 (1); Rule 132; Rule 135 (1):		
(a) in relation to the use of a motor vehicle	1	173
(b) in relation to the use of any other vehicle	1	50
Rule 131:		
(a) in relation to the use of a motor vehicle	1	78
(b) in relation to the use of any other vehicle	1	50

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Rule 141 (2); Rule 223; Rule 228; Rule 229; Rule 230 (1); Rule 231 (1); Rule 232 (1); Rule 233; Rule 234; Rule 235; Rule 236; Rule 237 (1); Rule 238; Rule 239; Rule 240; Rule 241; Rule 242 (1); Rule 243; Rule 244; Rule 245; Rule 246; Rule 247 (1); Rule 248; Rule 249; Rule 250; Rule 251; Rule 252 (1); Rule 253; Rule 254; Rule 255; Rule 256; Rule 257 (1); Rule 258; Rule 259; Rule 260; Rule 261 (1); Rule 262; Rule 301; Rule 302; Rule 303	1	50
Rule 146, in relation to a class C motor vehicle in a Safe-T-Cam zone; Rule 147, in relation to a class C motor vehicle in a Safe-T-Cam zone; Rule 150 (1), in relation to a class C motor vehicle in a Safe-T-Cam zone	1	946
Rule 146, otherwise than in relation to a class C motor vehicle in a Safe-T-Cam zone; Rule 147, otherwise than in relation to a class C motor vehicle in a Safe-T-Cam zone	1	130
Rule 150 (1), otherwise than in relation to a class C motor vehicle in a Safe-T-Cam zone	1	78
Rule 151	1	50
Rule 167, in relation to a sign bearing the words "no stopping"	1, 12, 16	155
Rule 167, in relation to a sign bearing the words "no standing"	1, 12, 16	70
Rule 168 (1); Rule 170; Rule 191; Rule 192	1, 12, 16	70
Rule 169; Rule 176 (1); Rule 177 (1); Rule 178	1, 12, 16	155
Rule 171 (1); Rule 172 (1); Rule 173 (1)	1, 12	231

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Rule 174 (2); Rule 175 (1); Rule 188; Rule 193 (1); Rule 194 (1); Rule 199 (1); Rule 201; Rule 202; Rule 210 (1); Rule 211	1, 12	70
Rule 179; Rule 180 (1); Rule 181 (1); Rule 189	1, 12	95
Rule 182 (1); Rule 185 (1); Rule 186 (1)	1, 4, 12	70
Rule 183 (1), in relation to a bus zone in a clearway, transit lane or bus lane	1, 3, 4, 12	130
Rule 183 (1), otherwise than in relation to a bus zone in a clearway, transit lane or bus lane	1, 3, 4, 12	95
Rule 184 (1), in relation to a minibus zone in a clearway, transit lane or bus lane	1, 3, 4, 12	130
Rule 184 (1), otherwise than in relation to a minibus zone in a clearway, transit lane or bus lane	1, 3, 4, 12	95
Rule 187 (1)	1, 12, 16	130
Rule 187 (2), otherwise than in relation to clearway, bus or transit lane; Rule 187 (3), otherwise than in relation to clearway, bus or transit lane	1, 12, 16	95
Rule 187 (2), in relation to clearway, bus or transit lane; Rule 187 (3), in relation to clearway, bus or transit lane	1, 12, 16	130
Rule 190 (1)	1, 12	130
Rule 195 (1); Rule 196 (1)	1, 4, 12	95
Rule 197 (1); Rule 198; Rule 205; Rule 208 (1); Rule 209 (2)	1, 12	70
Rule 200	1, 12	78

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Rule 203 (1)	1, 12	392
Rule 220 (1)	1, 2, 12	78
Rule 222 (2)	1	126
Rule 224; Rule 299 (1)	1	104
Rule 226; Rule 227; Rule 295 (1)	1, 2	78
Rule 264; Rule 265 (1); Rule 266 (1); Rule 270 (1) (a); Rule 270 (2)	1	243
Rule 268 (except Rule 268 (2) (b))	1	78
Rule 268 (2) (b)	1	243
Rule 269 (4)	1	123
Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only)	1	243
Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers)	1	486
Rule 270 (1) (b) (where helmeted rider rides bike with 3 unhelmeted passengers)	1	728
Rule 270 (1) (b) (where helmeted rider rides bike with 4 or more unhelmeted passengers)	1	971
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only)	1	486
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 2 unhelmeted passengers)	1	728

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 3 unhelmeted passengers)	1	971
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 4 or more unhelmeted passengers)	1	1,214
Rule 291	1, 2	211
Rule 292 (a); Rule 292 (b)	1, 2, 12	290
Rule 292 (c)	1, 2	130
Rule 293 (2)	1, 2, 16	130
Rule 300	1	231
Rule 304 (1)	1, 16	50
Local Government Act 1993		
Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (a) or (b)), (4) and (5)	1, 6, 7, 12	70
Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (c))	1, 6, 7, 12	155
Motor Accidents Compensation Act 1999		
Section 8	1, 2, 4	472
Motor Vehicles Taxation Act 1988		
Section 9	1, 2	472
Road Transport (Driver Licensing) Act 1998		
Section 23	1	556

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Section 25 (1) (a):		
(a) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class C, Class R, Class LR or Class MR licence):		
(i) for the first offence, or the first offence within the last 5 years	1, 2	370
(ii) for the second or subsequent offence within the last 5 years	1, 2	579
(b) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class HR, Class HC or Class MC licence):		
(i) for the first offence, or the first offence within the last 5 years	1, 2	463
(ii) for the second or subsequent offence within the last 5 years	1, 2	926
(c) where the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months:		
(i) for the first offence, or the first offence within the last 5 years	1, 2	370
(ii) for the second or subsequent offence within the last 5 years	1, 2	579
(d) where the driver held a licence under the Act that had expired less than 2 years before:		
(i) for the first offence, or the first offence within the last 5 years	1, 2	370

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(ii) for the second or subsequent offence within the last 5 years	1, 2	579
(e) where the driver held a licence under the Act that had expired 2 years or more before:		
(i) for the first offence, or the first offence within the last 5 years	1, 2	463
(ii) for the second or subsequent offence within the last 5 years	1, 2	926
(f) where the driver had never been licensed within the meaning of section 25 (4) (for the first offence only)	1, 2	579
Section 25 (1) (b):		
(a) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven), being a class of vehicle that requires a Class C, Class R, Class LR or Class MR licence):		
(i) for the first offence, or the first offence within the last 5 years	1, 2	370
(ii) for the second or subsequent offence within the last 5 years	1, 2	579
(b) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class HR, Class HC or Class MC licence):		
(i) for the first offence, or the first offence within the last 5 years	1, 2	463
(ii) for the second or subsequent offence within the last 5 years	1, 2	926

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) where the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months:		
(i) for the first offence, or the first offence within the last 5 years	1, 2	370
(ii) for the second or subsequent offence within the last 5 years	1, 2	579
(d) where the driver held a licence under the Act that had expired less than 2 years before:		
(i) for the first offence, or the first offence within the last 5 years	1, 2	370
(ii) for the second or subsequent offence within the last 5 years	1, 2	579
(e) where the driver held a licence under the Act that had expired 2 years or more before:		
(i) for the first offence, or the first offence within the last 5 years	1, 2	463
(ii) for the second or subsequent offence within the last 5 years	1, 2	926
(f) where the driver had never been licensed within the meaning of section 25 (4) (for the first offence only)	1, 2	579
Road Transport (Driver Licensing) Regulation 1999		
Clause 12; Clause 13; Clause 15 (6); Clause 30 (1); Clause 55 (5)	1	78

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(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
<p>Clause 56 (where the licence concerned is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne but otherwise than in relation to a condition relating to a 90 km/h speed limit):</p>		
(a) for the first offence, or the first offence within 5 years	1	370
(b) for the second or subsequent offence within the last 5 years	1	579
<p>Clause 56 (otherwise than where the licence concerned is an interlock driver licence or where the licence is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne and otherwise than in relation to a condition relating to a 90 km/h speed limit):</p>		
(a) in relation to licence conditions generally	1	78
(b) in relation to P plates for holders of P1 licences of class C	1	78
(c) in relation to P plates for holders of P1 licences of class R	1	78
(d) in relation to P plates for holders of P2 licences	1	78
Clause 56, in relation to a condition relating to a 90 km/h speed limit	1	78
Clause 57; Clause 58	1, 2	78

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(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Road Transport (General) Act 1999		
Section 19 (2) (a)	1	78
Road Transport (Mass, Loading and Access) Regulation 1996		
Clause 16 (operate or drive Class 2 vehicle not in accordance with notice or permit):		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Clause 16 (operate Class 2 vehicle not in accordance with notice or permit):		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination concerned is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle or combination concerned is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the permit or notice	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 16 (drive vehicle not in accordance with notice or permit):		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination concerned is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle or combination concerned is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the permit or notice	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 30	1, 2, 6, 7, 12, 14	136

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(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Clause 31 (vehicle or load in breach of a mass limit):		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in Schedule 1 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified in Schedule 1 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in Schedule 1 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467

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(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum specified in Schedule 1 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 31 (owner or driver of vehicle failing to comply otherwise than in relation to a breach of a mass limit)	1, 2, 6, 7, 12, 14	173
Clause 32 (trailer or load in breach of a mass limit):		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in Schedule 1 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697

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(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified in Schedule 1 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in Schedule 1 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum specified in Schedule 1 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 32 (trailer or trailer load failing to comply otherwise than in relation to a breach of a mass limit)	1, 2, 6, 7, 12, 14	173
Clause 32 (failure to comply otherwise than in relation to a trailer or trailer load and otherwise than in relation to a breach of a mass limit)	1, 2, 6, 7, 12, 14	173
Clause 33 (trailer or load in breach of a mass limit):		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in Schedule 1 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified in Schedule 1 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697

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Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in Schedule 1 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum specified in Schedule 1 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 33 (combination in breach of a mass limit):		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in Schedule 1 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified in Schedule 1 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in Schedule 1 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum specified in Schedule 1 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231

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Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 33 (otherwise than in relation to a breach of a mass limit)	1, 2, 6, 7, 12, 14	173
Clause 35	1, 2, 6, 7, 12, 14	579
Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by owner of a Class 1, 2 or 3 vehicle:		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Part 3 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935

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Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
<p>Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by owner of a Class 1, 2 or 3 vehicle:</p>		
<p>(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle:</p>		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
<p>(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle or axle group:</p>		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
<p>(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle group:</p>		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by an exemption granted under Part 4 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by owner of whole combination:		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Part 3 with respect to that vehicle:		

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
<p>Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by owner of whole combination:</p>		
<p>(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle:</p>		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
<p>(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle or axle group:</p>		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by an exemption granted under Part 4 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935

Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by owner of a vehicle forming part of a combination:

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Part 3 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by owner of a vehicle forming part of a combination:		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by an exemption granted under Part 4 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
<p>Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a combination Class 3 vehicle:</p>		
<p>(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle:</p>		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
<p>(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle or axle group:</p>		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Part 3 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935

Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a combination Class 3 vehicle:

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by an exemption granted under Part 4 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a single Class 3 vehicle:		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle or axle group:		

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Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Part 3 with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Part 3 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
<p>Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a single Class 3 vehicle:</p>		
<p>(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle:</p>		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
<p>(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle or axle group:</p>		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
<p>(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified by an exemption granted under Part 4 with respect to that axle group:</p>		

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by an exemption granted under Part 4 with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a Class 1, 2 or 3 vehicle:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a Class 1, 2 or 3 vehicle:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a vehicle forming part of a combination:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a vehicle forming part of a combination:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a Class 1, 2 or 3 vehicle:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a Class 1, 2 or 3 vehicle:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a vehicle not forming part of a combination:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a vehicle not forming part of a combination:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of a notice or permit by driver of a vehicle forming part of a combination:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the notice or permit	1, 2, 6, 7, 12, 14	946

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 36 (otherwise than in relation to a breach of a mass limit) in respect of a breach of a condition of an exemption by driver of a vehicle forming part of a combination:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the exemption	1, 2, 6, 7, 12, 14	946
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 38 (otherwise than in relation to a breach of a mass limit):		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination concerned is permitted to travel under a notice or permit	1, 2, 6, 7, 12, 14	946
(b) that involves travelling at a time other than the time at which the vehicle or combination concerned is permitted to travel under a notice or permit	1, 2, 6, 7, 12, 14	946

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under a notice or permit	1, 2, 6, 7, 12, 14	946
(d) that does not involve (a), (b) or (c)	1, 2, 6, 7, 12, 14	173
Clause 41:		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed by or under that clause with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum prescribed by or under that clause with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:		

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 41, in relation to an offence arising because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle:		
(a) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(b) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(c) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(d) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Clause 41I (1)	1, 2, 6, 7, 12, 14	173
Clause 47 (3), relating to a breach of a mass limit:		
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in the notice for that class of vehicle with respect to that axle:		
(i) by not more than 0.5 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 0.5 tonne but not more than 1 tonne	1, 2, 6, 7, 12, 14	697
(b) if the offence arises because the axle load on a single axle with dual tyres, or the sum of the axle loads on a twinsteer axle group or a tandem axle group, exceeds the maximum specified in the notice for that class of vehicle with respect to that axle or axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 1.5 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 1.5 tonnes but not more than 2 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 2 tonnes but not more than 2.5 tonnes	1, 2, 6, 7, 12, 14	935
(c) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in the notice for that class of vehicle with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
(d) if the offence arises because the sum of the axle loads of a group of axles (other than an axle group of a kind referred to in (a), (b) or (c)) of a vehicle exceeds the maximum specified in the notice for that class of vehicle with respect to that axle group:		
(i) by not more than 1 tonne	1, 2, 6, 7, 12, 14	231
(ii) by more than 1 tonne but not more than 2 tonnes	1, 2, 6, 7, 12, 14	467
(iii) by more than 2 tonnes but not more than 3 tonnes	1, 2, 6, 7, 12, 14	697
(iv) by more than 3 tonnes but not more than 4 tonnes	1, 2, 6, 7, 12, 14	935
Clause 51 (3); Clause 54	1, 2, 6, 7, 12, 14	173
Clause 52	1, 2, 6, 7, 12, 14	104
Clause 55	1, 2, 6, 7, 12, 14	130
Clause 56 (4); Clause 56 (5); Clause 56 (6)	1, 2, 6, 7, 12, 14	290
Clause 57 (a); Clause 57 (b)	1, 2, 12, 14	173
Clause 57 (c)	1, 2, 12, 14	290

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Clause 62 (1); Clause 69	1, 2, 6, 7, 12, 14	173
Clause 63 (1)	1, 2, 6, 7, 12, 14	78
Clause 67 (4)	1, 2	173

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Road Transport (Safety and Traffic Management) Act 1999		
Section 41 (1)	1	406
Section 41 (2)	1	522
Section 42 (1) (c)	1	182
Section 48; Section 49 (3)	1	1,202
Section 76 (7)	1, 2	231
Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999		
Clause 19 (3); Clause 20 (3); Clause 21; Clause 28 (3); Clause 29 (2); Clause 30 (3); Clause 34 (1); Clause 35 (4); Clause 36 (4); Clause 37; Clause 40 (4); Clause 48; Clause 49; Clause 50 (2); Clause 51 (2); Clause 52; Clause 54 (3); Clause 56 (1); Clause 57 (1); Clause 58; Clause 60; Clause 61; Clause 62; Clause 63 (3); Clause 64; Clause 65; Clause 66 (1); Clause 67; Clause 69; Clause 70; Clause 71 (1); Clause 72; Clause 73; Clause 75; Clause 76; Clause 77; Clause 78; Clause 93 (2); Clause 95 (1); Clause 96; Clause 97 (4); Clause 119 (2); Clause 125; Clause 130 (3); Clause 134 (2); Clause 135; Clause 136 (3); Clause 137 (2)	1, 2, 4	173
Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999		
Clause 38 (1):		
(a) in the case of a class B motor vehicle (whether or not the vehicle is also driven at a speed in excess of 130 km/h):		

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	1	199
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	313
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	579
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	1	1,597
(b) in the case of a class C motor vehicle (whether or not the vehicle is also driven at a speed in excess of 130 km/h):		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	1	199
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	313
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	926
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	1	2,398
Clause 38 (4); Clause 38 (5); Clause 38 (6):		
(a) in the case of a vehicle driven at a speed of not more than 15 km/h above the speed limit applicable	1	130
(b) in the case of a vehicle driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	208

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) in the case of a vehicle driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	579
(d) in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable	1	1,597
Clause 40 (1):		
(a) in the case of a class A motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	1	130
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	208
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	579
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	1	1,597
(b) in the case of a class B motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	1	199
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	313
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	579
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	1	1,597

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(c) in the case of a class C motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	1	199
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	1	313
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	1	926
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	1	2,398
Clause 42 (1)	1, 2	104
Clause 43	1, 2, 16	104
Clause 44	1	104
Clause 45; Clause 47; Clause 47A (1); Clause 54; Clause 55 (a); Clause 55 (b); Clause 55 (c); Clause 55 (e); Clause 84; Clause 85 (1); Clause 86; Clause 90 (1)	1	78
Clause 45A; Clause 46 (1)	1	243
Clause 47B (where driver wearing seatbelt drives with one unrestrained passenger only)	1	243
Clause 47B (where driver wearing seatbelt drives with 2 unrestrained passengers)	1	486
Clause 47B (where driver wearing seatbelt drives with 3 unrestrained passengers)	1	728

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Clause 47B (where driver wearing seatbelt drives with 4 or more unrestrained passengers)	1	971
Clause 47B (where driver not wearing seatbelt drives with one unrestrained passenger only)	1	486
Clause 47B (where driver not wearing seatbelt drives with 2 unrestrained passengers)	1	728
Clause 47B (where driver not wearing seatbelt drives with 3 unrestrained passengers)	1	971
Clause 47B (where driver not wearing seatbelt drives with 4 or more unrestrained passengers)	1	1,214
Clause 47C (2) and (3); Clause 47D	1	243
Clause 47E	1	243
Clause 48 (1)	1, 2	74
Clause 49 (1)	1, 2	173
Clause 50 (1); Clause 56 (1); Clause 90 (2)	1, 2	78
Clause 53 (1), in relation to a class C motor vehicle in a Safe-T-Cam zone	1	946
Clause 53 (1), otherwise than in relation to a class C motor vehicle in a Safe-T-Cam zone	1	78
Clause 59 (2)	1	290
Clause 60 (1)	1, 8, 9, 10, 12, 15, 16	70

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Clause 61; Clause 62; Clause 63 (2); Clause 64; Clause 65 (a); Clause 65 (b); Clause 66; Clause 67; Clause 68 (2); Clause 70 (b); Clause 71; Clause 72; Clause 73 (2); Clause 76 (3) (a); Clause 77; Clause 78 (2)	1, 12, 15	70
Clause 69; Clause 70 (a); Clause 74; Clause 76 (3) (b); Clause 76 (3) (c); Clause 76 (4)	1, 12, 15	392
Clause 79 (1)	1, 12, 15, 16	155
Clause 88; Clause 96A	1	50
Clause 93; Clause 94 (2)	1, 2	226
Clause 94 (3); Clause 94 (4); Clause 94 (5)	1, 2	126
Clause 95 (3)	1, 2	219
Clause 95 (4); Clause 96	1, 2	123
Clause 96B (1)	1	233
Clause 96B (2)	1, 12, 16	233
Clause 123A (1)	1, 12	70
Clause 126K	1, 12	392
Clause 126L	1, 12	392
Clause 126M	1, 12	392
Clause 126N (2)	1, 12	392
Clause 126O (3)	1, 12	392
Clause 126P (6)	1, 12	392

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Clause 132 (1); Clause 132 (2)	1, 2, 12, 16	130
Road Transport (Vehicle Registration) Act 1997		
Section 18 (1)	1, 2	472
Section 22 (4)	1, 2	1,054
Section 22B (2)	1, 2	1,054
Road Transport (Vehicle Registration) Regulation 1998		
Clause 23 (4); Clause 28 (1); Clause 29; Clause 30 (1); Clause 32 (8); Clause 34 (3); Clause 39 (4); Clause 41 (2) (a); Clause 41 (2) (b); Clause 43 (5); Clause 47 (3); Clause 51 (1) (b); Clause 51 (1) (c); Clause 51 (1) (d); Clause 51 (1) (e); Clause 51 (1) (f); Clause 51 (2); Clause 51 (3); Clause 52; Clause 53; Clause 54 (1); Clause 55; Clause 57 (2); Clause 57 (4); Clause 57 (5); Clause 60 (3); Clause 61 (4); Clause 63 (5); Clause 64 (2); Clause 67 (4); Clause 74; Clause 75; Clause 84 (1); Clause 86	1, 2	78
Clause 51 (1) (a)	1, 2	130
Clause 57 (1) (a) in respect of the use of a registrable vehicle that does not comply with any of the following provisions of Schedule 4:		
(a) clause 21 (a), vehicle contravening any Act or other law (otherwise than as referred to in the following paragraphs)	1, 2	78
(b) clause 21 (b), vehicle cause danger or unreasonable annoyance	1, 2	104
(c) clause 22, defective steering	1, 2	173

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(d) clause 25 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1—2002, <i>Motor vehicle frontal protection systems</i> , Part 1: <i>Road user protection</i> because of: <ul style="list-style-type: none"> (i) incorrect method of mounting vehicle frontal protection system, or (ii) exposed edges, or (iii) unacceptable shape of material or unacceptable profile of vehicle frontal protection system, or (iv) use of non-standard or non-approved vehicle frontal protection system, or (v) dangerous protrusions (such as fishing rod holders, aerials, winches and brackets for the mounting of spot lamps) fitted to vehicle frontal protection system. 	1, 2	104
(e) clause 26, oil and grease leaks	1, 2	104
(f) clause 28, defective seating	1, 2	104
(g) clause 29, seat belt removed or defective	1, 2	233
(h) clause 29, motor vehicle not fitted or equipped with seat belts or seat belt anchorages	1, 2	233
(i) clause 31, defective door latches, hinges	1, 2	78
(j) clauses 48, 49, 50, 51, 52, 53, 54, 55 and 56, defective tyres	1, 2	78

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(k) clauses 70, 71, 72, 73, 74, 75, 76 and 77, exceed dimensions	1, 2	78
(l) clause 74, excessive overhang	1, 2	78
(m) clauses 85, 86, 87, 88, 89, 90 and 91, defective headlights	1, 2	78
(n) clauses 94, 95, 96 and 97, defective tail lights	1, 2	78
(o) clauses 106 and 107, defective brake lights	1, 2	78
(p) clauses 132, 133, 134, 135, 136, 137, 138, 139, 140 and 141, defective brakes	1, 2	173
(q) clause 135, defective emergency brake	1, 2	78
(r) clauses 154, 155, 156, 157, 158 and 159, undue emission, inefficient silencer or excessive noise	1, 2	104
(s) clause 161, defective LPG equipment or labelling	1, 2	104
(t) clauses 166–178, road train equipment offences	1, 2	104
(u) clause 189, defective or missing fire extinguisher (bus)	1, 2	78
Clause 57 (1) (b) in respect of the use of a registrable vehicle that is, or whose parts or equipment are, not suitable for safe use or not in a thoroughly serviceable condition:		
(a) if the vehicle has, or the part comprises, a defective body or structural member	1, 2	104
(b) in any other case	1, 2	130

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
Clause 63 (6); Clause 64 (2A)	1, 2	173
Clause 78 (5); Clause 84 (2)	1, 2	233
Clause 84 (3)	1, 2	472
Clause 85:		
(a) in the case of a class A motor vehicle	1, 2	78
(b) in the case of a class B motor vehicle or class C motor vehicle	1, 2	472
Roads Act 1993		
Section 112, if the offence arises because the laden weight of the vehicle exceeds the maximum specified by means of a notice displayed in accordance with section 112:		
(a) by not more than 1 tonne	1, 2, 14	231
(b) by more than 1 tonne but not more than 2 tonnes	1, 2, 14	467
(c) by more than 2 tonnes but not more than 3 tonnes	1, 2, 14	697
(d) by more than 3 tonnes but not more than 4 tonnes	1, 2, 14	935
Section 115 (4)	1, 2, 14	70
Section 235, in relation to an offence under section 112, if the offence arises because the laden weight of the vehicle exceeds the maximum specified by means of a notice displayed in accordance with section 112:		

Road Transport (General) (Penalty Notice Offences) Amendment
(Penalties) Regulation 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty \$
(a) by not more than 1 tonne	1, 2, 14	231
(b) by more than 1 tonne but not more than 2 tonnes	1, 2, 14	467
(c) by more than 2 tonnes but not more than 3 tonnes	1, 2, 14	697
(d) by more than 3 tonnes but not more than 4 tonnes	1, 2, 14	935



New South Wales

Roads (General) Amendment (Penalty Notice Offences) Regulation 2004

under the

Roads Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Roads Act 1993*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to increase the penalties for offences dealt with by way of a penalty notice issued under section 243 of the *Roads Act 1993* in relation to contraventions of certain provisions under the *Roads (General) Regulation 2000*.

The penalty amounts are being increased from \$383 to \$392, from \$255 to \$261 and from \$127 to \$130 in line with movements in the Consumer Price Index.

This Regulation is made under the *Roads Act 1993*, including sections 243 (Penalty notices for certain offences) and 264 (the general regulation-making power).

Clause 1 Roads (General) Amendment (Penalty Notice Offences) Regulation 2004

Roads (General) Amendment (Penalty Notice Offences) Regulation 2004

under the

Roads Act 1993

1 Name of Regulation

This Regulation is the *Roads (General) Amendment (Penalty Notice Offences) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Roads (General) Regulation 2000

The *Roads (General) Regulation 2000* is amended as set out in Schedule 1.

Roads (General) Amendment (Penalty Notice Offences) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 74)

Column 1	Column 2
Offence provision	Penalty \$
Clauses 6 (3), 11 (1) (a)–(d) and (3) (a)–(d), 13 (2), 15, 16, 17 (1), 18, 20, 27 (1), 29 (a)–(c), 32 (2), 33 (3), 38 (a) and (b), 39, 42 (2)	392
Clauses 12 (a) and (b), 13 (1) (a) and (b), 14, 19, 21, 23A (1) (a)–(c) and (2) (a) and (b), 25 (1), 26 (1), 28, 30, 43, 46, 47 (1) (a)–(d), 48, 51 (1) and (2) (a) and (b), 56, 57, 59 (2), 60, 61 (a)–(g), 62 (3), 63 (1) and (2), 69 (a) and (b), 70	261
Clauses 22 (1) and (3), 23 (2) and (3) (a) and (b), 24, 41 (2), 44 (1) (a)–(e), 53 (3), 55, 58 (1) (a)–(c)	130

ROAD TRANSPORT (VEHICLE REGISTRATION) ACT 1997

Notice Fixing Fees

I, MICHAEL JOHN HANNON, Acting Chief Executive of the Roads and Traffic Authority, pursuant to section 8(1)(k) of the Road Transport (Vehicle Registration) Act 1997 and clause 79 of the Road Transport (Vehicle Registration) Regulation 1998, FIX the fees set out in Column 2 of the Schedule to this Notice in respect of the services shown opposite to them in Column 1 of that Schedule.

This Notice takes effect on 1 July 2004.

MICHAEL HANNON,
Acting Chief Executive
Roads and Traffic Authority

**NOTE: This Notice replaces the Notices published in NSW Government Gazettes:
- No. 104 of 27 June 2003 at page 6398**

SCHEDULE

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3. Duplicate registration label	16
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	v) Category 5, 5 digit plate.....	301
	vi) Category 6, 6 digit plate.....	149
12.	Transfer of Numeral only plates - Motorcycle Plates	
	i) Category 1, 1 digit plate.....	1512
	ii) Category 2, 2 digit plate.....	301
	iii) Category 3, 3 digit plate.....	149
	iv) Category 4, 4 digit plate.....	111
	v) Category 5, 5 digit plate.....	74
	vi) Category 6, 6 digit plate.....	N/A
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	ii) Standard plate fee.....	190
	iii) Personalised annual content fee	60
	iv) Personalised annual style fee	70
	v) Remake fee.... ..	190
20.	Administration fee for Conditional Registration.....	16
21.	Regional Theme plates	
	i) Order fee (personalised plates only)	50

ii)	Standard plate fee.....	153
iii)	Personalised annual content fee.....	60
iv)	Personalised annual style fee	70
v)	Remake fee....	94
22.	Coloured plates (red, blue, purple, green)	
i)	Order fee	50
ii)	Annual style fee	70
iii)	Personalised annual content fee.....	60
iv)	Personalised Plus content style fee	400
v)	Remake fee....	50
23.	Wallaby plates	
i)	Order fee (Standard and Personalised only)	50
ii)	Order fee (Personalised Plus only)	450
iii)	Annual style fee	90
iv)	Personalised annual content fee	60
v)	Remake fee....	50
24.	Custom Yellow plates	
i)	Order fee (Personalised Plus only)	50
ii)	Annual content fee (Personalised Plus only)	400
iii)	Remake fee (Personalised Plus only).....	50
25.	White plates	
i)	Order fee (Standard only)	64
ii)	Order fee (Personalised and Personalised Plus only)	50
iii)	Annual style fee (Personalised only)	40
iv)	Annual content fee (Personalised only).....	60
v)	Annual content fee (Personalised Plus only)	400
vi)	Remake fee....	50
26.	Black plates	
i)	Order fee (Personalised only)	50
ii)	Annual style fee (Personalised only)	40
iv)	Annual content fee (Personalised only).....	60
v)	Remake fee....	50
27.	Number Plate Hold Fee	50
28.	Number Plate Exchange Fee	50
29.	Yellow (Personalised)(Motorcycle and Trailer) One of fee	174

ROAD TRANSPORT (DRIVER LICENSING) ACT 1998

Notice Fixing Fees

I, MICHAEL JOHN HANNON, Acting Chief Executive of the Roads and Traffic Authority, pursuant to section 10 of the Road Transport (Driver Licensing) Act 1998 and clause 62 of the Road Transport (Driver Licensing) Regulation 1999, FIX the fees set out in the Schedule to this Notice in respect of the services appearing adjacent to them.

This Notice takes effect on 1 July 2004.

MICHAEL HANNON
Acting Chief Executive
Roads and Traffic Authority

NOTE: This Notice replaces the Notice published in NSW Government Gazette No. 104 of 27 June 2003 at page 6397

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	\$
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2. CBA Assessors Course	884
3. Motorcycle Riding Instructor Training Course	566
4. Learner Replacement Logbook	12



Proclamation

under the

State Water Corporation Act 2004

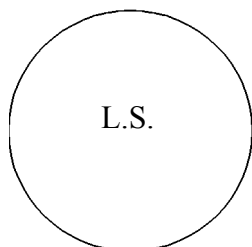
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *State Water Corporation Act 2004*, do, by this my Proclamation, appoint 1 July 2004 as the day on which that Act commences except for the following provisions:

- (a) the definition of *Fish River water supply scheme* in section 3 (1),
- (b) section 15 (2),
- (c) Schedule 3.11,
- (d) Schedule 3.12 [2],
- (e) Schedule 3.21 [1], [2] and [6],
- (f) clauses 2 (1) (b), 4 and 9 of Schedule 4.

Signed and sealed at Sydney, this 30th day of June 2004.

By Her Excellency's Command,



FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

Explanatory note

The object of this Proclamation is to commence the *State Water Corporation Act 2004* other than those provisions dealing with the Fish River water supply scheme.

**STATE WATER
INTERIM OPERATING LICENCE**

**UNDER THE *STATE WATER
CORPORATION ACT 2004***



New South Wales

STATE WATER CORPORATION ACT 2004

INTERIM OPERATING LICENCE ISSUED UNDER CLAUSE 12 (1) OF SCHEDULE 4 OF THE STATE WATER CORPORATION ACT 2004

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of clause 12 (1) of Schedule 4 of the *State Water Corporation Act 2004*, hereby issue the interim operating licence of State Water Corporation in the manner set out below.

MARIE BASHIR,

Governor of New South Wales

Signed at Sydney, this 30th day of June 2004.

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1. DEFINITIONS AND INTERPRETATIONS

1.1 Definitions

In this Licence:

Act means the *State Water Corporation Act 2004* and any regulations in force under it.

Audit means the operational audit of State Water as defined in clause 10.1.1.

[Note: Area of Operations means the area of operations under section 15 of the *Act*.]

Authorised users mean the holders of basic rights and access licences under the *Water Management Act 2000* and *Water Act 1912*.

Bulk water means water delivered to meet the needs of the environment and authorised users.

Catchment Management Authority means those authorities listed in Schedule 1 of the *Catchment Management Authorities Act 2003*.

Commencement date means the date on which these terms and conditions of licence take effect.

Corporation means State Water Corporation constituted under the *Act*.

Customer means any person authorised under the *Water Management Act 2000* to take and use water and to whom State Water makes available water by the operation of any of its works or to whom State Water provides a service.

DEC means the Department of Environment and Conservation.

Delivery means operation of the Corporation's works for the purpose of making water available in a timely manner to Authorised users, Customers and the environment.

DIPNR means the Department of Infrastructure, Planning and Natural Resources.

Dispute Resolution Body means a reputable person possessing qualifications and experience in dispute resolution by way of mediation or otherwise and includes a person who carries out investigative functions in the nature of an ombudsman.

End of term review means the end of term review of the Initial Licence under clause 11.1.

Fisheries means NSW Fisheries as part of the Department of Primary Industries.

Functions include a power, authority or duty.

Infrastructure means those assets of State Water, including dams, regulators, locks weirs, diversion structures, banks, channels, cuttings, pipes and other structures, plant and equipment devoted to the supply, regulation and distribution of regulated bulk water resources and structures on unregulated water resources.

IPART means the Independent Pricing and Regulatory Tribunal of NSW established under the *Independent Pricing and Regulatory Tribunal Act 1992*.

Licence means this interim operating licence granted under the Act to State Water or any amendment of it, and as in force for the time being.

Initial Licence means the operating licence to be granted under the Act to State Water following public consultation and within one year of the date of assent to the Act.

Licence Review Body means IPART or, if the Minister administering the *IPART Act 1992* directs IPART not to undertake the end of term review, a person (other than IPART, State Water or its Subsidiaries) who in the opinion of the Minister administering the *IPART Act 1992* has suitable qualifications and experience for undertaking the review.

Minister means the Minister responsible for administering those provisions of the Act relating to this Licence.

SOC Act means the *State Owned Corporations Act 1989*.

State Water means the State Water Corporation constituted as a corporation by the Act.

1.2 Interpretations

The following rules apply in interpreting this Licence, except where the content makes it clear a rule is not intended to apply.

- (a) Terms defined in the *State Water Corporation Act 2004*, *Water Act 1912* and *Water Management Act 2000* have the same meaning in this Licence, unless a contrary definition is specified in this Licence.
- (b) Whenever this Licence requires State Water to make something "available to the public", State Water must:
 - (i) publish the document on its Internet website and make it available to download free of charge;
 - (ii) make the document available at its offices for viewing by any person, free of charge; and
 - (iii) make the document available at its offices for collection by any person, for which State Water may charge a reasonable cost.

Explanatory Notes included in this Licence are marked in italics and do not form part of this Licence.

2. INFORMATION ABOUT THIS LICENCE

2.1 Purpose of Licence

[Note: This Licence has been issued for a maximum period of one year from the date of assent to the Act to allow sufficient time to develop and consult on the Initial Licence. Parts 10 and 11 of this Licence will not take effect until State Water's Initial Licence is issued by the Governor.]

2.1.1 *The purpose of this Licence is to set out the terms and conditions under which State Water is to:*

- (a) meet the objectives and other requirements imposed on it in the Act;*
- (b) provide, construct, operate, manage and maintain efficient, co-ordinated and commercially viable systems and services for capturing, storing and releasing water;*
- (c) recognise the rights given to Customers by this Licence;*
- (d) be subject to Audits of compliance with its Initial Licence;*
- (e) undertake any of the Functions and powers of the Minister for Natural Resources under the Water Management Act 2000 or the Water Act 1912 set out in this Licence.*

[Note: This Licence is granted pursuant to clause 12 (1) of Schedule 4 of the Act.]

2.2 Term of Licence

2.2.1 This Licence commences on 1 July 2004 and will cease to have effect on the granting of an Initial Licence under section 11 of the Act or one year after the date of assent to the Act.

2.3 Amendment of Licence

2.3.1 This Licence may be amended by the Governor in accordance with the Act.

2.4 Contravention of Licence

[Note: Section 16 of the Act provides that, where the Minister is of the opinion that State Water contravenes this Licence, the Minister may take action against State Water. Section 17 of the Act provides that where State Water knowingly contravenes this Licence, IPART may take action against State Water.]

2.5 Cancellation of Licence

2.5.1 This Licence may be cancelled by the Governor in the circumstances described in the Act.

[Note: Section 19 of the Act sets out the circumstances in which this Licence may be cancelled by the Governor.]

2.6 Availability of Licence

2.6.1 State Water must make this Licence available to the public.

3. FUNCTIONS AND AREA OF OPERATIONS

3.1 State Water Functions authorised by this Licence

3.1.1 The Act sets out the principal functions of the Corporation.

[Note: Section 6 of the Act specifies the principal functions of the Corporation as follows:

- (a) to capture and store water and to release water:*
 - (i) to persons entitled to take the water, including release to regional towns, and*
 - (ii) for the purposes of flood management, and*
 - (iii) for any other lawful purpose, including the release of environmental water,*
- (b) to construct, maintain and operate water management works,*
- (c) any other functions conferred or imposed on it by the operating licence or by or under this or any other Act or law.]*

3.1.2 State Water is to seek water delivery efficiency through operational and Infrastructure improvements.

3.1.3 Subject to arrangements being entered into between the Minister for Energy and Utilities and the Minister for Natural Resources, State Water may exercise additional Functions under the *Water Management Act 2000*. These Functions include but are not limited to:

- lodging caveats on access licences under section 71E;
- granting consents to temporary water transfers under section 71M (4);
- debiting and crediting of water accounts under sections 76, 85 and 85A;
- suspending access licences under section 78 and suspending approvals under section 109;
- imposing a civil penalty under section 85B;
- imposing and recovering fees and charges under section 114;
- directing temporary water restrictions under section 323;
- issuing directions concerning the production of information under section 324, waste of water under section 325, and unusable water management works under section 330;
- issuing directions to protect water sources under section 326 and stop work where unlawful activity is occurring under section 327;
- issuing directions to holders of basic landholder rights under section 328;
- issuing directions for temporary stop work orders under section 329;
- ordering landholders to take specified measures to prevent damage to water management works by straying stock under section 331;
- taking remedial measures when a person fails to comply with directions from this Part under section 334;
- applying to the Land and Environment Court for an injunction under section 335;
- issuing certificates under section 362B;
- recovering fees, charges and civil penalties under sections 362A and 362C; and

- rights to the control, use and flow of all water in rivers and lakes under section 392 (1) (a). This power would be exercised only in regards to regulated rivers where a water sharing plan has been developed.
- 3.1.4 Subject to arrangements being entered into between the Minister for Energy and Utilities and the Minister for Natural Resources, State Water may exercise any Functions under Parts 2, 5 and 9 of the *Water Act 1912* including but not limited to:
- receiving water orders under section 20AF;
 - imposing and recovering charges in respect of any entitlement under the provisions of sections 22C, 117B or 194;
 - suspending any licence or authority under sections 22C (9) or 117B (8);
 - waiving or remitting charges under 22C (10) or 117B;
 - reading any meters required to be installed or maintained by any entitlement holder under the provisions of Part 2 (or any entitlement), Part 5 or Part 9. For this purpose employees, agents and contractors of State Water are authorised to exercise the powers of the Ministerial Corporation under sections 22 and 124 of the *Water Act 1912* and the powers of the Minister for Natural Resources under section 337 of the *Water Management Act 2000*;
 - approving or refusing temporary transfers under Division 4C of Part 2, including taking action under section 20XA.
- 3.1.5 State Water must operate its water management works consistent with any licences or approvals granted by the Minister for Natural Resources and must only release water from those works consistent with any relevant water management plan.
- 3.1.6 State Water must exercise any Functions and powers of the Minister for Natural Resources under the *Water Management Act 2000*, consistently with any relevant water management plan.

3.2 Powers not limited

- 3.2.1 This Licence does not restrict State Water's power to carry out any Functions conferred or imposed under any applicable law.

3.3 Operating Principles

- 3.3.1 In performing its Functions and providing its services State Water must:
- (a) manage the water resource in a sustainable manner;
 - (b) operate as efficiently as possible consistent with sound commercial practice;
 - (c) maximise economic, environmental and social benefits;
 - (d) minimise the adverse impacts of its activities on the environment;
 - (e) manage risk to ensure public safety, quality and security of supply;
 - (f) undertake continuous review, innovation and improvement;
 - (g) collaborate with agencies to take account of regional needs; and
 - (h) maximise conservation of water.

3.4 Operating Guidelines

- 3.4.1 State Water must take into account any policies or guidelines made and issued by the Government as required for the purposes of meeting its obligations under this Licence.

3.5 Area of Operations

- 3.5.1 State Water's Area of Operations may be varied in accordance with the Act, or to pursue any obligations under a contract.

[Note: From 1 January 2005 State Water will also operate the Fish River Water Supply Scheme within the meaning of Part 2 of Chapter 6 of the Water Management Act 2000.]

3.6 Non-Exclusive Licence

- 3.6.1 This Licence does not prohibit a person from supplying water (whether Bulk water or otherwise) to a person (including a person that is a Customer) in the Area of Operations, if it is lawful to do so.

4. CUSTOMERS & COMMUNITY ENGAGEMENT

4.1 Community Consultative Committee

- 4.1.1 State Water must establish and regularly consult with a statewide Community Consultative Committee (CCC) to enable community involvement in issues relevant to the performance of State Water's obligations under this Licence.

- 4.1.2 State Water must appoint the members of the CCC consistent with this Licence. The membership of the CCC must include a representative from at least each of the following:

- (a) Customers;
- (b) environment groups;
- (c) basic water right holders;
- (d) regional business and consumer groups;
- (e) Catchment Management Authorities; and
- (f) local government.

- 4.1.3 The term of a member of the CCC will expire two years after his or her appointment. A member will be eligible for re-appointment for one further consecutive term.

- 4.1.4 State Water must provide the CCC with information within its possession or under its control necessary to enable it to discharge the tasks assigned to it, other than information or documents over which State Water or another person claims confidentiality or privilege.

4.2 Valley Based Customer Service Committees

- 4.2.1 State Water must establish and regularly consult with valley based Customer Service Committees (CSCs) to enable Customer involvement in issues relevant to the performance of State Water's obligations to Customers under this Licence. The membership of the CSCs must also include representatives

from unregulated water Customers, groundwater Customers and the relevant Catchment Management Authority.

4.3 Local Reference Committees

When undertaking major upgrade projects, State Water may establish local reference committees to enable consultation specific to the project.

4.4 Customer Service Charter

4.4.1 Within six months of the Commencement date, in consultation with its CSCs, State Water must develop a Customer Service Charter. The Charter should detail the levels of service and mutual obligations of State Water and its Customers.

4.4.2 The Charter will set out Customer service standards and performance indicators. Indicators will include timely delivery of water to licensed Customers with allocations in response to orders placed with reasonable notice. The Charter will also include benchmarks consistent with the rights and obligations conferred under the *Water Management Act 2000* and any other law.

4.4.3 The Customer Service Charter must be made available to the public.

4.5 Code of practice and procedure on debt management

4.5.1 Within six months of the Commencement date, State Water must develop a code of practice and procedure on debt management (the 'Code').

4.5.2 The Code must:

- (a) provide for deferred payment or payment by instalment options; and
- (b) provide that the payment options referred to in (a) are to be advised in bills.

4.5.3 State Water must make the Code available to the public.

4.6 Customer Complaints

4.6.1 State Water must establish internal complaints handling procedures for receiving, responding to and resolving complaints it receives from Customers and the community, relating to any of its Functions.

4.6.2 The internal complaints handling procedures of State Water must be based on the Australian Standard *AS4269-1995 Complaint Handling*.

4.6.3 State Water must make these procedures available to the public.

4.6.4 State Water is to retain records on how complaints were resolved or why complaints were not resolved, as the case may be including any problems of a systemic nature arising from the complaints. State Water is to prepare annual reports on the following complaints categories:

- asset management including effects of unplanned outages;
- water delivery operations including effects of unplanned deficits and surpluses;

- billing including any qualifications on the accuracy of any bill;
- the performance of staff regarding the discharge of their duties; and
- lack of notification of allocations and access to supplementary water.

4.7 External Dispute Resolution Scheme

- 4.7.1 Within six months of the Commencement date, State Water must establish a Dispute Resolution Scheme (the Scheme) for a Dispute Resolution Body to resolve disputes between State Water and its Customers.
- 4.7.2 The Scheme established by State Water is subject to the Minister's approval.
- 4.7.3 The Dispute Resolution Body is to hear disputes and complaints made by Customers in relation to:
- (a) reliability of water supply;
 - (b) customer accounts; and
 - (c) communication of water availability and access notifications.
- 4.7.4 The Scheme must comply with the minimum standards, so far as applicable, specified in the Guidelines to the Prevention, Handling and Resolution of Disputes AS4608.
- 4.7.5 The Scheme must have the following features:
- (a) the decision-making process of the Dispute Resolution Body and administration of the Scheme is to be independent from State Water;
 - (b) State Water agrees to abide by the decisions of the Dispute Resolution Body in relation to disputes referred to it for resolution;
 - (c) the Scheme must adopt informal proceedings which discourage a legalistic adversarial approach;
 - (d) decisions of the Dispute Resolution Body should be fair and be seen to be fair, by observing the principles of procedural fairness, by making its decisions based upon the information before it, and by having specific criteria upon which its decisions are based; and
 - (e) the Scheme is to operate efficiently by keeping track of disputes referred to it; ensuring complaints are dealt with by the appropriate process and by the Dispute Resolution Body regularly reviewing the operation of the Scheme.
- 4.7.6 State Water must make the dispute resolution process available to the public.
- 4.7.7 Where considered appropriate by State Water and the Dispute Resolution Body, confidentiality arrangements are to be made so as not to disclose the Customer's identity in such reports.
- 4.7.8 State Water must report to IPART on information available to State Water and information reasonably obtained from the Dispute Resolution Body.

4.8 Complaints to other bodies

- 4.8.1 When requested, State Water must report to IPART on complaints made against State Water to a court or tribunal such as the Energy and Water

Ombudsman NSW, (based on information reasonably obtained from these bodies and State Water itself as a party to the complaint).

5. ASSET MANAGEMENT

Under DIPNR's Water Management Works Approval(s), State Water will be provided with the necessary conditions to use its Infrastructure to access water for storage and delivery using river channels and other natural features.

5.1 Performance Standards

5.1.1 State Water's systems and services for delivering water must accord with performance standards to be developed by State Water, including but not limited to, the following areas:

- State Water must ensure its Infrastructure is constructed, maintained and operated to provide:
 - effective, efficient and commercially viable delivery of water allocated to Customers;
 - effective and efficient release of water allocated to the environment;
 - effective flood management;
 - public safety and employee safety;
 - dam safety risk as low as reasonably practicable;
 - compliance with total asset management standards.

5.1.2 Performance standards to be included in Schedule 1 of this Licence are not required to cover areas regulated by other statutory instruments.

5.1.3 Within four months of the Commencement date, State Water is to reach agreement with its Customers and other stakeholders on draft performance standards to be included in Schedule 1 of this Licence.

5.2 Total Asset Management Strategy

5.2.1 State Water must develop and implement a Total Asset Management Strategy, which:

- links to a broader Strategic Management Framework under which State Water's service objectives are documented and achieved by the most efficient means;
- covers the whole of life of assets;
- manages the risks of potential failure or reduced performance of assets; and
- is consistent with the principles of the Premier's Department's Strategic Management Framework and the NSW Government's Total Asset Management Strategy.

5.3 Augmentation of water management works

In considering any augmentation of water management works, State Water must consider as a priority any additional scope for cost-effective demand management strategies by Customers.

6. WATER DELIVERY OPERATIONS

- 6.1 State Water must take such steps as are reasonably practicable to conserve water and to minimise losses that result from its operations.
- 6.2 State Water must endeavour to manage its water release Functions and operations to ensure the timely availability of water taking into account physical supply constraints.
- 6.3 In periods of extreme resource shortage beyond drought of record as and when gazetted by DIPNR, a Drought Management Plan for river operations must be developed by State Water in accordance with DIPNR requirements.

7. THE ENVIRONMENT

State Water must conduct its operations in compliance with requirements of the *Water Management Act 2000*, the State Water Management Outcomes Plan and the Water Sharing Plans established under that Act.

7.1 Environment Management Plan

- 7.1.1 State Water must prepare an Environment Management Plan (EMP) which sets targets and timetables for compliance by State Water with those targets over the term of the five-year EMP. The initial EMP must be prepared by 1 July 2005.
- 7.1.2 The EMP must:
- (a) include a policy of the management of energy used by State Water for the performance of its Functions in accordance with this Licence;
 - (b) apply appropriate targets of the NSW Government Energy Management Policy for energy consumption;
 - (c) include indicators to measure the environmental impact of State Water's asset operations and maintenance.
- 7.1.3 The EMP must be made available to the public.
- 7.1.4 Amendments may only be made to the EMP following public consultation and the approval of the Minister.

8. PRICING

- 8.1 State Water must apply the level of fees, charges and other amounts payable for its services subject to the terms of this Licence, the Act and the maximum prices and methodologies for State Water's supply of water determined from time to time by IPART.
- 8.2 State Water is not to impose charges under section 29 (1) of the Act, save as to charges arising from any contract entered into under the Fish River Water Supply Scheme or any contract for the provision of services in respect of which IPART does not recommend a fee or charge.

- 8.3 State Water must report to IPART and NSW Treasury on the provision of its community service obligations.

9. MEMORANDA OF UNDERSTANDING

- 9.1 State Water is required to enter into and abide by agreements specified in Memorandum of Understanding (MoU) with each of the Directors-General of DEC, Fisheries and DIPNR for the term of this Licence. The MoUs are to be developed by 1 July 2005.
- 9.2 The purpose of the MoUs is to form the basis for cooperative relationships between the parties to the Memorandum.
- 9.3 The MoUs deal with issues such as how water quality and fish passage impacts of State Water operations are to be dealt with, information sharing arrangements and the making and announcement of available water determinations.

10. OPERATIONAL AUDITS

*[Note: **Part 10 does not apply to this Licence.** This Part will take effect once State Water's Initial Licence is issued by the Governor.]*

10.1 Commission of Operational Audits

- 10.1.1 IPART must initiate an Audit of State Water's operations as soon as practicable after State Water's Initial Licence has been in place for 12 months to cover the preceding year as required by this Part. IPART must undertake an Audit of State Water every two years thereafter.
- 10.1.2 The Audit must be conducted either by IPART or by a person IPART considers is suitably qualified to perform the Audit.
- 10.1.3 As part of the Audit, IPART must invite members of the public to make submissions. IPART may also undertake any other public consultation it considers appropriate.

10.2 What the Audit is to Report on

- 10.2.1 IPART may select specific priority areas for each Audit, for example:
- (a) compliance by State Water with its obligations under Part 4 of this Licence. This may include:
 - a. the effectiveness of its Community Consultative Committee and its valley based Customer Service Committees;
 - b. the effectiveness of State Water's Customer service standards and performance indicators as set out in its Customer Service Charter under clause 4.4.2;
 - (b) State Water's compliance with its code of practice and procedure on debt management under clause 4.5;
 - (c) the effectiveness of State Water's internal complaint handling process under clause 4.6.1 and external dispute resolution scheme under clause 4.7.1;

- (d) complaints made against State Water to a court or tribunal under clause 4.8.1;
- (e) State Water's compliance with its Total Asset Management Strategy under clause 5.2;
- (f) compliance by State Water with its obligations under Part 7 of this Licence, including effectiveness of its environmental indicators;
- (g) State Water's performance of its obligations under Memoranda of Understanding with other agencies;
- (h) State Water's performance against standards to be specified in Schedule 1 of its Initial Licence;
- (i) the effectiveness of performance standards to be set out in Schedule 1;
- (j) any other matter required by the Minister.

10.2.2 IPART must not investigate a matter if the investigation of that matter is ordinarily within the regulatory activities of DEC, DIPNR or Fisheries and the relevant agency has undertaken or is undertaking an investigation of the matter.

10.2.3 IPART must ensure that, subject to clause 10.2.2, the report of the Audit advises the Minister on the following matters:

- (a) any failure of State Water to meet performance standards or any other requirements imposed on State Water under the Initial Licence;
- (b) areas in which State Water's performance under the Initial Licence may be improved;
- (c) any changes to the Initial Licence that IPART considers necessary;
- (d) any penalties or remedial action required as a result of State Water's performance under the Initial Licence;
- (e) whether the Minister should recommend that State Water's Initial Licence be cancelled by the Governor under the Act for reasons identified in the Audit report; and
- (f) any other matter relating to the Audit or IPART functions it considers appropriate.

10.3 Reporting of Audit

10.3.1 IPART must ensure that the Audit report is presented to the Minister within one month after its receipt by IPART, for the purpose of the Minister publicly releasing the report.

10.3.2 If the Audit report has identified areas of non-compliance with the Initial Licence, in addition to whatever other action is taken or required to be taken, State Water must comply with any requirement imposed on State Water by the Minister to do the following:

- (a) advertise publicly and notify Customers of the areas in which its performance has not complied;
- (b) provide reasons for the non-compliance; and

- (c) identify the measures that will be taken by State Water to address the non-compliance.

10.4 Supplementary Audits

- 10.4.1 IPART must initiate supplementary audits of State Water if required by the Minister.
- 10.4.2 A supplementary audit may address one or more of the matters in clause 10.2.1 or any other matter required by the Minister.
- 10.4.3 The provisions of this Part applying to the Audit will apply equally to supplementary audits (all necessary changes having been made), to the extent those provisions are relevant.

10.5 Provision of Information

- 10.5.1 State Water must provide IPART with all information within its possession or under its control necessary to the conduct of the Audit or a supplementary audit, including whatever information is requested by IPART.
- 10.5.2 The information sought under clause 10.5.1 must be made available within a reasonable time of it being requested.
- 10.5.3 For the purposes of the Audit, on being required by IPART, State Water must, within a reasonable time permit IPART or its appointee to:
 - (a) have access to any works, premises or offices occupied by State Water;
 - (b) carry out inspections, measurements and tests on, or in relation to, any such works, premises or offices;
 - (c) take on to or into any such premises, works or offices any other persons or equipment as necessary for the purposes of performing the audit;
 - (d) inspect and make copies of, and take extracts from, any books and records of State Water that are maintained in relation to the performance of State Water's obligations in accordance with this Licence; and
 - (e) discuss matters relevant to the audit with State Water's employees.
- 10.5.4 If State Water contracts out any of its activities to third parties it must take all reasonable steps to ensure that, if required by IPART, any such third parties do things specified in this Part that extend to State Water as if that third party were State Water.
- 10.5.5 For the purpose of an Audit, the information to be provided by State Water or a third party under clause 10.5.1 will include information over which State Water or a third party claims confidentiality or privilege. IPART or the person appointed by IPART is required to enter into reasonable arrangements with State Water or such third party to ensure confidential information is kept confidential.

11 LICENCE REVIEW

*[Note: **Part 11 does not apply to this Licence.** This Part will take effect once State Water's Initial Licence is issued by the Governor.]*

- 11.1 An End of term review for the purpose of determining the terms of renewal of the Initial Licence is to commence on or about two years after its commencement date.
- 11.2 The review is to be undertaken by IPART, unless the Minister otherwise determines. The Licence Review Body must engage in public consultation as part of the review.
- 11.3 As part of the End of term review, the Licence Review Body must evaluate and report on the effectiveness of State Water's community consultation.
- 11.4 The Licence Review Body is to report to the Minister within 12 months of commencing the End of term review on the following:
 - (a) the findings of the review;
 - (b) any recommendations for amendment to this Licence, including any additional terms to be included in any renewal of this Licence; and
 - (c) any recommendations for amendment to any law that adversely impacts on this Licence.
- 11.5 IPART must make the reports publicly available.
- 11.6 The Minister may accept or reject any recommendation made by IPART.
- 11.7 If any recommendation made by IPART and accepted by the Minister requires an amendment to this Licence, the recommendation is of no force or effect unless this Licence is relevantly amended in accordance with the Act. Any recommendation made by IPART that is not accepted by the Minister has no force or effect.

SCHEDULE 1 PERFORMANCE STANDARDS

State Water is to develop performance standards as specified in clause 5.1.2



Proclamation

under the

Water Management Act 2000 No 92

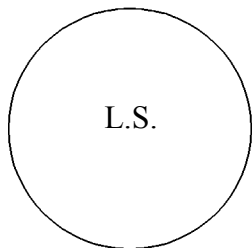
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Water Management Act 2000*, do, by this my Proclamation, appoint 1 July 2004 as the day on which the following provisions of that Act, as amended by the *Water Management Amendment Act 2004*, commence:

- (a) the uncommenced provisions of Parts 2 and 3 of Chapter 3,
- (b) sections 52 (2), 55 (2), 118, 141, 222, 284, 325, 341, 342, 343 and 344,
- (c) Schedule 8.4, 8.8, 8.11 [1], [2] and [4], 8.14, 8.16 [4], 8.19, 8.21, 8.24 [3], 8.25 [1]–[3] and 8.29 [10].

Signed and sealed at Sydney, this 30th day of June 2004.

By Her Excellency's Command,



Minister for Natural Resources

GOD SAVE THE QUEEN!



Proclamation

under the

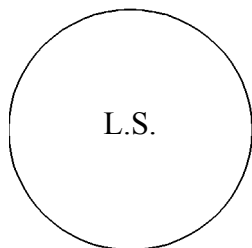
Water Management Amendment Act 2004 No 39

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Water Management Amendment Act 2004*, do, by this my Proclamation, appoint 1 July 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 30th day of June 2004.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,
Minister for Natural Resources

GOD SAVE THE QUEEN!



Proclamation

under the

Water Management Act 2000 No 92

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of sections 55A (1) and 88A (1) of the *Water Management Act 2000*, as amended by the *Water Management Amendment Act 2004*, do, by this my Proclamation, declare that, on and from 1 July 2004:

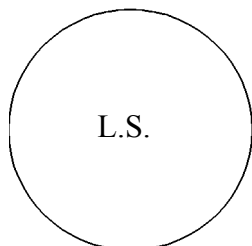
- (a) Part 2 of Chapter 3 of that Act applies:
 - (i) to each water source to which any water sharing plan referred to in Schedule 1 applies, and
 - (ii) to all categories and subcategories of access licence (other than estuarine water access licences, coastal water access licences and floodplain harvesting access licences and other than subcategories of those access licences) in relation to any such water source, and
- (b) Part 3 of Chapter 3 of that Act applies:
 - (i) to each water source to which any water sharing plan referred to in Schedule 1 applies, and
 - (ii) to all water use approvals and water supply work approvals in relation to any such water source.

Proclamation

Explanatory note

Signed and sealed at Sydney, this 30th day of June 2004.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,
Minister for Natural Resources

GOD SAVE THE QUEEN!

Proclamation

Water sharing plans for water sources to which Parts 2 and 3 of Chapter 3 of Act apply Schedule 1

Schedule 1 Water sharing plans for water sources to which Parts 2 and 3 of Chapter 3 of Act apply

Water Sharing Plan for the Adelong Creek Water Source 2003

Water Sharing Plan for the Alstonville Plateau Groundwater Sources 2003

Water Sharing Plan for the Apsley River Water Source 2003

Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003

Water Sharing Plan for the Commissioners Waters Water Source 2003

Water Sharing Plan for the Coopers Creek Water Source 2003

Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003

Water Sharing Plan for the Gwydir Regulated River Water Source 2002

Water Sharing Plan for the Hunter Regulated River Water Source 2004

Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003

Water Sharing Plan for the Kangaroo River Water Source 2003

Water Sharing Plan for the Karuah River Water Source 2003

Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003

Water Sharing Plan for the Lachlan Regulated River Water Source 2003

Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003

Water Sharing Plan for the Mandagery Creek Water Source 2003

Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

Water Sharing Plan for the Ourimbah Creek Water Source 2003

	Proclamation
Schedule 1	Water sharing plans for water sources to which Parts 2 and 3 of Chapter 3 of Act apply

Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003

Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Water Sharing Plan for the Tarcutta Creek Water Source 2003

Water Sharing Plan for the Tenterfield Creek Water Source 2003

Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003

Water Sharing Plan for the Toorumbie Creek Water Source 2003

Water Sharing Plan for the Upper Billabong Water Source 2003

Water Sharing Plan for the Upper Brunswick River Water Source 2003

Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003

Water Sharing Plan for the Wandella Creek Water Source 2003

Water Sharing Plan for the Wybong Creek Water Source 2003



New South Wales

Water Management (General) Regulation 2004

under the

Water Management Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

CRAIG KNOWLES, M.P.,
Minister for Natural Resources

Explanatory note

The object of this Regulation is to make provision with respect to various matters under the *Water Management Act 2000*. In particular, it deals with the following matters:

- (a) machinery and transitional matters, including the temporary extension of some existing administrative exemptions and of opportunities to apply for access licences for certain pre-1999 existing works (Part 1),
- (b) the prescription of circumstances in which management plans may authorise the debiting of water accounts, and a machinery amendment to some current management plans to update section references that have been changed by the *Water Management Amendment Act 2004* (Part 2),
- (c) prescribing new categories of access licence, establishing priorities between different categories of access licences and other machinery matters with respect to access licences (Part 3, Division 1),
- (d) establishing exemptions from the requirement for an access licence for certain purposes, with respect to certain applications for specific purpose access licences and with respect to the requirements for a security holder's consent to certain kinds of dealings in connection with access licences (Part 3, Division 2),
- (e) providing for supplementary water access licences to replace certain entitlements under the *Water Act 1912* in relation to the Gwydir, Hunter, Lower Darling, Lower Namoi, Macquarie and Cudgegong, Murray and Murrumbidgee water sources (Part 3, Division 3),
- (f) prescribing machinery matters with respect to approvals (Part 4, Division 1),

Water Management (General) Regulation 2004

Explanatory note

- (g) establishing exemptions from the requirement for water use and water supply work approvals, and excluding certain kinds of approval from a provision of the Act that gives the benefit of an approval to successive landholders of the land to which the approval relates (Part 4, Division 2),
- (h) enabling fees and charges under the Act to be waived, reduced or remitted (Part 5),
- (i) establishing machinery for the inclusion of land within, and the exclusion of land from, an irrigation corporation's area of operations (Part 6),

This Regulation adopts the following publications:

- (a) the document entitled *Australian and New Zealand Standard Industry Classification* (ANZSIC), 1993 edition (Australian Bureau of Statistics publication, Catalogue No 1292.0),
- (b) the document entitled *NSW Water Amnesty Exemptions Provisions*, prepared within the former Department of Land and Water Conservation.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general power to make regulations) and clause 1 of Schedule 9 (the power to make regulations of a savings or transitional nature).

Water Management (General) Regulation 2004

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Water Management (General) Regulation 2004

Clause 1

Preliminary

Part 1

Water Management (General) Regulation 2004

under the

Water Management Act 2000

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (General) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Definitions

(1) In this Regulation:

appointed day means:

- (a) in relation to a category or subcategory of access licence to which Part 2 of Chapter 3 of the Act applies or an entitlement from which such an access licence arises, the day appointed under section 55A of the Act in relation to that category or subcategory of access licence, or
- (b) in relation to a type or kind of approval to which Part 3 of Chapter 3 of the Act applies or an entitlement from which such an approval arises, the day appointed under section 88A of the Act in relation to that type or kind of approval.

Note. Clause 9 of Schedule 10 to the Act provides that, in certain circumstances, the operation of those Parts is deferred in relation to particular entitlements.

authorised area, in relation to an entitlement, means the authorised area specified in the entitlement.

commercial activities means activities within the following categories recognised in the *Australian and New Zealand Standard Industry Classification* (ANZSIC), 1993 edition (Australian Bureau of Statistics publication, Catalogue No 1292.0):

Clause 3	Water Management (General) Regulation 2004
Part 1	Preliminary

- (a) construction (category E),
- (b) wholesale trade (category F),
- (c) retail trade (category G),
- (d) accommodation, cafes and restaurants (category H),
- (e) communication services (category J),
- (f) finance and insurance (category K),
- (g) property and business services (category L),
- (h) government administration and defence (category M),
- (i) education (category N),
- (j) health and community services (category O),
- (k) cultural and recreational services (category P),
- (l) personal and other services (category Q).

Note. This definition replicates the definition of *associated commercial activities* in section 66 (3A) of the Act.

domestic consumption, in relation to land, means consumption for normal household purposes in domestic premises situated on the land.

Note. This definition replicates the definition of *domestic consumption* in section 52 (3) of the Act.

entitlement means:

- (a) a licence, permit, authority, irrigation corporation licence or group licence referred to in Part 2 of the former 1912 Act, or
- (b) a right to take and use water referred to in section 38B of the former 1912 Act, or
- (c) a licence referred to in Part 5 of the former 1912 Act, or
- (d) an approval referred to in Part 8 of the former 1912 Act, or
- (e) a water management licence under Part 9 of the former 1912 Act, or
- (f) a permit under Part 3A of the former 1948 Act, or
- (g) an irrigation corporation licence under the former 1994 Act, or
- (h) any power under section 12 of the *Water Administration Act 1986* or section 8 of the former 1912 Act that, immediately before the appointed day, was exercisable by any person pursuant to an agreement between that person and the Ministerial Corporation, or

Water Management (General) Regulation 2004

Clause 3

Preliminary

Part 1

- (i) any right to take water from an unlicensed bore (being a bore constructed as referred to in section 112 (1) (b) of the former 1912 Act) that was in force immediately before the appointed day, or
- (j) any arrangement that, immediately before 1 July 2004, was in force between a local council and the Ministerial Corporation, or
- (k) any other right, interest, privilege, permission or authority that is declared by this Regulation to be an entitlement for the purposes of this clause.

Note. This definition replicates the definition of **entitlement** in clause 2 of Schedule 10 to the Act.

excluded work means a work referred to in Schedule 1.

general security entitlement means an entitlement that, pursuant to clause 4 of Schedule 10 to the Act, has been replaced by a regulated river (general security) access licence.

section 18 entitlement means an additional licence under section 18 (2) of the former 1912 Act.

section 20B entitlement means an authority for a joint water supply scheme under section 20B of the former 1912 Act that, immediately before the appointed day, was subject to a high flow condition.

section 20AA direction means a direction under section 20AA of the former 1912 Act.

stock watering, in relation to land, means the watering of stock animals being raised on the land, but does not include the use of water in connection with the raising of stock animals on an intensive commercial basis that are housed or kept in feedlots or buildings for all (or a substantial part) of the period during which the stock animals are being raised.

Note. This definition replicates the definition of **stock watering** in section 52 (3) of the Act.

the Act means the *Water Management Act 2000*.

the former 1912 Act means the *Water Act 1912*.

the former 1948 Act means the *Rivers and Foreshores Improvement Act 1948*.

Clause 4	Water Management (General) Regulation 2004
Part 1	Preliminary

the former 1994 Act means Division 3 of Part 4 of the *Irrigation Corporations Act 1994*, as continued in force by clause 11 of the *Water Management (Irrigation Corporations) Savings and Transitional Regulation 1995*.

water year means a year commencing 1 July.

- (2) For the purposes of paragraph (k) of the definition of *entitlement* in clause 2 of Schedule 10 to the Act, any arrangement that, immediately before 1 July 2004, was in force between a local council and the Ministerial Corporation is declared to be an entitlement for the purposes of that clause.
- (3) Notes in the text of this Regulation do not form part of this Regulation.

4 Temporary extension of existing exemption

- (1) Any person who, immediately before 1 July 2004, was taking or using water by means of a work identified in either of the Schedules to the Amnesty Document is exempt from sections 341 (1), 342 (1) and 343 (1) of the Act and so may continue to take and use water by means of that work without the need for a water supply work approval for the work, an access licence for water taken by means of the work or a water use approval for the use of the water so taken.
- (2) The exemption conferred on a person by subclause (1):
 - (a) applies only while the person complies with such of the conditions set out in the Amnesty Document as are applicable to the work concerned, and
 - (b) ceases to have effect on 30 September 2005.
- (3) In this clause, *Amnesty Document* means the document entitled *NSW Water Amnesty Exemptions Provisions* prepared within the former Department of Land and Water Conservation, with document identifier 0377706, copies of which are available for inspection at the offices of the Department of Infrastructure, Planning and Natural Resources.

5 Pre-1999 existing works

- (1) This clause applies to the following kinds of water supply work whose construction had been completed before 1 January 1999 (*pre-1999 existing works*):

Water Management (General) Regulation 2004

Clause 5

Preliminary

Part 1

-
- (a) impounding works that exceed the maximum capacity allowed by any relevant order in force under section 54 of the Act,
 - (b) dams and other works on rivers or lakes:
 - (i) constructed for landholders by a government agency, or
 - (ii) constructed by landholders with the approval of a government agency, or
 - (iii) constructed by landholders, where the works did not require a licence under Part 2 of the former 1912 Act under the then Government policy,
other than dams or other works that are also flood works,
 - (c) works taking water, at a rate of not more than 5 megalitres per year, from rivers for the purposes of farming, washdowns, fruit and vegetable spraying or washing, or livestock shed cooling,
 - (d) works previously exempted from the operation of Part 2 of the former 1912 Act by section 7 (1) of the *Hunter Valley Flood Mitigation Act 1956*.
- (2) Clause 32 does not apply so as to require an application for a water supply work approval for a pre-1999 existing work to be advertised as referred to in section 92 of the Act.
- (3) Section 94 of the Act does not apply so as to require:
- (a) an application for a water supply work approval for a pre-1999 existing work to be referred to a Commission of Inquiry, or
 - (b) a decision on such an application to be made having regard to a Commission of Inquiry's report into the application.
- (4) For the purposes of section 112 (1) (d) of the Act, an application for a water supply work approval for a pre-1999 existing work is prescribed as an application to which an embargo under section 110 or 111 of the Act does not apply.
- (5) Despite section 61 (1) (a) of the Act, the owner of a pre-1999 existing work may apply to the Minister for any category or subcategory of access licence for water taken by means of that work.

Clause 6 Water Management (General) Regulation 2004

Part 2 Management plans

Part 2 Management plans

6 Water sharing provisions

- (1) For the purposes of section 21 (c) of the Act, circumstances in which there is insufficient water available in the relevant dam to provide for losses in the conveyance of water between the dam and the locations to which it is delivered (whether by evaporation, leakage or otherwise) are prescribed as circumstances in which the water so lost may be withdrawn from a water allocation account.
- (2) In this clause, *the relevant dam* means the dam from which water is released for delivery to the holder of an access licence.

7 Amendment of Minister's plans

- (1) On the commencement of this clause, each Minister's plan referred to in Schedule 2 is amended, in relation only to those references that relate to provisions of the *Water Management Act 2000*:
 - (a) by omitting the matter "section 42 (2)", wherever occurring, and by inserting instead the matter "section 45 (1) (b)", and
 - (b) by omitting the matter "section 71A", wherever occurring, and by inserting instead the matter "section 71M", and
 - (c) by omitting the matter "section 71B", "section 71C", "section 71D", "section 71E", "section 71F", "section 71G", "section 71H", "section 71I", "section 71J", "section 71K" and "section 71L", wherever occurring, and by inserting instead the matter "section 71O", "section 71P", "section 71Q", "section 71R", "section 71S", "section 71T", "section 71U", "section 71V", "section 71W", "section 71Y" and "section 71Z" respectively.
- (2) On the commencement of this clause each Minister's plan referred to in Schedule 2 is amended by omitting the words "environmental health water" and "supplementary environmental water" wherever occurring and by inserting instead the words "planned environmental water".

Water Management (General) Regulation 2004

Clause 8

Access licences

Part 3

Part 3 Access licences

Division 1 General

8 Categories of access licence

- (1) For the purposes of section 57 (1) (l) of the Act, each of the following categories of access licence are prescribed:
 - (a) Murrumbidgee Irrigation (conveyance) access licence,
 - (b) Coleambally Irrigation (conveyance) access licence,
 - (c) floodplain harvesting access licence.
- (2) For the purposes of section 57 (2) of the Act, each subcategory specified in Column 2 of Schedule 3 in relation to a category of access licence referred to in Column 1 of that Schedule is a prescribed subcategory of the category so referred to.

9 Priorities between different categories of access licence

- (1) The following priorities are to be observed in relation to the access licences referred to in section 58 (1) (c) of the Act:
 - (a) regulated river (conveyance) access licences, Murrumbidgee Irrigation (conveyance) access licences and Coleambally Irrigation (conveyance) access licences:
 - (i) have equal priority with each other, and
 - (ii) have priority over access licences referred to in paragraph (b),
 - (b) all other access licences referred to in section 58 (1) (c) of the Act have equal priority with each other.
- (2) Any subcategory of access licence has equal priority with the access licence of which it is a subcategory and with any other subcategory of that licence.

10 Available water determinations

For the purposes of section 59 (2) of the Act, an available water determination referred to in section 59 (1) (a) of the Act is to be published in one or more local newspapers circulating generally throughout the areas and localities to which the determination relates.

Clause 11 Water Management (General) Regulation 2004

Part 3 Access licences

11 Applications generally

- (1) An application under Part 2 of Chapter 3 of the Act:
 - (a) must be in a form approved by the Director-General, and
 - (b) must be signed or otherwise authenticated by each party to the application, and
 - (c) must be accompanied by, or make provision for the payment of, the fee payable under section 114 of the Act in relation to the application, and
 - (d) must be lodged at, or sent by post to, an office of the Department.
- (2) An application is incomplete unless it includes, or is accompanied by, all information required by the approved form.
- (3) This clause does not apply to an application for the recording of any matter in the Access Register under section 71A of the Act.

12 Matters to be recorded in Water Access Licence Register

For the purposes of section 71A (1) (h) of the Act, the matters to be recorded in the General Division of the Access Register include any memorandum of terms and conditions:

- (a) that is lodged with the Minister by the holder, or prospective holder, of a security interest, and
- (b) that is, or is intended to be, adopted by or incorporated in an instrument evidencing the existence of a security interest, as referred to in section 71D (1) (a) of the Act.

13 Dealings on default

For the purposes of section 71X of the Act, a notice referred to in subsection (1) (b) of that section with respect to an access licence to be transferred as a consequence of a default in the payment of a debt or performance of some other obligation under a contract or other legally enforceable arrangement secured by a security interest:

- (a) must indicate:
 - (i) that it is a notice under that section, and
 - (ii) that the holder or co-holder of the licence is in default under the contract or arrangement, as specified in the notice, and

Water Management (General) Regulation 2004

Clause 14

Access licences

Part 3

-
- (iii) that steps that must be taken by the holder or co-holder of the licence to rectify the default, as specified in the notice, and
 - (iv) that, if those steps are not taken within 30 days after service of the notice, the access licence may be transferred pursuant to that section,
- (b) must be served on a person in a manner in which a document may be served on a person under section 170 of the *Conveyancing Act 1919*.

14 Cancellation of specific purpose access licences

For the purposes of section 77A (3) of the Act, the following criteria are prescribed as criteria that the Minister must consider when determining whether the purpose for which a specific purpose access licence was granted no longer exists:

- (a) in the case of an access licence for the supply of water to a location in relation to any activity, whether that activity is still continued at that location or still requires a supply of water,
- (b) in the case of an access licence for the supply of water to a town or community or to some other location for domestic purposes, whether anyone still resides in that town or community or at that location,
- (c) in the case of an access licence for the supply of water to a location for stock purposes, whether there is still any stock at that location,
- (d) in the case of an access licence for the supply of water for any purpose from any water source, whether the water previously supplied for that purpose from that water source is now supplied from some other water source.

15 Register of available water determinations

- (1) The following particulars must be recorded in the register of available water determinations kept under section 84 of the Act in relation to each available water determination made under section 59 of the Act:
 - (a) the terms of the determination,
 - (b) the date on which it was made,
 - (c) the water source or sources (or the parts of the water source or sources) to which it applies,

Clause 16 Water Management (General) Regulation 2004

Part 3 Access licences

- (d) in the case of a determination referred to in section 59 (1) (a) of the Act, the categories or subcategories of access licence to which it applies,
 - (e) in the case of a determination referred to in section 59 (1) (b) of the Act, the individual access licences to which it applies.
- (2) For the purposes of section 84 (3) of the Act, the following places are prescribed as places at which the register of available water determinations is to be made available for public inspection:
- (a) the head office of the Department,
 - (b) each regional office of the Department.

16 Water allocation accounts

- (1) Water allocations are to be debited from an access licence's water allocation account:
- (a) except as provided by paragraph (b), whenever water is taken by means of any of the access licence's nominated water supply works, or
 - (b) if the relevant water sharing plan so provides, whenever water is ordered in relation to any of the access licence's nominated water supply works.
- (2) If a water supply work is nominated in relation to two or more access licences, water allocations taken by means of, or ordered in relation to, the work are to be debited from the water allocation accounts for those access licences:
- (a) to the extent to which the relevant water sharing provisions of a management plan establish priorities in that regard, in accordance with the priorities so established, and
 - (b) to the extent to which the relevant water sharing provisions of a management plan do not establish priorities in that regard:
 - (i) subject to subparagraph (ii), as nominated by the holder of the access licences concerned or, if the access licences are held by different people, as nominated jointly by the holders, or
 - (ii) if no such nomination is made or if such a nomination is incapable of being implemented, as determined by the Director-General.

Water Management (General) Regulation 2004

Clause 17

Access licences

Part 3

17 Claims for compensation

- (1) A claim under section 87 of the Act:
 - (a) must be in a form approved by the Director-General, and
 - (b) must be signed or otherwise authenticated by the claimant, and
 - (c) must be lodged at, or sent by post to, an office of the Department.
- (2) A claim is incomplete unless it includes, or is accompanied by, all information required by the approved form.

Division 2 Exemptions

18 Exemption from requirement for access licence

- (1) The following persons are exempt from section 341 (1) of the Act in relation to the taking of water from a water source:
 - (a) a roads authority (within the meaning of the *Roads Act 1993*), in relation to water required for road construction and road maintenance,
 - (b) any person lawfully engaged in the carriage of water for use for drought relief, in relation to water required for that purpose,
 - (c) any person lawfully engaged in the use of water for dust suppression,
 - (d) any person lawfully engaged in the hydrostatic testing of gas pipelines, in relation to water required for that purpose,
 - (e) any person lawfully engaged in prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, in relation to water required for that purpose,
 - (f) any landholder, in relation to water required for the purpose of generating electricity for use for domestic consumption on that land (but only if the water is returned to the water source from which it was taken),
 - (g) any person lawfully engaged in the testing of a bore, in relation to water used for that purpose during the week following completion of the bore's construction,

Clause 19 Water Management (General) Regulation 2004

Part 3 Access licences

- (h) any person lawfully engaged in the operation of a hydro-electric power station in connection with a water supply work owned by the Ministerial Corporation,
- (i) all persons, in relation to the taking of water from or by means of an excluded work.

Note. The use of a water supply work for the purpose of taking any such water may still require a water supply work approval under Part 3 of Chapter 3 of the Act.

- (2) A person who is engaged in an aquifer interference activity in connection with the mining or extraction of any material is exempt from the operation of section 341 (1) of the Act in relation to the taking of water from an aquifer if the water is taken in accordance with an aquifer interference approval with respect to that activity.

19 Applications for specific purpose access licences

For the purposes of section 61 (1) (a) of the Act, an application for the following categories and subcategories of specific purpose access licence may be made, but only for the following purposes:

- (a) a local water utility access licence (subcategory “domestic and commercial”), for the purpose of domestic consumption and commercial activities,
- (b) a domestic and stock access licence (subcategory “domestic”), for the purpose of domestic consumption,
- (c) an unregulated river access licence (subcategory “town water supply”), for the purpose of supply to communities for domestic consumption and commercial activities,
- (d) a regulated river (high security) access licence (subcategory “town water supply”), for the purpose of supply to communities for domestic consumption and commercial activities,
- (e) an aquifer access licence (subcategory “town water supply”), for the purpose of supply to communities for domestic consumption and commercial activities,
- (f) any category of specific purpose access licence (subcategory “Aboriginal cultural”), for Aboriginal cultural purposes.

20 Granting of access licences

An access licence for which an application may be made under section 61 (1) of the Act, or under clause 5 (5) of this Regulation, is exempt from the operation of section 63 (2) (a) of the Act.

Water Management (General) Regulation 2004

Clause 21

Access licences

Part 3

21 Security holder's consent not required for certain dealings

An increase in the share or extraction component of an access licence in connection with the assignment of rights under section 71Q of the Act is exempt from the requirements of section 71L (1) (c) of the Act.

Division 3 Replacement supplementary water access licences

22 Gwydir

- (1) On 1 July 2004, a section 18 entitlement or section 20B entitlement with respect to the Gwydir is taken to have been replaced by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S_1 = \frac{D \times 178,000}{\Sigma D + \Sigma E}$$

where:

S_1 represents the share component for the supplementary water access licence, expressed in megalitres.

D (the base amount under this subclause) represents an area equivalent to 6 times the area (measured in hectares) of the authorised area in relation to the entitlement.

ΣD represents the sum of the base amounts under this subclause for all section 18 entitlements or section 20B entitlements with respect to the Gwydir.

ΣE represents the sum of the base amounts under subclause (2) for all general security entitlements with respect to the Gwydir.

- (2) On 1 July 2004, a general security entitlement with respect to the Gwydir is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S_2 = \frac{E \times 178,000}{\Sigma D + \Sigma E}$$

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Part 3 Access licences

where:

S_2 represents the share component for the supplementary water access licence, expressed in megalitres.

E (the base amount under this subclause) represents the volume of water authorised by the entitlement immediately before 1 July 2004.

ΣD represents the sum of the base amounts under subclause (1) for all section 18 entitlements or section 20B entitlements with respect to the Gwydir.

ΣE represents the sum of the base amounts under this subclause for all general security entitlements with respect to the Gwydir.

- (3) In this clause, a reference to the Gwydir is a reference to the Gwydir regulated river water source identified in the *Water Sharing Plan for the Gwydir Regulated River Water Source 2002*, as in force on 1 July 2004.

23 Hunter

- (1) On 1 July 2004, the entitlement identified as 20MW000021 with respect to the Hunter is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component of 36,000 megalitres.
- (2) On 1 July 2004, a general security entitlement with respect to the Hunter (other than the entitlement referred to in subclause (1)) is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component equivalent to the greater of the following:
- (a) the greatest volume of water (in megalitres) taken in excess of the volume authorised by the entitlement in any water year between 1 July 1993 and 30 June 2000,
 - (b) the greatest volume of water (in megalitres) taken pursuant to a relevant section 20AA direction in any water year between 1 July 1993 and 30 June 1998.
- (3) In this clause, a reference to the Hunter is a reference to the Hunter regulated river water source identified in the *Water Sharing Plan for the Hunter Regulated River Water Source 2004*, as in force on 1 July 2004.

Water Management (General) Regulation 2004

Clause 24

Access licences

Part 3

24 Lower Darling

- (1) On 1 July 2004, a general security entitlement with respect to the Lower Darling is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S = \frac{E \times 250,000}{\Sigma E}$$

where:

S represents the share component for the supplementary water access licence, expressed in megalitres.

E (the base amount under this subclause) represents the greatest volume of water (in megalitres) taken in excess of the entitlement in any water year between 1 July 1983 and 30 June 2001.

ΣE represents the sum of the base amounts under this subclause for all general security entitlements with respect to the Lower Darling.

- (2) In this clause, a reference to the Lower Darling is a reference to the Lower Darling regulated river water source identified in the *Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003*, as in force on 1 July 2004.

25 Lower Namoi

- (1) On 1 July 2004, a section 18 entitlement or section 20B entitlement with respect to the Lower Namoi is taken to have been replaced by a supplementary water access licence with a share component calculated as follows:

- (a) if *D* is equal to or greater than *G*, in accordance with the following formula:

$$S_1 = \frac{D \times 110,000}{\Sigma E}$$

- (b) if *D* is less than *G*, in accordance with whichever of the following formulae yield the lesser volume:

$$S_1 = \frac{G \times 110,000}{\Sigma E}$$

$$S_1 = \frac{(D + E) \times 110,000}{\Sigma E}$$

Clause 25 Water Management (General) Regulation 2004

Part 3 Access licences

where:

S_1 represents the share component for the supplementary water access licence, expressed in megalitres.

D (the base amount under this subclause) represents the greater of:

- (a) the greatest volume of water taken pursuant to the entitlement in any water year between 1 July 1990 and 30 June 2001, and
- (b) one megalitre per hectare of the authorised area in relation to the entitlement.

G represents the average number of days per water year on which pumping water pursuant to the entitlement was permissible in the water years between 1 July 1990 and 30 June 2001, multiplied by the assessed pump capacity associated with the entitlement.

E represents the base amount under subclause (2) for the associated general security entitlement.

ΣE represents the sum of the base amounts under subclause (2) for all general security entitlements with respect to the Lower Namoi.

- (2) On 1 July 2004, a general security entitlement with respect to the Lower Namoi is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated as follows:

- (a) if the holder of the general security entitlement:
 - (i) is not also the holder of a section 18 entitlement or section 20B entitlement, or
 - (ii) is also the holder of a section 18 entitlement or section 20B entitlement and D is equal to or greater than G ,

in accordance with the following formula:

$$S_2 = \frac{E \times 110,000}{\Sigma E}$$

- (b) if the holder of the general security entitlement is also the holder of a section 18 entitlement or section 20B entitlement and D is less than G , in accordance with the following formula:

$$S_2 = \frac{(D + E) \times 110,000}{\Sigma E} - S_1$$

Water Management (General) Regulation 2004

Clause 26

Access licences

Part 3

where:

S_2 represents the share component for the supplementary water access licence, expressed in megalitres.

D represents the base amount under subclause (1) for the associated section 18 entitlement or section 20B entitlement.

E (the base amount under this subclause) represents the greater of:

- (a) the greatest volume of water taken pursuant to the relevant section 20AA direction in any water year between 1 July 1990 and 30 June 2001, and
- (b) one megalitre per hectare of the authorised area in relation to the general security entitlement.

G represents the average number of days per water year on which pumping water pursuant to the associated section 18 entitlement or section 20B entitlement was permissible in the water years between 1 July 1990 and 30 June 2001, multiplied by the assessed pump capacity associated with the entitlement.

S_1 represents the share component for the associated section 18 entitlement or section 20B entitlement under subclause (1).

ΣE represents the sum of the base amounts under this subclause for all general security entitlements with respect to the Lower Namoi.

- (3) For the purposes of this clause, a section 18 entitlement or section 20B entitlement and a general security entitlement are **associated** with each other if, under the former 1912 Act, the one was granted in relation to the other.
- (4) In this clause, a reference to the Lower Namoi is a reference to the Lower Namoi regulated river water source identified in the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003*, as in force on 1 July 2004.

26 Macquarie and Cudgegong

- (1) On 1 July 2004, a section 18 entitlement or section 20B entitlement with respect to the Macquarie and Cudgegong is taken to have been replaced by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S_1 = \frac{D \times 50,000}{\Sigma D + \Sigma E}$$

Clause 26 Water Management (General) Regulation 2004

Part 3 Access licences

where:

S_1 represents the share component for the supplementary water access licence, expressed in megalitres.

D (the base amount under this subclause) represents an area equivalent to 8 times the area (measured in hectares) of the authorised area in relation to the entitlement.

ΣD represents the sum of the base amounts under this subclause for all section 18 entitlements or section 20B entitlements with respect to the Macquarie and Cudgegong.

ΣE represents the sum of the base amounts under subclause (2) for all general security entitlements with respect to the Macquarie and Cudgegong.

- (2) On 1 July 2004, a general security entitlement with respect to the Macquarie and Cudgegong is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S_2 = \frac{E \times 50,000}{\Sigma D + \Sigma E}$$

where:

S_2 represents the share component for the supplementary water access licence, expressed in megalitres.

E (the base amount under this subclause) represents the volume of water authorised by the entitlement immediately before 1 July 2004.

ΣD represents the sum of the base amounts under subclause (1) for all section 18 entitlements or section 20B entitlements with respect to the Macquarie and Cudgegong.

ΣE represents the sum of the base amounts under this subclause for all general security entitlements with respect to the Macquarie and Cudgegong.

- (3) In this clause, references to the Macquarie and Cudgegong are references to the Macquarie and Cudgegong regulated river water sources identified in the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003*, as in force on 1 July 2004.

Water Management (General) Regulation 2004

Clause 27

Access licences

Part 3

27 Murray

- (1) On 1 July 2004, each entitlement with respect to the Murray referred to in Column 1 of Part 2 of Schedule 4 is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component equivalent to the volume of water (expressed in megalitres) specified in Column 2 of Schedule 4 with respect to that entitlement.
- (2) In this clause, a reference to the Murray is a reference to the Murray regulated river water source identified in the *Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003*, as in force on 1 July 2004.

28 Murrumbidgee

- (1) On 1 July 2004, each entitlement with respect to the Murrumbidgee referred to in Column 1 of Part 2 of Schedule 4 is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component equivalent to the volume of water (expressed in megalitres) specified in Column 2 of Schedule 4 with respect to that entitlement.
- (2) In this clause, a reference to the Murrumbidgee is a reference to the Murrumbidgee regulated river water source identified in the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*, as in force on 1 July 2004.

29 Miscellaneous

- (1) A general security entitlement is not replaced by a supplementary water access licence if the share component for such a licence, calculated in accordance with this Division, would be zero.
- (2) A supplementary water access licence that has replaced a general security entitlement is subject to such conditions, not inconsistent with any mandatory conditions referred to in clause 20 of Schedule 10 to the Act, as were most recently applicable to the taking and use of water under the entitlement.

Clause 30 Water Management (General) Regulation 2004

Part 4 Approvals

Part 4 Approvals

Division 1 General

30 Definition of “aquifer interference activity”

The following activities are prescribed for the purposes of paragraph (d) of the definition of *aquifer interference activity* in the Dictionary to the Act:

- (a) the extraction of silica sands,
- (b) the extraction of road base material.

31 Applications generally

- (1) An application under Part 3 of Chapter 3 of the Act:
 - (a) must be in a form approved by the Director-General, and
 - (b) must, if required by the Director-General, include or be accompanied by an assessment of the likely impact of the water use, work or activity concerned, and
 - (c) must be signed or otherwise authenticated by each party to the application, and
 - (d) must be accompanied by, or make provision for the payment of, the fee payable under section 114 of the Act in relation to the application, and
 - (e) must be lodged at, or sent by post to, an office of the Department.
- (2) An application is incomplete unless it includes, or is accompanied by, all information required by the approved form.
- (3) An assessment referred to in subclause (1) (b) must be prepared in accordance with guidelines approved by the Director-General.
- (4) The guidelines referred to in subclause (3):
 - (a) are to be made available for public inspection, free of charge, during normal business hours:
 - (i) at the head office of the Department, and
 - (ii) at each regional office of the Department, and
 - (b) are to be published on the Department’s internet website.

Water Management (General) Regulation 2004

Clause 32

Approvals

Part 4

32 Advertising of applications for approvals: section 92 (7)

- (1) The following classes of applications are to be advertised, as referred to in section 92 (7) of the Act:
- (a) applications for water supply work approvals for:
 - (i) works for the taking of water from a river, or
 - (ii) bores for the taking of water, other than bores used solely for taking water in accordance with a person's basic landholder rights, or
 - (iii) works (such as weirs) that have the effect of impounding water in a water source, or
 - (iv) works (such as tanks and dams) that are constructed or used for the purpose of capturing rainwater run-off,
 - (b) applications for water use approvals for irrigation,
 - (c) applications whose advertising is required by any relevant management plan.
- (2) An application referred to in subclause (1) (a) does not have to be advertised (unless so required by a management plan referred to in subclause (1) (c)) if the water supply work concerned is to be used:
- (a) for a period of not more than 3 months, and
 - (b) for one of the following purposes:
 - (i) road construction or road maintenance by a roads authority (within the meaning of the *Roads Act 1993*), or
 - (ii) drought relief, or
 - (iii) dust suppression, or
 - (iv) prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, or
 - (v) hydrostatic testing of gas pipelines.
- (3) An application for an approval must be advertised by the Director-General by means of a notice published:
- (a) in a local newspaper, and
 - (b) in a newspaper circulating among such Aboriginal communities as could be affected by the granting of such an approval, and
 - (c) on the Department's internet website.

Clause 33 Water Management (General) Regulation 2004

Part 4 Approvals

- (4) The notice must contain the following information:
- (a) the name of the applicant,
 - (b) the type of approval to which the application relates,
 - (c) particulars indicating the location to which the application relates,
 - (d) in the case of a water supply work approval, the capacity of the work and the water source and stream from which the work is proposed to take water,
 - (e) in the case of a water use approval, the purpose for which water is to be used under the approval,
 - (f) the form in which any objection against the application should be made for the purposes of section 93 of the Act,
 - (g) the address to which, and the time by which, any such objection should be made,
 - (h) the name and contact details for the relevant Departmental officer.

33 Matters affecting consideration of applications: section 96

For the purposes of section 96 (a) of the Act, the matters to be taken into consideration by the Minister in considering whether or not to grant an aquifer interference approval include whether the amount of water taken in the course of carrying out the aquifer interference activity to which the approval relates will exceed the total extraction limit for the aquifer set out in any relevant management plan.

34 Procedure for making objection to granting of approval

For the purposes of section 93 (1) of the Act, an objection to the granting of an approval:

- (a) must be in writing, and
- (b) must be signed or otherwise authenticated by the objector, and
- (c) must contain the name and address of the objector, and
- (d) must be lodged at, or sent by post to, the address specified in the notice referred to in clause 32 (4) (g) within 28 days after the notice was first published, and
- (e) must specify the grounds of the objection.

Water Management (General) Regulation 2004

Clause 35

Approvals

Part 4

35 Register of approvals

For the purposes of section 113 (3) of the Act, the following places are prescribed as places at which the register kept under that section is to be made available for public inspection:

- (a) the head office of the Department,
- (b) each regional office of the Department.

36 Security deposits

- (1) This clause applies to any approval that is granted subject to a condition requiring the holder of the approval to reinstate land affected by the construction of any work or the carrying out of any activity.
- (2) An approval to which this clause applies may be granted subject to a further condition to the effect that, before commencing the construction of any work or the carrying out of any activity, the holder of the approval must provide the Minister with security for the cost of complying with the condition as to reinstatement.
- (3) The security is to be for such reasonable amount as is determined by the Minister and specified in the condition as to security.
- (4) The security may be provided, at the choice of the holder of the approval, by means of a deposit with the Minister or a guarantee satisfactory to the Minister.
- (5) Security provided by way of deposit may be paid out to meet the cost of complying with the condition as to reinstatement.
- (6) Any amount repaid to the applicant from a deposit is to be repaid together with any interest accrued as a consequence of its investment.

37 Access licences and approvals arising from former entitlements

A section 18 entitlement or section 20B entitlement that, immediately before 1 July 2004, was in force under the former 1912 Act is taken to have been replaced:

- (a) to the extent to which it entitles any person or body to use a specified water management work, by a water management work approval held by that person or body in respect of that work (subject to such of the conditions of the entitlement, not inconsistent with any mandatory conditions referred to in clause 20 of Schedule 10 to the Act, as are applicable to an approval of that kind), and

Clause 38 Water Management (General) Regulation 2004

Part 4 Approvals

- (b) to the extent to which it entitles any person or body to use water on any land, by a water use approval held by that person or body in respect of that land (subject to such of the conditions of the entitlement, not inconsistent with any mandatory conditions referred to in clause 20 of Schedule 10 to the Act, as are applicable to an approval of that kind).

Division 2 Exemptions

38 Exemption from requirement for water use approval

- (1) A person is exempt from section 342 (1) of the Act in relation to the use of water for any of the following purposes:
- (a) the use of water for a purpose for which a development consent is in force under the *Environmental Planning and Assessment Act 1979*, other than the use of water for power generation by a major utility, or
 - (b) the use of water for road construction and road maintenance by a roads authority (within the meaning of the *Roads Act 1993*), or
 - (c) the use of water for drought relief, or
 - (d) the use of water for dust suppression, or
 - (e) the use of water taken from or by means of an excluded work, or
 - (f) the use of water for domestic consumption and stock watering, or
 - (g) the use of water for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, or
 - (h) the use of water for the purpose of operating a hydro-electric power station in connection with a water supply work owned by the Ministerial Corporation.
- (2) A person who is engaged in an aquifer interference activity in connection with the mining or extraction of any material is exempt from the operation of section 342 (1) of the Act in relation to the using of water from an aquifer if the water is used in accordance with an aquifer interference approval with respect to that activity.

Water Management (General) Regulation 2004

Clause 39

Approvals

Part 4

39 Exemption from requirement for water supply work approval

- (1) A person is exempt from section 343 (1) (a) of the Act in relation to:
- (a) the construction of an excluded work, or
 - (b) the construction of a dam or water bore to be used solely for the purpose of exercising domestic and stock rights in relation to a water source to which Part 3 of Chapter 3 of the Act does not apply, or
 - (c) the construction of a water supply work to be used solely for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, or
 - (d) the construction of a water pipe for use solely for conveying water from one place to another, or
 - (e) the construction of a water reticulation work on land the subject of a water use approval.
- (2) Subclause (1) (c), (d) and (e) do not apply to a water supply work constructed on any of the following land:
- (a) land declared to be critical habitat under Part 3 of the *Threatened Species Conservation Act 1995* or Division 3 of Part 7A of the *Fisheries Management Act 1994*, or
 - (b) land that is a heritage conservation area within the meaning of an environmental planning instrument that applies to the land under the *Environmental Planning and Assessment Act 1979*,
 - (c) land that is an Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974*,
 - (d) land that is reserved for any purpose under the *National Parks and Wildlife Act 1974*,
 - (e) land the subject of a conservation agreement in force under section 69B of the *National Parks and Wildlife Act 1974*,
 - (f) land the subject of a property agreement in force under section 40 of the *Native Vegetation Conservation Act 1997*,
 - (g) land within a State forest within the meaning of the *Forestry Act 1916*,
 - (h) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,
 - (i) land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies,

Clause 39 Water Management (General) Regulation 2004

Part 4 Approvals

- (j) waterfront land.
- (3) A person is exempt from section 343 (1) (a1) of the Act in relation to the use of:
- (a) any excluded work, or
 - (b) a dam or water bore used solely for the purpose of exercising domestic and stock rights in relation to a water source to which Part 3 of Chapter 3 of the Act does not apply, or
 - (c) any water supply work used solely for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, or
 - (d) any water pipe used solely for conveying water from one place to another, or
 - (e) any water reticulation work that is situated on land the subject of a water use approval, or
 - (f) any water storage work, water reticulation work or water impounding work that was in use before 1 July 2004 in relation to water taken pursuant to an entitlement or pursuant to (the previously repealed) section 7 (7) of the former 1912 Act, or
 - (g) any hydro-electric power station that is operated in connection with a water supply work owned by the Ministerial Corporation.
- (4) A person who is engaged in an aquifer interference activity in connection with the mining or extraction of any material is exempt from the operation of section 343 (1) of the Act in relation to the construction or use of a water management work for the purpose of taking and using water from an aquifer if the water is taken and used in accordance with an aquifer interference approval with respect to that activity.
- (5) In this clause, **water reticulation work** means a work (such as a water pipe or irrigation channel) that is constructed or used for the purpose of conveying water to the point at which it is to be used (including a reticulated system of such works and all associated pipes, sluices, valves and equipment), but does not include:
- (a) any work that receives water from a water supply work under the control or management of the Sydney Water Corporation, the Hunter Water Corporation or a local water utility, or
 - (b) any work that is also a flood work.

Water Management (General) Regulation 2004

Clause 40

Approvals

Part 4

40 Exemption from operation of section 106

Section 106 does not apply to:

- (a) a water management work approval for a work used by a person referred to in clause 21 (a), (b), (c) or (d) solely for taking water for a purpose for which the person is exempt by clause 21 from the requirement for an access licence, or
- (b) a water use approval for the use of water for such a purpose.

Clause 41 Water Management (General) Regulation 2004

Part 5 Fees and charges

Part 5 Fees and charges

41 Fees and charges

- (1) A charging authority may waive or reduce any fee or charge imposed under the Act.
- (2) In this clause, *charging authority*, in relation to a fee or charge, means the person or body (other than the Minister) that imposes the fee or charge.

Water Management (General) Regulation 2004

Clause 42

Irrigation corporations

Part 6

Part 6 Irrigation corporations

Division 1 Inclusion of land within irrigation corporation's area of operations

42 Applications to include land within area of operations: section 128

- (1) An application under section 128 of the Act must be in a form approved by the Director-General.

Note. Section 128 (2) of the Act requires an application to identify the land to be included in an irrigation corporation's area of operations.

- (2) An application under section 128 of the Act with respect to land that is more than 15 per cent of the irrigation corporation's existing area of operations must be advertised by the Director-General by means of a notice published:

- (a) in a local newspaper, and
- (b) on the Department's internet website.

- (3) The notice must contain the following information:

- (a) the name of the applicants,
- (b) the name of the irrigation corporation within whose area of operations the application seeks to include land,
- (c) the purpose of the application (that is, to seek the inclusion of the land to which the application relates within the irrigation corporation's area of operations),
- (d) the area of the land to which the application relates,
- (e) the general location of the land (by lot and deposited plan number or by such other description as formally identifies the land),
- (f) the address to which, and the time by which, objections to the application should be made for the purposes of section 129 of the Act.

43 Objections to inclusion of land within area of operations: section 129

For the purposes of section 129 of the Act, an objection to the inclusion of land within an irrigation corporation's area of operations:

- (a) must be in writing, and
- (b) must be signed or otherwise authenticated by the objector, and
- (c) must contain the name and address of the objector, and

Clause 44 Water Management (General) Regulation 2004

Part 6 Irrigation corporations

- (d) must be lodged at, or sent by post to, the address specified in the notice, as referred to in clause 42 (3) (f), within 28 days after the notice was first published, and
- (e) must specify the grounds of the objection.

Division 2 Exclusion of land from irrigation corporation's area of operations

44 Applications to exclude land from area of operations: section 132

- (1) An application under section 132 of the Act must be in a form approved by the Director-General.
Note. Section 132 (2) of the Act requires an application to identify the land to be excluded from an irrigation corporation's area of operations.
- (2) An application under section 132 of the Act with respect to land that is more than 15 per cent of the irrigation corporation's existing area of operations must be advertised by the Director-General by means of a notice published:
 - (a) in a local newspaper, and
 - (b) on the Department's internet website.
- (3) The notice must contain the following information:
 - (a) the name of the applicants,
 - (b) the name of the irrigation corporation from whose area of operations the application seeks to exclude land,
 - (c) the purpose of the application (that is, to seek the exclusion of the land to which the application relates from the irrigation corporation's area of operations),
 - (d) the area of the land to which the application relates,
 - (e) the general location of the land (by lot and deposited plan number or by such other description as formally identifies the land),
 - (f) the address to which, and the time by which, objections to the application should be made for the purposes of section 133 of the Act.

45 Objections to exclusion of land from area of operations: section 133

For the purposes of section 133 of the Act, an objection to the exclusion of land from an irrigation corporation's area of operations:

Water Management (General) Regulation 2004

Clause 45

Irrigation corporations

Part 6

-
- (a) must be in writing, and
 - (b) must be signed or otherwise authenticated by the objector, and
 - (c) must contain the name and address of the objector, and
 - (d) must be lodged at, or sent by post to, the address specified in the notice, as referred to in clause 44 (3) (f), within 28 days after the notice was first published, and
 - (e) must specify the grounds of the objection.

Water Management (General) Regulation 2004

Schedule 1 Excluded works

Schedule 1 Excluded works

(Clause 3)

- (1) Dams solely for the control or prevention of soil erosion, provided no water is reticulated or pumped from such dams and the size of the structure is the minimum necessary to fulfil the erosion control function, and provided such dams are located on a minor stream referred to in section 53 (3) (b) of the Act. However, if such a dam is fenced off for erosion control purposes water may be reticulated to a stock drinking trough in an adjoining paddock without prejudicing the exempt status.
- (2) Dams solely for flood detention and mitigation, provided no water is reticulated or pumped from such dams and provided such dams are located on a minor stream referred to in section 53 (3) (b) of the Act.
- (3) Dams solely for the capture, containment and recirculation of drainage and/or effluent, consistent with best management practice or required by a public authority to prevent the contamination of a water source, provided such dams are located on a minor stream referred to in section 53 (3) (b) of the Act.
- (4) Dams approved in writing by the Director-General for specific environmental management purposes, provided such dams are located on a minor stream referred to in section 53 (3) (b) of the Act.
- (5) Rainwater tanks collecting water from roofs only.
- (6) Works impounding water which exceed the harvestable rights referred to in an order under section 54 of the Act and:
 - (a) were constructed before 1 January 1999, and
 - (b) are used only for domestic consumption and stock watering or do not result in the extraction of water, and
 - (c) are located on a minor stream referred to in section 53 (3) (b) of the Act, and
 - (d) from which water is being used only on the landholding on which the dam is located.
- (7) Dams or excavations located on a river or lake constructed under section 7 of the *Water Act 1912* prior to 1 January 2001, provided such dams are used only for stock, domestic or stock and domestic purposes, or for purposes which do not require extraction of water.

Water Management (General) Regulation 2004

Excluded works

Schedule 1

- (8) Works in the Western Division which are located on lakes shown in the legend of the 1:100 000 topographic maps issued by the Land Information Centre (formerly the Central Mapping Authority) applying at 1 January 1999 to that Division as “Lake Mainly Dry”.
- (9) Works in the Western Division constructed prior to 1 January 1999 impounding water on the areas of land shown in the legend of the maps referred to in paragraph (8) as land subject to flooding or inundation, or lakes shown as “perennial” or “intermittent”, where the water is used only for stock, domestic or stock and domestic purposes, or for purposes which do not require extraction of water.

Water Management (General) Regulation 2004
Schedule 2 Minister's plans to be amended

Schedule 2 Minister's plans to be amended

(Clause 7)

Water Sharing Plan for the Adelong Creek Water Source 2003

Water Sharing Plan for the Alstonville Plateau Groundwater Sources 2003

Water Sharing Plan for the Apsley River Water Source 2003

Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003

Water Sharing Plan for the Commissioners Waters Water Source 2003

Water Sharing Plan for the Coopers Creek Water Source 2003

Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003

Water Sharing Plan for the Gwydir Regulated River Water Source 2002

Water Sharing Plan for the Hunter Regulated River Water Source 2004

Water Sharing Plan for the Jiliby Jiliby Creek Water Source 2003

Water Sharing Plan for the Kangaroo River Water Source 2003

Water Sharing Plan for the Karuah River Water Source 2003

Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003

Water Sharing Plan for the Lachlan Regulated River Water Source 2003

Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003

Water Sharing Plan for the Mandagery Creek Water Source 2003

Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

Water Sharing Plan for the Ourimbah Creek Water Source 2003

Water Management (General) Regulation 2004

Minister's plans to be amended

Schedule 2

Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003

Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Water Sharing Plan for the Tarcutta Creek Water Source 2003

Water Sharing Plan for the Tenterfield Creek Water Source 2003

Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003

Water Sharing Plan for the Toorumbee Creek Water Source 2003

Water Sharing Plan for the Upper Billabong Water Source 2003

Water Sharing Plan for the Upper Brunswick River Water Source 2003

Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003

Water Sharing Plan for the Wandella Creek Water Source 2003

Water Sharing Plan for the Wybong Creek Water Source 2003

Water Management (General) Regulation 2004

Schedule 3 Categories and subcategories of licences

Schedule 3 Categories and subcategories of licences
(Clause 8 (2))

Column 1	Column 2
Category of access licence	Subcategory of access licence
Regulated river (high security)	Aboriginal commercial
	Aboriginal cultural
	Community and education
	Research
	Town water supply
Regulated river (general security)	Aboriginal commercial
	Community and education
	Research
Local water utility	Domestic and commercial
Major utility	Power generation
	Urban water
Domestic and stock	Domestic
	Stock
	Town water supply
Unregulated river	Aboriginal commercial
	Aboriginal cultural
	Community and education
	Research

Water Management (General) Regulation 2004

Categories and subcategories of licences

Schedule 3

Column 1	Column 2
Category of access licence	Subcategory of access licence
Aquifer	Town water supply
	Aboriginal commercial
	Aboriginal cultural
	Community and education
	Research
	Town water supply

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Schedule 4 Supplementary access licence share components

(Clauses 27 and 28)

Part 1 Murrumbidgee

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SA810H	1129
40SA967H	297
40SL21181H	795
40SL23730H	639.5
40SL29503H	639.5
40SL39533H	1510
40SL29207H	194
40SL34982H	649
40SL51045H	1672
40SA896H	3000
40GL000155	1322.5
40SA000596	37
40SA000696	672
40SA000758	957.5
40SA001470	46
40SA001484	852

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Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SA001485	280
40SA001957	706
40SA005502	286.5
40SA005508	1269.5
40SA005513	1269
40SA005532	196.5
40SA005534	102
40SA005538	280.5
40SA005539	113.5
40SA005568	196
40SA005571	11068.3
40SA005573	401.5
40SA005574	1202
40SA005576	9417.5
40SA005578	288
40SA005579	425.5
40SA005582	137.5
40SA005584	394
40SA005585	4003

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SA005589	1061
40SA005591	782.5
40SA005592	29.5
40SA005596	223.5
40SA005597	4419
40SA005601	89
40SA005603	6085
40SA005607	25
40SA005611	294
40SA005612	772.5
40SA005613	666
40SA005614	266.5
40SL005828	9.5
40SL008741	6
40SL013884	1.5
40SL016414	4
40SL017240	273.5
40SL018212	29.5
40SL019393	222.5

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SL020950	18
40SL021194	455
40SL023371	2
40SL023975	241
40SL024640	669.5
40SL025119	15
40SL025127	1
40SL027230	98.5
40SL027599	0.5
40SL027913	172.5
40SL028291	134
40SL028614	129.5
40SL029139	112.5
40SL029644	10.5
40SL029645	1.5
40SL029651	11.5
40SL029760	2
40SL029770	390
40SL030675	552

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SL031386	74
40SL031413	46.5
40SL034503	18.5
40SL035302	41
40SL036156	17
40SL036279	131
40SL036544	219
40SL038517	218
40SL038604	147.5
40SL038658	883.5
40SL038671	25
40SL040949	6
40SL040956	110.5
40SL041130	177.5
40SL041131	144.5
40SL041211	7.5
40SL042651	171
40SL043121	117.5
40SL043282	25.5

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SL043514	48
40SL044081	7.5
40SL044367	233
40SL044408	87.5
40SL045526	75.5
40SL046557	255.5
40SL046908	21
40SL047033	175.5
40SL047233	174
40SL047725	390
40SL048171	1.5
40SL048187	144.5
40SL048758	310
40SL048762	206
40SL049209	7.5
40SL049885	467
40SL050336	14.5
40SL050856	137
40SL051000	224

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SL051001	16
40SL051228	1152
40SL051371	102
40SL051460	5.5
40SL051844	10.5
40SL052075	14.5
40SL070000	186.5
40SL070004	68
40SL070046	180.5
40SL070053	167
40SL070054	16.5
40SL070081	2886
40SL070120	737
40SL070140	354.5
40SL070160	603
40SL070169	272
40SL070175	595
40SL070183	2491.5
40SL070186	93.5

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SL070204	7.5
40SL070219	29
40SL070882	10
40SL070273	1076
40SL070286	2.5
40SL070299	140
40SL070301	5
40SL070302	28
40SL070462	39.5
40SL070471	167.5
40SL070490	3
40SL070496	379
40SL070503	159.5
40SL070513	100
40SL070531	114
40SL070559	8.5
40SL070560	15.5
40SL070562	3
40SL070575	157

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SL070578	20.5
40SL070601	363.5
40SL070649	1049
40SL070670	2350
40SL070721	6143
40SL070728	108.5
40SL070730	7
40SL070733	116
40SL070748	106.5
40SL070749	41
40SL070780	257.5
40SL070784	847.5
40SL070796	37.5
40SL070797	0.5
40SL070810	2017
40SL070820	32
40SL070848	129
40SL070850	8
40SL070856	27

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
40SL070881	410
40SL070884	3
40SL070922	756
57SA001252	597.5
57SA001607	46.5
57SA007505	3220
57SA007508	96
57SA007509	17.5
57SA007511	1867
57SL039492	623
57SL040554	114
57SL040570	670
57SL040740	423.5
57SL041608	427
57SL041789	571
57SL042307	55.5
57SL042308	257
57SL042504	154
57SL044052	683.5

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
57SL045023	248.5
57SL046494	304.5
57SL047016	739
57SL047393	570.5
57SL047534	352.5
57SL048139	653.5
57SL049227	43
57SL049284	130
57SL049297	345
57SL049339	696.5
57SL050777	175.5
57SL051127	349
57SL051247	937.5
57SL080000	134
57SL080002	130
57SL080003	411
57SL080007	266
57SL080008	31
57SL080009	266.5

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
57SL080011	435.5
57SL080014	49
57SL080016	287.5
57SL080018	252
57SL080020	552.5
57SL080021	512
57SL080025	26
57SL080029	360.5
57SL080033	720
57SL080034	1450
40IC000004	25,995.5
40IC000005	25,649

Part 2 Murray

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50GL0000218	5060
50GL0000217	521
50IC0000002	221704

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50IT0000006	705
50IT0000007	722
50SA000475	33
50SA001328	223
50SA001407	313
50SA001462	66
50SA001516	6
50SA001616	71
50SA001881	976
50SA001882	383
50SA006534	108
50SA006545	142
50SA006556	72
50SA006625	30
50SA006580	154
50SA006582	439
50SA006587	205
50SA006599	20
50SA006606	216

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL001956	17
50SL002807	418
50SL005692	336
50SL009493	299
50SL009721	88
50SL010115	53
50SL011344	35
50SL011650	47
50SL013889	40
50SL014403	45
50SL014977	27
50SL015231	4
50SL015243	195
50SL015571	8
50SL015946	3
50SL016321	1
50SL017280	165
50SL017870	56
50SL018749	165

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL018883	155
50SL018934	4
50SL019363	65
50SL019964	37
50SL020150	101
50SL020490	23
50SL020553	81
50SL021217	64
50SL021578	23
50SL021625	14
50SL021787	37
50SL022068	77
50SL022992	2
50SL023124	18
50SL023685	36
50SL025418	113
50SL025600	40
50SL027029	8
50SL027147	82

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL027292	3
50SL027372	111
50SL028828	32
50SL029108	10
50SL029205	27
50SL029515	7
50SL029626	29
50SL029804	39
50SL031197	44
50SL031274	90
50SL031770	29
50SL031783	269
50SL033071	279
50SL033164	124
50SL033368	179
50SL033369	374
50SL033836	98
50SL033967	25
50SL033968	38

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL034118	37
50SL034254	51
50SL034519	2
50SL034631	170
50SL035071	147
50SL035904	35
50SL035961	48
50SL036309	180
50SL036757	14
50SL037050	2
50SL037491	28
50SL037503	258
50SL037540	156
50SL037902	183
50SL038046	8
50SL038048	24
50SL038230	12
50SL038516	3
50SL038520	3

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL039358	201
50SL040128	68
50SL040804	33
50SL040918	80
50SL041183	14
50SL041185	249
50SL041292	25
50SL042972	156
50SL043090	5
50SL043997	4
50SL044004	276
50SL044005	399
50SL044275	42
50SL046385	27
50SL047353	15
50SL047354	92
50SL047390	111
50SL047543	93
50SL048149	172

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL049246	368
50SL049259	10
50SL049270	38
50SL049422	107
50SL049834	140
50SL050449	112
50SL051028	49
50SL051029	43
50SL051048	105
50SL051158	245
50SL051220	104
50SL051625	27
50SL075094	71
50SL075112	65
50SL075137	20
50SL075151	166
50SL075201	287
50SL075226	66
50SL075429	61

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL075226	66
50SL075248	171
50SL075265	438
50SL075275	352
50SL075292	15
50SL075321	1276
50SL075323	4
50SL075326	10
50SL075331	184
50SL075332	59
50SL075367	134
50SL075368	12
50SL075392	2
50SL075403	335
50SL075410	60
50SL075431	497
50SL075440	326
50SL075456	107
50SL075457	7

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL075472	330
50SL075487	31
50SL075488	86
50SL075515	14
50SL075582	10
50SL075544	456
50SL075550	59
60IT000009	255
60SA008559	31
60SL034780	125
60SL043793	1
60SL045033	7
60SL085440	166
60SL048224	1239
60SL049934	83
60SL085024	161
60SL085118	92
60SL085129	56
60SL085247	99

Water Management (General) Regulation 2004

Supplementary access licence share components

Schedule 4

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
60SL085276	186
60SL085302	11
60SL085425	50
50SL34922	54
50SL25758	15
50SL16515	75
50SL49742	49
50SL49743	49
50SL49803	21
50SL49249	59
50SL44218	149
50SL49988	25
50SL44392	149
50SL49800	75
50SL40717	149
50SL42147	156
50SL39082	50
50SL48504	161
50SL22045	174

Water Management (General) Regulation 2004

Schedule 4 Supplementary access licence share components

Column 1	Column 2
Water Act entitlement	Share component volume— (megalitres)
50SL75000	31
50SL48526	149
50SL50973	149
50SL50974	149
50SL44243	61
50SL42471	149
50SL49239	74
50SL49252	40
50SL50153	149
50IC000002	221,704

WATER MANAGEMENT (MINISTER'S PLANS) ORDER NO 2 OF 2004

under the
Water Management Act 2000

I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, in pursuance of Parts 3 and 4 of Chapter 2 of the *Water Management Act 2000*, do, by this my Order, amend each of the following Minister's plans in the manner set out in the identified Schedules to this Order.

This Order takes effect on the date it is published in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, M.P.,
Minister for Natural Resources

Explanatory Note

The object of this Order is to amend various Minister's plans relating to water sharing.

Schedules

<i>Water Sharing Plan for the Gwydir Regulated River Water Source 2003</i>	Schedule 1
<i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003</i>	Schedule 2
<i>Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003</i>	Schedule 3
<i>Water Sharing Plan for the Lachlan Regulated River Water Source 2003</i>	Schedule 4
<i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003</i>	Schedule 5
<i>Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003</i>	Schedule 6
<i>Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003</i>	Schedule 7
<i>Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003</i>	Schedule 8
<i>Water Sharing Plan for the Tenterfield Creek Water Source 2003</i>	Schedule 9
<i>Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003</i>	Schedule 10
<i>Water Sharing Plan for the Mandagery Creek Water Source 2003</i>	Schedule 11
<i>Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003</i>	Schedule 12
<i>Water Sharing Plan for the Karuah River Water Source 2003</i>	Schedule 13
<i>Water Sharing Plan for the Ourimbah Creek Water Source 2003</i>	Schedule 14

<i>Water Sharing Plan for the Wybong Creek Water Source 2003</i>	Schedule 15
<i>Water Sharing Plan for the Upper Billabong Water Source 2003</i>	Schedule 16
<i>Water Sharing Plan for the Adelong Creek Water Source 2003</i>	Schedule 17
<i>Water Sharing Plan for the Tarcutta Creek Water Source 2003</i>	Schedule 18
<i>Water Sharing Plan for the Apsley River Water Source 2003</i>	Schedule 19
<i>Water Sharing Plan for the Commissioners Waters Water Source 2003</i>	Schedule 20
<i>Water Sharing Plan for the Coopers Creek Water Source 2003</i>	Schedule 21
<i>Water Sharing Plan for the Dorrigo Plateau Surface Water Source and the Dorrigo Basalt Groundwater Source 2003</i>	Schedule 22
<i>Water Sharing Plan for the Toorumbree Creek Water Source 2003</i>	Schedule 23
<i>Water Sharing Plan for the Upper Brunswick River Water Source 2003</i>	Schedule 24
<i>Water Sharing Plan for the Kangaroo River Water Source 2003</i>	Schedule 25
<i>Water Sharing Plan for the Wandella Creek Water Source 2003</i>	Schedule 26
<i>Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003</i>	Schedule 27
<i>Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003</i>	Schedule 28
<i>Water Sharing Plan for the Alstonville Plateau Groundwater Sources 2003</i>	Schedule 29
<i>Water Sharing Plan for the Stuarts Point Groundwater Source 2003</i>	Schedule 30

Schedule 1 - Water Sharing Plan for the Gwydir Regulated River Water Source

[1] Clause 4 Water source and waters to which this Plan applies

Omit clause 4. Insert instead:

4 Water source and waters to which this Plan applies

- (1) The water source in respect of which this Plan is made is that between the banks of all rivers, from Copeton Dam downstream to the junction of the Gwydir River and its effluent rivers with the Barwon River, which, at the date of commencement of the Plan, have been declared by the Minister to be regulated rivers.

Note. A regulated river is a river that has been declared by the Minister, by order published in the New South Wales Government Gazette, to be a regulated river.

Note. The regulated rivers referred to in subclause (1) are listed in Appendix 1.

- (2) The water source shall be known as the Gwydir Regulated River Water Source (hereafter *this water source*).
- (3) The rivers included in this water source may be varied under section 45 (1) (b) of the Act as set out in Part 14 of this Plan.
- (4) This water source is within the Gwydir and Border Rivers Water Management Areas constituted by the Ministerial order published in the NSW Government Gazette (hereafter *the Gazette*) on 23 November 2001.

Note. The Gwydir River system is shown on the map in Appendix 2.

- (5) This Plan applies to all waters contained within this water source but does not apply to waters contained within aquifer water sources underlying these water sources or to water on land adjacent to this water source.

Note. Management of floodplain harvesting is not a component of this water sharing plan. Management of floodplain harvesting will occur according to a number of state-wide management principles, attached in Appendix 3.

[2] Note following clause 14 (b)

Omit the note. Insert instead:

Note. By limiting long term average annual extractions to an estimated 392,000 megalitres per year this Plan ensures that approximately 66% of the long-term average annual flow in this water source (estimated to be 1,141,000 megalitres per year) will be preserved and will contribute to the maintenance of basic ecosystem health.

[3] Clause 15 (c) (i)

Omit clause 15 (c) (i). Insert instead:

- (i) 45,000 megalitres multiplied by the number of megalitres per unit share specified in that available water determination, and

[4] Clause 15 (f)

Omit clause 15 (f). Insert instead:

- (f) the guidelines established in each ECA Release Program should be aimed at maximising the environmental benefit of the available ECA volume,

[5] Clause 15 (g)

Omit clause 15 (g). Insert instead:

- (g) an ECA Operations Advisory Committee should be established for the purpose of providing advice regarding:
 - (i) the annual ECA Release Program under subclause (e),
 - (ii) the making of releases during the course of a water year, and
 - (iii) the development of a long term river and wetland health plan.

[6] Clause 15 (h)

Omit clause 15 (h). Insert instead:

- (h) the ECA Operations Advisory Committee should consist of:
 - (i) a member from the Department or its subsequent organisation,
 - (ii) a member from the National Parks and Wildlife Service or its subsequent organisation,
 - (iii) a member from NSW Fisheries or its subsequent organisation,
 - (iv) a member from the Gwydir Valley Irrigators Association or its subsequent organisation,
 - (v) a member representing the interests of landholders in the Gingham Watercourse,
 - (vi) a member representing the interest of landholders in the Lower Gwydir Watercourse,
 - (vii) a member representing non-government environmental interests, and
 - (viii) two members, appointed on the recommendation of the ECA Operations Advisory Committee, who are scientists,

[7] Clause 15 (j)

Omit clause 15 (j). Insert instead:

- (j) until such time as the ECA Release Program has been developed, releases of water from the ECA account shall be made for the purposes listed in subclause (d) and should be aimed at maximising the environmental benefit of the available ECA volume.

[8] Note following clause 21

Omit the note following clause 21. Insert instead:

Note. The following clauses in this Part represent the total volumes or unit shares specified in the share components of access licences in this water source. The actual volume of water available at any time will depend on climate, access licence priority and the rules in this Plan.

[9] Clause 22 Share component of domestic and stock access licences

Omit clause 22. Insert instead:

22 Share component of domestic and stock access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of domestic and stock access licences authorised to extract water from this water source will total 4,245 megalitres per year.

[10] Clause 23 Share component of local water utility access licences

Omit clause 23. Insert instead:

23 Share component of local water utility access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of local water utility access licences authorised to extract water from this water source will total 3,836 megalitres per year.

[11] Clause 24 Share component of regulated river (high security) access licences

Omit clause 24. Insert instead:

24 Share component of regulated river (high security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (high security) access licences authorised to extract water from this water source will total 19,293 unit shares.

[12] Clause 25 Share component of regulated river (general security) access licence

Omit clause 25. Insert instead:

25 Share component of regulated river (general security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (general security) access licences authorised to extract water from this water source will total 509,500 unit shares.

[13] Clause 26 Share component of supplementary water access licences

Omit clause 26. Insert instead:

26 Share component of supplementary water access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of supplementary water access licences authorised to access water from this water source will total 178,000 unit shares.

[14] Clause 28 (3)

Omit clause 28 (3). Insert instead:

(3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than for access licences of the following kinds:

(a) local water utility access licences,

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 yearly intervals, or on application of the local water utility where there is a rapid growth in population.

(b) domestic and stock (domestic only) access licences,

(c) regulated river (high security) (Aboriginal cultural) access licences up to 10 megalitres per year per application, or

(d) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[15] Clause 28 (5)

Omit clause 28 (5). Insert instead:

(5) Subclause (4) does not apply to an application for a new access licence arising from:

(a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or

(b) an access licence dealing.

[16] Clause 30 (1) (a)

Omit clause 30 (1) (a). Insert instead:

(a) the long-term average annual extraction from this water source that would occur with the water storages and water use development that existed in 1999/2000, the share components existing at the commencement of this Plan and application of a limit on supplementary water access licence extractions of 1 megalitre per unit share and the other water management rules defined in this Plan, or

[17] Notes following clause 30 (1) (b)

Omit notes following clause 30 (1) (b). Insert instead:

Note. An assessment of the long-term average annual extraction that would occur under the conditions specified in subclause (1) (a) has been made using the Gwydir IQQM computer model with system file WSP8TST6.SQQ. This indicates a long-term average annual extraction volume of 392,000 megalitres.

Note. An assessment of the long-term average annual extractions resulting from the baseline conditions in subclause (1) (b) has been made using the Gwydir IQQM computer model with system file dv93465a.s6_IQQMV6.61.001. This indicates a long-term average annual extraction volume of 415,000 megalitres.

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

[18] Clause 30 (3) (d)

Omit clause 30 (3) (d). Insert instead:

(d) floodplain harvesting extractions estimated to be taken for use in conjunction with extractions authorised from this water source, and

[19] Clause 31 Assessment of the long-term extraction limit and current long-term average annual extraction

Insert new subclause:

(4) Any advice provided by a Compliance Assessment Advisory Committee if established under clause 32 (9) should be considered in relation to assessments under subclause (1).

[20] Clause 32 Compliance with the long-term extraction limit

Omit clause 32. Insert instead:

32 Compliance with the long-term extraction limit

- (1) The long-term average annual extraction from this water source may not be permitted to exceed the long-term extraction limit specified in clause 30.
- (2) Pursuant to subclause (1):
 - (a) if it has been assessed that the current long-term average annual extraction from this water source, exceeds:
 - (i) the volume specified in clause 30 (1) (a) by 3% or more,
 - (ii) the volume specified in clause 30 (1) (a) by more than half the difference between the volume specified in clause 30 (1) (a) and the volume specified in clause 30 (1) (b), or
 - (iii) the volume specified in clause 30 (1) (b), or

- (b) if the assessments for 3 consecutive water years indicate that the current long-term average annual extraction from this water source exceeds the long term extraction limit,
 - (c) then the maximum available water determination made for supplementary water access licences under clause 39 shall be reduced, and
 - (d) once the maximum available water determination for supplementary water access licences has reduced to zero, the maximum volumes that may be taken or assigned from a regulated river (general security) access licences under clause 33 shall be reduced.
- (3) The degree of reduction under subclause (2) shall be that assessed necessary to return long-term average annual extractions to the long-term extraction limit.
- (4) Reductions in the amounts specified in clauses 33 (a) and 33 (b), pursuant to subclause (3), are to be of the same proportion.
- Note.** Subclause (4) means that if the amount specified in clause 33 (a) is reduced from say 1.25 to 1 (ie by one fifth), then the amount specified in clause 33 (b) is to be reduced from 3 to 2.4 (ie one fifth).
- (5) If action has been taken under subclause (2), and a subsequent assessment under clause 31 indicates that the current long-term average annual extractions is below the long-term extraction limit by more than 3%, then previous reductions under subclause (2) may be reversed to the degree that it is assessed necessary to return the long-term average annual extractions to the long term extraction limit.
- (6) Any reversal of previous reductions under subclause (5):
- (a) shall not exceed previous reductions made under subclause (2), and
 - (b) shall first reverse any previous reductions relating to regulated river (general security) access licences.
- (7) The assessment of the degree of any reduction required under subclause (2) or degree of any reversal under subclause (5), shall be made using the same computer model used to carry out assessments under clause 31.
- (8) Any advice provided by a Compliance Assessment Advisory Committee if established under subclause (9) should be considered in relation to assessments under subclauses (2) and (5).
- (9) Within 6 months of the commencement of the Plan, the Minister should establish a Compliance Assessment Advisory Committee under section 388 of the Act for the purpose of providing advice regarding assessments under clauses 31 and 32.
- (10) In providing its advice the Compliance Assessment Advisory Committee should consider possible improvements to:
- (a) the process for assessing current long-term average annual extractions,
 - (b) the computer model referred to in clause 31,
 - (c) the data used in the computer model referred to in clause 31,

- (d) the assessment of the effect of any actions taken in accordance with subclauses 32 (2) and 32 (5), and
 - (e) remedy any compliance issues encountered through the implementation of the Plan.
- (11) Membership of the Compliance Assessment Advisory Committee should be for a period of 5 years and should consist of the following:
- (a) a person representing the Department,
 - (b) a person representing the State Water,
 - (c) a person representing NSW Agriculture,
 - (d) no more than 3 persons representing the irrigation industry,
 - (e) a person representing local government,
 - (f) a person representing the Department of Environment and Conservation,
 - (g) a person representing nature conservation interests, and
 - (h) other members as required by the Minister.
- (12) The Compliance Assessment Advisory Committee is to meet at least annually.

[21] Clause 33 Limit to the volumes that may be taken under or assigned from regulated river (general security) access licences

Omit clause 33. Insert instead:

33 Limit to the volumes that may be taken under or assigned from regulated river (general security) access licences

The maximum volume that may be taken under or assigned from a regulated river (general security) access licence in this water source:

- (a) during any water year, shall be equal to 1.25 megalitres multiplied by the number of unit shares specified in the share component of the access licence, or such lower amount that may result from clause 32, plus the volume of water allocations assigned to the access licence from another access licence during that water year, and
- (b) during any 3 consecutive water years, shall be equal to 3.0 megalitres multiplied by the number of unit shares specified in the share component of the access licence, or such lower amount that may result from clause 32, plus the volume of water allocations assigned to the access licence from another access licence during the 3 water years.

[22] Clause 34 (2)

Omit clause 34 (2). Insert instead:

- (2) All available water determinations in this water source shall be expressed as:
 - (a) a percentage of the share component for all access licences where share components are specified as megalitres per year,

- (b) megalitres per unit share for all regulated river (high security) access licences and supplementary water access licences, and
- (c) as a volume to be distributed to all regulated river (general security) access licences in proportion to the number of unit shares in the share component of each access licence after making allowance for the effect of any water allocation account limits or other relevant provisions in Part 9, Division 2 of this Plan.

[23] Clause 37 Available water determinations for regulated river (high security) access licences

Omit clause 37. Insert instead:

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

- (1) The water supply system shall be managed so that available water determinations for regulated river (high security) access licences of 1 megalitre per unit share can be maintained through a repeat of the worst period of low inflows to this water source, as represented in flow information held by the Department.
- (2) Sufficient volumes of water must be set aside from assured inflows into this water source and in reserves held in Copeton Dam water storage to provide for subclause (1).
- (3) The available water determination for regulated river (high security) access licences made for the commencement of each water year shall be 1 megalitre per unit share, whenever possible.
- (4) If the available water determination made under subclause (3) is less than 1 megalitre per unit share, then further assessments of available water resources shall be carried out and available water determinations made until the sum of available water determinations for the water year is 1 megalitre per unit share.
- (5) The sum of available water determinations made for regulated river (high security) licences in any water year shall not exceed 1 megalitre per unit share.
- (6) Available water determinations made for regulated river (high security) access licences must take into account:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) volumes remaining in access licence water allocation accounts from previous available water determinations,
 - (g) water losses associated with the holding and delivery of water to meet the requirements specified in subclauses (a) to (f),

- (h) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
- (i) any other relevant matters.

[24] Clause 38 Available water determinations for regulated river (general security) access licences

Omit clause 38. Insert instead:

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

- (1) An available water determination is not to be made for regulated river (general security) access licences in any water year until the sum of available water determinations for regulated river (high security) access licences for the water year is equivalent to 1 megalitre per unit share.
- (2) Providing subclause (1) has been satisfied, assessments of available water shall be made at least monthly, and available water determinations made for regulated (general security) access licences, if additional water can be provided to them.
- (3) Available water determinations for regulated river (general security) access licences shall be based on the volume available in Copeton Dam water storage after taking into account:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) requirements for regulated river (high security) access licences,
 - (g) allocations remaining in access licence water allocation accounts from previous available water determinations;
 - (h) water losses associated with the holding and delivery of water to meet the requirements identified in sub-clauses (a) to (g),
 - (i) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
 - (j) any other relevant matters.

[25] Clause 39 Available water determinations for supplementary water access licences

Omit clause 39. Insert instead:

39 Available water determinations for supplementary water access licences

- (1) An available water determination for supplementary water access licences shall be made at the commencement of each water year and shall define the number of megalitres per unit share that can be taken in that year.

- (2) The available water determination made under subclause (1) for the first year of this Plan shall be 1.25 megalitres per unit share.
- (3) The available water determination made under subclause (1) for the second and third years of this Plan shall be 1.25 megalitres per unit share subject to:
 - (a) the Gwydir IQQM model being submitted to the Murray Darling Basin Commission by July 2005 for approval in accordance with Schedule F of the Murray Darling Basin Agreement, and
 - (b) the submitted model demonstrating that an available water determination limit of 1 megalitre per unit share will result in long-term extractions being less than or equal to the value referred to in clause 30 (1) (b).
- (4) If the conditions specified in subclause (3) (a) and (3) (b) have not been met then the available water determination made under subclause (1) for the second and third years of this Plan shall be 1 megalitre per unit share or such lower amount as results from the operation of clause 32 (2).
- (5) The available water determination made under subclause (1) shall not exceed 1 megalitre per unit share or such lower amount as results from the operation of clause 32 (2), except where the available water determination is made in accordance with subclause (2) or (3).

[26] Clause 45 Carrying over of water allocation credits, water allocation account limits and debits for excess losses

Omit clause 45. Insert instead:

45 Carrying over of water allocation credits and water allocation account limits

- (1) The following rules shall apply to the management of water allocation in the water allocation accounts domestic and stock access licences, local water utility access licences and regulated river (high security) access licences:
 - (a) the maximum volume that may be held in the accounts of domestic and stock and local water utility access licences at any time shall be equal to 100% of the access licence share component,
 - (b) the maximum volume that may be held in the accounts of regulated river (high security) access licences at any time shall be equal to 1 megalitre multiplied by the number of unit shares specified in the access licence share component, and
 - (c) water allocation remaining in the accounts cannot be carried over from one water year to the next.
- (2) The following rules shall apply to the management of water allocations in the water allocation accounts of regulated river (general security) access licences:
 - (a) water allocation remaining in the accounts may be carried over from one water year to the next, and

- (b) the maximum volume that may be held in the accounts at any time shall be equal to 1.5 megalitres per unit share specified in their access licence share component.
- (3) Water allocation remaining in the water allocation accounts of supplementary water access licences cannot be carried over from one water year to the next.

[27] Clause 47 (2) (b)

Omit clause 47 (2) (b). Insert instead:

- (a) the specified rate in the extraction component of each domestic and stock, local water utility and regulated river (high security) access licence should be sufficient to satisfy the maximum daily water needs, and

[28] Clause 48 (1)

Omit clause 48 (1). Insert instead:

- (1) The taking of water under supplementary water access licence shall only be permitted in accordance with announcements made by the Minister, in accordance with the rules in the Plan.

[29] Clause 48 (2)

Omit clause 48 (2). Insert instead:

- (2) The maximum volume of water that may be taken under supplementary water access licences during each period of time to which an announcement applies shall be expressed as a number of megalitres per unit share plus any water allocations traded into the account and minus any water allocations traded out of the account.

[30] Clause 48 (6)

Omit clause 48 (6). Insert instead:

- (6) The supplementary water event volume is:
 - (a) the volume of uncontrolled flows in the water source that are downstream of Copeton Dam, minus
 - (b) the volume of uncontrolled flows in subclause (a) required to provide sufficient flow to:
 - (i) meet the environmental provisions of the Plan,
Note. This includes the clause 14 provisions requiring that inflows from the Horton River, Myall creek and Halls Creek up to 500 ML/day per day be passed through to the Gwydir wetlands.
 - (ii) satisfy downstream domestic and stock rights and native title rights,
 - (iii) satisfy the water orders placed by regulated river (general security) access licences and higher priority access licences, and
 - (iv) provide any required replenishment flows specified in clause 59.

[31] Clause 48 (10)

Omit clause 48 (10). Insert instead:

- (10) The Minister may, under section 45 (1) (b) of the Act and by notice published in the Gazette, alter or replace the rule set out in subclause (7) or the requirements set out under subclause (9) should the Interim Unregulated Flow Management Plan for the North West be altered, or replaced by new management arrangements, providing that such action:
- (a) only affects the taking of water under supplementary water access licences,
 - (b) only relates to ensuring the taking of water under supplementary water access licences does not jeopardise critical environmental needs or the supply of water to basic rights holders, domestic and stock access licence holders and local water utility access licence holders in the Barwon Darling, and
 - (c) in the Minister's opinion, does not substantially alter the long-term average volume of water that can be taken under supplementary water access licences in the Gwydir Regulated River Water Source.

[32] Note following clause 49 (1)

Omit the note following clause 49 (1).

[33] Clause 52 Rules for conversion of access licence category

Omit clause 52. Insert instead:

52 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is prohibited except as provided for under this clause.
- (3) On application of the access licence holder, the Minister may cancel a regulated river (general security) access licence, and issue a regulated river (high security) access licence, subject to:
 - (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in these water sources, and
 - (b) the number of megalitres of water in the regulated river (general security) access licence water allocation account being equal to or greater than the number of unit shares in its share component.

Note. The amount of water in the regulated river (general security) access licence water allocation account which is in excess of the number of unit shares in the share component of the new regulated river (high security) access licence will not be credited to the new regulated river (high security) access licence account.

- (4) On application of the access licence holder, the Minister may cancel a regulated river (high security) access licence, and issue a regulated river (general security) access licence, subject to:
- (a) the application of a conversion factor equal to one divided by the conversion factor established in subclause (3), and
 - (b) the total number of unit shares in regulated river (general security) access licence share components not increasing above the total number of unit shares in regulated river (general security) access licence share components at the time of commencement of Part 2 of Chapter 3 of the Act.
- Note.** This would allow conversion of a regulated river (high security) access licence to a regulated river (general security) access licence only if there had been a corresponding or larger amount of regulated river (general security) access licence share component converted to regulated river (high security) access licence.
- (5) On application of the access licence holder, the Minister may cancel a domestic and stock access licence and issue a domestic and stock (domestic only) access licence and a domestic and stock (stock only) access licence, subject to:
- (a) the sum of the share component volumes of the two new access licences being equal to the share component volume of the cancelled access licence, and
 - (b) the share component volume of the new domestic and stock (domestic only) access licence being able to meet the needs of domestic consumption as defined in section 52 of the Act.
- (6) On application of the access licence holder, the Minister may cancel a domestic and stock (stock only) access licence and issue a regulated river (high security) access licence. The number of unit shares in the regulated river (high security) access licence share component shall be equal to the number of megalitres per year in the share component of the cancelled domestic and stock (stock only) access licence.

[34] Clause 56

Insert the following new subclause:

- (10) All regulated river (high security) (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[35] Clause 57 Mandatory conditions on water supply works approvals

Omit clause 57. Insert instead:

57 Mandatory conditions on water supply works approvals

- (1) All approvals for water supply works in this water source shall have mandatory conditions to give effect to the following:
 - (a) flow measurement devices shall be installed and maintained on all works used for extraction of water under an access licence and shall be of a type and shall be maintained in a manner, which is acceptable to the Minister,
 - (b) water extraction, property water management infrastructure and cropping details shall be provided on request, in the form and in accordance with procedures established by the Minister, and
 - (c) the taking of water may only occur in accordance with the conditions applying to the access licence from whose water allocation account the taking of water will be debited.
- (2) Subclause (1) does not apply to approvals for water supply works held by StateWater provided such an approval is not nominated by an access licence.
- (3) All approvals for water supply works in this water source shall have any other conditions required to implement the provisions of this Plan.

[36] Clause 59 (1)

Omit clause 59 (1). Insert instead:

- (1) The following replenishment flows shall be provided, if required:
 - (a) up to 6,000 megalitres per year to the Gingham Watercourse,
 - (b) up to 4,000 megalitres per water year to the Gwydir River downstream of this water source,
 - (c) up to 6,000 megalitres per water year to Mallowa Creek,
 - (d) up to 4,000 megalitres per water year to Thalaba Creek, and
 - (e) up to 1,000 megalitres per water year to Ballinboora Creek.

[37] Notes following clause 64

Omit the notes following clause 64. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51 (5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[38] Clause 65 Changes to this water source

Omit clause 65. Insert instead:

65 Changes to this water source

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may add a river or section of river to this water source or remove a river or section of river from this water source providing that:

- (a) any river or section of river that is added has been declared to be a regulated river by an order published in the Gazette, and
- (b) the Minister is satisfied that there will be no impact on environmental water or on the available water to any access licences in this water source.

[39] Clause 66 Other amendments of this Plan

Omit clause 66. Insert instead:

66 Other amendments of this Plan

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may amend this Plan, in accordance with clause 48 (10), in respect to the requirements or arrangements affecting taking of water under supplementary water access licences nominating works on the Mehi River, Carole Creek, or on rivers which receive effluent flows from the Mehi River or Carole Creek.

[40] Appendix 1 River and lakes within this water source

Omit Appendix 1. Insert instead:

Appendix 1 Rivers and lakes within this water source

The Gwydir Regulated River Water Source includes, but is not limited to, the following rivers and lakes:

- (a) Boomi River from its confluence with Gil Gil Creek in portion 3, Parish of Bibble, County of Benarba, downstream to its confluence with the Barwon River in portion 2, Parish of Bibble, County of Benarba.

- (b) Carole Creek from its offtake from the Gwydir River in portion 52, Parish of Boolooroo, County of Courallie downstream to its confluence with Gil Gil Creek.
- (c) Gil Gil Creek from its confluence with Carole Creek in T.S.R. 15022, Parish of Gocalla, County of Benarba, downstream to its confluence with Boomi River.
- (d) Gwydir Pool from the bifurcation near portion 56, Parish of Carore, County of Courallie, downstream to "The Raft."
- (e) Gwydir River from Copeton Dam storage downstream to the northwestern boundary of portion 27, Parish of Gin, County of Benarba
- (f) Marshalls Ponds Creek from its confluence with Carole Creek upstream to a point 100 metres east of the common boundary of portions 15 and 16, Parish of Bogree, County of Courallie.
- (g) Mehi River, from the Tarelaroi cutting in portion 16, Parish of Mia Mia, County of Courallie, downstream to the Barwon River.
- (h) Moomin Creek from Combadello Weir downstream to its confluence with the Mehi River.
- (i) Tyreel Anabranh.
- (j) Unnamed Watercourse, from its upstream confluence with Moomin Creek, located approximately 404m downstream from the eastern boundary of portion 33, Parish of Bunna Bunna, County of Benarba, to its downstream confluence with Moomin Creek, located approximately 503m from the upstream confluence, all within the abovementioned portion, parish and county.
- (k) Unnamed watercourse offtaking from the Gwydir River within portion 39, Parish of Ardgowan, County of Courallie and rejoining the Gwydir River within portion 54, Parish of Ardgowan, County of Courallie.

Note. The following rivers receive domestic and stock replenishment flows from the Gwydir Regulated River Water Source but do not themselves form part of this water source:

- Gingham Channel,
- Mallowa Creek,
- Lower Gwydir River,
- Ballinboora Creek, and
- Thalaba Creek.

[41] Appendix 5 Minister's access licence dealing principles

Omit Appendix 5.

Schedule 2 – *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources*

[1] Clause 4 Water sources and waters to which this Plan applies

Omit clause 4. Insert instead:

4 Water sources and waters to which this Plan applies

- (1) The water sources in respect of which this Plan is made shall be known as the Upper Namoi Regulated River Water Source and the Lower Namoi Regulated River Water Source (hereafter *these water sources*).
- (2) The Upper Namoi Regulated River Water Source is that between the banks of all rivers, from Split Rock Dam downstream to Keepit Dam, which at the date of commencement of this Plan, have been declared by the Minister to be regulated rivers.
- (3) The Lower Namoi Regulated River Water Source is that between the banks of all rivers, from Keepit Dam downstream to the junction of the Namoi River with the Barwon River, which at the date of commencement of this Plan, have been declared by the Minister to be regulated rivers.
Note. A regulated river is a river that has been declared by the Minister, by order published in the New South Wales Government Gazette, to be a regulated river.
Note. The regulated rivers referred to in subclauses (2) and (3) are listed in Appendix 1.
- (4) The rivers included in these water sources may be varied under section 45 (1) (b) of the Act, as set out in Part 14 of this Plan.
- (5) These water sources are within the Namoi Water Management Area as constituted by the Ministerial order published in the NSW Government Gazette (hereafter *the Gazette*) on 23 November 2001.
Note. The Namoi Water Management Area is shown on the map in Appendix 2.
- (6) This Plan applies to all waters contained within these water sources but does not apply to water contained within aquifer water sources underlying these water sources or to waters on land adjacent to these water sources.
Note. Management of floodplain harvesting is not a component of this water sharing plan. Management of floodplain harvesting will occur according to a number of state-wide management principles, attached in Appendix 3.

[2] Clause 15 Supplementary environmental water

Insert new subclause:

- (3) Subclause (2) shall not apply when the sum of the water stored in Keepit Dam and Split Rock Dam is less than 120,000 megalitres.

[3] Note following clause 21

Omit the note following clause 21. Insert instead:

Note. The following clauses in this Part represent the total volumes or unit shares specified in the share components of access licences in these water sources. The actual volume of water available at any time will depend on climate, access licence priority and the rules in this Plan.

[4] Clause 22 Share component of domestic and stock access licences

Omit clause 22. Insert instead:

22 Share component of domestic and stock access licences

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of domestic and stock licences authorised to extract water from the Upper Namoi Regulated River Water Source will total 46 megalitres per year.
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of domestic and stock licences authorised to extract water from the Lower Namoi Regulated River Water Source will total 1,967 megalitres per year.

[5] Clause 23 Share component of local water utility licences

Omit clause 23. Insert instead:

23 Share component of local water utility access licences

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of local water utility licences authorised to extract water from the Upper Namoi Regulated River Water Source will total 150 megalitres per year.
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of local water utility licences authorised to extract water from the Lower Namoi Regulated River Water Source will total 2,271 megalitres per year.

[6] Clause 24 Share component of regulated river (high security) access licences

Omit clause 24. Insert instead:

24 Share component of regulated river (high security) access licences

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (high security) access licences authorised to extract water from the Upper Namoi Regulated River Water Source will total 80 unit shares.
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of regulated river (high security) access licences authorised to extract water from the Lower Namoi Regulated River Water Source will total 3,418 unit shares.

[7] Clause 25 Share component of regulated river (general security) access licences

Omit clause 25. Insert instead:

25 Share component of regulated river (general security) access licences

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (general security) access licences authorised to extract water from the Upper Namoi Regulated River Water Source will total 9,729 unit shares.
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of regulated river (general security) access licences authorised to extract water from the Lower Namoi Regulated River Water Source will total 246,692 unit shares.

[8] Clause 26 Share component of supplementary water access licences

Omit clause 26. Insert instead:

26 Share component of supplementary water access licences

- (1) There shall be no supplementary water access licences authorised to extract water from the Upper Namoi Regulated River Water Source.
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of supplementary water access licences authorised to extract water from the Lower Namoi Regulated River Water Source will total 115,503 unit shares.

[9] Clause 28 Rules for granting access licences

Omit clause 28. Insert instead:

28 Rules for granting access licences

- (1) This Part is made in accordance with sections 20 (2) (b) and 63 of the Act.
- (2) Access licences may be granted in these water sources subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.
- (3) The Minister should declare an embargo on the making of applications for access licences in these water sources, other than for access licences of the following kinds:

- (a) local water utility access licences,

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.

- (b) domestic and stock (domestic only) access licences,
- (c) regulated river (high security) (Aboriginal cultural) access licences up to 10 megalitres per year per application,

- (d) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.
- (4) In applying for a new licence, the applicant must establish the purpose and circumstances relating to that access licence, and that the share component sought will be the minimum required to meet that purpose and circumstances.
- (5) Subclause (4) does not apply to an application for a new access licence arising from:
 - (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

[10] Clause 32 (4)

Omit clause 32 (4). Insert instead:

- (4) Reductions in the amounts specified in clauses 33 (a), 33 (b) and 38 (7), pursuant to subclause (2), are to be of the same proportion.

Note. Subclause (4) means that if the amount specified in clause 33(a) is reduced from say 1.25 megalitres per unit share to 1 megalitre per unit share (ie by one fifth), then the amount specified in clause 33(b) is to be reduced from 3 megalitres per unit share to 2.4 megalitres per unit share (ie one fifth) and the amount specified in clause 38 (7) is to be reduced from 1 megalitre per unit share to 0.8 megalitres per unit share (ie one fifth).

[11] Clause 33 Limit to the volumes that may be taken under or assigned from regulated river (general security) access licences in the Lower Namoi Water Source

Omit clause 33. Insert instead:

33 Limit to the volumes that may be taken under or assigned from regulated river (general security) access licences in the Lower Namoi Water Source.

The maximum volume that may be taken under, or assigned from, a regulated river (general security) access licence in the Lower Namoi Water Source:

- (c) during any water year shall be equal to 1.25 megalitres multiplied by the number of unit shares specified in the share component of the access licence, or such lower amount that may result from clause 32, plus the volume of water allocations assigned to the access licence from another access licence during that water year, and
- (d) during any 3 consecutive water years shall be equal to 3 megalitres multiplied by the number of unit shares specified in the share component of the access licence, or such lower amount that may result from clause 32, plus the volume of water allocations assigned to the access licence from another access licence during the 3 water years.

[12] Clause 34 (2)

Omit clause 34 (2). Insert instead:

- (2) All available water determinations in these water sources shall be expressed as:
- (a) a percentage of the share component for all access licences where share components are specified as megalitres per year,
 - (b) megalitres per unit share for all regulated river (high security) access licences and supplementary water access licences, and
 - (c) a volume to be distributed to all regulated river (general security) access licences in proportion to the number of unit shares in the share component of each access licence after making allowance for the effect of any water allocation account limits or other relevant provisions in Part 9, Division 2 of this Plan.

[13] Clause 37 Available water determinations for regulated river (high security) access licences

Omit clause 37. Insert instead:

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

- (1) The water supply system shall be managed so that available water determinations for regulated river (high security) access licences of 1 megalitre per unit share can be maintained in each water source through a repeat of the worst period of low inflows into these water sources, as represented in flow information held by the Department.
- (2) Sufficient volumes of water must be set aside from assured inflows into these water sources and reserves held in Split Rock Dam and Keepit Dam water storages to provide for subclause (1).
- (3) The available water determinations for regulated river (high security) access licences in each water source made for the commencement of each water year shall provide an allocation of 1 megalitre per unit share whenever possible.
- (4) If an available water determination made under subclause (3) is less than 1 megalitre per unit share, then further assessments of available water shall be carried out and available water determinations made until the sum of allocations for the water year is equivalent to 1 megalitre per unit share .
- (5) The sum of available water determinations for regulated river (high security) access licences in each water source in any water year shall not exceed 1 megalitre per unit share.
- (6) Available water determinations made for regulated river (high security) access licences must take into account:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,

- (d) requirements for domestic and stock access licences,
- (e) requirements for local water utility access licences,
- (f) allocations remaining in access licence water allocation accounts from previous available water determinations,
- (g) water losses associated with the holding and delivery of water to meet the requirements specified in subclauses (a) to (f),
- (h) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
- (i) any other relevant matters.

[14] Clause 38 Available water determinations for regulated river (general security) access licences

Omit clause 38. Insert instead:

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

- (1) An available water determination is not to be made for regulated river (general security) access licences in either water source in any water year until the sum of available water determinations for regulated river (high security) access licences in both water sources for the water year is equivalent to 1 megalitre per unit share.
- (2) Providing subclause (1) has been satisfied, an available water determination shall be made for the commencement of each water year and, as required during the course of each water year to, ensure that the sum of available water determinations to regulated river (general security) access licences in the Upper Namoi Regulated River Water source during the water year are equal to:
 - (a) 0 megalitres per unit share, if the volume of water held in Split Rock Dam water storage has not been 5% or more of its full supply volume at any time during the water year, or
 - (b) 0.5 megalitres per unit share, if the volume of water held in Split Rock Dam water storage has been 5% or more of its full supply volume at any time during the water year but not 8% or more of its full supply volume, or
 - (c) 0.6 megalitres per unit share, if the volume of water held in Split Rock Dam water storage has been 8% or more of its full supply volume at any time during the water year but not 10% or more of its full supply volume, or
 - (d) the maximum amount permissible under subclause (7) if the volume of water held in Split Rock Dam water storage has been 10% or more of its full supply volume at any time during the water year.
- (1) The Minister may, under section 45 (1) (b) of the Act, vary the storage volumes specified in subclause (2) if:
 - (a) an increase in the requirements for water under regulated river (high security) access licences or other higher priority access licences in these water sources, or

- (b) an increase in the requirements for water for extraction under regulated river (general security) access licences in the Upper Namoi Regulated River Water Source,
- reduces the long-term reliability of water allocations that can be made for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source below that existing at the commencement of this Plan.
- (3) Variations under subclause (3) shall be to the extent necessary to reinstate the long-term reliability of water allocations to regulated river (general security) access licences in the Upper Namoi Regulated River Water Source to that existing at the commencement of this Plan.
- (4) The Minister may, under section 45 (1) (b) of the Act, vary the storage capacity volumes specified in subclause (2) if the issue of new regulated river (general security) access licences in the Upper Namoi Regulated River Water Source mean that the allocations provided by the available water determinations required under subclause (2) could not be supplied at the storage capacity volumes specified in the subclause.
- (5) Variations under subclause (5) shall be to the extent necessary to permit the supply of the allocations provided by the required available water determinations.
- (6) The sum of available water determinations made for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source shall not exceed 1 megalitre per unit share, or such lower amount as results from clause 32.
- (7) Whenever the sum of available water determinations made for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source is equivalent to or less than 0.6 megalitres per unit share then:
- (a) uncontrolled flows may be extracted without debit to regulated river (general security) access licence accounts, subject to the rules specified in subclauses (b) and (c), and to authorisation by the Minister and the terms of that authorisation,
- (b) the total amount of water that may be extracted without debit to the access licence water allocation account in any water year is limited to a volume which is equal to the lesser of:
- (i) the difference between the sum of allocations to the regulated river (general security) access licence and the number of unit shares specified in the share component multiplied by 1 megalitre, or
- (ii) the number of unit shares specified in the share component multiplied by 0.5 megalitres,
- (c) if the total amount of water extracted exceeds the limits specified in subclause (b) then a volume equivalent to the exceedance shall be withdrawn from the regulated river (general security) access licence account, and

- (d) available water determinations shall refer to the provisions specified in subclauses (a), (b) and (c).
- (8) Providing subclause (1) has been satisfied, assessments of available water shall be made at least monthly, and available water determinations made for regulated (general security) access licences in the Lower Namoi Regulated River Water Source, if additional water can be provided to them.
- (9) Available water determinations under subclause (9) shall be based on the volume of water available after making provision for:
- (k) the environmental water provisions established by this Plan,
 - (l) requirements for domestic and stock rights,
 - (m) requirements for native title rights,
 - (n) requirements for domestic and stock access licences,
 - (o) requirements for local water utility access licences,
 - (p) requirements for regulated river (high security) access licences,
 - (q) allocations remaining in access licence water allocation accounts from previous available water determinations;
 - (r) water losses associated with holding and delivery of water to meet the requirements identified in sub-clauses (a) to (g),
 - (s) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
 - (t) any other relevant matters.
- (10) Available water determinations under subclause (9) shall take into account any water in Split Rock Dam water storage exceeding that needed to provided for available water determinations in the Upper Namoi Regulated River Water Source in any water year when an available water determination in excess of 0 megalitres per unit share has been made for regulated river (general security) access licences in that water source.

[15] Clause 39 Available water determinations for supplementary water access licences

Omit clause 39. Insert instead:

39 Available water determinations for supplementary water access licences

- (1) An available water determination shall be made for supplementary water access licences in the Lower Namoi Regulated River Water Source at the commencement of each water year and shall define the number of megalitres per unit share that can be taken in that year.
- (2) The available water determination made under subclause (1) shall not exceed 1 megalitre per unit share, or such lower amount that may result from clause 32 (2).

[16] Clause 45 Carrying over of water allocation credits, water allocation account limits and debits for excess losses

Omit clause 45. Insert instead:

45 Carrying over of water allocation credits and water allocation account limits

- (1) Water allocation remaining in the water allocation accounts of access licences in the Upper Namoi Regulated River Water Source cannot be carried over from one water year to the next.
- (2) The following rules shall apply to the management of water allocation in the water allocation accounts of domestic and stock access licences, local water utility access licences and regulated river (high security) access licences in the Lower Namoi Regulated River Water Source:
 - (a) the maximum volume that may be held in the accounts of domestic and stock access licences and local water utility access licences at any time shall be equal to 100% of the access licence share component,
 - (b) the maximum volume that may be held in the accounts of regulated river (high security) access licences at any time shall be equal to 1 megalitre multiplied by the number of unit shares specified in the share component, and
 - (c) water allocation remaining in the accounts cannot be carried over from one water year to the next.
- (3) The following rules shall apply to the management of water allocations in the water allocation accounts of regulated river (general security) access licences in the Lower Namoi Regulated River Water source:
 - (c) water allocation remaining in the accounts may be carried over from one water year to the next, and
 - (d) the maximum volume that may be held in the accounts at any time shall be equal to 2 megalitres multiplied by the number of unit shares specified in the access licence share component.
- (4) Water allocation remaining in the water allocation accounts of supplementary water access licences in the Lower Namoi Regulated River Water Source cannot be carried over from one water year to the next.

[17] Clause 47 (2) (b)

Omit clause 47 (2) (b). Insert instead:

- (b) the specified rate in the extraction component of each domestic and stock, local water utility and regulated river (high security) access licence should be sufficient to satisfy the maximum daily water needs.

[18] Clause 47 (4) (b)

Omit clause 47 (4) (b). Insert instead:

- (b) the specified rate in the extraction component of each domestic and stock, local water utility and regulated river (high security) access licence should be sufficient to satisfy the maximum daily water needs, and

[19] Clause 48 (3)

Omit clause 48 (3). Insert instead:

- (3) The Minister may, under section 45 (1) (b) of the Act and by notice published in the Gazette,
- (a) increase the flow exceedance specified in subclause (1) (a) if the installed pump capacity in the Manilla River downstream of Split Rock Dam increases by 20% or more, or
 - (b) increase the flow exceedance specified in subclause (1) (b) if the installed pump capacity in the Namoi River downstream to Keepit Dam water storage increases by 20% or more.

[20] Clause 49 (3)

Omit clause 49 (3). Insert instead:

- (3) Taking of water under supplementary water access licences during each supplementary water event shall be managed, to ensure that pumping by supplementary water access licences with extraction components that designate them as Class B does not constrain the volume of water that can be taken by supplementary water access licences with extraction components that designate them as Class A.

Note. The effect of subclauses (2) and (3) is that no pumping will be permitted by supplementary water access licences with Class B extraction components until there is sufficient flow to fully provide for any pumping allowed under supplementary water access licences with Class A extraction components.

[21] Clause 49 (7)

Omit clause 49 (7). Insert instead:

- (7) The Minister may under section 45 (1) (b) of the Act and by notice published in the Gazette alter or replace the rule set out in subclause (5) or the requirements set out under subclause (6) should the Interim Unregulated Flow Management Plan for the North West be altered, or replaced by new management arrangements.

[22] Clause 49 (16)

In clause 49 (16) change the numbering of subclause “(iii)” to “(i)” and subclause “(iv)” to “(ii)”.

[23] Clause 49 (17) (a)

Omit clause 49 (17) (a). Insert instead:

- (a) 50 ML/day, or

[24] Note following clause 50 (1)

Omit the note following clause 50 (1).

[25] Clause 51 Rules relating to constraints within this water source

Omit clause 51. Insert instead:

51 Rules relating to constraints within these water sources

- (1) This clause relates to dealings under sections 71B, 71D, 71G, and 71J of the Act.
- (2) Any dealing that would result in an increase in the total share components of regulated river (high security) access licences nominating water supply works downstream of the Namoi River at Mollee Weir is prohibited.
- (3) Until extraction components for access licences in the Gunidgera/Pian system have been amended in accordance with clause 47, a dealing is prohibited if it would result in:
 - (a) the sum of A + B exceeding the sum of A + B at the commencement of this Plan, where:
 - (i) A is the total number of megalitres specified in share components of domestic and stock access licenses nominating water supply works in the Gunidgera/Pian system, and
 - (ii) B is the total number of unit shares specified in share components of regulated river (high security) access licences and regulated river (general security) access licences nominating water supply works on the Gunidgera/Pian system
 - (b) the total volume of water allocations assigned to access licences, other than supplementary water access licences, nominating water supply works on the Gunidgera/Pian system during a water year exceeding the total volume of water allocations assigned from access licences, other than supplementary water licences, nominating water supply works in the Gunidgera/Pian system to access licences nominating water supply works not on the Gunidgera/Pian system during the water year.
- (4) A dealing is prohibited if it would result in:
 - (a) the total number of unit shares in share components of supplementary water access licence nominating water supply works in the Gunidgera/Pian Creek system exceeding the total number of unit shares at the commencement of this Plan, or
 - (b) the total volume of water allocations assigned to supplementary water access licences, nominating water supply works on the Gunidgera/Pian system during a water year exceeding the total volume of water allocations assigned from supplementary water licences, nominating water supply works in the Gunidgera/Pian system to access licences nominating water supply works not on the Gunidgera/Pian system during the water year.
- (5) Assignment of water allocations from a supplementary water access licence water allocation account to an access licence of any other access licence category is prohibited.

- (6) Assignment of water allocations to a supplementary water access licence water allocation account from an access licence of any other access licence category is prohibited.
- (7) Any dealing that would result in the assignment of all or part of the share component of a supplementary water access licence whose extraction component is designated as B class to a supplementary water access licence whose extraction component is designated as A class is prohibited.
- (8) Any dealing that would result in the assignment of water allocations from the water allocation account of a supplementary water access licence whose extraction component is designated as B class to the water allocation account of a supplementary water access licence whose extraction component is designated as A class is prohibited.

[26] Clause 52 (5)

Omit clause 52 (5). Insert instead:

- (5) The share component of a new access licence issued in accordance with subclause (4) is to be equal to the share component of the cancelled access licence.

[27] Clause 53 Rules for conversion of access licence category

Omit clause 53. Insert instead:

53 Rules for conversion of access licence category

- (7) This clause relates to dealings under section 71B of the Act.
- (8) Conversion of an access licence of one category to an access licence of another category is prohibited except as provided for under this clause.
- (9) On application of the access licence holder, the Minister may cancel a regulated river (general security) access licence, and issue a regulated river (high security) access licence, subject to:
 - (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in these water sources, and
 - (b) the number of megalitres of water in the regulated river (general security) access licence water allocation account being equal to or greater than the number of units shares in its share component.

Note. The amount of water in the regulated river (general security) access licence water allocation account which is in excess of the number of unit shares in the share component of the new regulated river (high security) access licence will not be credited to the new regulated river (high security) access licence account.

Note. Clause 51 constraints apply to conversions also. This means that conversion of regulated river (general security) access licences to regulated river (high security) access licences cannot occur if the resulting high security licence would nominate works downstream of the Namoi River at Mollee Weir.

(10) On application of the access licence holder, the Minister may cancel a regulated river (high security) access licence, and issue a regulated river (general security) access licence, subject to:

- (a) the application of a conversion factor equal to one divided by the conversion factor established in subclause (3), and
- (b) the total number of unit shares in regulated river (general security) access licence share components not increasing above the total number of unit shares in regulated river (general security) access licence share components at the time of commencement of Part 2 of Chapter 3 of the Act.

Note. This would allow conversion of a regulated river (high security) access licence to a regulated river (general security) access licence only if there had been a corresponding or larger volume of regulated river (general security) access licence share component converted to regulated river (high security) access licence.

(5) On application of the access licence holder, the Minister may cancel a domestic and stock access licence and issue a domestic and stock (domestic only) access licence and a domestic and stock (stock only) access licence, subject to:

- (a) the sum of the share component volumes of the two new access licences being equal to the share component volume of the cancelled access licence, and
- (b) the share component volume of the new domestic and stock (domestic only) access licence being able to meet the needs of domestic consumption as defined in section 52 of the Act.

(6) On application of the access licence holder, the Minister may cancel a domestic and stock (stock only) access licence and issue a regulated river (high security) access licence. The number of unit shares in the regulated river (high security) access licence share component shall be equal to the number of megalitres per year in the share component of the cancelled domestic and stock (stock only) access licence.

[28] Clause 57 (7)

Omit clause 57 (7). Insert instead:

(7) All supplementary water access licences shall have mandatory conditions that only allow the taking of water in accordance with announcements, as specified in clause 49, and after satisfying any procedures established by the Minister, and

- (a) where the supplementary water access licence has arisen from a “section 18 or 20B entitlement”, where “section 18 or 20B entitlement” is as defined in the Water Management (General) Regulation 2004, provide for the Minister to designate that the access licence extraction component is class A, and
- (b) where the supplementary water access licence has arisen from a “general security entitlement”, where “general security entitlement” is as defined in the Water Management (General) Regulation 2004, provide for the Minister to designate that the access licence extraction component is class B.

Note. A “section 18 entitlement” means a licence under section 18 (2) of the Water Act 1912. A “section 20B entitlement” means an authority for a joint water supply scheme under section 20B of the Water Act 1912 that was subject to a high flow condition. A “general security entitlement” means a Water Act 1912 entitlement that was replaced by a regulated river (general security) access licence.

[29] Clause 57 Mandatory conditions on access licences

Insert the following new subclause:

- (11) All regulated river (high security) (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[30] Clause 58 Mandatory conditions on water supply works approvals

Omit clause 58. Insert instead:

58 Mandatory conditions on water supply works approvals

(1) All approvals for water supply works in these water sources shall have mandatory conditions to give effect to the following:

- (a) flow measurement devices shall be installed and maintained on all works used for extraction of water under an access licence and shall be of a type and shall be maintained in a manner, which is acceptable to the Minister,
 - (b) water extraction, property water management infrastructure and cropping details shall be provided on request, in the form and in accordance with procedures established by the Minister, and
 - (c) the taking of water may only occur in accordance with the conditions applying to the access licence from whose water allocation account the taking of water will be debited.
- (2) Subclause (1) does not apply to approvals for water supply works held by StateWater provided such an approval is not nominated by an access licence.
- (3) All approvals for water supply works in these water sources shall have any other conditions required to implement the provisions of this Plan.

[31] Notes following clause 66

Omit the notes following clause 66. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[32] Clause 67 Changes to these water source

Omit clause 67. Insert instead:

67 Changes to these water sources

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may add a river or section of river to one of these water sources or remove a river or section of river from one of these water sources providing that:

- (c) any river or section of river that is added has been declared to be a regulated river by an order published in the Gazette, and
- (d) the Minister is satisfied that there will be no impact on environmental water, or on the water available to any access licences in these water sources.

[33] Clause 68 Other amendments of this Plan

Omit clause 68. Insert instead:

68 Other amendments of this Plan

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette amend this Plan in accordance with the following clauses:

- (a) clause 38 in respect the specified storage capacity volumes relating to available water determinations made for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source,
- (b) clause 48 in respect to flow exceedances required for authorisation of extraction of water by regulated river (general security) access licences in the Upper Namoi Regulated River Water Source pursuant to the provisions of clause 38 (8), and
- (c) clause 49 (7) in respect to in respect to the requirements or arrangements affecting taking of water under supplementary water access licences in the Lower Namoi Regulated River Water Source.

[34] Appendix 1 River and lakes within this water source

Omit Appendix 1. Insert instead:

Appendix 1 Rivers and lakes within this water source

At the commencement of this Plan the *Upper Namoi Regulated River Water Source* includes the following:

- (2) Manilla River from Split Rock Dam storage, downstream to its junction with the Namoi River, and

- (i) Namoi River from its junction with the Manilla River to Keepit Dam, including all tributaries (named and unnamed) to Keepit Dam water storage and up to the high water mark of the storage.

At the commencement of this Plan the *Lower Namoi Regulated River Water Source* includes the following:

- (3) Anabranche of Namoi River, offtaking in T.S.R. 31104, Parish of Tipereena, County of Nandewar,
- (4) Duncan Warrambool,
- (i) Gunidgera Creek, offtaking from the Namoi River within T.S.R. 10783, Parish of Tulladunna, County of Jamison, downstream to the northern boundary of portion 21, Parish of Merah, County of Jamison,
- (5) Horsearm Creek, from its confluence with Narrabri Creek upstream to a point coinciding with the upstream alignment of the Narrabri to Wee Waa road bridge on Main Road No.127 located in the town of Narrabri, Parish of Narrabri, County of Nandewar,
- (6) Namoi River, from Keepit Dam downstream to the offtake of Narrabri Creek,
- (7) Namoi River from its confluence with Narrabri Creek to Barwon River,
- (8) Narrabri Creek,
- (9) Pian Creek, from the confluence of unnamed watercourse within portion 27, Parish of Pian, County of Jamison, the confluence being approximately 200 metres east of the western boundary of portion 27 and approximately 400 metres north of the southwestern boundary of that portion, downstream to the northernmost western boundary of portion 37, Parish of Murra Murra, County of Denham,
- (10) Ulled lagoon,
- (11) Unnamed watercourse, offtaking from Gunidgera Creek within portion 4, Parish of Weeta Waa, County of Jamison, downstream to its confluence with Pian Creek, within T.S.R. 27151, Parish of Pian, County of Jamison,
- (ii) Unnamed watercourse off taking from the Namoi River within Lot 63 DP753929, Parish of Drildool, County of Jamison to its confluence with the Namoi River within Lot 63 DP753929 Parish of Drildool, County of Jamison
- (12) Unnamed watercourse, from its offtake from Namoi River, in portion 10, Parish of Bullerawa, County of Baradine, to its re-entry in portion 11, said Parish, and
- (13) Warriar lagoon.

Note. Pian Creek from Dundee Weir to its junction with the Namoi receives domestic and stock replenishment flows from these water sources, but does not itself, form part of these water sources.

Note. The Namoi Regulated River Water Source does not include the Peel River.

[35] Appendix 5 Minister's access licence dealing principles

Omit Appendix 5.

Schedule 3 - *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source*

[1] Clause 4 (3)

Omit clause 4 (3). Insert instead:

- (3) The rivers included in this water source may be varied under section 45 (1) (b) of the Act as set out in Part 14.

[2] Clause 15 (4)

Omit clause 15 (4). Insert instead:

- (4) At the commencement of each water year the Minister, may under section 45 (1) (b) of the Act:
- (a) set start and finish dates in the water year for which supplementary environmental water releases referred to in subclause (2) can occur, and
 - (b) alter the Cudgegong River at Rocky Water Hole flows referred to in subclauses (2) and (3) (b) providing they remain within the range of 150 to 1,500 ML/day.

[3] Clause 15 (10)

Omit clause 15 (10). Insert instead:

- (10) An environmental water allowance shall be established for environmental purposes downstream of Burrendong Dam and shall be released:
- (a) as specified in this clause to improve environmental outcomes in the Macquarie Marshes and Macquarie River between Burrendong Dam and the Macquarie Marshes, and
 - (b) with appropriate regard to the matters listed in subclauses 24 (a) to 24 (f).

[4] Clause 15 (12) (a)

Omit clause 15 (12) (a). Insert instead:

- (a) whenever an available water determination is made for regulated river (general security) access licences, the allowance shall be credited with a volume equal to 160,000 megalitres multiplied by the number of megalitres per unit share specified in that available water determination, except when the available water determination is made pursuant to clauses 38 (6) or 38 (7),

[5] Clause 15 (12) (b)

Omit clause 15 (12) (b). Insert instead:

- (b) if the operation of clause 32 results in the limit to the sum of available water determinations for regulated river (general security) access licences being less than 1 megalitre per unit share, then, in any water year when the sum of available water determinations for regulated river (general security) access

licences reaches the reduced allowable maximum, the environmental water allowance shall continue to be credited as if the maximum allocation for regulated river (general security) access licences had remained at 1 megalitre per unit share,

[6] Clause 15 (12) (d)

Omit clause 15 (12) (d). Insert instead:

(d) sub-allowance 1 and sub-allowance 2 shall be debited in accordance with the following:

- (i) when releases are made under clauses 15 (16) (c) and the flow at u/s Marebone Break minus downstream water orders and associated losses is less than or equal to the flow specified in clause 15 (16) (d) (ii) then sub allowance 1 shall be debited with a volume equal to the flow at u/s Marebone Break minus downstream water orders and associated losses, minus the daily flow rate specified in 15 (16) (c) (i),
- (ii) when the flow at u/s Marebone Break minus downstream water orders and associated losses is greater than the flow specified in clause 15 (16) (d) (ii) then sub allowance 1 shall be debited with a volume equal to the flow specified in clause 15 (16) (d) (ii), minus the daily flow rate specified in 15 (16) (c) (i), and
- (iii) when releases of sub allowance 2 are made the volume to be debited from that allowance is to be equal to the lesser of:
 - (1) the volume of sub-allowance 2 water requested for delivery on the days that the sub allowance 2 water arrives at u/s Marebone Break, minus downstream water orders and associated losses, or
 - (2) the flow at u/s Marebone Break minus downstream water orders and associated losses, on the days that the sub allowance 2 water arrives at u/s Marebone Break.

[7] Clause 15 (12) (i)

Omit clause 15 (12) (i). Insert instead:

- (i) when all water held in carryover sub-accounts of Macquarie regulated river (general security) access licences has been withdrawn under clause 45 (3) (h), and an available water determination of 1 megalitre per unit share or such lower amount as results from clause 32 (2), has been made for all regulated river (general security) access licences under clause 38 (6), then the environmental water allowance shall be credited with sufficient volume to bring the total volume in the allowance to 160,000 megalitres, and

[8] Clause 15 (12) (j)

Omit clause 15 (12) (j). Insert instead:

- (j) whenever an available water determination of 1 megalitre per unit share or such lower amount as results from clause 32 (2), has been made for all regulated river (general security) access licences as a result of the water level in Burrendong

Dam water storage re-entering the FMZ under clause 38 (7), the environmental water allowance shall be credited with sufficient volume to bring the total volume in the allowance to 160,000 megalitres.

[9] Clause 15 (13)

Omit clause 15 (13). Insert instead:

- (13) At the commencement of each water year the Minister may, under section 45 (1) (b) of the Act, alter the distribution specified in subclause (12) (c), providing that each sub-allowance receives at least two fifths of the total allowance and the sum of the proportions remains one.

[10] Clause 15 (15)

Omit clause 15 (15). Insert instead:

- (15) Pursuant to section 45 (1) (b) of the Act and clause 67 of this Plan, the Minister may amend subclause (13) to the extent specified in clause 67,

[11] Clause 15 (16)

Omit clause 15 (16). Insert instead:

(16) Release of sub-allowance 1 (translucent) water shall be made from Burrendong Dam according to the following:

- (a) water carried over from the previous water year shall be released before water that has been credited to sub-allowance 1 (translucent) in the current water year,
- (b) releases shall only be made during the periods 1 June to 30 November (inclusive) and 15 March to 31 May (inclusive) each year,
- (c) releases shall only be made when:
 - (i) the sum of storage inflows plus tributary inflows downstream of Burrendong Dam would be capable of providing a flow of at least 500 ML/day for 5 days or more in the Macquarie River immediately upstream of Marebone Weir, and
 - (ii) the water level in Burrendong Dam water storage is not within the Flood Mitigation Zone (here after the FMZ), or
 - (iii) the sum of tributary inflows between Burrendong Dam and u/s Marebone Break is less than or equal to 1000 megalitres per day.

Note: Clause 64 requires that water releases from the FMZ be made to provide beneficial flooding for the regulated Macquarie River, the Macquarie Marshes, Marebone floodplain and effluent creeks.

- (d) the rate of release shall be the lesser of:
 - (i) the storage inflow, or
 - (ii) the rate of release necessary to achieve up to a maximum flow target of 4,000 ML/day in the Macquarie River immediately upstream of Marebone Weir,

- (e) releases of sub-allowance 1 (translucent) water shall cease when the sum of storage inflows plus tributary inflows reduces to a level which would no longer result in a flow of at least the volume specified by subclause (16) (c), unless releases of sub-allowance 1 (translucent) water are being extended by release of sub-allowance 2 (active),
- (f) releases of sub-allowance 1 (translucent) water shall cease when the allowance volume held in sub-allowance 1 (translucent) reaches zero, subject to the rules for use of sub-allowance 2 (active) water developed under subclause (22),
- (g) releases of sub-allowance 1 (translucent) water may also cease if the health of the regulated sections of the Macquarie River and its effluents or the Macquarie Marshes would not in the opinion of the Minister, be significantly improved by further releases of sub-allowance 1 (translucent) water,**
- (h) before ceasing releases of sub-allowance 1 (translucent) water, under subclause (16) (g) the Minister should consult with the Minister for the Environment unless the action is in accordance with any advice provided under subclause (16) (i),
- (i) at the commencement of each water year the Minister should seek advice from the Environmental Flow Reference Group if established under subclause (23), regarding the factors or measurements which would indicate that the circumstances in subclause (16) (g) had occurred, and
- (j) releases of sub-allowance 1 (translucent) water may be extended using releases of sub-allowance 2 (active) after consideration of advice provided under subclause (22) (k) (ii).

[12] Clause 15 (17)

Omit clause 15 (17). Insert instead:

(17) At the commencement of each water year the Minister may, under section 45 (1) (b) of the Act, alter the dates specified in subclause 16 (b) but only within the extent of the periods specified in subclause (16) (b) at the time of Plan Gazettal.

[13] Clause 15 (18) (c)

Omit clause 15 (18) (c). Insert instead:

(c) the desired environmental outcomes for the regulated sections of the Macquarie River and its effluents and the Macquarie Marshes.

[14] Clause 15 (19)

Omit clause 15 (19). Insert instead:

(19) At the commencement of each water year the Minister may, under section 45 (1) (b) of the Act alter the release trigger of 500 ML/day in subclause (16) (c) and the maximum flow target of 4,000 ML/day in subclause (16) (d).

[15] Clause 15 (22) (k)

Omit clause 15 (22) (k). Insert instead:

(k) at the commencement of each water year the Minister should seek advice from the Environmental Flow Reference Group if established under clause (23), on:

- (i) the priority of ecological objectives and the rules that will govern the use of sub-allowance 2 (active) water during the coming water year, and
- (ii) the circumstances under which releases of sub-allowance 1 (translucent) water may be extended using sub-allowance 2 (active) water when the volume in sub-allowance 1 (translucent) is nearing zero.

[16] Note following clause 21

Omit the note following clause 21. Insert instead:

Note. The following clauses in this Part represent the total volumes or unit shares specified in the share components of access licences in this water source. . The actual volume of water available at any time will depend on climate, access licence priority and the rules in this Plan.

[17] Clause 22 Share component of domestic and stock access licences

Omit clause 22. Insert instead:

22 Share component of domestic and stock access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of domestic and stock access licences authorised to extract water from this water source will total approximately 14,265 megalitres per year.

[18] Clause 23 Share component of local water utility access licences

Omit clause 23. Insert instead:

23 Share component of local water utility access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of local water utility access licences authorised to extract water from this water source will total approximately 22,681 megalitres per year.

[19] Clause 24 Share component of regulated river (high security) access licences

Omit clause 24. Insert instead:

24 Share component of regulated river (high security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (high security) access licences authorised to extract water from this water source will total approximately 19,419 unit shares.

[21] Clause 25 Share component of regulated river (general security) access licences

Omit clause 25. Insert instead:

25 Share component of regulated river (general security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (general security) access licences authorised to extract water from this water source will total approximately 632,428 unit shares.

[22] Clause 26 Share component of regulated river (supplementary water) access licences

Omit clause 26. Insert instead:

26 Share component of supplementary water access licences

It is estimated that at the time of commencement of Part 2 Chapter 3 of the Act, the share components of supplementary water access licences authorised to extract water from this water source will total 50,000 unit shares.

[23] Clause 28 (3)

Omit clause 28 (3). Insert instead:

(3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than for access licences of the following kinds:

- (e) local water utility access licences,

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.

- (f) domestic and stock (domestic only) access licences,

- (g) regulated river (high security) (Aboriginal cultural) access licences up to 10 megalitres per year per application, or

- (h) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[24] Clause 28 (5)

Omit clause 28 (5). Insert instead:

- (5) Subclause (4) does not apply to an application for a new access licence arising from:

- (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or

- (14) (b) an access licence dealing.

[25] Notes following clause 30 (1)

Omit the notes following clause 30 (1). Insert instead:

Note. The baseline conditions used for assessment of Cap under Schedule F of the Murray Darling Basin Agreement means the level of water resource development at June 1994.

Note. An assessment of the long-term average annual extraction that would occur under the conditions specified in subclause (1) (a) has been made using the Macquarie IQQM computer model scenario run number MacWSP06. This indicated a long-term average annual extraction volume of 391,900 megalitres.

Note. An assessment of the long-term average annual extraction that would result from the baseline conditions in subclause (1) (b) has been made using the Macquarie IQQM computer model Cap scenario run number 86934_87.s6. This indicated a long-term average annual extraction volume of 433,000 megalitres.

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

[26] Clause 34 (2)

Omit clause 34 (2). Insert instead:

- (2) All available water determinations in this water source shall be expressed as either:
- (a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or
 - (b) megalitres per unit share for all regulated river (high security) access licences, regulated river (general security) access licences and supplementary water access licences.

[27] Clause 37 Available water determinations for regulated river (high security) access licences

Omit clause 37. Insert instead:

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

- (1) The water supply system shall be managed so that available water determinations for regulated river (high security) access licences of 1 megalitre per unit share can be maintained through a repeat of the worst period of low inflows to this water source, represented in flow information held by the Department.
- (2) Sufficient volumes of water shall be set aside from assured inflows into this water source and reserves held in Windamere Dam and Burrendong Dam water storages or other water storages to provide for subclause (1).
- (3) The available water determination for regulated river (high security) access licences made for the commencement of each water year shall be 1 megalitre per unit share, whenever possible.

- (4) If the available water determination made under subclause (3) is less than 1 megalitre per unit share, then further assessments of available water shall be carried out at least monthly and available water determinations made until the sum available water determinations for the water year is 1 megalitre per unit share.
- (5) The sum of available water determinations for regulated river (high security) access licences in any water year shall not exceed 1 megalitre per unit share, except where the available water determination is made under subclause (6).
- (6) When all water held in available water determination sub-accounts of regulated river (high security) and regulated river (general security) access licences has been withdrawn under clause 45 (3), an available water determination of 1 megalitre per unit share, shall be made for all regulated river (high security) access licences.
- (15) (7) Following an available water determination of 1 megalitre per unit share under subclause (6), whenever the water level in Burrendong Dam water storage re-enters the FMZ in that water year, an available water determination of 1 megalitre per unit share, shall be made for all regulated river (high security) access licences.
- (8) Available water determinations made for regulated river (high security) access licences shall take into account:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirement for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) volumes remaining in water allocation accounts from previous available water determinations,
 - (g) water losses associated with the holding and delivery of water to meet the requirements specified in subclauses (a) to (f),
 - (h) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
 - (i) any other relevant matters.

[28] Clause 38 Available water determinations for regulated river (general security) access licences

Omit clause 38. Insert instead:

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

- (16) (1) An available water determination shall not be made for regulated river (general security) access licences in any water year until the sum of

- available water determinations for regulated river (high security) access licences for the water year is equivalent to 1 megalitre per unit share.
- (2) An available water determination for regulated river (general security) access licences shall be made for the commencement of each water year if water can be provided to them.
 - (3) If the available water determination resulting from subclause (2) is less than the amount specified in subclause (4) assessments of available water shall be made at least monthly and further available water determinations made, if additional water can be provided.
 - (4) The sum of available water determinations made for regulated river (general security) access licences in any water year shall not exceed 1 megalitre per unit share, or such lower amount as results from clause 32, except where the available water determination is made under sub-clause (6).
 - (5) Subclause (4) shall not apply in water years when all water held in carryover sub-accounts of Macquarie regulated river (general security) access licences has been withdrawn under clause 45 (3).
 - (17) (6) When all water held in available water determination sub-accounts of regulated river (high security) and regulated river (general security) access licences has been withdrawn under clause 45 (3), an available water determination of 1 megalitre per unit share or such lower amount as results from clause 32, shall be made for all regulated river (general security) access licences.
 - (7) Following an available water determination of 1 megalitre per unit share under subclause (6), whenever the water level in Burrendong Dam water storage re-enters the FMZ in that water year, an available water determination of 1 megalitre per unit share, or such lower amount as results from clause 32 (2), shall be made for all regulated river (general security) access licences
- Note.** The result of subclauses (6) and (7) and the carryover and account rules in clause 45 is that all regulated river (general security) access licence available water determination sub-accounts (established under clause 41) will be re-credited to a volume equivalent to 1 megalitre per unit share when all water held in Macquarie regulated river (general security) access licence carryover sub-accounts has been eliminated. Once this has occurred all available water determination sub-accounts will continue to be re-credited to 1 megalitre per unit share whenever the water level in Burrendong Dam water storage re-enters the FMZ in that water year.
- (8) Available water determinations made for regulated river (general security) access licences shall take into account any relevant operational requirements identified in Part 12 of this Plan and:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) requirements for regulated river (high security) access licences,
 - (g) allocations remaining in water accounts from previous available water determinations,

- (h) water losses associated with the holding and delivery of water to meet the requirements specified in subclauses (a) to (g),
- (i) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
- (j) any other relevant matters.

[29] Clause 39 Available water determinations for supplementary water access licences

Omit clause 39. Insert instead:

39 Available water determinations for supplementary water access licences

- (18) (1) An available water determination for supplementary water access licences shall be made at the commencement of each water year and shall define the number of megalitres per unit share that can be taken in that year.
- (2) The available water determination made under subclause (1) shall not exceed 1 megalitre per unit share or such lower amount as results from the operation of clause 32 (2).

[30] Clause 40 Rules for managing access licences

Omit clause 40. Insert instead:

40 Rules for managing access licences

This Part is made in accordance with sections 20 (2) (b), 20 (2) (e), 21 (a), 21 (c) and 85 (5) of the Act having regard to:

- (a) the environmental water rules established in Part 3 of this Plan,
- (b) requirements for water to satisfy basic landholder rights identified in Part 4 of this Plan, and
- (c) requirements for water for extraction under access licences in Part 6 of this Plan.

[31] Clause 41 (2)

Omit clause 41 (2). Insert instead:

- (2) The water allocation account for regulated river (high security) and regulated river (general security) access licences established under subclause (1) shall consist of two sub-accounts, being:
 - (a) an available water determination sub-account (hereafter *AWD sub-account*), and
 - (b) a carryover sub-account.

Note. The only way a regulated river (high security) access licence can obtain carryover water is via an assignment of regulated river (general security) carryover water under section 71G of the Act.

[32] Clause 42 Accrual of water allocations

Omit clause 42. Insert instead:

42 Accrual of water allocations

- (1) Water allocations for domestic and stock access licences, local water utility access licences and supplementary water access licences shall be accrued into each access licence water allocation account in accordance with the available water determinations made.
- (19) (2) Water allocations for regulated river (high security) and regulated river (general security) access licences shall be accrued into each access licence AWD sub-account in accordance with the available water determinations made.

[33] Clause 43 (3)

Omit clause 43 (3). Insert instead:

- (3) The water allocation taken under regulated river (high security) or regulated river (general security) access licences shall be debited from the carryover sub-account until the volume in that sub-account reaches zero, and then from the AWD sub-account.

[34] Clause 44 (2)

Omit clause 44 (2). Insert instead:

- (2) Water allocations assigned from a regulated river (high security) or regulated river (general security) access licence carryover sub-account shall be credited to the receiving regulated river (high security) or regulated river (general security) access licence carryover sub-account.

[35] Clause 44 (3)

Omit clause 44 (3). Insert instead:

- (3) Water allocations assigned from a regulated river (high security) or regulated river (general security) access licence AWD sub-account shall be credited to the receiving regulated river (high security) or regulated river (general security) access licence AWD sub-account.

[36] Clause 45 Carrying over of water allocation credits, water allocation sub-account limits and withdrawal of water allocations

Omit clause 45. Insert instead:

45 Carrying over of water allocation credits, water allocation sub-account limits and withdrawal of water allocations that have been carried over

- (1) Water allocation remaining in the water allocation accounts of domestic and stock access licences, local water utility access licences, regulated river (high security) access licences and supplementary water access licences cannot be carried over from one water year to the next.

- (2) The following rules shall apply to the carrying over of water allocations in water allocation accounts of regulated river (general security) access licences:
- (a) the maximum volume that may be carried over in the water allocation account of regulated river (general security) access licences with extraction components that permit the taking of water upstream of the upper limit of Burrendong Dam water storage (hereafter *Cudgegong regulated river (general security) access licences*), from one water year to the next shall be the greater of:
 - (i) 1 megalitre multiplied by the number of unit shares specified in the share component, or
 - (ii) the volume specified in Schedule 3 for access licences arising from the Water Act licences listed on that Schedule, where no dealing has taken place which in the opinion of the Minister will result in all or part of the water extracted under the access licence being used on a landholding other than the landholding on which the water was being used at the commencement of this Plan, or
 - (iii) the volume specified in Schedule 3 for access licences arising from the Water Act licences listed on that Schedule minus the proportion of the share component of the access licence affected by a dealing which in the opinion of the Minister will result in all or part of the water extracted under the access licence being used on a landholding other than the landholding on which the water was being used at the commencement of this Plan,
 - (b) the maximum volume that may be carried over in the water allocation account of a Macquarie regulated river (general security) access licence, from one water year to the next shall be equal to 1 megalitre multiplied by the number of unit shares specified in the share component, and
 - (c) water carried over from a water allocation account under subclause (2) shall be held in the carryover sub-account,
- (20) (3) The following rules shall apply to water held in water allocation accounts of regulated river (high security) and regulated river (general security) access licences:
- (a) evaporation reductions shall apply to water in the carryover sub-accounts of regulated river (high security) and regulated river (general security) access licences based on the net evaporation on the extra surface area in Windamere Dam and Burrendong Dam water storages generated by the carried-over water,
 - (b) water allocations shall be withdrawn, under section 85 (5) of the Act, from the carryover sub-accounts of Cudgegong regulated river (high security) and regulated river (general security) access licences at the end of each month, when Windamere Dam water storage is spilling and the water level in Burrendong Dam water storage was in the FMZ for all or part of the month,

- (c) the total volume of water allocation withdrawn under subclause (3) (b) shall be the lesser of:
- (i) the total volume of water remaining in carryover sub-accounts of Cudgegong regulated river (high security) and regulated river (general security) access licences, or
 - (ii) the total volume of water spilt from Windamere Dam water storage when the water level in Burrendong Dam water storage is in the FMZ,
- (d) pursuant to subclause (3) (b) withdrawals from the individual carryover sub-accounts of each Cudgegong regulated river high security and regulated river (general security) access licence shall be determined using the formula, $(TR / TC) \times IC$, where:
- “TR” is the total volume of reduction calculated in subclause (3) (c),
- “TC” is the total volume remaining in carryover sub-accounts of Cudgegong regulated river (high security) and regulated river (general security) access licences, and
- “IC” is the individual volume remaining in carryover sub-accounts of Cudgegong regulated river (high security) and regulated river (general security) access licences,
- (e) water allocations will be withdrawn, under section 85 (5) of the Act, from the carryover sub-accounts of Macquarie regulated river (high security) and regulated river (general security) access licences at the end of each month, when the water level in Burrendong Dam water storage is in the FMZ for all or part of that month,
- (f) for the purposes of subclause (e) water assigned from the carryover sub-account of a Macquarie access licence to a Cudgegong access licence shall be treated as if it were in a carryover sub-account of a Macquarie access licence,
- (g) the total volume of water allocation withdrawn under subclause (3) (e) shall be the lesser of:
- (i) the total volume of water remaining in carryover sub-accounts of Macquarie regulated river (high security) and regulated river (general security) access licences, or
 - (ii) the result of the formula $TI \times TC / (TC + EC)$, where:

“TI” is the total volume of inflow to Burrendong Dam water storage when the water level in Burrendong Dam water storage is in the FMZ,

“TC” is the total volume remaining in carryover sub-accounts of Macquarie regulated river (high security) and regulated river (general security) access licences, and

“EC” is the remaining volume of water carried over in the environmental water allowance from the previous water year, and

- (h) pursuant to subclause (3) (e) withdrawals from the individual carryover sub-accounts of each Macquarie regulated river (high security) and regulated river (general security) access licence shall be determined using the formula, $(TR / TC) \times IC$, where:

“TR” is the total volume of reduction calculated in subclause (3) (g),

“TC” is the total volume remaining in carryover sub-accounts of Macquarie regulated river (high security) and regulated river (general security) access licences, and

“IC” is the individual volume remaining in carryover sub-accounts of Macquarie regulated river (high security) and regulated river (general security) access licences,

- (i) all water allocations shall be withdrawn, under section 85 (5) of the Act, from the AWD sub-accounts of Cudgegong and Macquarie regulated river (high security) and regulated river (general security) access licences, when all water held in carryover sub-accounts of Macquarie regulated river (high security) and regulated river (general security) access licences has been withdrawn under subclause 3.

Note. The result of subclauses (2) and (3) and the available water determination rules in clauses 37 and 38 is that all regulated river (high security) and regulated river (general security) access licence AWD sub-accounts will be recredited to a volume equivalent to 1 megalitre multiplied by the number of unit shares specified in share components when all water held in Macquarie regulated river (high security) and regulated river (general security) access licence carryover sub-accounts has been eliminated. Once this has occurred, all AWD sub-accounts will continue to be recredited to a volume equivalent to 1 megalitre multiplied by the number of unit shares specified in share components whenever the water level in Burrendong water storage re-enters the FMZ in that water year.

[37] Clause 48 (2)

Omit clause 48 (2). Insert instead:

- (2) The maximum volume that may be taken under supplementary water access licences during each period of time to which an announcement applies may be expressed as a number of megalitres per unit share plus any water allocations traded into the account and minus any water allocations traded out of the account.

[38] Clause 48 (4)

Omit clause 48 (4). Insert instead:

- (4) Taking of water under supplementary water access licences shall only be permitted when flows, including any releases from Burrendong Dam FMZ, are in excess of those required:**
- (a) under the environmental water provisions specified in Part 3 of this Plan,
 - (b) to supply domestic and stock rights and native title rights,
 - (c) to supply higher priority access licence requirements, and
 - (d) to provide replenishment flows as specified in clause 59.

[39] Clause 48 (7)

Omit clause 48 (7). Insert instead:

- (7) At the 5 year review of this Plan, the Minister may, under section 45 (1) (b) of the Act vary subclause (5) if it can be demonstrated that there has been no progress on improving the ability to provide regulated flows in excess of 5,000 ML/day at Warren.

[40] Note following clause 49 (1)

Omit the note following clause 49 (1).

[41] Clause 50 Rules relating to constraints within this water source

Omit clause 50. Insert instead:

50 Rules relating to constraints within this water source

- (1) This clause relates to dealings under section 71B, 71D and 71J of the Act and to dealings in respect of water allocation assignments within this water source under section 71G of the Act.
- (2) Any dealing shall be prohibited if it would result in an increase in A + B in the section of Crooked Creek that is within this water source, where:
- (a) A is the total number of unit shares specified in access licences nominating water supply works in that section at that time, and
- (b) B is the total number of megalitres specified in share components of access licences nominating water supply works in that section at that time.
- (3) Any dealing shall be prohibited if it would result in an increase in A + B in the rivers in the Prohibited Area of the Macquarie Marshes as defined in the Macquarie Marshes Water Management Plan 1996, published by the Department of Land and Water Conservation and the National Parks and Wildlife Service, that are within this water source, where:
- (a) A is the total number of unit shares specified in access licences nominating water supply works in those rivers at that time, and
- (21) (b) B is the total number of megalitres specified in share components of access licences nominating water supply works in those rivers at that time.
- (4) Dealings shall be prohibited that assign water to an allocation account of an access licence nominating water supply works in either:
- (a) the section of Crooked Creek that is within this water source, or
- (b) rivers in the Prohibited Area of the Macquarie Marshes as defined in the Macquarie Marshes Water Management Plan 1996, published by the Department of Land and Water Conservation and the National Parks and Wildlife Service that are within this water source.

- (5) Until extraction components for access licences in the section of this water source from Windamere Dam water storage to Burrendong Dam water storage have been amended under clause 47 any dealing that would result in $A + B$ exceeding 40,000 megalitres shall be prohibited, where:
- (a) A is the total number of unit shares in share components of access licences, excluding supplementary water access licences, nominating water supply works in that section multiplied by 1 megalitre, and
 - (b) B is the total number of megalitres in share components of access licences nominating water supply works in that section.
- (6) Until extraction components for access licences in the Gunningbar Creek above Fairview Dam section of this water source have been amended under clause 47, any dealing that would result in $A + B$ exceeding 36,000 megalitres shall be prohibited, where:
- (a) A is the total number of unit shares in share components of access licences, excluding supplementary water access licences, nominating water supply works in that section multiplied by 1 megalitre, and
 - (b) B is the total number of megalitres in share components of access licences nominating water supply works in that section.
- Note.** The 36,000 megalitre volume in subclause (5) includes licences that draw from the Albert Priest Channel as supply to that channel is via Gunningbar Creek.
- (7) Until extraction components for access licences in the Gunningbar Creek below Fairview Dam section of this water source have been amended under clause 47, any dealing that would result in $A + B$ exceeding 1,700 megalitres shall be prohibited, where:
- (a) A is the total number of unit shares in share components of access licences, excluding supplementary water access licences, nominating water supply works in that section multiplied by 1 megalitre, and
 - (b) B is the total number of megalitres in share components of access licences nominating water supply works in that section.
- (8) Until extraction components for access licences in Duck Creek have been amended under clause 47, any dealing that would result in $A + B$ exceeding 5,000 megalitres shall be prohibited, where:
- (a) A is the total number of unit shares in share components of access licences, excluding supplementary water access licences, nominating water supply works in Duck Creek multiplied by 1 megalitre, and
 - (b) B is the total number of megalitres in share components of access licences nominating water supply works in Duck Creek.
- (9) Until extraction components for access licences in Bulgeraga Creek have been amended under clause 47, any dealing that would result in $A + B$ exceeding 33,000 megalitres shall be prohibited, where:
- (a) A is the total number of unit shares in share components of access licences, excluding supplementary water access licences, nominating water supply works in Bulgeraga Creek multiplied by 1 megalitre, and

- (b) B is the total number of megalitres in share components of access licences nominating water supply works in Bulgeraga Creek.
- (10) Any dealing that would result in an increase in the total share component of regulated river (high security) access licence nominating water supply works upstream of Burrendong Dam water storage shall be prohibited if it is assessed by the Minister that the assignment would significantly impact on the reliability of supply to regulated river (general security) access licences in that section of this water source.
- (11) Assignment of water allocations from a supplementary water access licence water allocation account to an access licence of any other access licence category shall be prohibited.
- (12) Assignment of water allocations to a supplementary water access licence water allocation account from an access licence of any other access licence category shall be prohibited.
- (13) On application of the access licence holder, the Minister may cancel a domestic and stock access licence and issue a domestic and stock (domestic only) access licence and a domestic and stock access licence subject to:
 - (a) the sum of the share component volumes of the two new access licences being equal to the share component volume of the cancelled access licence, and
 - (b) the share component volume of the new domestic and stock (domestic only) access licence being able to meet the needs of domestic consumption as defined in section 52 of the Act.
- (14) On application of the access licence holder, the Minister may cancel a domestic and stock (stock only) access licence and issue a regulated river (high security) access licence. The number of unit shares in the regulated river (high security) access licence share component shall be equal to the number of megalitres per year in the share component of the cancelled domestic and stock (stock only) access licence.

[42] Clause 52 Rules for conversion of access licence category

Omit clause 52. Insert instead:

52 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category shall be prohibited except as provided for under this clause.
- (3) On application of the access licence holder, the Minister may cancel a regulated river (general security) access licence, and issue a regulated river (high security) access licence, subject to:
 - (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and

Note. At the commencement of this Plan a separate conversion factor will be applied to each 10,000 megalitres of regulated river (general security) access licence that converts to regulated river (high security) access licence.

- (b) the number of megalitres of water in the regulated river (general security) access licence water allocation account being equal to or greater than the number of unit shares in its share component.

Note. The amount of water in the regulated river (general security) access licence water allocation account which is in excess of the number of unit shares in the share component of the new regulated river (high security) access licence will not be credited to the new regulated river (high security) access licence water allocation account.

- (4) On application of the access licence holder, the Minister may cancel a regulated river (high security) access licence, and issue a regulated river (general security) access licence, subject to:
 - (a) the application of a conversion factor equal to one divided by the conversion factor established in subclause (3), and
 - (b) the total number of unit shares in regulated river (general security) access licence share components not increasing above the total number of unit shares in regulated river (general security) access licence share components at the time of commencement of Part 2 of Chapter 3 of the Act.

Note. This subclause would allow conversion of a regulated river (high security) access licence to a regulated river (general security) access licence only if there had been a corresponding or larger amount of regulated river (general security) access licence share component converted to regulated river (high security) access licence.

[43] Clause 56 (4)

Omit clause 56 (4). Insert instead:

- (4) All domestic and stock access licences, local water utility access licences, regulated river (high security) access licences and regulated river (general security) access licences shall have mandatory conditions that only allow the taking of water if it has been ordered in accordance with procedures established by the Minister.

[44] Clause 56 Mandatory conditions on access licences

Insert the following new subclause:

- (9) All regulated river (high security) (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing and gathering, and for recreational, cultural and ceremonial purposes.

[45] Clause 57 Mandatory conditions on water supply works approvals

Omit clause 57. Insert instead:

57 Mandatory conditions on water supply works approvals

- (1) All approvals for water supply works in this water source shall have mandatory conditions to give effect to the following:
 - (a) flow measurement devices shall be installed and maintained on all works used for extraction of water under an access licence and shall be of a type and shall be maintained in a manner, which is acceptable to the Minister,

- (b) water extraction, property water management infrastructure and cropping details shall be provided on request, in the form and in accordance with procedures established by the Minister, and
 - (c) the taking of water may only occur in accordance with the conditions applying to the access licence from whose water allocation account the taking of water will be debited.
- (2) Subclause (1) does not apply to approvals for water supply works held by StateWater provided such an approval is not nominated by an access licence.
 - (3) All approvals for water supply works in this water source shall have any other conditions required to implement the provisions of this Plan.

[46] Clause 59 Replenishment flows

Insert the following new subclause:

- (5) Whenever possible, inflows entering the water source from tributary streams downstream of Burrendong Dam shall be used to provide replenishment flows required under subclause (2).**

[47] Clause 64 (1) (a)

Omit clause 64 (1) (a). Insert instead:

- (1) Airspace operation of Burrendong Dam shall be undertaken in accordance with the following rules:
 - (a) when not in flood operation, releases from Burrendong Dam FMZ should be made to provide beneficial flooding for the regulated Macquarie River, the Macquarie Marshes, Marebone floodplain and effluent creeks. The sharing and distribution of FMZ releases should be to:
 - (i) the Macquarie River and Macquarie Marshes when flows at Warren are less than 4,000 ML/day,
 - (ii) the Macquarie River and Macquarie Marshes, and Marebone floodplain, then Crooked, Gunningbar and Duck Creeks when flows at Warren are between 4,000 and 12,000 ML/day, and
 - (iii) the Macquarie River and Macquarie Marshes, and Warren floodplain, then Crooked, Gunningbar, Duck, Ewenmar and Beleringar Creeks when flows at Warren are greater than 12,000 ML/day,

[48] Notes following clause 65

Omit the notes following clause 65. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department of Land and Water Conservation.

[49] Clause 66 Changes to this water source

Omit clause 66. Insert instead:

66 Changes to this water source

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may add a river or section of river to this water source or remove a river or section of river from this water source providing that:

- (a) any river or section of river that is added has been declared to be a regulated river by an order published in the Gazette, and
- (b) the Minister is satisfied that there will be no impact on environmental water, or on the available water to any access licences in this water source.

[50] Clause 67 (2)

Omit clause 67 (2). Insert instead:

- (2) The Minister may also under section 45 (1) (b) of the Act and by Order published in the Gazette, amend clause 15 (13) prior to the commencement of the sixth year of this Plan and following completion of a review of the minimum sharing proportions for the two sub-allowances of the environmental water allowance, against the environmental objectives of this Plan and those identified in subclause (3).

[51] Appendix 5 Minister's access licence dealing principles

Omit Appendix 5.

Schedule 4 – *Water Sharing Plan for the Lachlan Regulated River Water Source*

(3) Clause 4 (3)

Omit clause 4 (3). Insert instead:

- (6) The rivers included in this water source may be varied under section 45 (1) (b) of the Act as set out in Part 14 of this Plan.

(4) Clause 15 (1) (d)

Omit clause 15 (1) (d). Insert instead:

- (d) translucent releases under subclause (1) (a) are only to be made when the sum of flows that have passed downstream of Lake Brewster Weir (measured at Brewster Weir) since the 1 June of that year are less than 350,000 megalitres plus the sum of the following over the same period:
- (i) downstream water orders and any losses associated with delivery of these water orders,
 - (ii) replenishment flows to effluent rivers downstream of Lake Brewster Weir and any losses downstream of Lake Brewster Weir associated with delivery of these replenishment flows,
 - (iii) any flow volume downstream of Lake Brewster Weir resulting from airspace releases under clause 65, and
 - (iv) any flow volume downstream of Lake Brewster Weir resulting from releases made pursuant to 15 (2) (c) or 15 (3) (c).

Clause 15 (1) (k)

Omit clause 15 (1) (k). Insert instead:

- (k) subclause (1) (a) may be varied under section 45 (1) (b) of the Act and as set out in Part 14 of this Plan.

(5) Clause 22 Share component of domestic and stock access licences

Omit clause 22. Insert instead:

22 Share component of domestic and stock access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of domestic and stock access licences authorised to extract water from this water source will total 13,100 megalitres per year.

(6) Clause 23 Share component of local water utility access licences

Omit clause 23. Insert instead:

22 Share component of local water utility access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of local water utility access licences authorised to extract water from this water source will total 15,539 megalitres per year.

(7) Clause 24 Share component of regulated river (high security) access licences

Omit clause 24. Insert instead:

24 Share component of regulated river (high security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (high security) access licences authorised to extract water from this water source will total 26,472 unit shares.

(8) Clause 25 Share component of regulated river (general security) access licences

Omit clause 25. Insert instead:

25 Share component of regulated river (general security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (general security) access licences authorised to extract water from this water source will total 592,847 unit shares.

(9) Clause 26 Share component of regulated river (conveyance) access licence

Omit clause 26. Insert instead:

26 Share component of regulated river (conveyance) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (general security) access licences authorised to extract water from this water source will total 17,911 unit shares.

(10) Clause 29 (3)

Omit clause 29 (3) Insert instead:

- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than for access licences of the following kinds:

- (a) local water utility access licences,

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.

- (b) domestic and stock access licences,
- (c) regulated river (high security) (Aboriginal cultural) access licences of up to 10 megalitres per year per application, or
- (d) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a).

(11) Clause 29 (5)

Omit clause 29 (5) Insert instead:

- (5) Subclause (4) does not apply to an application for a new access licence arising from:
 - (a) section 61 (1) (c) of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

(12) Clause 33 (2)

Omit clause 33 (2). Insert instead:

- (2) Pursuant to subclause (1), the maximum volume that may be taken under a regulated river (general security) access licences during any water year shall be reduced, by reducing the value of X referred to in clause 35, if:
 - (a) it has been assessed that the current long-term average annual water extraction from the water source exceeds the long-term extraction limit specified in clause 31 (1) by:
 - (i) 3% of the long-term extraction limit specified in clause 31 (1), or
 - (ii) half the difference between the volume specified in clause 31 (1) (a) and the volume specified in clause 31 (1) (b), or
 - (b) it has been assessed that the current long-term average annual water extraction from the water source exceeds the volume specified in clause 31 (1) (b), or
 - (c) assessments in accordance with clause 32 for 3 consecutive water years indicate that the current long-term average annual water extraction from the water source exceed the long-term extraction limit.

(13) Clause 33 (6)

Omit clause 33 (6). Insert instead:

- (6) If an assessment under clause 32 indicates that current long-term average annual extraction is below the long-term extraction limit by more than 3%, then the maximum annual volume that may be taken under a regulated river (general security) access licences during any water year, may be increased to the degree that it is assessed necessary to return long-term average annual extraction to the long-term extraction limit by increasing the value of X referred to in clause 35.

(14) Clause 35 Limit to the annual volume that may be taken under or assigned from regulated river (general security) access licences

Omit clause 35. Insert instead:

35 Limit to the annual volume that may be taken under or assigned from regulated river (general security) access licences

- (1) The maximum volume that may be taken under a regulated river (general security) access licence during any water year shall be:
 - (a) X megalitres per unit share, where X is determined in accordance with clause 33, subject to the provisions of subclause (2) and subclause (3),
 - (b) plus the volume of water assigned to the access licence account from the A sub-account of any regulated river (general security) access licence during that water year,
 - (c) plus the volume of water assigned to the access licence account from the account of an access licence of any category other than regulated river (general security) during that water year,
 - (d) minus the volume of water assigned from the A sub-account of the access licence to the account of any other access licence.
- (2) X in subclause (1) may not exceed 1 megalitre per unit share
- (3) X in subclause (1) shall be 0.75 megalitres per unit share for the 2004/2005 water year.

(15) Clause 36 (2)

Omit clause 36 (2). Insert instead:

- (2) All available water determinations in this water source shall be expressed as:
 - (a) a percentage of the share component, for all categories of access licence where share components are specified as megalitres per year,
 - (b) megalitres per unit share for all regulated river (high security) access licences and regulated river (conveyance) access licences, and
 - (c) as a volume to be distributed to all regulated river (general security) in proportion to the number of unit shares in the share component of each licence after making allowance for the effect of any water allocation account limits or other relevant provisions in Part 9, Division 2 of this Plan.

(16) Clause 39 Available water determinations for regulated river (high security) access licences

Omit clause 39. Insert instead:

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

- (1) The water supply system shall be managed so that available water determinations for regulated river (high security) access licences of 1 megalitre per unit share can be maintained through a repeat of the worst

period of low inflows to this water source represented in flow information held by the Department.

- (2) Sufficient volumes of water must be set aside from assured inflows into the water source and reserves held in Wyangala Dam water storage or other water storages to provide for subclause (1).
- (3) The available water determination for regulated river (high security) access licences made for the commencement of each water year shall be 1 megalitre per unit share whenever possible.
- (4) If the available water determination made under subclause (3) is less than 1 megalitre per unit share then further assessments of available water resources shall be carried out at least monthly and available water determinations made until the sum of available water determinations for the water year is 1 megalitre per unit share.
- (5) The sum of available water determinations made for regulated river (high security) access licences in any water year shall not exceed 1 megalitre per unit share.
- (6) Available water determinations made for regulated river (high security) access licences must take into account:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) allocations remaining in access licence water allocation accounts from previous available water determinations,
 - (g) water losses associated with the holding and delivery of water to meet the requirements specified in subclauses (a) to (f),
 - (h) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
 - (i) any other relevant matters.

(17) Clause 40 Available water determinations for regulated river (general security) access licences

Omit clause 40. Insert instead:

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

- (1) An available water determination is not to be made for regulated river (general security) access licence holders in any water year until the sum of available water determinations for regulated river (high security) access licences for the water year is equivalent to 1 megalitre per unit share.

- (2) Immediately following the withdrawal of water allocations under clause 47 (7) an available water determination for regulated river (general security) access licences shall be made.

Note. The effect of clause 47 (7) and subclause (2) is that when Wyangala Dam spills, all general security access licence accounts will be equalised. Assessments indicate that when Wyangala Dam is full it should be possible for each general security access licence account to hold 1.36 megalitres per unit share.

- (3) The available water determination for regulated river (general security) access licences shall be based on the volume available after making provision for:
- (a) the environmental water provisions established by this plan,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for local water utility access licences,
 - (f) requirements for regulated river (high security) access licences,
 - (g) requirements for regulated river (conveyance) access licences,
 - (h) allocations remaining in access licence water allocation accounts from previous available water determinations;
 - (i) water losses associated with the holding and delivery of water to meet the requirements identified in subclauses (a) to (g),
 - (j) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
 - (k) any other relevant matters.

(18) Clause 41 Available water determinations for regulated river (conveyance) access licences

Omit clause 41. Insert instead:

41 Available water determinations for regulated river (conveyance) access licences

- (1) Available water determinations for regulated river (conveyance) access licences shall be made for the commencement of each water year and as required, during the water year, to provide a volume of water to licences in this category during the water year that is equal to:
- (a) 0.0558 megalitres per unit share when the sum of available water determinations for regulated river (general security) access licences for the water year is zero megalitres per unit share,
 - (b) 0.0558 megalitres per unit share plus 0.0403 megalitres for each 0.01 megalitres per unit share of total available water determinations made for regulated river (general security) access licences in the water year when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than zero but less or equal to 0.2 megalitres per unit share,

- (c) 0.8620 megalitres plus 0.00172 megalitres for each 0.01 megalitres per unit share of total available water determinations in excess of 0.2 megalitres per unit share made for regulated river (general security) access licences in the water year when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 0.2 megalitres per unit share but less than 1 megalitre per unit share, and
 - (d) 1 megalitre per unit share when the sum of available water determinations for regulated river (general security) access licences for the water year is equal to or greater than 1 megalitre per unit share.
- (2) The Minister may under section 45 (1) (b) of the Act and by notice published in the Gazette vary the provisions of subclause (1) if the Minister considers it is necessary to do so to reflect the actual conveyancing losses experienced by Jemalong Irrigation.

Note. The Available Water Determination rules above reflect the rules that applied to the conveyancing allowance for Jemalong Irrigation limited under the annual water allocation regime which preceded this Plan. Within the first year of the Plan it is expected that either these rules will be adjusted to reflect the actual losses likely to be experienced by Jemalong under the continuous accounting rules in this Plan or the regulated river (conveyance) licence will be converted into a regulated river (general security) access licence and a regulated river (high security) access licence.

(19) Clause 43 Water allocation accounts

Omit clause 43. Insert instead:

43 Water allocation accounts

- (1) In accordance with section 85 of the Act, a water allocation account shall be established for each access licence in this water source.
- (2) The water allocation accounts of all regulated river (general security) access licences shall be comprised of two sub-accounts, referred to hereafter as the A sub-account and the B sub-account.

Note. The A sub-account holds water that may be taken by the licence holder this water year, the B sub-account holds water allocation that may not be taken by the licence holder during the current water year.

(20) Clause 44 Accrual of water allocations

Omit clause 44. Insert instead:

44 Accrual of water allocations

- (1) Water allocations shall be accrued into each access licence water allocation account in accordance with the available water determinations made for the category of the access licence.
- (2) Subject to the provisions of clause 47, water allocations accrued from available water determinations for regulated river (general security) access licences shall:

- (a) be credited to the A sub-account of a regulated river (general security) access licence whenever the total volume placed into that sub-account from available water determinations during the water year is less than $J - K + L$ where:
 - (i) J equals X multiplied by the number of unit shares in the share component of the access licence, where X is as determined under clause 35 (1),
 - (ii) K equals the volume in the A sub-account at the commencement of the water year after any adjustments under clause 47 (3) or 47 (4), and
 - (iii) L equals the volume of carryover withdrawn under clause 47 (7),
- (b) otherwise shall be credited to the B sub-account of a regulated river (general security) access.

(21) Clause 45 Volume taken under access licences

Insert new subclause:

- (3) The water allocations taken under a regulated river (general security) access licences are to be debited to the A sub-account of the access licence.

(22) Clause 46 Accounting of assigned water allocations and return flows

Omit clause 46. Insert instead:

46 Accounting of assigned water allocations and return flows

- (1) Water allocations assigned from a water allocation account under Chapter 3 Part 2 Division 4 of the Act shall be debited from that water allocation account and water allocations assigned to a water allocation account under Chapter 3 Part 2 Division 4 of the Act shall be credited to that water allocation account.
- (2) Water allocations assigned from the A sub-account of a regulated river (general security) access licence to another regulated river (general security) access licence shall be credited to the A sub-account of the receiving access licence.
- (3) Water allocations assigned from the B sub-account of a regulated river (general security) access licence to another regulated river (general security) access licence shall be credited to the B sub-account of the receiving access licence.
- (4) Water allocations assigned to a regulated river (general security) access licence from the account of an access licence of any category which is not permitted to carry over water allocation credits shall be credited to the A sub-account of the access licence.

- (5) Water allocations may also be recredited to access licence water allocation accounts under section 76 of the Act, in accordance with water return flow rules established under section 75 of the Act.
- (6) Unless otherwise specified in the water return flow rules established under section 75 of the Act, water allocations recredited to regulated river (general security) access licences under subclause 5 shall:
 - (a) be recredited to the A sub-account of the access licence where re-crediting occurs in the water year in which the allocations were used, or
 - (b) shall be recredited to the B sub-account of the access licence where re-crediting occurs in a water year subsequent to that in which the allocations were used.

(23) Clause 47 Carrying over of water allocation credits ,water allocation account limits and withdrawal of water allocations.

Omit clause 47. Insert instead:

47 Carrying over of water allocation credits ,water allocation account limits and withdrawal of water allocations.

- (1) Water allocation remaining in the water allocation accounts of local water utility access licences, domestic and stock access licences and regulated river (high security) access licences cannot be carried over from one water year to the next.
- (2) Water allocation remaining in the water allocation accounts of regulated river (general security) access licences may be carried over from one water year to the next.
- (3) If water allocations are carried over under sub-clause (2) and if water allocations in the A sub-account of a regulated river (general security) access licence are in excess of X multiplied by the number of unit shares in the share component of the access licence, where X is as determined under clause 35 (1), then a volume of water allocations equal to the volume of exceedance shall be moved from the A sub-account into the B sub-account.
- (4) If water allocations are carried over under sub-clause (2) and if water allocations in the A sub-account of a regulated river (general security) access licence are less than X multiplied by the number of unit shares in the share component of the access licence, where X is as determined under clause 35 (1), then a volume of water allocations shall be moved from the B sub-account to the A sub-account which is equal to the lesser of :
 - (a) the volume of water allocations in the B sub-account, and
 - (b) the volume which would increase the volume of water allocations in the A sub-account to X multiplied by the number of unit shares in the share component of the access licence, where X is as specified in clause 35 (1).

- (5) The sum of the volume of water allocations held in the A sub-account of a regulated river (general security) access licence plus the volume of water allocations held in the B sub-account of the access licence may not, at any time, exceed 2 megalitres per unit share of the access licence share component.
- (6) The Minister may, under section 45 (1) (b) of the Act and in accordance with clause 69 of this Plan, replace this subclause with rules relating to carrying over of water allocation credits, water allocation account limits and withdrawal of water allocations for regulated river (conveyance) access licences and may further amend the rules if the Minister considers it necessary to do so to reflect the actual conveyancing losses experienced by Jemalong Irrigation.
- (7) Whenever a spill of water from Wyangala Dam occurs and Lake Brewster and Lake Cargelligo are full or will fill from flows already in the water source or its tributaries all water allocations remaining in the water allocation accounts of regulated river (general security) access licences shall be withdrawn.

Note. The effect of subclause (7) and clause 40 (2) is that when Wyangala Dam spills, all general security access licence accounts will be equalised. Assessments indicate that when Wyangala Dam is full it should be possible for each general security access licence account to hold 1.36 megalitres per unit share.

(24) Clause 49 (2) (b)

Omit clause 49 (2) (b). Insert instead:

- (b) the specified rate in the extraction component of each domestic and stock local water utility and regulated river (high security) access licence should be sufficient to satisfy the maximum water needs, and

(25) Note following clause 50 (1)

Omit the note.

(26) Clause 51 (2)

Omit clause 51 (2). Insert instead:

- (2) Any dealing that would result in the total of A plus B plus C exceeding 23,457 is prohibited, where :
- (a) A is the total number of unit shares of regulated river (general security) access licences nominating water supply works on the section of Willandra Creek that is part of this water source multiplied by X, where X is as specified in clause 35 (1),
- (b) B is the total number of unit shares of all other access licences whose share component is specified in unit shares and whose nominated water supply works are on the section of Willandra Creek that is part of this water source, and

- (c) C is the total number of megalitres per year of access licences whose share component is specified in megalitres per year and whose nominated water supply works are on the section of Willandra Creek that is part of this water source.

(27) Clause 51 (3)

Omit clause 51 (3). Insert instead:

- (3) Any dealing that would result in the total of A plus B exceeding the total of A plus B at the commencement of the Plan is prohibited, where :
 - (a) A is the total number of unit shares of access licences whose share component is specified in unit shares and whose nominated water supply works are on the Lachlan River downstream of Booligal, and
 - (b) B is the total number of megalitres per year of access licences whose share component is specified in megalitres per year and whose nominated water supply works are on the Lachlan River downstream of Booligal.

(28) Clause 51 (6)

Omit clause 51 (6). Insert instead:

- (6) A water allocation assignment is prohibited if it would result in $A + B - C - D$ exceeding 31,000 megalitres, where:
 - (a) A is the total volume of water allocations assigned during a water year from the A sub-accounts of regulated river (general security) access licences whose extraction component only permits the taking of water upstream of Lake Cargelligo Weir, to the accounts of access licences whose extraction component only permits the taking of water downstream of Lake Cargelligo Weir,
 - (b) B is the total volume of water allocations assigned during a water year from the accounts of all categories of access licences , other than regulated river (general security) access licences, whose extraction component only permits the taking of water upstream of Lake Cargelligo Weir to the accounts of access licences whose extraction component only permits the taking of water downstream of Lake Cargelligo Weir,
 - (c) C is the total volume of water allocations assigned during a water year from the A sub-accounts of regulated river (general security) access licences whose extraction component only permits the taking of water downstream of Lake Cargelligo Weir, to the accounts of access licences whose extraction component only permits the taking of water upstream of Lake Cargelligo Weir, and
 - (d) D is the total volume of water allocations assigned during a water year from the accounts of all categories of access licences, other than regulated river (general security) access licences, whose extraction component only permits the taking of water downstream of Lake Cargelligo Weir to the accounts of access licences whose extraction component only permits the taking of water upstream of Lake Cargelligo Weir.

(29) Clause 51 (7)

Omit clause 51 (7). Insert instead:

- (7) Subclauses (4), (5) and (6) may be varied under section 45 (1) (b) of the Act and as set out in Part 14 of this Plan.

(30) Clause 51 (8)

Omit clause 51 (8). Insert instead:

- (8) Any water allocation assignment that would result in the total volume of water allocation that may be taken in any water year under access licences nominating water supply works in the section of Willandra Creek that is part of this water source, exceeding 23,457 Megalitres.

(31) Clause 51 (9)

Omit clause 51 (9). Insert instead:

- (9) Any water allocation assignment that would result in the total number of megalitres of water allocation that may be taken in any water year by access licences whose nominated water supply works are on the Lachlan River downstream of Booligal exceeding the total of A plus B at the commencement of the Plan is prohibited, where :
- (a) A is the total number of unit shares of access licences whose share component is specified in unit shares and whose nominated water supply works are on the Lachlan River downstream of Booligal, and
 - (b) B is the total number of megalitres per year of access licences whose share component is specified in megalitres per year and whose nominated water supply works are on the Lachlan River downstream of Booligal.

(32) Clause 51 (10)

Omit clause 51 (10). Insert instead:

- (10) Any dealing that involves the assignment of water allocations held in the B sub-account of a regulated river (general security) access licence to the water allocation account of any other category of access licence is prohibited.

(33) Clause 52 (3)

Omit clause 52 (3). Insert instead:

- (3) Access licences in this water source may be issued following cancellation of access licences in other water sources, only if:
- (a) the access licence dealing rules in the other water source permit such a dealing,

- (b) a conversion factor, established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, has been applied, and
- (c) the other water source is one of the following:
 - (i) a water source within the Lachlan Unregulated Extraction Management Unit, (as defined in the *Water Sharing Plan for the Mandagery Creek Water Source 2003*), or
 - (ii) a regulated river in the Belubula River catchment.

Note. The access licence dealing principles gazetted on 27 December 2002 prohibit a change of water source dealing where the movement is from an unregulated water source to a regulated water source. This means that transfers from unregulated rivers to this water source cannot occur until the prohibition in the dealing principles is lifted.

(34) Clause 53 Rules for conversion of access licence category

Omit clause 53. Insert instead:

53 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is prohibited except as provided for under this clause.
- (3) On application of the access licence holder, the Minister may cancel a regulated river (general security) access licence, and issue a regulated river (high security) access licence, subject to:
 - (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source,

Note. It has been assessed that a conversion factor of 0.45 should apply to the conversion of the first 30,000 unit shares of regulated river (general security) access licence to regulated river (high security) access licence.
 - (b) the number of megalitres of water in the regulated river (general security) access licence water allocation account being equal to or greater than the number of unit shares in its share component, and
 - (c) the volume of water allocations credited to the water allocation account of the new regulated river (high security) access licence water allocation account not exceeding the volume of water allocation held in the A sub-account of the cancelled access licence.

Note. The volume of water in the regulated river (general security) access licence water allocation account which is in excess of the share component volume of the new regulated river (high security) access licence will not be credited to the new regulated river (high security) access licence account.

- (4) On application of the access licence holder, the Minister may cancel a regulated river (high security) access licence, and issue a regulated river (general security) access licence, subject to:
- (a) the application of a conversion factor equal to one divided by the conversion factor established in subclause (3), and
 - (b) such an application not resulting in an increase in the total number of unit shares in regulated river (general security) access licence share components above the total number of unit shares at the time of commencement of Part 2 of Chapter 3 of the Act.
- Note.** This would allow conversion of a regulated river (high security) access licence to a regulated river (general security) access licence only if there had been a corresponding or larger amount of regulated river (general security) access licence share component converted to regulated river (high security) access licence.
- (5) On application of the licence holder, the Minister may cancel a regulated river (conveyance) access licence and issue a regulated river (general security) access licence and/or a regulated river (high security) access licence, subject to:
- (a) the application conversion factors established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
 - (b) where the licence to be issued is a regulated river (high security) access licence, the volume of water in the regulated river (conveyance) access licence water allocation account being equal to or greater than its share component.

(35) Clause 57 Mandatory conditions on access licences

Omit clause 57. Insert instead:

57 Mandatory conditions on access licences

- (1) This Part is made in accordance with section 17 (c) and 20 (2) (e) of the Act.
- Note.** The Minister may impose discretionary conditions at any time on an access licence in accordance with section 66(1)(b) of the Act.
- (2) All access licences in this water source shall have mandatory conditions to give effect to the following:
- (a) the specification of the share component of the access licence,
 - (b) the specification of the extraction component of the access licence including whether extraction is permitted upstream or downstream of Lake Cargelligo Weir,
 - (c) the requirement that extraction under the access licence shall be subject to the available water determinations,

- (d) the requirement that extraction under the access licence shall be subject to the water allocation account management rules established in Part 9 of this Plan,
 - (e) the requirement that water may only be taken by water supply works nominated on the access licence, and
 - (f) any other conditions required to implement the provisions of this Plan.
- (3) All regulated river (general security) access licences, shall have mandatory conditions that require that the taking of water in accordance with the access licence may only occur if the resulting debit shall not exceed the volume of water allocation remaining in the access licence's A sub-account.
- (4) All access licences, other than regulated river (general security) access licences, shall have mandatory conditions that require that the taking of water in accordance with the access licence may only occur if the resulting debit to the access licence account shall not exceed the volume of water allocation remaining in the access licence account.
- (5) All access licences shall have a mandatory condition that facilitates the provisions of clause 49 of this Plan.
- (6) All domestic and stock access licences, local water utility access licences regulated river (high security) access licences and regulated river (general security) shall have mandatory conditions that only allow the taking of water if it has been ordered in accordance with procedures established by the Minister.
- (7) All domestic and stock access licences shall have mandatory conditions that only allow the taking of water for the purpose of domestic consumption or stock watering as defined in section 52 of the Act.
- (8) All local water utility access licences shall have mandatory conditions that only allow the taking of water for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act.
- (9) All regulated river (general security) access licences shall have mandatory conditions to reflect and facilitate application of the provisions of clause 35 of this Plan.
- (10) All regulated river (high security) (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

(36) Clause 58 Mandatory conditions on water supply works approvals

Omit clause 58. Insert instead:

58 Mandatory conditions on water supply works approvals

- (1) All approvals for water supply works in this water source shall have mandatory conditions to give effect to the following:
 - (a) flow measurement devices shall be installed and maintained on all works used for extraction of water under an access licence and shall be of a type and shall be maintained in a manner, which is acceptable to the Minister,
 - (b) water extraction, property water management infrastructure and cropping details shall be provided on request, in the form and in accordance with procedures established by the Minister, and
 - (c) the taking of water may only occur in accordance with the conditions applying to the access licence from whose water allocation account the taking of water will be debited.
- (2) Subclause (1) does not apply to approvals for water supply works held by State Water provided such an approval is not nominated by an access licence.
- (3) All approvals for water supply works in this water source shall have any other conditions required to implement the provisions of this Plan.

(37) Clause 66 Monitoring

Omit the first Note. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the Catchment Management Authorities Act 2003).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

(38) Clause 67 Changes to this water source**Omit clause 67. Insert instead:****67 Changes to this water source**

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may add a river or section of river to this water source or remove a river or section of river from this water source providing that:

- (a) any river or section of river that is added has been declared to be a regulated river by an order published in the Gazette, and
- (b) the Minister is satisfied that there shall be no impact on environmental water, or on the available water to any access licences in this water source.

(39) Clause 68 Amendment of supplementary environmental water rules**Omit clause 68. Insert instead:****68 Amendment of supplementary environmental water rules**

- (1) Clause 15 (1) (a) may be amended under section 45 (1) (b) of the Act.
- (2) Such an amendment is:
 - (a) only to occur following the Minister's consideration of the review under clause 15 (1) (j),
 - (b) only affect the volume of inflows to Wyangala Dam water storage in any calendar year since 1 January that must be exceeded before translucent releases may be made from Wyangala Dam, and
 - (c) may retain or decrease the volume but may not increase the volume.
- (3) Before making an amendment under this clause establish an Advisory Committee under section 388 of the Act.
- (4) The Committee should:
 - (a) make a recommendation to the Minister regarding whether an amendment in accord with clause 15 (2) should occur and, if so, what amendment should be made,
 - (b) provide a report detailing:
 - (i) the environmental, social and economic impacts of options assessed, including the recommended option and the no change option, and
 - (ii) the extent of any consultation with the local community.
- (5) The committee should comprise:
 - (a) a person representing the Department,
 - (b) a person nominated by the Minister for the Environment,
 - (c) 2 persons representing the irrigation industry,
 - (d) 2 persons representing nature conservation interests, and

- (e) a person representing local government,
- (f) a representative of the Aboriginal community, and
- (g) any independent scientists or social or economic experts the Minister believes appropriate.

(40) Clause 69 Regulated River (conveyance) access licence rules

Omit clause 69. Insert instead:

69 Amendment of regulated river (conveyance) access licence rules

- (1) If the Minister considers it is necessary to do so to reflect the actual conveyancing losses likely to be experienced by Jemalong Irrigation under the water accounting rules specified in this Plan the Minister may, under section 45 (1) (b) of the Act:
 - (a) amend the provisions in clause 41 (1) regarding available water determinations for regulated river (conveyance) access licences, and
 - (b) replace clause 47 (6) with provisions relating to:
 - (i) the maximum volume that may, at any time, be held in the accounts of regulated river (conveyance) access licences,
 - (ii) the volume of water allocation that may be carried over from one water year to the next in the water allocation accounts of regulated river (conveyance) access licences, and
 - (iii) the withdrawal of water allocations from the water allocation accounts of regulated river (conveyance) access licences when a spill of water from Wyangala Dam occurs and Lake Brewster and Lake Cargelligo are full or will fill from flows already in the water source or its tributaries.
- (2) Action under subclause (1) should occur within one year of commencement of this Plan.

(41) Clause 70 (1)

Omit clause 70 (1). Insert instead:

- (1) At any time after 1 July 2007, and following the completion of the review, specified in subclause (2) the Minister may, under section 45 (1) (b) of the Act remove or reduce the prohibition on dealings specified in subclauses 51 (4), 51 (5) and 51 (6).

(42) Appendix 5 Minister's access licence dealing principles

Omit Appendix 5.

**Schedule 5 – Water Sharing Plan for the Murrumbidgee Regulated River
Water Source**

[1] Clause 4 (3)

Omit clause 4 (3). Insert instead:

- (7) The rivers included in this water source may be varied under section 45 (1) (b) of the Act as set out in Part 14 of this Plan.

[2] Clause 14 (4)

Omit clause 14 (4). Insert instead:

- (4) From 1 July 2008 a minimum daily flow shall be maintained in the Murrumbidgee River at Balranald, throughout the water year, which cannot be used to meet access licence water requirements or basic landholder rights requirements below Balranald and is calculated using the following formula:

minimum daily flow at Balranald = $300 + (0.4 \times ((95^{\text{th}} \text{ percentile natural daily flow for the month}) - 300))$,

where the “95th percentile natural daily flow” is the computer model generated natural, that is pre-regulation, daily flows for each month, over the entire modelled period, that is exceeded in 95% of days in that month, as calculated using the hydrologic computer model that, at the time, is approved by the Minister for determining natural flows in this water source.

[3] Clause 15 (6) (c) (ii)

Omit clause 15 (6) (c) (ii). Insert instead:

- (ii) if the volume calculated under subclause (5) is greater than 1,000 megalitres and less than 10,000 megalitres, the release shall be the volume calculated under subclause (5) less the sum of:**

- (1) where the daily release balance (hereafter the DRB) volume (as per subclause (23)) is greater than zero, the lesser of 10% of the volume calculated under subclause (5) or the DRB volume, and
- (2) 315 megalitres per day, and

[4] Clause 15 (6) (c) (iii)

Omit clause 15 (6) (c) (iii). Insert instead:

- (iii) if the volume calculated under subclause (5) is greater than, or equal to 10,000 megalitres, the release shall be the volume calculated under subclause (5),

[5] Clause 15 (6) (d)

Omit clause 15 (6) (d). Insert instead:

- (d) the daily release shall be equal to the inflow to the storage over the previous 24 hours or 300 megalitres (whichever is the greater), plus the volume of any water use (other than basic landholder rights use) expected to occur between Burrinjuck Dam and the Tumut River confluence, up to a maximum of 615 megalitres, if either of the following conditions are met:
 - (i) if the release made over each of the previous 10 days has been 450 megalitres, and the release otherwise calculated under subclause (6) would again be 450 megalitres, or
 - (ii) a release was made under subclause (6) (d) (i) over the previous 24 hour period but not the 24 hour period preceding it, and

[6] Clause 15 (6) (e)

Omit clause 15 (6) (e). Insert instead:

- (e) where the volume necessary to supply access licence requirements and other requirements identified in this Plan exceeds the release volume calculated under subclauses (a) to (d), it shall be taken as the release.

[7] Clause 15 (8) (a)

Omit clause 15 (8) (a). Insert instead:

- (a) the EWA1 shall be credited when the sum of available water determinations for regulated river (general security) access licences during the water year and the water carried over in regulated river (general security) access licence water allocation accounts from the previous water year is equivalent to or greater than 0.6 megalitres multiplied by the total number of unit shares specified in regulated river (general security) access license share components,

[8] Clause 15 (9) (a)

Omit clause 15 (9) (a). Insert instead:

- (a) whenever a transparent release from Burrinjuck Dam is made under subclause (6) (b), the EWA2 shall be credited with a volume equal to the lesser of:
 - (i) the inflow to the storage over the previous 24 hours, or
 - (ii) 615 megalitres,
minus 300 megalitres,

[9] Clause 15 (10) (b)

Omit clause 15 (10) (b). Insert instead:

- (b) the EWA3 shall be credited when the sum of available water determinations made for regulated river (general security) access licences plus water carried over in regulated river (general security) access licence water allocation

accounts from the previous water year are equivalent to or greater than 0.8 megalitres multiplied by the total number of unit shares specified in regulated river (general security) access licence share components, and

[10] Clause 15 (18)

Omit clause 15 (18). Insert instead:

(18) The Environmental Water Allowance Reference Group established under subclause (15) should consist of 9 members each with a nominated alternate member representing:

- (a) Nature Conservation Council or its subsequent organisation,
- (b) Murrumbidgee Field Naturalists or its subsequent organisation,
- (c) Murrumbidgee Customer Service Committee (upper river) or its subsequent organisation,
- (d) Murrumbidgee Customer Service Committee (mid river) or its subsequent organisation,
- (e) Lowbidgee League or its subsequent organisation,
- (f) New South Wales Fisheries, or its subsequent organisation
- (g) New South Wales National Parks and Wildlife Service, or its subsequent organisation
- (h) State Water or its subsequent organisation, and
- (i) the Department of Infrastructure Planning and Natural Resources or its subsequent organisation.

[11] Clause 15 (23) (b)

Omit clause 15 (23) (b). Insert instead:

- (b) whenever releases are made under subclause (6) (c) (ii) the DRB volume shall be reduced by 10% of the volume calculated under subclause (5) for the previous 24 hours, until the DRB volume is calculated to be zero, and

[12] Clause 15 (24)

Omit clause 15 (24). Insert instead:

- (24) Pursuant to section 45 (1) (b) of the Act and clause 72 of this Plan, the Minister may amend the supplementary environmental water rules under clause 15 to the extent specified in clause 72.

[13] Note following clause 21

Omit the note following clause 21. Insert instead:

Note. The following clauses in this Part represent the total volumes or unit shares specified in the share components of access licences in this water source. The actual volume of water available at any time will depend on climate, access licence priority and the rules in this Plan.

[14] Clause 24 Share component for regulated river (high security) access licences

Omit clause 24. Insert instead:

24 Share component for regulated river (high security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of regulated river (high security) access licences authorised to extract water from this water source will total approximately 298,021 unit shares.

[15] Clause 25 Share component for regulated river (general security) access licences

Omit clause 25. Insert instead:

25 Share component for regulated river (general security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of regulated river (general security) access licences authorised to extract water from this water source will total approximately 2,043,432 unit shares.

[16] Clause 26 Share component for Murrumbidgee Irrigation (conveyance) access licence

Omit clause 26. Insert instead:

26 Share component for Murrumbidgee Irrigation (conveyance) access licence

At the time of commencement of Part 2 of Chapter 3 of the Act, the share component of the Murrumbidgee Irrigation (conveyance) access licence will be 243,000 unit shares.

[17] Clause 27 Share component for Coleambally Irrigation (conveyance) access licence

Omit clause 27. Insert instead:

27 Share component for Coleambally Irrigation (conveyance) access licence

At the time of commencement of Part 2 of Chapter 3 of the Act, the share component of the Coleambally Irrigation (conveyance) access licence will be 130,000 unit shares.

[18] Clause 28 Share component for supplementary water access licences

28 Share component for supplementary water access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of supplementary water access licences authorised to extract water from this water source will total approximately 220,000 unit shares.

[19] Clause 30 (3)

Omit clause 30 (3). Insert instead:

(3) The Minister should declare and embargo on the making of applications for access licences in this water source, other than for access licences of the following kinds:

(a) local water utility access licences,

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is rapid growth in population.

(b) domestic and stock (domestic only) access licences,

(c) regulated river (high security) (Aboriginal cultural) access licences, subject to the sum of regulated river (high security) (Aboriginal cultural) access licence share components not exceeding 2,150 megalitres per year,

(d) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or

(e) an access licence which will receive water allocations that reflect the volume of water saved as a result of works or other actions taken under the Snowy Water Inquiry Outcomes Implementation Deed.

[20] Clause 30 (5)

Omit clause 30 (5). Insert instead:

(5) Subclause (4) does not apply to an application for a new access licence arising from:

(a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or

(b) an access licence dealing.

[21] Clause 32 (3)

Omit clause 32 (3). Insert instead:

(3) If an access licence is cancelled as part of an arrangement to provide additional water to the Snowy River under the Snowy Water Inquiry Outcomes Implementation Deed the values referred to in subclauses (1) (a) and (1) (b) shall be reduced by a volume which appropriately reflects the licence share of water made available in this water source.

[22] Clause 35 (2)

Omit clause 35 (2). Insert instead:

(2) All available water determinations in this water source shall be expressed as either:

(a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or

- (b) megalitres per unit share for all regulated river (high security) access licences, regulated river (general security) access licences, Murrumbidgee Irrigation (conveyance) access licences, Coleambally Irrigation (conveyance) access licences and supplementary water access licences.

[23] Clause 36 (1)

Omit clause 36 (1). Insert instead:

- (1) The water supply system shall be managed so that available water determinations for domestic and stock access licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to this water source represented in flow information held by the Department.

[24] Clause 37 (1)

Omit clause 37 (1). Insert instead:

- (1) The water supply system shall be managed so that available water determinations for local water utility access licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to this water source represented in flow information held by the Department.

[25] Clause 38 Available water determinations for regulated river (high security) access licences

Omit clause 38. Insert instead:

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

- (3) The water supply system shall be managed so that available water determinations for regulated river (high security) access licences of 0.95 megalitres per unit share can be maintained through a repeat of the worst period of low inflows to this water source represented in flow information held by the Department.
- (4) Sufficient volumes of water must be set aside from assured inflows into this water source and in reserves held in Burrinjuck Dam water storage, Blowering Dam water storage or other water storage to provide for subclause (1).
- (5) The available water determination for regulated river (high security) access licences made for the commencement of each year shall, whenever possible be the greater of:
 - (a) 0.95 megalitres per unit share,
 - (b) 0.01 megalitres per unit share more than the sum of available water determinations for regulated river (general security) access licences when the sum of available water determinations for regulated river (general security) access licences is less than 1 megalitre per unit share, or

- (c) 1 megalitre per unit share when the sum of available water determinations for regulated river (general security) access licences is 1 megalitre per unit share.
- (6) If the sum of available water determinations made under subclause (3) is less than 1 megalitre per unit share, then further available water determinations for regulated river (high security) access licences shall be made at least monthly, if water can be provided to them.
- (7) The available water determinations made under subclause (4) shall provide whenever possible additional water allocations such that the sum of available water determinations for regulated river (high security) access licences for the water year is the greater of:
 - (a) 0.95 megalitres per unit share,
 - (b) 0.01 megalitres per unit share more than the sum of available water determinations for regulated river (general security) access licences when the sum of available water determinations for regulated river (general security) access licences is less than 1 megalitre per unit share, or
 - (c) 1 megalitre per unit share when the sum of available water determinations for regulated river (general security) access licences is 1 megalitre per unit share.
- (8) The sum of available water determinations made for regulated river (high security) access licences in any water year shall not exceed 1 megalitre per unit share.
- (7) Available water determinations made for regulated river (high security) access licences must take into account:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock and native title rights,
 - (c) requirements for domestic and stock access licences,
 - (d) requirements for local water utility access licences,
 - (e) volumes remaining in water accounts from previous available water determinations,
 - (f) water losses associated with holding and delivery of water to meet the requirements specified in subclauses (a) to (e),
 - (g) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
- (i) any other relevant matters.

[26] Clause 39 Available water determinations for regulated river (general security) access licences

Omit clause 39. Insert instead:

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

- (1) An available water determination is not to be made for regulated river (general security) access licences in any water year until the sum of available water determinations for regulated river (high security) access licences for the water year is equivalent to 0.95 megalitres per unit share.
- (4) An available water determination for regulated river (general security) access licences shall be made at the commencement of each water year if water can be provided to them.
- (5) If the available water determination resulting from subclause (2) is less than the percentage specified in subclause (4) then further available water determinations shall be made at least monthly if additional water can be provided.
- (4) The sum of available water determinations for regulated river (general security) access licences in any water year shall not exceed 1 megalitre per unit share, or such lower amount as results from clause 34 (2), (3) or (4).
- (5) Available water determinations made for regulated river (general security) access licences must take into account any relevant operational requirements identified in Part 12 of this Plan and:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock and native title rights,
 - (c) requirements for domestic and stock access licences,
 - (d) requirements for local water utility access licences,
 - (e) requirements for regulated river (high security) access licences,
 - (f) requirements for Murrumbidgee Irrigation (conveyance) access licences,
 - (g) requirements for Coleambally Irrigation (conveyance) access licences,
 - (h) allocations remaining in water accounts from previous available water determinations,
 - (i) water losses associated with holding and delivery of water to meet the requirements specified in subclauses (a) to (h),
 - (j) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
 - (k) any other relevant matters.
- (6) Whenever the sum of available water determinations for regulated river (general security) access licences resulting from subclauses (2) and (3) for that water year is less than or equal to 0.7 megalitres per unit share,

available water determinations made for regulated river (general security) access licences shall also indicate that:

- (a) water may be extracted without debit to regulated river (general security) access licence water allocation accounts whenever access to water by supplementary water access licences is permitted under clause 51,
 - (b) the total amount of water that may be extracted without debit to the water allocation account under subclause (6) (a) in any water year is limited to the equivalent of 0.85 megalitres per unit share minus the sum of available water determinations resulting from subclause (2) and (3) for that year, and
 - (c) if at any time during the water year:
 - (i) the sum of available water determinations for regulated river (general security) access licences resulting from subclause (2) and (3) for that water year is less than 0.85 megalitres per unit share, and
 - (ii) the sum of available water determinations for regulated river (general security) access licences resulting from subclause (2) and (3) for that water year and the total volume of extractions taken under subclause (6) (b) exceed 0.85 megalitres per unit share,
then a volume of water that is equal to the volume of exceedance minus the volume of any previous debits made under this subclause shall be withdrawn from the regulated river (general security) access licence water allocation account.
 - (d) if at any time during the water year the sum of available water determinations for regulated river (general security) access licences resulting from subclause (2) and (3) for that water year increase to greater than 0.85 megalitres per unit share, then a volume of water equal to the volume that has been taken pursuant to subclause (6) (b) less the volume of any previous debits made under this subclause or subclause (6) (c) shall be withdrawn from the regulated river (general security) access licence water allocation account.
- (6) The Minister may under section 45 (1) (b) of the Act and by notice published in the Gazette vary the provisions of subclause (6) following an amendment to the maximum carryover percentages specified in clauses 48 (2) (a) and 48 (3), to maintain the frequency of access to water under subclause (6) that existed prior to the variation.

[27] Clause 40 Available water determinations for Murrumbidgee Irrigation (conveyance) access licences

Omit clause 40. Insert instead:

40 Available water determinations for Murrumbidgee Irrigation (conveyance) access licences

- (1) Available water determinations for Murrumbidgee Irrigation (conveyance) access licence shall be made for the commencement of each water year and as required, during the water year, to provide a total volume of water to licences in this category during the water year that is equal to:
 - (a) 100,000 megalitres plus 1,500 megalitres for each 0.01 megalitre per unit share of available water determinations made for regulated river (general security) access licences in the water year, when the sum of available water determinations for regulated river (general security) access for the water year is less than or equal to 0.6 megalitres per unit share, or
 - (b) 243,000 megalitres when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 0.6 megalitres per unit share.
- (2) The Minister may under section 45 (1) (b) of the Act and by notice published in the Gazette vary the provisions of subclause (1) (a) if the Minister considers it is necessary to do so to reflect the actual losses experienced by Murrumbidgee Irrigation.

[28] Clause 41 Available water determinations for Coleambally Irrigation (conveyance) access licences

Omit clause 41. Insert instead:

41 Available water determinations for Coleambally Irrigation (conveyance) access licences

- (1) Available water determinations for Coleambally Irrigation (conveyance) access licence shall be made for the commencement of each water year and as required, during the water year, to provide a total volume of water to licences in this category during the water year that is equal to:
 - (a) 111,600 megalitres when the sum of available water determinations for regulated river (general security) access for the water year is less than or equal to 0.35 megalitres per unit share,
 - (b) 111,600 megalitres plus 760 megalitres for each 0.01 megalitre per unit share of available water determinations made for regulated river (general security) access licences in the water year when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 0.35 megalitres per unit share but less than 0.4 megalitres per unit share,

- (c) 115,400 megalitres plus 243.3 megalitres for each 0.01 megalitre per unit share of available water determinations made for regulated river (general security) access licences in the water year when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 0.4 megalitres per unit share but less than 1 megalitre per unit share, or
 - (d) 130,000 megalitres when the sum of available water determinations for regulated river (general security) access licences for the water year is equal to 1 megalitre per unit share.
- (2) The Minister may under section 45 (1) (b) of the Act and by notice published in the Gazette vary the provisions of subclause (1) (a), (1) (b) and (1) (c) if the Minister considers it is necessary to do so to reflect the actual losses experienced by Coleambally Irrigation.

[29] Clause 42 Available water determinations for supplementary water access licences

Omit clause 42. Insert instead:

42 Available water determinations for supplementary water access licences

- (1) An available water determination for supplementary water access licences will be made at the commencement of each water year and will define the number of megalitres per unit share that can be taken in that year.
- (2) The available water determination made at the commencement of each water year shall not exceed 1 megalitre per unit share or such lower amount as results from clause 34 (2), (3) or (4).

[30] Clause 45 (2)

Omit clause 45 (2). Insert instead:

- (2) The sum of water allocations credited to a regulated river (general security) access licences account from available water determinations in a water year plus the volume of water carried over from the previous year under clause 48 (2) (a) shall not exceed a volume equal to 1 megalitre multiplied by the number of unit shares specified in the share component.

[31] Clause 48 Account forfeits/limits/carryover

Omit clause 48. Insert instead:

48 Account forfeits/limits/carryover

- (1) Water allocations remaining in the water allocation accounts of domestic and stock access licences, local water utility access licences, regulated river (high security) access licences, and supplementary water access licences cannot be carried over from one water year to the next.

- (2) The following rules shall apply to the management of water allocations in the water allocation accounts of regulated river (general security) access licences:
 - (a) the maximum volume of water allocation that may be carried over in the water allocation account from one water year to the next shall be equal to 0.15 megalitres multiplied by the number of unit shares specified in the share component,
 - (b) the maximum volume that may be credited to an account in any water year from available water determinations shall be equivalent to the maximum sum of available water determinations permitted under clause 39 (4) multiplied by the number of unit shares specified in the share component, minus the volume of water that was carried over in the account from the previous water year, and
 - (c) when the sum of available water determinations to regulated river (general security) access licences is equivalent to or less than 0.7 megalitres per unit share, and access to water by supplementary water access licences is permitted under clause 51 then water extracted by regulated river (general security) access licences will not be debited against their water allocation account in accordance with clause 39 (6).
- (3) The following rules shall apply to the management of water allocations in the water allocation accounts of Murrumbidgee Irrigation (conveyance) access licences and Coleambally Irrigation (conveyance) access licences:
 - (a) the maximum volume of water allocation that may be carried over in the water allocation account from one water year to the next shall be equal to 0.15 megalitres multiplied by the number of unit shares specified in the share component, and
 - (b) the maximum volume that may be credited to an account in any water year from available water determinations shall be the maximum total volume of available water determination permitted under clause 40, in relation to Murrumbidgee Irrigation (conveyance) access licences and clause 41, in relation to Coleambally Irrigation (conveyance) access licences, minus the volume of water that was carried over in the account from the previous water year.
- (4) The Minister may, under section 45 (1) (b) of the Act and by notice published in the Gazette, increase the maximum carryover percentage specified in subclause (2) (a) and (3) up to a maximum of 0.5 megalitres per unit share and or apply different maximum carryover figures for regulated river (general security) access licence water accounts based on different zones within this water source, following the completion of a review of the possible impact associated with such changes.
- (5) The review under subclause (4) should be undertaken within the first three years of this Plan.

[32] Clause 51 (2)

Omit clause 51 (2). Insert instead:

- (2) The maximum volume that may be taken under supplementary water access licences during each period of time to which an announcement applies may be expressed as a number of megalitres per unit share.

[33] Clause 51 (5)

Omit clause 51 (5). Insert instead:

- (5) When the sum of available water determinations for regulated river (general security) access licences in this water source have exceeded 0.7 megalitres per unit share and the sum of water allocations from available water determinations for regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source (as defined in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*) plus water carried over from the previous water year, is less than 0.6 megalitres multiplied by the total number of unit shares specified in share components of regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source then only those flows that cannot be re-regulated in the New South Wales Murray Regulated River Water Source may be made available for extraction by supplementary water access licence holders in this water source.

[34] Clause 51 (6)

Omit clause 51 (6). Insert instead:

- (6) Pursuant to section 45 (1) (b) of the Act and clause 73 this Plan, the Minister may vary the access rules under this clause to the extent specified in clause 73.

[35] Note following clause 52 (1)

Omit the note.

[36] Clauses 53 Rules relating to constraints within a water source

Omit clause 53. Insert instead:

53 Rules relating to constraints within a water source

- (1) This clause relates to dealings under sections 71D, 71F and 71J of the Act and to dealings in respect of water allocation assignments within this water source under section 71G of the Act.
- (2) Dealings are prohibited under this clause if any of the access licences or water allocations involved are not within this water source, unless the dealing is permitted under clause 57.

- (3) A dealing is prohibited that results in a change of location at which share and extraction components of supplementary water access licences can be exercised if the dealing results in a change of location that is not within the same supplementary water access zone, where supplementary water access zones are specified in accordance with procedures established by the Minister.
- (4) Subclause (3) shall not apply if the works nominated by the supplementary water access licence assigning the rights is within 5 kilometres of a supplementary water access zone boundary and the change of location is across that boundary.
- (5) Until such time as extraction components on access licences nominating water supply works in Yanco Creek have been numerically specified, any dealing that results in the sum of A +B exceeding the sum of A + B at the commencement of this Plan, is prohibited, where:
 - (a) A is the total number of unit shares specified in share components of access licences, excluding supplementary water access licences, nominating water supply works in Yanco Creek, and
 - (b) B is the total number of megalitres specified in share components of access licences nominating water supply works in Yanco Creek.
- (6) Assignment of water allocations from a supplementary water access licence water allocation account to licences in any other category of access licence is prohibited.
- (7) Assignment of water allocations to a supplementary water access licence water allocation account from a licence in any other category of access licence is prohibited.
- (8) A dealing is prohibited if the application for assignment of water allocations from a regulated river (high security) access licence water allocation account is received after 1 September in any water year.
- (9) A dealing is prohibited if the application for assignment of water allocations from a regulated river (general security) access licence water allocation account is received after the last day of the month of February in any water year.

[37] Clause 55 Rules for conversion of access licence category

Omit clause 55. Insert instead:

55 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is prohibited except as provided for, under this clause.

- (3) On application of the licence holder, the Minister may cancel a regulated river (general security) access licence, and issue a regulated river (high security) access licence, subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
 - (b) the volume of water in the regulated river (general security) access licence water allocation account being equal to the maximum sum of available water determinations permitted under clause 39 (4) multiplied by the number of unit shares specified in the share component.
- (4) On application of the licence holder, the Minister may cancel a regulated river (high security) access licence, and issue a regulated river (general security) access licence, subject to:
- (a) the application of a conversion factor equal to one divided by the conversion factor established in subclause (3), and
 - (b) such an application not resulting in an increase of total regulated river (general security) access licence share components above the total regulated river (general security) access licence share components at the commencement of this Plan.
- Note.** This would allow conversion of a regulated river (high security) access licence to a regulated river (general security) access licence only if there had been a corresponding or larger amount of regulated river (general security) access licence share component converted to regulated river (high security) access licence.
- (5) On application of the licence holder, the Minister may cancel a Murrumbidgee Irrigation (conveyance) access licence or a Coleambally Irrigation (conveyance) access licence, and issue a regulated river (general security) access licence, subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
 - (b) such an application not resulting in an increase of total regulated river (general security) access licence share components above the total regulated river (general security) access licence share components at the commencement of this Plan.
- (6) On application of the licence holder, the Minister may cancel a Murrumbidgee Irrigation (conveyance) access licence or a Coleambally Irrigation (conveyance) access licence, and issue a regulated river (high security) access licence, subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and

- (b) the volume of water allocation in the relevant Murrumbidgee Irrigation (conveyance) access licence or the Coleambally Irrigation (conveyance) access licence water allocation account being equal to the maximum sum of available water determinations permitted by this Plan multiplied by the number of unit shares specified in the share component.
- (7) On application of the access licence holder, the Minister may cancel a domestic and stock access licence and issue a domestic and stock (domestic only) access licence and a domestic and stock (stock only) access licence, subject to:
 - (a) the sum of the share component volumes of the two new access licences being equal to the share component volume of the cancelled access licence, and
 - (b) the share component volume of the new domestic and stock (domestic only) access licence being able to meet the needs of domestic consumption as defined in section 52 of the Act.
- (8) On application of the access licence holder, the Minister may cancel a domestic and stock (stock only) access licence and issue a regulated river (high security) access licence. The number of unit shares in the regulated river (high security) access licence share component shall be equal to the number of megalitres per year in the share component of the cancelled domestic and stock (stock only) access licence.

[38] Clause 57 Rules for water allocation assignment between water sources

Omit clause 57. Insert instead:

57 Rules for water allocation assignment between water sources

- (1) This clause relates to dealings under section 71G of the Act that result in water allocation assignments between water sources.
- (2) A dealing is prohibited if it would result in a water allocation assignment from an access licence in this water source to an access licence in another water source unless the water source is:
 - (a) the New South Wales Murray Regulated River Water Source, or
 - (b) the Lower Darling Regulated River Water Source, or
 - (c) the Snowy River Water Source.
- (3) A dealing is prohibited if it would result in a water allocation assignment to an access licence in this water source from an access licence in another water source unless the water source is:
 - (a) the New South Wales Murray Regulated River Water Source, or
 - (b) the Lower Darling Regulated River Water Source.
- (4) A dealing which would be permitted by subclause (2) (a), (2) (b) or (3) is prohibited if, in the opinion of the Minister the supply of the volume of water allocation to the receiving access licences is not physically possible.

- (5) A dealing which would be permitted by subclause (2) or (3) is prohibited if, in the opinion of the Minister there is more than minimal likelihood that environmental water, domestic and stock rights, native title rights and the reliability of supply to all access licences in this water source will be effected.
- (6) A dealing which would be permitted by subclause (2) (a), (2) (b) or (3) is prohibited if the application for assignment of water allocation is received after 31 January in any water year.

[39] Clause 59 (9)

Omit clause 59 (9). Insert instead:

- (9) All regulated river (high security) (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[40] Clause 59 Mandatory conditions on access licences

Insert the following new subclause:

- (10) All access licences shall have any other mandatory conditions required to implement the provisions of this Plan.

[41] Clause 60 Mandatory conditions on water supply works approvals

Omit clause 60. Insert instead:

60 Mandatory conditions on water supply works approvals

- (1) All approvals for water supply works in this water source shall have mandatory conditions to give effect to the following:
 - (a) flow measurement devices shall be installed and maintained on all works used for extraction of water under an access licence and shall be of a type and shall be maintained in a manner, which is acceptable to the Minister,
 - (b) water extraction, property water management infrastructure and cropping details shall be provided on request, in the form and in accordance with procedures established by the Minister, and
 - (c) the taking of water may only occur in accordance with the conditions applying to the access licence from whose water allocation account the taking of water will be debited.
- (2) Subclause (1) does not apply to approvals for water supply works held by StateWater provided such an approval is not nominated by an access licence.
- (3) All approvals for water supply works in this water source shall have any other conditions required to implement the provisions of this Plan.

[42] Clause 62 (2)

Omit clause 62 (2). Insert instead:

- (2) Each water year, the PSV1 shall be credited with water as it becomes available according to:
 - (a) when the sum of water allocations from available water determinations for regulated river (general security) access licences plus water allocations carried over in the water allocation accounts of regulated river (general security) access licences from the previous water year are equivalent to or greater than 0.6 megalitres multiplied by the total number of unit shares specified in share components of regulated river (general security) access licences, and provision has been made for the volume determined under clause 15 (8) for the EWA1, the next 25,000 megalitres of water available shall be credited to the PSV1 prior to any further resources being made available to regulated river (general security) access licences, and
 - (b) when the sum water allocations from available water determinations for regulated river (general security) access licences plus water allocations carried over in the water allocation accounts of regulated river (general security) access licences from the previous water year are equivalent to or greater than 0.8 megalitres multiplied by the total number of unit shares specified in share components of regulated river (general security) access licences, and provision has been made for the volume determined under clause 15 (10) to be credited to the EWA3, 8,750 megalitres shall be credited to the PSV1 for every additional 0.01 megalitre per unit share of available water determination made for regulated river (general security) access licences,

[43] Clause 62 (4) (a)

Omit clause 62 (4) (a). Insert instead:

- (a) when the sum of water allocations from available water determinations for regulated river (general security) access licences plus water allocations carried over in the water allocation accounts of regulated river (general security) access licences from the previous water year are equivalent to or greater than 0.8 megalitres multiplied by the total number of unit shares specified in share components of regulated river (general security) access licences and provision has been made for the volumes of water determined in clause 15 (10) for the EWA3 and subclause (2) for the PSV1, any additional water shall be credited to the PSV2, up to the volume that was forfeited at the end of the previous water year, prior to any further resources being made available to regulated river (general security) access licences,

[44] Clause 62 (4) (d)

Omit clause 62 (4) (d). Insert instead:

- (d) from 1 November, when the sum of water allocations from available water determinations for regulated river (general security) access licences plus water allocations carried over in the water allocation accounts of regulated river (general security) access licences from the previous water year are equivalent to or greater than 0.8 megalitres multiplied by the total number of unit shares specified in share components of regulated river (general security) access licences and provision has been made for the volumes of water determined in clause 15 (10) for the EWA3 and subclause (2) for the PSV1, any additional water shall be credited to the PSV2 prior to any further resources being made available to regulated river (general security) access licences,

[45] Clause 62 (4) (e)

Omit clause 62 (4) (e). Insert instead:

- (e) the PSV2 shall be credited under subclause (d) to a maximum limit which is the sum of water calculated under clause 15 (10) (a) that has not been credited to the EWA3 in that water year and any water calculated under clause 15 (10) (a) that has not been credited to the EWA3 in the preceding water year,

[46] Clause 62 (5)

Omit clause 62 (5). Insert instead:

- (5) Pursuant to section 45 (1) (b) of the Act and clause 72 of this Plan, the Minister may amend the provisional storage volume rules under this clause to the extent specified in clause 72.

[47] Clause 69 (2) (a)

Omit clause 69 (2) (a). Insert instead:

- (a) the sum of water allocations from available water determinations to regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source (as defined in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*) plus any water carried over in those water allocation accounts from the previous water year is less than 0.6 megalitres multiplied by the total number of unit shares specified in share components of regulated river (general security) access licences in that water source, and

[48] Clause 69 (4)

Omit clause 69 (4). Insert instead:

- (4) Pursuant to section 45 (1) (b) of the Act and clause 73 of this Plan, the Minister may vary clause 69 to the extent specified in clause 73.

[49] Notes following clause 70

Omit the notes following clause 70. Insert instead:

Note. Review & Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51 (5) of the Act, the implementation program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program will be included in the annual report for the Department of Land and Water Conservation.

[50] Clause 71 Changes to this water source

Omit clause 71. Insert instead:

71 Changes to this water source

The Minister may, under section 45 (1) (b) of the Act and by notice published in the Gazette, add a river or section of river to this water source or remove a river or section of river from this water source providing that:

- (a) any river or section of river that is added has been declared to be a regulated river by an Order published in the Gazette, and
- (b) the Minister is satisfied that there will be no impact on environmental water or on the available water to any access licences in this water source.

[51] Clause 72 (1)

Omit clause 72 (1). Insert instead:

- (1) The Minister may, under section 45 (1) (b) of the Act and by notice published in the Gazette amend the supplementary environmental water rules under clause 15 and the provisional storage volume rules under clause 62 following completion of a review of the provisions under clauses 15 and 62 against the objectives of this Plan and those identified in subclause (2).

[52] Clause 72 (7)

Omit clause 72 (7). Insert instead:

- (7) The review under subclause (1) shall be undertaken before 1 July 2005.

[53] Clause 73 (1)

Omit clause 73 (1). Insert instead:

- (1) The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may vary:
 - (a) the rules for permitting access to flows by supplementary water access licences specified in clause 51, following a review of the environmental impact associated with the extraction of water by supplementary water access licences, and

- (b) the rules for permitting access to flows by the Lowbidgee Flood Control and Irrigation District specified in clause 69, following gazettal of a water management plan including the Lowbidgee Flood Control and Irrigation District and associated areas.

[54] Clause 74 Other amendment of this Plan

Omit clause 74. Insert instead:

74 Other amendments of this Plan

This Plan can be amended in accordance with the following clauses of this Plan:

- (a) clause 40 (2) in respect to available water determinations for Murrumbidgee Irrigation (conveyance) access licence,
- (b) clause 41 (2) in respect to available water determinations for Coleambally Irrigation (conveyance) access licence,
- (c) clause 48 (4) in respect to regulated river (general security) access licence, Murrumbidgee Irrigation (conveyance) access licence and Coleambally Irrigation (conveyance) access licence water allocation account maximum carryover percentage, and
- (d) clause 39 (7) in respect to when water may be extracted and the total amount that may be extracted without debit to the water allocation account.

[55] Appendix 1 Rivers and lakes within this water source

Omit Appendix 1. Insert instead:

Appendix 1 Rivers and lake within this water source

At the commencement of this Plan the Murrumbidgee Regulated River Water Source includes the following rivers and lakes:

- (1) Adelong Creek, that part which adjoins the generally northwestern boundary of portion 113 REM., Parish of Willie Ploma, County of Wynyard.
- (2) Back Creek from its confluence with unnamed watercourse within portion 73, Parish of Uroly, County of Boyd, to its confluence with Pine Watercourse and Washpen Creek within portion 72, Parish of Uroly, County of Boyd.
- (3) Beavers Creek.
- (4) Billabong Creek from its junction with Colombo Creek to its confluence with the Edward River.
- (5) Billabong Creek upstream from its confluence with Colombo Creek to the concrete dam situated between portion 63, Parish of Cocketgedong and portion 24, Parish of Nowranie both in the County of Urana.
- (6) Bombowlee Creek from its confluence with the Tumut River within Portion 199, parish of Killimicat, County of Buccleuch, to its intersection with the northern boundary of the road between the aforesaid portion and Portion 75, Parish of Mundongo, County of Buccleuch.

- (7) Bullenbong Creek from its junction with Old Man Creek to a point 305 metres upstream.
- (8) Bundidgerry Creek from western boundary of portion 67, Parish of Berrembed, County of Bourke, downstream to western boundary of portion 253, Parish of Narrandera, County of Cooper.
- (9) Colombo Creek from its offtake from Yanco Creek to its confluence with Billabong Creek.
- (10) Coonooncoocabil Lagoon, County of Cooper.
- (11) Cowabbie Creek from the western boundary of portion 224, Parish of Berrembed, County of Bourke, downstream to its confluence with Bundidgerry Creek.
- (12) Cuddell Creek from the intersection point of creek bank and the common boundary between portions 4 and 5, Parish of Cuddell, County of Mitchell, to its confluence with Yanco Creek.
- (13) Eringowarra Creek from its effluence with the Murrumbidgee River within portion 20, Parish of Bilda, County of Clarendon, downstream to a point 100 metres south of portion 18, within portion 34, parish of Bilda, County of Clarendon.
- (14) Forest Creek from its offtake from Billabong Creek within T.S.R. 30139, Parish of Thulabin, County of Townsend downstream to Warriston Weir.
- (15) Killimicat Creek from its junction with Nimbo Creek downstream to its junction with Brungle Creek.
- (16) Island Creek offtaking from the Murrumbidgee River between portions 138 and 139, Parish of Tenandra, County of Clarendon.
- (17) Island Lagoon in its entirety from its common effluence/confluence with the Murrumbidgee River, located within portion 209, Parish of Tooyal, County of Bourke.
- (18) Murrumbidgee River from Taemas Bridge with the storage of Burrinjuck Dam downstream to the Murray River.
- (19) Nimbo Creek.
- (20) Nowranie Creek upstream from its confluence with Billabong Creek to the concrete dam situated within portion 27, Parish of Nowranie, County of Urana.
- (21) Old Man Creek.
- (22) Sheepwash Creek from its confluence with Billabong Creek within portion 49, Parish of Wanganella, County of Townsend, upstream to its intersection with the eastern boundary of said portion, parish and county.
- (23) Tumut River from the upper limit of the storage of Blowering Dam downstream to the Murrumbidgee River.
- (24) Unnamed watercourse (known locally as "The Washaway") offtaking from the Tumut River within portion 40, Parish of Blowering, County of Buccleuch.
- (25) Unnamed watercourse offtaking from the Murrumbidgee River within portion 21, Parish of Borambula, County of Wynyard, to its confluence with the Murrumbidgee River within portion 102, Parish of Borambula, County of Wynyard.

- (26) Unnamed watercourse offtaking from the Murrumbidgee River in portion 39, Parish of Mundarlo, County of Wynyard, downstream to its confluence with the Murrumbidgee River.
- (27) Unnamed watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd.
- (28) Unnamed watercourse offtaking at two points from the Murrumbidgee River within portion 136, Parish of Tenandra, County of Clarendon.
- (29) Unnamed watercourse formerly offtaking from a bend in the Murrumbidgee River within portion 13, Parish of Burt, County of Boyd and now cut off from a supply by construction of Gogeldrie Weir. Alternative supply is now obtained from diversion works constructed by the Crown in the form of a cutting and regulator offtaking from the pool of this weir in portion 8 of the said parish.
- (30) Unnamed lagoon and unnamed watercourse located within portions 38, 15 and C.R. 482, Parish of Bundidgerry, County of Cooper.
- (31) Unnamed watercourse connection an unnamed lagoon with Bundidgerry Creek within C.R. 482, Parish of Bundidgerry, County of Cooper.
- (32) Unnamed lagoon, from its upstream effluence to its downstream confluence with Colombo Creek both located adjacent to Morundah Racecourse all within Reserve 67478, Parish of Waugh, County of Urana.
- (33) Unnamed watercourse, from its confluence with Yanco Creek within portion 22, Parish of Moonbria, County of Townsend, to the earth dam located 158 metres upstream within portion 3, Parish of Moonbria, County of Townsend.
- (34) Unnamed watercourse offtaking from Yanco Creek within portion 159, Parish of Bundure, County of Urana, to its upper limits within portion 58, Parish of Douglas, County of Urana.
- (35) Unnamed watercourse from its offtake from an unnamed watercourse within portion 57, Parish of Douglas, County of Urana, and traversing portions 58, 61 and 156, Parish of Douglas, County of Urana.
- (36) Unnamed watercourse (artificially improved), from its confluence with Yanco Creek within WR 1630 adjacent to portion 73, Parish of Uroly, County of Boyd, to its confluence with Back Creek within said portion.
- (37) Unnamed watercourse from its offtake from Colombo Creek within Reserve 1631, east of Portion 127, Parish of Bingagong, County of Urana, downstream to its confluence with Yanco Creek within Portion 114, Parish of Bingagong, County of Urana.
- (38) Unnamed watercourse from its junction with Yanco Creek, within Reserve 1630, fronting Portion 128, Parish of Uroly, County of Boyd, to its junction with another unnamed watercourse within Portion 132, Parish of Uroly, County of Boyd, at a point approximately 870 metres east from the western boundary and 50 metres south from the northern boundary of the said portion.
- (39) Uri Creek from its junction with the Unnamed Watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd, downstream to its confluence with the Murrumbidgee River.

- (40) Washpen Creek from its confluence with Pine Watercourse and Back Creek within portion 72, Parish of Uroly, County of Boyd to its confluence with Pine Watercourse and Woolshed Creek within the Road Reserve located between portions 163 and 176, Parish of Howell, County of Boyd.
- (41) Woolshed Creek from its confluence with Pine Watercourse and Washpen Creek within Road Reserve between portions 163 and 176, Parish of Howell, County of Boyd, to its confluence with Yanco Creek within WR 1684 adjacent to portion 142, Parish of Howell, County of Urana.
- (42) Yanco Creek from its offtake from the Murrumbidgee River to its confluence with Billabong Creek.

The Plan also applies to the off take structures at Maude Weir and Redbank Weir, which divert water to the Lowbidgee Flood Control and Irrigation District.

Lowbidgee Flood Control and Irrigation District receives flows from the regulated Murrumbidgee River system but does not form part of the water source. The internal sharing of water within the Lowbidgee FC&ID is not addressed in this Plan. The Forest Creek below Warriston Weir and its effluents receive flows from the regulated Murrumbidgee River system but also do not form part of the water source, and the water sharing arrangements in these rivers are not addressed in this Plan.

[56] Appendix 5 Minister's access licence dealing principles

Omit Appendix 5.

Schedule 6 - Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources

[1] Clause 1 Name of plan

Omit clause 1. Insert instead:

1 Name of Plan

This Plan is the Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003 (hereafter *this Plan*).

[2] Clause 4 (4)

Omit clause 4 (4). Insert instead:

- (4) The rivers included in these water sources may be varied under section 45 (1) (b) of the Act as set out in Part 14.

[3] Clause 15 (5) (a)

Omit clause 15 (5) (a). Insert instead:

- (a) 50,000 ML multiplied by the number of megalitres in an available water determination made for regulated river (high security) access licences in the Murray Water Source, minus the volume of the Barmah-Millewa Overdraw released in the preceding water year under subclause (7), whenever the available water determination made for regulated river (high security) access licences at the commencement of each water year is less than 0.97 megalitres per unit share,

[4] Clause 15 (5) (b)

Omit clause 15 (5) (b). Insert instead:

- (b) 50,000 ML, minus the volume of the Barmah-Millewa Overdraw released in the preceding water year under subclause (7), whenever the available water determination made for regulated river (high security) access licences at the commencement of each water year is equal to or greater than 0.97 megalitres per unit share,

[5] Clause 15 (12)

Omit clause 15 (12). Insert instead:

- (12) Water is to be taken from the Barmah-Millewa Allowance and made available to Murray Water Source regulated river (general security) access licences whenever the total volume of water allocation provided by available water determinations made for Murray Water Source regulated river (general security) access licences during the current water year is less than a volume that is equal to 0.3 megalitres multiplied by the total number of unit shares specified in share components of all Murray Water Source regulated river (general security) access licences.

[6] Clause 15 (13)**Omit clause 15 (13). Insert instead:**

- (13) The volume of water taken from the Barmah-Millewa Allowance under subclause (12) shall be the lesser of:
- (a) the volume necessary to permit further available water determinations to Murray Water Source regulated river (general security) access licence accounts such that the total referred to in subclause (12) is equal to 0.3 megalitres multiplied by the total number of unit shares specified in share component of all Murray Water Source regulated river (general security) access licences, and
 - (b) the volume in the Barmah-Millewa Allowance.

[7] Clause 15 (14)**Omit clause 15 (14). Insert instead:**

- (14) Once the total referred to in subclause (12) has reached a volume that is equal to 0.3 megalitres multiplied by the total number of unit shares specified in share components of all Murray Water Source regulated river (general security) access licences, no further available water determinations are to be made for Murray Water Source regulated river (general security) access licences during the water year until the Barmah-Millewa Allowance has been credited with a volume equivalent to that taken from it under subclause (12).

[8] Clause 15 (15)**Omit clause 15 (15). Insert instead:**

- (15) If sufficient water has not become available to allow credits to the Barmah-Millewa Allowance under subclause (14) that are equivalent to the volume taken from it under subclause (12), then the Barmah-Millewa Allowance is to be credited the difference between the volumes taken and the volumes credited prior to making an available water determination in any succeeding year that would bring the total volume of water allocation provided by available water determinations made for Murray Water Source regulated river (general security) access licences during the water year, to more than the equivalent of 0.3 megalitres multiplied by the total number of unit shares specified in share components of all Murray Water Source regulated river (general security) access licences.

[9] Clause 15 (16)**Omit clause 15 (16). Insert instead:**

- (16) The rules relating to the Barmah-Millewa Allowance and Barmah Millewa Overdraw in subclauses (8) to (15) may be varied under section 45 (1) (b) of the Act as set out in Part 14 of this Plan.

[10] Clause 15 (21)

Omit clause 15 (21). Insert instead:

- (21) Subclauses (22) to (26) establish supplementary environmental water rules relating to the management of the New South Wales' Murray Regulated River Water Source Additional Environmental Allowance (hereafter *the Murray AEA*).

[11] Clause 15 (22)

Omit clause 15 (22). Insert instead:

- (22) The maximum credit that may be held in the Murray AEA at any time shall be equal to 0.15 megalitres multiplied by the total number of unit shares specified in the share components of regulated river (high security) access licences.

[12] Clause 15 (23)

Omit clause 15 (23). Insert instead:

- (23) Subject to clause (22), the Murray AEA shall be credited with a volume equivalent to 0.03 megalitres multiplied by the total number of unit shares specified in the share components of Murray Water Source regulated river (high security) access licences at the end of any water year when the sum of available water determinations to Murray Water Source regulated river (high security) access licences for the water year has not exceeded 0.97 megalitres per unit share.

[13] Clause 15 Supplementary environmental water

Insert new subclause:

- (26) All volume credited to the Murray AEA shall be forfeited whenever Hume Dam water storage fills or water is pre-released from Hume Dam for flood management purposes.

[14] Clause 16 (3)

Omit clause 16 (3). Insert instead:

- (3) The following licences shall be granted to and held by the Ministerial Corporation, committed as adaptive environmental water and made subject to the relevant mandatory condition set out in Part 11 of this Plan:
- (a) a regulated river (conveyance) access licence with a share component of 30,000 unit shares, and.
 - (b) a regulated river (high security) access licence with a share component of 2,027 unit shares.

Note. The licence referred to in subclause (3) (a) is a consequence of the Murray Irrigation Limited privatisation arrangements and the licence in (3) (b) is the result of water savings resulting from works installed to regulate inflows to Moira Lake.

[15] Clause 18 (4)

Omit clause 18 (4). Insert instead:

- (4) The water supply system in the Murray water source shall be managed so that it would be capable of maintaining supply to those exercising domestic and stock rights through a repeat of the worst period of low inflows to each water source for which flow information is held by the Department.

[16] Clause 19 (4)

Omit clause 19 (4). Insert instead:

- (4) The water supply system in the Murray water source shall be managed so that it would be capable of maintaining supply to those exercising native title rights through a repeat of the worst period of low inflows to each water source for which flow information is held by the Department.

[17] Clause 22 Share component of domestic and stock access licences

Omit clause 22. Insert instead:

22 Share component of domestic and stock access licences

- (1) It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of domestic and stock licences authorised to extract water from the Murray Regulated River Water Source will total 14,518 ML/yr.
- (2) It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of domestic and stock licences authorised to extract water from the Lower Darling Regulated River Water Source will total 601 ML/yr.

[18] Clause 23 Share components of local water utility licences

Omit clause 23. Insert instead:

23 Share component of local water utility access licences

- (1) It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of local water utility access licences authorised to extract water from the Murray Regulated River Water Source will total 33,336 ML/yr.

Note. Subclause (1) does not include local water utility access licence entitlements for the towns of Berrigan, Finley, Wakool and Bunaloo which total 3,828 ML. These licensed requirements are met from water supplies delivered to Murray Irrigation Limited.

- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of local water utility access licences authorised to extract water from the Lower Darling Regulated River Water Source will total 10,160 ML/yr.

[19] Clause 24 Share component of regulated river (high security) access licences

Omit clause 24. Insert instead:

24 Share component of regulated river (high security) access licences

- (1) It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (high security) access licences authorised to extract water from the Murray Regulated River Water Source will total 198,011 unit shares.
- (2) It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (high security) access licences authorised to extract water from the Lower Darling Regulated River Water Source will total 7,999 unit shares.

[20] Clause 25 Share component of regulated river (conveyance) access licences

Omit clause 25. Insert instead:

25 Share component of regulated river (conveyance) access licences

It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (conveyance) access licences authorised to extract water from the Murray Regulated River Water Source will total 330,000 unit shares.

Note. The 330,000 unit shares are a consequence of the Murray Irrigation Limited losses provisions. Murray Irrigation Limited will receive 300,000 unit shares and 30,000 unit shares will become share component of the adaptive environmental regulated river (conveyance) access licence referred to in subclause 16 (3).

[21] Clause 26 Share component of regulated river (general security) access licences

Omit clause 26. Insert instead:

26 Share component of regulated river (general security) access licences

- (1) It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (general security) access licences authorised to extract water from the Murray Regulated River Water Source will total 1,670,508 unit shares.
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (general security) access licences authorised to extract water from the Lower Darling Regulated River Water Source will total 30,288 unit shares.

[22] Clause 27 Share component of regulated river supplementary water access licences

Omit clause 27. Insert instead:

27 Share component of supplementary water access licences

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of supplementary water access licences authorised to access water from the Murray Regulated River Water Source will total 250,000 unit shares.
- (2) It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of supplementary water access licences authorised to access water from the Lower Darling Regulated River Water Source will total 250,000 unit shares.

[23] Clause 29 (3)

Omit clause 29 (3). Insert instead:

- (3) The Minister should declare an embargo on the making of applications for access licences in these water sources, other than for access licences of the following kinds:

- (a) local water utility access licences,

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is rapid growth in population.

- (b) domestic and stock (domestic only) access licences,
- (c) access licences issued as part of alternative arrangement which replace the replenishment flow provision relating to the Great Anabranch, in clause 60 of this Plan,
- (d) an access licence required to satisfy subclause 16 (3) of this Plan,
- (e) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act,
- (f) regulated river (high security) (Aboriginal cultural) access licences up to 10 ML/yr per application,
- (g) a regulated river (high security – research) access licence for water supply for research purposes, provided that such research is under taken by an organisation approved by the Minister as an accredited research body, and
- (h) an access licence which will receive water allocations that reflect the volume of water saved as a result of works or other actions taken under the Snowy Water Inquiry Outcomes Implementation.

[24] Clause 29 (5)

Omit clause 29 (5). Insert instead:

- (5) Subclause (4) does not apply to an application for a new access licence arising from:
 - (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process,

- (b) an access licence dealing, or
- (c) subclauses (3) (c) or (3) (d).

[25] Clause 31 (3)

Omit clause 31 (3). Insert instead:

- (3) If an access licence is cancelled as part of an arrangement to provide additional water to the Snowy River under the Snowy Water Inquiry Outcomes Implementation Deed the values referred to in subclauses (1) (a) and (1) (b) shall be reduced by a volume which appropriately reflects the licence share of water made available in this water source.

[26] Clause 34 (2)

Omit clause 34 (2). Insert instead:

- (2) All available water determinations in these water sources shall be expressed as either:
 - (a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or
 - (b) megalitres per unit share for all regulated river (high security) access licences, regulated river (general security) access licences and supplementary water access licences..

[27] Clause 35 Available water determinations for domestic and stock access licences

Omit clause 35. Insert instead

35 Available water determinations for domestic and stock access licences

- (1) The water supply system in the Murray Water Source shall be managed so that available water determinations for domestic and stock access licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to the Murray Water Source represented in flow information held by the Department.
- (2) Sufficient volumes of water must be set aside from the New South Wales share of assured inflows into the Murray Water Source and in reserves held by New South Wales in water storages to provide for subclause (1).
- (3) The available water determination for domestic and stock access licences made for the commencement of each water year in each water source shall be 100% of share components, whenever possible.
- (4) The sum of available water determinations made for domestic and stock access licences in each water source in any year shall not exceed 100% of share components.
- (5) This Plan recognises that the water requirement of domestic and stock access licences in each water source may increase during the term of this Plan as a result of clause 29.

- (6) The volumes of water set aside from the New South Wales share of assured inflows into the Murray Water Source and in reserves held by New South Wales in water storages shall be adjusted as required over the course of this Plan, if necessary to do so to ensure subclause (1) is satisfied.

[28] Clause 36 Available water determinations for local water utility access licences

Omit clause 36. Insert instead

36 Available water determinations for local water utility access licences

- (1) The water supply system in the Murray Water Source shall be managed so that available water determinations for local water utility access licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to the Murray Water Source represented in flow information held by the Department.
- (2) Sufficient volumes of water must be set aside from the New South Wales share of assured inflows into the Murray Water Source and in reserves held by New South Wales in water storages to provide for subclause (1).
- (3) The available water determination for local water utility access licences made for the commencement of each water year in each water source shall be 100% of share components, whenever possible.
- (4) The sum of available water determinations made for local water utility access licences in each water source in any year shall not exceed 100% of share components.
- (5) This Plan recognises that the water requirement of local water utility access licences in each water source may increase during the term of this Plan in accordance with clause 29 and section 66 of the Act.
- (6) The volumes of water set aside from the New South Wales share of assured inflows into the Murray Water Source and in reserves held by New South Wales in water storages shall be adjusted as required over the course of this Plan if necessary to ensure subclause (1) is satisfied.

[29] Clause 37 Available water determinations for regulated river (high security) access licences

Omit clause 37. Insert instead

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

- (1) The water supply system of the Murray Water Source shall be managed so that available water determinations for regulated river (high security) access licences of 0.97 megalitres per unit share can be maintained through a repeat of the worst period of low inflows to the Murray Water Source represented in flow information held by the Department.

- (2) Sufficient volumes of water must be set aside from the New South Wales share of assured inflows into the Murray Regulated River water source and in reserves held by New South Wales in water storages to provide for subclause (1).
- (3) The sum of available water determinations for regulated river (high security) access licences in the Murray Water Source for each water year shall be:
 - (a) 0.97 megalitres per unit share, whenever the sum of available water determinations for regulated river (general security) access licences in the Murray Water Source for the water year is less than 0.97 megalitres per unit share, or
 - (b) 1 megalitre per unit share, whenever the available water determinations for regulated river (general security) access licences in the Murray Water Source for the water year is 0.97 megalitres per unit share or greater.
- (4) The available water determinations for regulated river (high security) access licences in the Lower Darling Water Source made for the commencement of each water year shall be 1 megalitre per unit share, whenever possible.
- (5) If the available water determination made under subclause (4) is less than 1 megalitre per unit share then further assessments of available water shall be carried out at least monthly and available water determinations made until the sum of available water determinations for the water year is 1 megalitre per unit share.
- (6) The sum of available water determinations made for regulated river (high security) licences in each water source in any water year shall not exceed 1 megalitre per unit share.
- (7) Available water determinations for regulated river (high security) access licences in each water source must take into account:
 - (a) the environmental water provisions for the water source established by this Plan,
 - (b) requirements for domestic and stock rights in the water source,
 - (c) requirements for native title rights in the water source,
 - (d) requirements for domestic and stock access licences in the water source,
 - (e) requirements for local water utility access licences in the water source,
 - (f) volumes remaining in water accounts from previous available water determinations in the water source,
 - (g) where applicable, water losses associated with holding and delivery of water to meet the requirements specified in subclauses (a) to (f),
 - (h) where applicable, an appropriate volume to meet water losses associated with the holding and delivery of water resulting from an available water determination, and
 - (i) any other relevant matters.

[30] Clause 38 Available water determinations for regulated river (conveyance) access licences

Omit clause 38. Insert instead

38 Available water determinations for regulated river (conveyance) access licences

- (1) An available water determination is not to be made for regulated river (conveyance) access licences in the Murray Water Source in any water year until the sum of available water determinations for regulated river (high security) licences in the water source, for the water year, is at least 0.97 megalitres per unit share.
- (2) Available water determinations for regulated river (conveyance) access licences in the Murray Water Source shall be made for the commencement of each water if water can be provided to them.
- (3) Available water determinations for regulated river (conveyance) access licences and regulated river (general security) access licences in the Murray Water Source shall be made so that the sum of available water determinations for regulated river (conveyance) access during the water year is:
 - (a) 0.5 megalitres per unit share, when the sum of available water determinations for regulated river (high security) licences for the water year is 0.97 megalitres per unit share and the sum of available water determinations for regulated river (general security) access licences for the water year is 0 megalitres per unit share, or
 - (b) 0.5 megalitres per unit share plus 0.003883 megalitres per unit share for each 0.01 megalitre per unit share by which the sum of available water determinations for regulated river (general security) licences for the water year exceeds 0 megalitres per unit share, when the sum of available water determinations for regulated river (general security) licences for the water year is equal to or greater than 0 megalitres per unit share but less than 0.60 megalitres per unit share, or
 - (c) 0.733 megalitres per unit share plus 0.006675 megalitres per unit share for each 0.01 megalitres per unit share by which the sum of available water determinations for regulated river (general security) licences for the water year exceeds 0.6 megalitres per unit share when the sum of available water determinations for regulated river (general security) licences for the water year is equal to or greater than 0.6 megalitres per unit share but less than 1 megalitre per unit share, or
 - (d) 1 megalitre per unit share when the sum of available water determinations for regulated river (general security) licences for the water year is equivalent to or greater than 1 megalitre per unit share.
- (4) Subclauses (3) (a) and (3) (b) may be varied under section 45 (1) (b) of the Act as set out in Part 14.

- (5) Available water determinations made for regulated river (conveyance) access licences must take into account:
- (a) the environmental water provisions for the water source established by this Plan,
 - (b) requirements for domestic and stock rights in the water source,
 - (c) requirements for native title rights in the water source,
 - (d) requirements for domestic and stock access licences in the water source,
 - (e) requirements for local water utility access licences in the water source,
 - (f) requirements of regulated river (high security) access licences in the water source,
 - (g) volumes remaining in water accounts from previous available water determinations in the water source,
 - (h) where applicable, water losses associated with holding and delivery of water to meet the requirements specified in subclauses (a) to (g),
 - (i) where applicable, an appropriate volume to meet water losses associated with the holding and delivery of water resulting from an available water determination, and
 - (j) any other relevant matters.

[31] Clause 39 Available water determinations for regulated river (general security) access licences

Omit clause 39. Insert instead:

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

- (1) An available water determination is not to be made for regulated river (general security) access licences in the Murray Water Source in any water year until the sum of available water determinations for regulated river (high security) licences in the water source, for the water year, is at least 0.97 megalitres per unit share.
- (2) An available water determination is not to be made for regulated river (general security) access licences in the Lower Darling Water Source in any water year until the sum of available water determinations for regulated river (high security) licences in the water source, for the water year, is 1 megalitre per unit share.
- (3) An available water determinations for regulated river (general security) access licences in each water source shall be made for the commencement of each water if water can be provided to them.
- (4) If the available water determination for regulated river (general security) access licences in the Murray Water Source resulting from subclause (2) is less than the percentage specified in subclause (6), then further assessments of available water shall be carried out at least monthly and available water determinations made if water allocation can be provided.

- (5) If the allocation to regulated river (general security) access licences in the Lower Darling Regulated River Water Source resulting from subclause (2) is less than the water allocation percentage specified in subclause (7), then further assessments of available water shall be carried out at least monthly and available water determinations made if water allocation can be provided.
- (6) The sum of available water determinations made for regulated river (general security) access licences in the Murray Water Source in any water year shall not exceed 1.1 megalitre per unit share or such lower amount as results from the operation of clause 33.
- (7) The sum of allocations to regulated river (general security) access licences in the Lower Darling Regulated River Water Source in any water year shall not exceed 1 megalitre per unit share or such lower amount as results from the operation of clause 33.
- (8) Before water available to New South Wales from water storages in the Lower Darling Water Source may be considered in assessments of available water in the Murray Water Source, the sum of allocations made for regulated river (general security) access licences in the Lower Darling Regulated River Water Source in that water year must be that specified in subclause (7).
- (9) Available water determinations made under this clause in each water source must take into account any relevant operational requirements identified in this Plan and:
 - (a) the environmental water provisions for the water source established by this Plan,
 - (b) requirements for domestic and stock rights in the water source,
 - (c) requirements for native title rights in the water source,
 - (d) requirements for domestic and stock access licences in the water source,
 - (e) requirements for local water utility access licences in the water source,
 - (f) requirements for regulated river (high security) access licences in the water source,
 - (g) requirements of regulated river (conveyance) access licences in the water source,
 - (h) allocations remaining in water accounts of access licences in the water source from previous available water determinations;
 - (i) where applicable, water losses associated with holding and delivery of water to meet the requirements specified in subclauses (a) to (h),
 - (j) where applicable, an appropriate volume to meet water losses associated with the holding and delivery of water resulting from an available water determination, and
 - (k) any other relevant matters.

- (10) Whenever the sum of available water determinations for regulated river (general security) access licences in either of these water sources in a water year is less than or equal to 0.6 megalitres per unit share, available water determinations for regulated river (general security) access licences in that water source shall also indicate that:
- (a) water may be taken without debit to regulated river (general security) access licence water allocation accounts whenever the taking of water under supplementary water access licences is permitted, and
 - (b) the total volume of water that shall be assessed as taken without debit to the access licence water allocation account under subclause (10) (a) during the water year is limited to 1 megalitre multiplied by the number of unit shares minus the sum of the volume of water allocation that was carried over in the access licence water allocation account from the previous water year and the volume of water allocations resulting from available water determinations during the current year.

[32] Clause 40 Available water determinations for supplementary water access licences

Omit clause 40. Insert instead:

40 Available water determinations for supplementary water access licences

- (1) For each water source, an available water determination shall be made for supplementary water access licences at the commencement of each water year and shall define the number of megalitres per unit share that can be taken in that year.
- (2) The available water determination for Murray Water Source supplementary water access licences made under subclause (1) shall not exceed 1 megalitre per unit share, or such lower amount as results from the operation of clause 33.
- (3) The available water determination for Lower-Darling Water Source supplementary water access licences made under subclause (1) shall not exceed 1 megalitre per unit share, or such lower amount as results from the operation of clause 33.

[33] Clause 43 Accrual of water allocations

Omit clause 43. Insert instead:

43 Accrual of water allocations

- (22) Water allocations shall be accrued into each access licence water allocation account in accordance with the available water determinations made for the category of access licence in the water source.
- (23) The maximum volume of water allocation that may be credited to a regulated river (general security) licence in the NSW Murray Regulated River Water Source from available water determinations during a water year shall be equal to 1.1 megalitres multiplied by the number of unit

shares specified in the access licence share component minus the volume of water allocations carried over from the previous water year.

Note. Subclause (2) means that if a volume equivalent to say 0.3 megalitres per unit share is carried over in a licence account and the allocations for the water year totalled say 0.9 megalitres per unit share, then the licence account would only be credited with a further 0.8 megalitres per unit share. The balance of 0.1 megalitres per unit share would not be credited to that licence account.

- (24) The maximum volume of water allocation that may be credited to a regulated river (general security) licence in the Lower Darling Regulated River Water Source from available water determinations during a water year shall be the greater of :

(a) 0.5 megalitres multiplied by the number of unit shares, or

(b) 1 megalitre multiplied by the number of unit shares minus the volume of water allocations carried over from the previous water year.

Note. Subclause (3) ensures that those regulated river (general security) access licence holders with on-farm storages who have carried over additional water as a result of the operation of clause 46 (3) can receive up to 50% of the current year's water allocations.

[34] Clause 44 (2) (b) (i)

Omit clause 44 (2) (b) (i). Insert instead:

- (i) the volume of water extracted by the approved water supply works nominated by the access licence, subject to the provisions of subclause 39 (10) and resulting available water determinations, or

[35] Clause 46 Carrying over of water allocation credits

Omit clause 46. Insert instead:

46 Carrying over of water allocation credits

- (1) Water allocation remaining in the water allocation accounts of domestic and stock access licences, local water utility access licences, regulated river (high security) access licences, regulated river (conveyance) access licences and supplementary water access licences cannot be carried over from one water year to the next.
- (2) The maximum volume of water allocation that may be carried over in the water allocation accounts of a regulated river (general security) access licences in the Murray Water Source from one water year to the next shall be equal to 0.5 megalitres multiplied by the number of unit shares specified in the access licence share component
- (3) The maximum volume of water allocation that may be carried over in the water allocation accounts of a regulated river (general security) access licences in the Lower Darling Water Source from one water year to the next shall be equal to 0.5 megalitres multiplied by the number of unit shares specified in the access licence share component plus the storage volume of on-farm storages supplied by works nominated on the access licence less the volume of water contained in the on-farm storages at the end of the water year.

[36] Clause 47 General priority of extractions**Omit clause 47. Insert instead:****47 General priority of extractions**

Where extraction components of access licences do not specify the rate as a share of supply capability or a volume per unit time, the following priority of extractions shall apply whenever supply capability is insufficient to satisfy all orders for water in any section of these water sources:

- (a) water shall be supplied to domestic and stock access licences and local water utility access licences that have placed an order for water for that time, and
- (b) then any remaining supply capability shall be shared between regulated river (high security) access licences, regulated river (conveyance) access licences and regulated river (general security) access licences that have placed an order for water in proportion to the share component volume of each access licence multiplied by the total percentage of the available water determinations made for the relevant licence category during the current water year.

[37] Clause 49 (2)**Omit clause 49 (2). Insert instead:**

- (2) The maximum volume that may be taken under supplementary water access licences during each period of time to which an announcement applies may be expressed as a number of megalitres per unit share specified in the share component of each supplementary water access licence.

[38] Clause 49 (5) and 49 (6)**Omit clause 49 (5) and 49 (6). Insert instead:**

- (5) Taking of water under supplementary water access licences in the Murray Water Source shall only be permitted:
 - (a) from flows that cannot be stored in Lake Victoria water storage,
 - (b) from flows that, in the opinion of the Minister, will not contribute to supply requirements to South Australia in accordance with the Murray Darling Basin Agreement,
 - (c) from flows that, in the opinion of the Minister, will not contribute to reducing the surface water salinity measurement in the Murray River at Morgan when it is in excess of 800 Electrical Conductivity units
 - (d) if, in the opinion of the Minister, the water that will be taken would not assist in the reduction of existing medium or high blue-green algae alerts,

- (e) if, in the opinion of the Minister, the taking of water will not prevent the commencement of a waterbird breeding event or will not threaten the success of an existing waterbird breeding event, and
 - (f) between 1 April and 30 October each year, if, in the opinion of the Minister, the taking of water will not prevent significant flow variations in those sections of the water source where flow heights are unaffected by weirs, or reduce beneficial flooding of the Barmah-Millewa forests or other Murray River Water Source riverine ecosystems.
- (6) Taking of water under supplementary water access licences in the Lower Darling Water Source shall also only be permitted:
- (a) if the Menindee Lakes water storages are full or flows upstream of the Water Source are sufficient to fill them,
 - (b) if the water that will be taken cannot be stored in Lake Victoria,
 - (c) from flows that in the opinion of the Minister, will not contribute to supply requirements to South Australia in accordance with the Murray Darling Basin Agreement,
 - (d) if, in the opinion of the Minister, the water that will be taken cannot be used to supply regulated river (general security) allocations in the Murray Valley,
 - (e) from flows that in the opinion of the Minister, will not contribute to reducing the surface water salinity measurement in the Murray River at Morgan when it is in excess of 800 Electrical Conductivity units,
 - (f) if in the opinion of the Minister, the water that will be taken will not contribute to the reduction of existing medium or high blue-green algae alerts,
 - (g) if the taking of water will not prevent flows in the Darling River from reaching 7,000 ML/day at Weir 32 for a period of time which, in the opinion of the Minister, is sufficient to permit adequate passage of fish over Weir 32,
 - (h) if, in the opinion of the Minister, the taking of water will not prevent the commencement of a waterbird breeding event or will not threaten the success of an existing event, and
 - (i) between 1 April and 30 October each year, if, in the opinion of the Minister, the taking of water will not prevent significant flow variations occurring in those sections of the water source where flow heights are unaffected by weirs.

[39] Note following clause 50 (1)

Omit the note following clause 50 (1).

[40] Clause 51 Rules relating to constraints within this water source

Insert the following new subclause:

- (6) Assignment of water allocations from a local water utility access licence account to the water allocation account of any other access licence is prohibited whenever
 - (a) the volume of water stored in Menindee Lakes is below 480,000 ML, or

- (b) the volume stored in Menindee Lakes has not risen above 640,000 ML since the volume stored last fell below 480,000 ML.

[41] Clause 52 (2) (b)

Omit clause 52 (2) (b). Insert instead:

- (b) a conversion factor, established by the Minister and published in an order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in the water source in which the access licence is being cancelled, has been applied, and

[44] Clause 52 (3) (b)

Omit clause 52 (3) (b). Insert instead:

- (b) a conversion factor, established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in the water source in which the access licence is being issued, has been applied, and

[45] Clause 52 (4)

Omit clause 52 (4). Insert instead:

- (4) An access licence in the Murray Water Source may only be issued following cancellation of access licences in another water source if the Minister is satisfied that the issue of the licence will not result in the requirement to supply more water allocation from water storages upstream of the Barmah Choke to water access licences downstream of the Barmah Choke.

[46] Clause 53 Rules for conversion of access licence category

Omit clause 53. Insert instead:

53 Rules for conversion of access licence category

- (11) This clause relates to dealings under section 71B of the Act.
- (12) Conversion of an access licence of one category to an access licence of another category is prohibited except as provided for under this clause.
- (13) On application of the access licence holder, the Minister may cancel a regulated river (general security) access licence in the Murray Water Source, and issue a regulated river (high security) access licence in the Murray Water Source, subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in the Murray Water Source, and

- (b) the volume of water in the regulated river (general security) access licence water allocation account being equal to or greater than its share component volume.

Note. The volume of water in the regulated river (general security) access licence water allocation account which is in excess of the share component volume of the new regulated river (high security) access licence will not be credited to the new regulated river (high security) access licence account.

- (14) On application of the access licence holder, the Minister may cancel a regulated river (high security) access licence in the Murray Water Source, and issue a regulated river (general security) access licence in the Murray Water Source, subject to:

- (a) the application of a conversion factor equal to one divided by the conversion factor established in subclause (3), and
- (b) the total volume of regulated river (general security) access licence share components in the Murray Water Source not increasing above the total volume of regulated river (general security) access licence share components in the water source at the time of commencement of Part 2 of Chapter 3 of the Act.

Note. This would allow conversion of a regulated river (high security) access licence to a regulated river (general security) access licence only if there had been a corresponding or larger volume of regulated river (general security) access licence share component converted to regulated river (high security) access licence in the water source.

- (15) On application of the licence holder, the Minister may cancel a regulated river (conveyance) access licence in the Murray Water Source and issue a regulated river (general security) access licence in the Murray Water Source subject to:

- (a) the application of a conversion factor established by the Minister that protects the reliability of supply to existing regulated river (general security) access licences, and
- (b) the total volume of regulated river (general security) access licence share components in the water source not increasing above the total volume of regulated river (general security) access licence share components in the water source at the time of commencement of Part 2 of Chapter 3 of the Act.

- (16) On application of the licence holder, the Minister may cancel a regulated river (conveyance) access licence in the Murray Water Source and issue a regulated river (high security) access licence in the Murray Water Source subject to:

- (a) the application of a conversion factor established by the Minister that protects the reliability of supply to regulated river (general security) access licences, and
- (b) the volume of water in the regulated river (conveyance) access licence water allocation account being equal to or greater than its share component volume.

- (7) On application of the access licence holder, the Minister may cancel a domestic and stock access licence and issue a domestic and stock

(domestic only) access licence and a domestic and stock (stock only) access licence, subject to:

- (a) the sum of the share component volumes of the two new access licences being equal to the share component volume of the cancelled access licence, and
 - (b) the share component volume of the new domestic and stock (domestic only) access licence being able to meet the needs of domestic consumption as defined in section 52 of the Act.
- (8) On application of the access licence holder, the Minister may cancel a domestic and stock (stock only) access licence and issue a regulated river (high security) access licence. The number of unit shares in the regulated river (high security) access licence share component shall be equal to the number of megalitres per year in the share component of the cancelled domestic and stock (stock only) access licence.

[47] Clause 55 Rules for water allocation assignment between water sources

Omit clause 55. Insert instead:

55 Rules for water allocation assignment between water sources

- (1) This clause relates to dealings under section 71G of the Act that result in water allocation assignments between water sources.
- (2) A dealing is prohibited if it would result in a water allocation assignment from an access licence in one of these water sources to an access licence in another water source unless the water source is:
 - (a) the Murrumbidgee Regulated River Water Source,
 - (b) the Snowy River Water Source, or
 - (c) the other one of these water sources.
- (3) A dealing is prohibited if it would result in a water allocation assignment to an access licence in one of these water source from an access licence in another water source unless the water source is:
 - (a) the Murrumbidgee Regulated River Water Source, or
 - (b) the other one of these water sources.
- (4) A dealing which would be permitted by subclause (2) (a), (2) (c) or (3) is prohibited if, in the opinion of the Minister the supply of the volume of water allocation to the receiving access licence is not physically possible.
- (5) A dealing which would be permitted by subclause (2) or (3) is prohibited if, in the opinion of the Minister there is more than minimal likelihood that environmental water, domestic and stock rights, native title rights and the reliability of supply to all access licences in either of these water sources will be effected.

[48] Clause 57 Mandatory conditions on access licences**Insert the following new subclause:**

(12) All regulated river (high security) (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[49] Clause 58 Mandatory conditions on water supply works approvals

Omit clause 58. Insert instead:

58 Mandatory conditions on water supply works approvals

- (1) All approvals for water supply works in these water sources shall have mandatory conditions to give effect to the following:
 - (a) flow measurement devices shall be installed and maintained on all works used for extraction of water under an access licence and shall be of a type and shall be maintained in a manner, which is acceptable to the Minister,
 - (b) water extraction, property water management infrastructure and cropping details shall be provided on request, in the form and in accordance with procedures established by the Minister, and
 - (c) the taking of water may only occur in accordance with the conditions applying to the access licence from whose water allocation account the taking of water will be debited.
- (2) Subclause (1) does not apply to approvals for water supply works held by State Water provided such an approval is not nominated by an access licence.
- (3) All approvals for water supply works in this water source shall have any other conditions required to implement the provisions of this Plan.

[50] Clause 60 (4)**Omit clause 60 (4). Insert instead:**

- (4) The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may replace this clause with alternative provisions, provided that these do not require that more water be provided to the Great Anabranch than would be provided under subclauses (1) to (3).

Note. One option is to replace the current water supply arrangements with a piped water system supplied from the Darling.

[51] Clause 64 Monitoring

Omit clause 64. Insert instead:

64 Monitoring

The monitoring of the performance indicators identified in clause 12 of this Plan shall be undertaken by the Minister.

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51 (5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department of Land and Water Conservation.

[50] Clause 65 Changes to these water source

Omit clause 65. Insert instead:

65 Changes to these water source

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may add a river or section of river to one of these water sources or remove a river or section of river from one of these water sources providing that:

- (e) any river or section of river that is added has been declared to be a regulated river by an order published in the Gazette, and
- (f) the Minister is satisfied that there will be no impact on environmental water, domestic and stock rights, native title rights or on the water available to any access licences in these water sources.

[53] Clause 66 Barmah-Millewa Allowance and Barmah-Millewa Overdraw

Omit clause 66. Insert instead:

66 Barmah–Millewa Allowance and Barmah–Millewa Overdraw

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may vary the rules for the release or taking of water from the Barmah-Millewa Allowance and Barmah Millewa Overdraw specified in subclauses 15 (8) to 15 (15) at any time providing:

- (a) it has been assessed that there will be no more than a 1% reduction in the long-term volume of water supply available to access licence holders, in the Murray Water Source,
- (b) the only change to subclauses 15 (12) to 15 (15) may be the replacement of 30% with some other percentage,
- (c) the Minister has consulted with the Minister for the Environment, and
- (d) the Minister is of the opinion that the change is not contrary to the environmental objectives of this Plan.

[54] Clause 67 Revision of regulated river (conveyance) access licence available water determination rules

Omit clause 66. Insert instead:

67 Revision of regulated river (conveyance) access licence available water determination rules

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette may replace subclauses 38 (3) (a) and 38 (3) (b) with new provisions that provide water allocation volumes that more closely match the loss of water that occurs between the points of offtake of water from this water source and the points of delivery to water users within the Murray Irrigation Limited.

[55] Clause 68 Replacement of replenishment flow rules

Omit clause 68. Insert instead:

68 Replacement of replenishment flow rules

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may replace the provisions of clause 60 at any time with alternative arrangements as indicated under clause 60.

[56] Appendix 1 Rivers and lakes within the Murray and Lower Darling Regulated River Water Sources

Omit Appendix 1. Insert instead

Appendix 1 Rivers and lakes within the Murray and Lower Darling Regulated River Water Sources

The **New South Wales Murray Regulated River Water Source** includes but is not limited to the following rivers and lakes:

- (i) Barbers Creek from upstream (eastern) boundary in Lot 13, Parish of Moorangatta, County Wakool, to its confluence with the Wakool River in Lot 15, Parish Nunnagoyt, County Wakool,
 - (ii) Benanee Creek
 - (iii) Black Swan Lagoon,
 - (iv) Bookit Creek from its effluence from Merribit Creek between Lots 23 and 39, Parish of Mia Mia, County of Wakool downstream to a dam and regulator located between Lots 4 and 10, Parish of Mia Mia, County of Wakool authorised by Licence L15918,
 - (v) Bullanginya Lagoon,
 - (vi) Collendina Lagoon,
 - (vii) Colligen Creek, from its offtake from the Edward River, Lot 2, DP 857161 Parish of Tumudgery, County of Townsend, downstream to its confluence with the Niemur River within Werai State Forest No. 384, Parish of Werai, County of Townsend,
 - (viii) Coobool Creek, from the southern boundary (bridge on disused rail line), of Lot 32, Parish Toolmah, County Wakool, to its confluence with the Wakool River, boundaries of Lots 2 and 3, Parish of Coobool, County Wakool,
 - (ix) Dairy Lagoon, offtaking from the Murray River at the southern end of Lot 7014, DP 1021139, in the Reserve 78631, Parish of Corowa, County of Hume,
 - (x) Darling River - Wentworth Weir Pool, from the north east corner of Lot 11 DP 756952, Parish of Merche, County of Wentworth downstream to the confluence with the Murray,
- Note.** The north east corner of Lot 11 DP 756952 has been used to delineate the boundary between the Murray Water Source and the Lower Darling Water as it is a point immediately downstream of the most downstream *Water Act 1912* licence whose allowable water extraction volume was dependent on allocation announcements for the Lower Darling Volumetric Allocation Scheme.
- (xi) Deep Creek, from its confluence with the Murray River between part Lot 19 and Lot 76, Parish of Benarca, County of Cadell to its upper limits within Lot 76, Parish of Benarca, County of Cadell,
 - (xii) Dights Creek,
 - (xiii) Dry Lake, Parish of Taila, County of Taila,
 - (xiv) Edward River; from its offtake from the Murray River downstream to its junction with the Wakool River,
 - (xv) Frenchmans Creek,
 - (xvi) Gol Gol Channel, the unnamed watercourse known locally as Gol Gol Channel, commencing at a point where Gol Gol Creek enters Gol Gol Swamp downstream to its point of termination with the southern section of Lot 16, Parish Gol Gol, County of Wentworth,
 - (xvii) Gol Gol Creek, Parish of Gol Gol, County of Wentworth,
 - (xviii) Gol Gol North Creek, Parish of Gol Gol, County of Wentworth,
 - (xix) Great Anabranche of the Darling River, from its confluence with the Murray River on Lot 672 DP 761719 to the location of the earthen block bank under Licence 60SL8686, Lot 12 DP 756168,

- (xx) Gulpa Creek,
- (xxi) Gum Creek, from earthen block bank and regulator in Lot 45, Parish Toolmah, County Wakool, to its confluence with the Wakool River, Lot 74, Parish Coobool, County Wakool,
- (xxii) Jingera Jingera Lagoon, from its junction with unnamed watercourse offtaking from the Murray River within Lot 162, Parish of Albury, County of Goulburn, downstream to its confluence with the Murray River,
- (xxiii) Lake Benanee,
- (xxiv) Lake Mulwala,
- (xxv) Lake Victoria,
- (xxvi) Larrys Creek, from its junction with Mulligans Creek in Lot 26, Parish Toolmah, County Wakool, to an earthen block bank and regulator in Lot 45, Parish of Toolmah, County Wakool,
- (xxvii) Lesters Lagoon,
- (xxviii) Little Barbers Creek, offtaking from Merran Creek in Lot 25, Parish Nunnagoyt, County Wakool, to its confluence with Barbers Creek in Lot 25, Parish Nunnagoyt, County Wakool,
- (xxix) Little Murray River; offtaking from the Murray River within Campbells Island State Forest, (in the vicinity of easting 236685, northing 6057818, zone 55) to its confluence with the Murray River at the northern end of Lot 13, DP 756541, Parish of Gonn, County of Wakool,
- (xxx) Merran Creek Cutting, offtaking from the Little Murray River in Campbells Island State Forest, Parish Nunnagoyt, County Wakool, to its confluence with Merran Creek, Lot 14, Parish Nunnagoyt, County Wakool,
- (xxxi) Merran Creek, from block dam and regulator in Lot 21, Parish Nunnagoyt, County Wakool, to its confluence with the Wakool River in Lot 36, Parish Poon Boon, County Wakool,
- (xxxii) Merribit Creek, from its effluence from the Wakool River between Lot 143, Parish of Bookit, County of Wakool and Lot 47, Parish of Mia Mia, County of Wakool to its confluence with the Wakool River between Lot 125, Parish of Toolon, County of Wakool and Lot 46, Parish of Mia Mia and County of Wakool,
- (xxxiii) Moira Creek,
- (xxxiv) Mulligans Creek, offtaking from St Helena Creek in Lot 12, Parish Moorangatta, County Wakool, to its confluence with Larrys Creek in Lot 26, Parish Toolmah, County Wakool,
- (xxxv) Murray River, from the upper limit of the storage of Hume Dam downstream to the South Australian border,
- (xxxvi) Neimur River, from its confluence with Colligen Creek within Werai State Forest No. 384 to its confluence with the Wakool River in Lots 21, Parish of Wetuppa and 48, Parish of Coobool both in the County of Wakool,
- (xxxvii) Nowranie Creek,
- (xxxviii) Paddock Lagoon,
- (xxxix) Porthole Creek, from its confluence with the Wakool River between Lots 3 and 77, Parish of Porthole, County of Cadell upstream to the Boundary between Lots 3 and 72, Parish of Porthole, County of Cadell,
- (xl) Ruel Lagoon,
- (xli) Rufus River,

- (xlii) Salt Creek, from its offtake from the Murray River within WL 165, Parish of Cal Lal, County of Tara to its intersection with the South Australian Border,
- (xliii) Sheepwash Creek
- (xliv) Sheepwash Lagoon, offtaking from the Murray River in Lot 1 DP751155, Parish of Perricoota, County of Cadell and bounded by Lot 1 DP751155, Lot 2 DP521201 and Lot 1 DP131403, Parish of Perricoota, County of Cadell,
- (xlv) St Helena Creek, from a concrete regulator in Lot 3, Parish Moorangatta, County Wakool, to its confluence with the Wakool River in Lot 42, Parish of Toolmah, County Wakool,
- (xlvi) Taila Creek, offtaking from the Murray River in Lot 4441, DP 76426 in the Parish of Taila, County of Taila to Lake Benanee,
- (xlvii) Tallys Lake, from the confluence of the Unnamed Watercourse (Box Creek) in Lot 55, Parish Merran, County Wakool, to the offtake of the Unnamed Watercourse (Box Creek) in Lot 54, Parish Merran, County Wakool,
- (xlviii) Tuckers Creek,
- (xlix) unnamed lagoon, (known locally as Cemetery Creek), offtaking in part Temporary Common, Parish of Euston, County of Taila,
- (l) unnamed lagoon, (known locally as Doctors Point Lagoon) offtaking from Murray River between Lots 317 and 26, Parish of Albury, County of Goulburn,
- (li) unnamed lagoon and watercourse, (known locally as Parlour or Howlong Creek), offtaking from the Murray River within Lot 63, Parish of Bungowannah, County of Hume, to its junction with Lesters Lagoon,
- (lii) unnamed lagoon, offtaking from Colligen Creek in Lot 6, Parish of Tumudgery, County of Townsend,
- (liii) unnamed lagoon, offtaking from Murray River in Lot 2, Parish of Boomanoomana, County of Denison,
- (liv) unnamed lagoon, offtaking from the Murray River between Lots 16 and 18, Parish of Woperana, County of Denison,
- (lv) unnamed lagoon, offtaking from the Murray River between Lots 29 and 65, Parish of Quat Quatta, County of Hume, and also between Lots 20 and 68,
- (lvi) unnamed lagoon, offtaking from the Murray River in Lot 10, Parish of Wangumma, County of Tara,
- (lvii) unnamed lagoon, offtaking from the Murray River in Lot 4, Parish of Collendina, County of Hume,
- (lviii) unnamed lagoon, offtaking from the Murray River in W.L. 673, Parish of Moorna, County of Tara,
- (lix) unnamed lagoon, offtaking from the Murray River within Lot 298 Parish of Corowa, County of Hume,
- (lx) unnamed lagoons, connected to the Murray River and situated within Lots 298, 297 and 299, Parish of Corowa, County of Hume,
- (lxi) unnamed lagoons, connected to the Murray River and situated within Lots 298, 297 and 299, Parish of Corowa, County of Hume,
- (lxii) unnamed watercourse, anabranch of the Murray River offtaking between Lots 80 and 83, forming the northern boundary of Lot 79, traversing Lot 92 and rejoining the Murray River within Lot 29, Parish of Quat Quatta, County of Hume,

- (lxiii) unnamed watercourse and effluents, (known locally as Breakaway Creek) offtaking from the Murray River in Lot 14, Parish of Bungowannah, County of Hume,
- (lxiv) unnamed watercourse and effluents, (known locally as Yellowbelly Creek) offtaking from the Murray River in Lot 3, Parish of Bungowannah, County of Hume,
- (lxv) unnamed watercourse and lagoon, connecting Lesters Lagoon with Black Swan Lagoon, Parish of Howlong, County of Hume,
- (lxvi) unnamed watercourse, (Box Creek), offtaking from Coobool Creek in Lot 48, Parish Toolmah, County Wakool, to Tallys Lake in Lot 55, Parish Merran, County Wakool,
- (lxvii) unnamed watercourse, (Box Creek), Offtaking from Tallys Lake in Lot 54, Parish Merran County Wakool, to earthen block dam and pipe regulator in Lot 12, Parish Merran, County Wakool,
- (lxviii) unnamed watercourse, (known as Hemp Creek) offtaking from the Bookit Creek in Lot 4 DP756559, Parish of Mia Mia, County of Wakool to the eastern boundary of Lot 4 DP756559, Parish of Mia Mia, County of Wakool,
- (lxix) unnamed watercourse, (known locally as Boilingdown Creek), offtaking from the Murray River within Lot 524, Parish of Corowa, County of Hume, and rejoining the Murray River within Collendina State Forest No. 98, block 1,
- (lxx) unnamed watercourse, (known locally as Hans Creek), offtaking from the Murray River, within Lot 199, Parish of Corowa, County of Hume,
- (lxxi) unnamed watercourse, (known locally as Horseshoe Lagoon), offtaking from the Murray River between Lots 12 and 46, Parish of Tocumwal, County of Denison,
- (lxxii) unnamed watercourse, connected to the Edward River within section 60, Town of South Deniliquin, Parish of South Deniliquin, County of Townsend, for a distance of 200 metres south easterly from the point of connection,
- (lxxiii) unnamed watercourse, connecting Washpen Creek with Lake Caringay,
- (lxxiv) unnamed watercourse, from its offtake from the Edward River in Lot 78 (T S & C R 35646) Parish of Tumudgery, County of Townsend to its confluence with Colligen Creek in Lot 47 Parish of Tumudgery, County of Townsend,
- (lxxv) unnamed watercourse, offtaking from an unnamed lagoon within that part of Collendina State Forest No. 98 east of Lot 9, Parish of Collendina, County of Hume,
- (lxxvi) unnamed watercourse, offtaking from another unnamed watercourse within Lot 64, Parish of Bungowannah, County of Hume, and traversing downstream successively, in a north westerly direction, Lots 275, 257, 241, 240, 248, 249, 250, 251, 172 and 171 Parish of Howlong, County of Hume to its confluence with Lesters Lagoon,
- (lxxvii) unnamed watercourse, offtaking from Gum Creek in Lot 49, Parish Toolmah, County Wakool, to its confluence with Coobool Creek in Lot 49, Parish Toolmah, County Wakool,
- (lxxviii) unnamed watercourse, offtaking from the Murray River within Lot 162, Parish of Albury, County of Goulburn, downstream to its confluence with Jingera Jingera Lagoon,

- (lxxix) unnamed watercourse, offtaking from the Murray River within Lot 23, Parish of Albury, County of Goulburn,
- (lxxx) unnamed watercourse, offtaking from the Murray River within Lot 34, Parish of Albury, County of Goulburn,
- (lxxxix) unnamed watercourse, offtaking from the Murray River within Lot 5, Parish of Wangumma, County of Tara,
- (lxxxii) unnamed watercourse, offtaking from the Murray River within Lot 56, Parish of Bungowannah, County of Hume,
- (lxxxiii) unnamed watercourse, offtaking from the Murray River within that part of Mulwala State Forest No 100 west of Lot 209, Parish of Mulwala, County of Denilson,
- (lxxxiv) Wakool River, from its offtake on the Edward River downstream to its confluence with the Murray River,
- (lxxxv) Washpen Creek, to a point 805 metres upstream of the junction of the Unnamed Watercourse connecting Washpen Creek with Lake Caringay, and
- (lxxxvi) Yallakool Creek, from its effluence from the Edward River between TS & CR 25840, Parish of Brassi, County of Townsend and Lot 78, Parish of Tumudgery, County of Townsend and its confluence with the Wakool River between Lot 54, Parish of Gobran, County of Townsend and Lot 3, Parish of Corry, County of Wakool.

The **Lower Darling Regulated River Water Source** includes but is not limited to the following rivers and lakes:

- (i) Balaka Lake,
- (ii) Bijijie Lake,
- (iii) Cawndilla Creek,
- (iv) Copi Hollow,
- (v) Darling River; from adjacent to "Billilla Homestead" on Lot 3671, DP 766053, County of Livingstone (grid ref. YKD35760 Wilcannia 1:100 000), downstream to the north east corner of Lot 11 DP 756952, Parish of Merche, County of Wentworth,
- (vi) Lake Cawndilla,
- (vii) Lake Menindee,
- (viii) Lake Pamamaroo,
- (ix) Lake Spectacle,
- (x) Lake Speculation,
- (xi) Lake Wetherell,
- (xii) Malta Lake,
- (xiii) Menindee Creek,
- (xiv) Pamamaroo Creek,
- (xv) Redbank Creek; from Lake Tandou, downstream to the crossing situated within Lot W.L. 3345, Parish of Mitta, County of Menindee, known locally as Packers Crossing,

- (xvi) Tandou Creek; where it off takes from the southern most end of Cawndilla Channel (DP 767272, at easting 614946, northing 6391413, Zone 54) traversing Lot 2123 DP 764065 Parish of Bintullia, County of Menindee, Lot 2125 DP 764067 Parish of Bintullia, County of Menindee, and DP 767026 Parish of Mitta, County of Menindee, to where it joins Tandou Lake (Lot 3345 DP 765601 Parish of Mitta, County of Menindee, at easting 602179, northing 6380223, Zone 54),
- (xvii) Tandure Lake, and
- (xviii) unnamed lagoon; offtaking from the Darling River within Lot 89 Parish of Avoca County of Wentworth.

Note. The Great Anabranh of the Darling River receives domestic and stock replenishment flows from this Plan's area, but does not itself form part of this Plan's area.

[57] Appendix 5 Minister's access licence dealing principles

Omit Appendix 5.

[58] Appendix 6 Operational guidelines for delivering flows prescribed by the Murray Darling Basin Agreement

Change "Appendix 6 Operational guidelines for delivering flows prescribed by the Murray Darling Basin Agreement" to "Appendix 5 Operational guidelines for delivering flows prescribed by the Murray Darling Basin Agreement".

Schedule 7 - *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*

[1] Clause 13 (i)

Omit clause 13 (i).

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (a) In very low flows, the flow occurring in this water source minus 5.1 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 5.1 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (a) In very low flows:
- (i) the holders of access licences, excluding access licences listed in Schedule 6, are not permitted any access,
 - (ii) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 61A,
 - (iii) persons exercising native title and domestic and stock rights may take a combined total of up to 5.1 ML/day.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[4] Clause 32 (3)

Omit clause 32 (3) (c). Insert instead:

- (j) a specific purpose access licences for which application are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

Omit clause 32 (3) (d). Insert instead:

- (d) unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (5) Subclause (4) does not apply to an application for a new access licence arising from:
- (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

[6] Clause 32 (7)

Omit clause 32 (7).

[7] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (8) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (i) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (1) Water taken from this water source will be accounted for at least annually.
- (2) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (3) A water accounting year shall be the 12 month period commencing 1 July.
- (4) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (5) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43 (1).
- (6) A water allocation account shall remain at or above zero at all times.

[10] Clause 50 Adjustment to TDELS and IDELS

Omit Clause 50 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
 - (a) first the unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
 - (b) the IDELS of each unregulated river access licence shall then be reduced to comply with this diminished TDEL.

Omit Clause 50 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (c) the IDEL requirements of applicants for new access licences for local water utilities and domestic and stock access, or
 - (d) a local water utility's IDEL requirements resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,

then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.

[11] Clause 53 (1)

Omit Note after clause 53 (1).

[12] Clause 61A Access to very low flows

Insert clause 61A:

61A Very low flow access conditions

- (1) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
 - (a) fruit washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting, and
 - (d) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (2) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (3) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (4) A licence will be removed from the Schedule if:
 - (a) any access licence dealing results in the water being extracted from a different location,
 - (b) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (c) the licence is surrendered, cancelled, or not renewed.
- (5) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.

- (6) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (7) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[13] Clause 66 Unregulated river (Aboriginal cultural) access licences

Omit clause 66. Insert instead:

66 Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

[14] Clause 71 Monitoring and reporting of performance indicators

Omit clause 71. Insert instead:

71 Monitoring and reporting performance indicators

The monitoring of the performance indicators specified in clause 12 of this Plan shall be undertaken by the Minister.

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[15] Clause 72 Amendment of this Plan

Omit Clause 72. Insert instead:

72 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[16] Clause 73 Amendment of very low flow provisions

Omit 73 (1). Insert instead:

- (1) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.

[17] Clause 74 (2) Review of field verification

Omit clause 74 (2). Insert instead:

- (2) This review body may be:
- (a) a water management committee with water sharing responsibilities for this water source,
 - (b) the relevant Catchment Management Authority, or
 - (c) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a).

[18] Schedule 6 Access Licences with very low flows

Insert Schedule 6

Schedule 6 Water Act 1912 licences with access to very low flows

Licence number:

90SL100615	piggery cleaning
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Note. The licence details in this Schedule may change during the period of this Plan. The Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[19] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(a) Change in low flows.	11 (a) 11 (c)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(b) Change in moderate to high flows.	11 (a)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's

Performance indicators for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		identified reference points.	<p>end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.</p> <ul style="list-style-type: none"> • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(c) Change in local water utilities access.	13 (b)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan
(d) Change in ecological condition of this water	11 (a) 11 (d)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water

Performance indicators for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
source and dependent ecosystems.		dependent ecosystems.	<p>source and dependent ecosystems.</p> <ul style="list-style-type: none"> The focus of this performance indicator will be the effect of flow strategies. Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(e) Extent to which basic landholder rights requirements have been met.	11 (f)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(f) Change in economic benefits derived from water	11 (b) 11 (e) 11 (g)	<ul style="list-style-type: none"> Number of days access provided over the time of the plan. Number of new off 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity prices. Measurement of the number of new off stream storages will indicate the

Performance indicators for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
extraction and use.		<p>stream storages.</p> <ul style="list-style-type: none"> • Change in unit price of water transferred. • Change in gross margins. 	<p>adjustment to the rules and the ongoing access to water.</p> <ul style="list-style-type: none"> • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(g) Extent to which native title rights requirements have been met.	11 (f)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(h) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (h) 11 (i)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[20] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 8 - *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*

[1] Clause 13 (i)

Omit clause 13 (i).

[2] Clause 17 (2) (b)

Omit clause 17 (2) (b). Insert instead:

- (b) C class flows greater than 100 ML/day on a rising river and 50ML/day on a falling river, and at or less that 1,000 ML/day,

[3] Clause 21 (1)

Omit clause 21 (1) (a) (i). Insert instead:

- (i) In very low flows, the flow occurring in this water source minus 1 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 1 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights.

Omit clause 21 (1) (b) (i). Insert instead:

- (i) In very low flows, the flow occurring in this water source minus 1.1 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 1.1 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights.

Omit clause 21 (1) (c) (i). Insert instead:

- (i) In very low flows, the flow occurring in this water source minus 0.7 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 0.7 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights.

Omit clause 21 (1) (d) (i). Insert instead:

- (i) In very low flows, the flow occurring in this water source minus 1.9 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 1.9 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights.

[4] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (b) In very low flows:

(iv) the holders of access licences, excluding access licences listed in Schedule 6, are not permitted any access,

(v) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 61A,

- (vi) persons exercising native title and domestic and stock rights may take a combined total of up to 1 ML/day in Phillips Creek Water Source, 1.1 ML/day in Mooki River Water Source, 0.7 ML/day in Quirindi Creek Water Source and 1.9 ML/day in the Warrah Creek Water Source.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[5] Clause 32 (3)

Omit clause 32 (3) (c). Insert instead:

- (k) a specific purpose access licences for which application are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

Insert 32 (3) (d):

- (d) unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application.

[6] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (6) Subclause (4) does not apply to an application for a new access licence arising from:
(9) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
(10) an access licence dealing.

[7] Clause 32 (7)

Omit clause 32 (7).

[8] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (8) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[9] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (ii) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[10] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (6) Water taken from these water sources will be accounted for at least annually.

- (7) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (8) A water accounting year shall be the 12 month period commencing 1 July.
- (9) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (10) In any one water accounting year water taken from these water sources under an access licence may not exceed the volume in the water allocation account, subject to clause 43 (1).
- (7) A water allocation account shall remain at or above zero at all times.

[11] Clause 43(1)

Omit Clause 43 (1). Insert instead:

- (1) Water taken from these water sources in any 3 consecutive water accounting years under an access licence may not exceed a volume consisting of:
 - (a) the water allocations accrued under the licence in those years,
 - (b) plus any water allocations assigned from another licence by a water allocation assignment under section 71 G of the Act in those years,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocations assigned to another licence, by a water allocation assignment under section 71 G of the Act in those years.

[12] Clause 50 Adjustment to TDELS and IDELS

Omit Clause 50 (2). Insert instead:

- (4) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights in a water source exceeds the level specified in Part 5 of this Plan:
 - (e) first the unassigned TDEL for that water source specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in that water source specified in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
 - (f) the IDELS of each unregulated river access licence in that water source shall then be reduced to comply with this diminished TDEL.

Omit Clause 50 (3). Insert instead:

- (5) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL in a water source cannot meet either:
 - (g) the IDEL requirements of applicants for new access licences for local water utilities and domestic and stock access in the water source, or
 - (h) a local water utility's IDEL requirements in the water source resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,

then the TDEL for unregulated river access licences in the water source in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.

[13] Clause 53 (1)

Omit Note after clause 53 (1).

[14] Clause 56(4)(b)

Omit Clause 56 (4) (b). Insert instead:

- (b) the access licence cancelled is within the Upper Namoi or Lower Namoi Regulated River Water Sources.

[15] Clause 61A Access to very low flows

Insert clause 61A:

61A Very low flow access conditions

- (8) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
 - (e) fruit washing,
 - (f) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (g) poultry watering and misting, and
 - (h) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (9) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (10) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (11) A licence will be removed from the Schedule if:
 - (d) any access licence dealing results in the water being extracted from a different location,
 - (e) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (f) the licence is surrendered, cancelled, or not renewed.
- (12) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (13) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (14) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[16] Clause 62A Unregulated river (Aboriginal cultural) access licences

Insert clause 62A:

62A Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (e) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.
- (f) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (g) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (h) the conditions in subclauses (b) and (c) are not to be imposed if the IDEL of the licence specifies that water may only be taken from a runoff harvesting dam.

[17] Clause 69 In-river dams

Omit Clause 69. Insert instead:

69 In-river dams

No new in-river dams shall be approved within these water sources.

Note. Taking of water from an in-river dam requires an access licence unless it is taken in accordance with section 52 of the Act (domestic and stock rights). In either case, however, the dam requires a water management works approval unless exempted by regulation under the Act.

[18] Clause 70 Monitoring and reporting of performance indicators

Omit note under clause 70. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[19] Clause 71 Amendment of this Plan

Omit Clause 71. Insert instead:

71 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[20] Clause 72 Amendment of very low flow provisions

Omit 72 (1). Insert instead:

- (2) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.

[21] Clause 73 (2) Review of field verification

Omit clause 73 (2). Insert instead:

- (3) This review body may be:
- (d) a water management committee with water sharing responsibilities for these water sources,
 - (e) the relevant Catchment Management Authority, or
 - (f) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a).

[22] Schedule 3

Omit Back Creek from the Warrah Creek Water Source.

[23] Schedule 6 Access Licences with very low flows

Insert Schedule 6

Note: No licences identified at the time of making of this amending order

[24] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources			
Performance indicator	Relative objective	As measured by	Commentary
(c) Change in low flows.	11 (a) 11 (c) 11 (d)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(d) Change in moderate to high flows.	11 (a) 11 (c) 11 (d)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's

Performance indicators for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources			
Performance indicator	Related objective	As measured by	Commentary
		identified reference points.	<p>end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.</p> <ul style="list-style-type: none"> • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(e) Change in local water utilities access.	11 (b)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan
(f) Change in ecological condition of	11 (a) 11 (c) 11 (d)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the

Performance indicators for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources			
Performance indicator	Related objective	As measured by	Commentary
this water source and dependent ecosystems.	11 (f)	water source and dependent ecosystems.	<p>ecological condition of the water source and dependent ecosystems.</p> <ul style="list-style-type: none"> • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(g) Extent to which basic landholder rights requirements have been met.	11 (b)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(h) Change in economic benefits derived from	11 (b) 11 (e)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off

Performance indicators for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources			
Performance indicator	Related objective	As measured by	Commentary
water extraction and use.		<ul style="list-style-type: none"> • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<p>stream storages will indicate the adjustment to the rules and the ongoing access to water.</p> <ul style="list-style-type: none"> • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(i) Extent to which native title rights requirements have been met.	11 (b)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(j) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (a) 11 (b) 11 (c) 11 (d) 11 (f)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[25] Appendix 5 Minister's access licence dealing principles

Omit Appendix 5.

Schedule 9 - Water Sharing Plan for the Tenterfield Creek Water Source 2003**[1] Clause 13 (i)**

Omit clause 13(i).

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Instead insert:

- (a) In very low flows:
- (i) in Zone 1, the flow occurring in this zone minus 0.2 ML/day, minus 0.044 ML/day when access to very low flows and pools is provided for under clause 62A, minus the very low flow access permitted under clause 62B,
 - (ii) in Zone 2, the flow occurring in this zone minus 0.4 ML/day and minus 1.0 ML/day when access to very low flows and pools is provided for under clause 62A, minus the very low flow access permitted under clause 62B,
 - (iii) in Zone 3, the flow occurring in this zone minus 0.2 ML/day and minus 0.6 ML/day when access to very low flows and pools is provided for under clause 62A, minus the very low flow access permitted under clause 62B,
 - (iv) in Zone 4, the flow occurring in this zone minus 0.1 ML/day and minus 0.5 ML/day when access to very low flows and pools is provided for under clause 62A, minus the very low flow access permitted under clause 62B,
 - (v) in Zone 5, the flow occurring in this zone minus 0.8 ML/day and minus 5.0 ML/day when access to very low flows and pools is provided for under clause 62A, minus the very low flow access permitted under clause 62B.

Note. These figures are the amount of water estimated at the commencement of this Plan for basic landholder rights and those access licences with access to very low flows under clause 62A.

[3] Clause 32 (3)

Omit clause 32 (3). Insert instead:

- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
- (a) local water utility access licences,
Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.
 - (a) domestic and stock access licences,
 - (b) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or
 - (c) Unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application.

[4] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (7) Subclause (4) does not apply to an application for a new access licence arising from:
 - (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

[5] Clauses 32 (7)-(8)

Omit clauses 32 (7)-(8). Insert instead:

- (7) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[6] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (iii) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[7] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (11) Water taken from this water source will be accounted for at least annually.
- (12) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (13) A water accounting year shall be the 12 month period commencing 1 July.
- (14) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (15) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43(1).
- (8) A water allocation account shall remain at or above zero at all times.

[8] Clause 50 (2)

Omit clause 50 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
 - (a) first, any unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (2) shall be diminished to allow these additional basic landholder rights to be met, and

- (b) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.

[9] Clause 50 (3)

Omit clause 50 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:

- (a) the IDEL requirements of applicants for new domestic and stock access licences, or
- (b) a local water utility's IDEL requirements,

then the TDEL for unregulated river access licences in clause 46 (2) will be diminished to such an extent as to allow those requirements to be met.

[10] Clause 53 (1)

Omit Note after clause 53 (1).

[11] Clause 57 (2) (d)

Omit clause 57 (2) (d)

[12] Clause 62 Access to very low flows and pools

Omit clause 62. Insert instead:

62A Schedule 6 access to very low flows and pools

- (1) Notwithstanding clauses 22 and 67 (d), and subject to the review at clause 75, all access licences listed on Schedule 6 can continue to have access to very low flows and pools until the completion of year 8 of this Plan, and such access is subject to the following conditions:
 - (a) access to very low flows and pools will cease on the completion of year 8 of this Plan,
 - (b) the volume of water that may be extracted from Zone 5 is limited to the volume of water that can be extracted until the depth of an individual pool in Zone 5 falls to 30 centimetres below the level at which surface outflow ceases at the downstream end of the pool, at a rate not exceeding the very low flow class TDEL specified in clause 45 for Zone 5,
 - (c) the volume of water that may be extracted from Zones 1, 2, 3, and 4 is limited to the volume of water that can be extracted until the depth of an individual pool in those Zones falls to 15 centimetres below the level at which surface outflow ceases at the downstream end of the pool, at a rate not exceeding the very low flow class TDELs specified in clause 45 for each Zone, and
 - (d) if an access licence on Schedule 6 is cancelled, surrendered not renewed, or nominates a different water supply work, it will be removed from the Schedule.

[13] Clause 62B Schedule 7 access to very low flows

Insert Clause 62B

62B Schedule 7 access to very low flows

- (1) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 7 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
 - (a) fruit and vegetable washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene
 - (c) poultry watering and misting, and
 - (d) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (2) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (3) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 7, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (4) A licence will be removed from Schedule 7 if:
 - (a) any access licence dealing results in the water being extracted from a different location,
 - (b) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (c) the licence is surrendered, cancelled, or not renewed.
- (5) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (6) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (7) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[14] Clause 66A Unregulated river (Aboriginal cultural) access licences

Insert clause 66A:

66A Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (i) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional

artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

- (j) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (k) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (l) the conditions in subclauses (b) and (c) are not to be imposed if the IDEL of the licence specifies that water may only be taken from a runoff harvesting dam.

[15] Notes following clause 71

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[16] Clause 72 Amendment of this Plan

Omit clause 72. Insert instead:

72 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[17] Clause 73 (1)

Omit clause 73 (1). Insert instead:

- (4) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of C class established in clause 17, following field verification.

[18] Clause 74 (2)

Omit clause 74 (2). Insert instead:

- (5) This review body may be:
- (g) a water management committee with water sharing responsibilities for this water source,
 - (h) the relevant Catchment Management Authority, or
 - (i) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a) or (b).

[19] Clause 75 (1)

Omit clause 75 (1). Insert instead:

- (1) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, delete clause 62 and Schedule 6, following a review of the environmental effects of pumping on the health of the water source, including the pools.

[20] Schedule 6 Access licences with access to very low flows and pools

Omit Schedule 6. Insert instead:

Schedule 6 Access licences with access to very low flows and pools under Clause 62A of this plan

The access licences with the following numbers have access to very low flows in accordance with clause 62A of this plan:

90SL009763	90SL039966	90SL034368
90SL011206	90SL017794	90SL039977
90SL017706	90SL018363	90SL044815
90SL025196	90SL019188	90SL047556
90SL031959	90SL021103	90SL047600
90SL032101	90SL021123	90SL100162
90SL036174	90SL021126	90SL049711
90SL037319	90SL031556	90SL036117
90SL039616	90SL100516	90SL036650
90SL040784	90SL100517	90SL037820
90SL042646	90SL100518	90SL039009
90SL033343	90SL100519	
90SL100599	90SL100683	

Note. The access licence details in this Schedule may change during the period of this Plan. The District Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[21] Schedule 7 Access licences with access to very low flows under Clause 62B of this plan:

Insert Schedule 7:

Schedule 7 Access licences with access to very low flows under Clause 62B of this plan:

The access licences with the following numbers have access to very low flows in accordance with clause 62B of this plan:

90SL100599	Piggery cleaning
90SL100683	Piggery cleaning

Note. The access licence details in this Schedule may change during the period of this Plan. The Regional Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[22] Appendix 2

Omit Appendix 2. Insert instead:

Appendix 2 Location of maps for public inspection

The maps in relation to this Plan may be inspected at:

Regional Office
Department of Infrastructure Planning and Natural Resources
Noel Park House Level 3
155-157 Marius St
TAMWORTH NSW 2340

[23] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Tenterfield Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(k) Change in low flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(l) Change in moderate to high flows.	11 (b) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points.. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a

Performance indicators for the Tenterfield Creek Water Sharing Plan			
Performance indicator	R e l a t e d o b j e c t i v e	As measured by	Commentary
			<p>qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.</p> <ul style="list-style-type: none"> • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(m) Change in local water utilities and major water utilities access (where those utilities are involved in urban water provision).	11 (c)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.

Performance indicators for the Tenterfield Creek Water Sharing Plan			
Performance indicator	R e l a t e d o b j e c t i v e	As measured by	Commentary
(n) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (d) 11 (h) 11 (i)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(o) Extent to which basic landholder	11 (e)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are

Performance indicators for the Tenterfield Creek Water Sharing Plan			
Performance indicator	R e l a t e d o b j e c t i v e	As measured by	Commentary
rights requirements have been met.		relation to basic rights requirements.	estimated (not actual use).
(p) Change in economic benefits derived from water extraction and use.	11 (c) 11 (f)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(q) Extent to which native title rights requirements have been met.	11 (h) 11 (i)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(r) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (a) 11 (b) 11 (d) 11 (g) 11 (h) 11 (i)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum

Performance indicators for the Tenterfield Creek Water Sharing Plan			
Performance indicator	R e l a t e d o b j e c t i v e	As measured by	Commentary
			requirement.

[24] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 10 - Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003

[1] Clause 13 (i)

Omit clause 13 (i).

[2] Clause 21 (1)

Omit Clause 21 (1). Insert instead:

(1) Environmental health water is identified and established as follows:

(a) In Zone 1:

(i) in very low flows, the flow occurring in this zone minus 0.12 ML/day, minus the very low flow access permitted under clause 62 of this plan,

Note. 0.12 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 1.

(ii) in A class flows, the flow occurring in this zone minus 9.52 ML/day, and

Note. 9.52 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 1.

(iii) in B class flows, the flow occurring in this zone minus 14.12 ML/day.

Note. 14.12 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 1.

(b) In Zone 2:

(i) in very low flows, the flow occurring in this zone minus 0.72 ML/day, minus the very low flow access permitted under clause 62 of this plan,

Note. 0.72 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 2.

(ii) in A class flows, the flow occurring in this zone minus 12.02 ML/day, and

Note. 12.02 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 2.

(iii) in B class flows, the flow occurring in this zone minus 17.92 ML/day.

Note. 17.92 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 2.

(c) In Zone 3:

(i) in very low flows, the flow occurring in this zone minus 0.19 ML/day minus the very low flow access permitted under clause 62 of this plan,,

Note. 0.19 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 3, and clause 62 establishes a review which may determine 0.2 ML/day as the daily extraction limit available to access licences.

- (ii) in A class flows, the flow occurring in this zone minus 4.39 ML/day, and
Note. 4.39 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 3.
- (iii) in B class flows, the flow occurring in this zone minus 5.59 ML/day.
Note. 5.59 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 3.
- (d) In Zone 4:
- (i) in very low flows, the flow occurring in this zone minus 0.33 ML/day, minus the very low flow access permitted under clause 62 of this plan,
Note. 0.33 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 4.
- (ii) in A class flows, the flow occurring in this zone minus 6.73 ML/day, and
Note. 6.73 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 4.
- (iii) in B class flows, the flow occurring in this zone minus 14.73 ML/day.
Note. 6.73 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 4.
- (e) In Zone 5:
- (i) in very low flows, the flow occurring in this zone minus 0.5 ML/day, minus the very low flow access permitted under clause 62 of this plan,
Note. 0.5 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 5.
- (ii) in A class flows, the flow occurring in this zone minus 6.0 ML/day, and
Note. 6.0 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 5.
- (iv) in B class flows, the flow occurring in this zone minus 8.5 ML/day.
Note. 8.5 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 5.
- (f) In Zone 6, the flow occurring in this zone minus 2.14 ML/day and minus the total extraction under all access licences in this zone.
Note. 2.14 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 6.

[3] Clause 21 (2) (a) (i)

Omit Clause 21 (2) (a) (i). Insert instead:

- (i) the holders of access licences, except those listed in Schedules 6 and 7, are not permitted any access in Zones 1 to 5,

[4] Clause 32 (3)

Omit clause 32 (3). Insert instead:

- (4) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
- (b) local water utility access licences,
Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.
 - (d) domestic and stock access licences,
 - (e) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or
 - (f) unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (8) Subclause (4) does not apply to an application for a new access licence arising from:
- (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

[6] Clauses 32 (7)-(8)

Omit clauses 32 (7)-(8). Insert instead:

- (8) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[7] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (iv) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[8] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (16) Water taken from this water source will be accounted for at least annually.

- (17) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (18) A water accounting year shall be the 12 month period commencing 1 July.
- (19) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (20) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43(1).
- (9) A water allocation account shall remain at or above zero at all times.

[9] Clause 50 (2)

Omit clause 50 (2). Insert instead:

- (4) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
 - (c) first the unassigned TDEL specified in clause 47 for that management zone, then, if necessary, the TDEL for unregulated river access licences in clauses 46 for that management zone shall be diminished to allow these additional basic landholder rights to be met, and
 - (d) the IDELs of each unregulated river access licence in the specified management zone will then be reduced to comply with this diminished TDEL.

[10] Clause 50 (3)

Omit clause 50 (3). Insert instead:

- (5) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
 - (c) (a) the IDEL requirements of applicants for new access licences for domestic and stock access and unregulated river (Aboriginal cultural) access, or
 - (d) a local water utility's IDEL requirements in a specified management zone resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,then the TDEL for unregulated river access licences in that management zone in clause 46 will be diminished to such an extent as to allow those requirements to be met.

[11] Clause 53 (1)

Omit Note after clause 53 (1).

[12] Clause 62 Schedule 6 access licence conditions

Omit Clause 62. Insert instead:

62 Very low flow access conditions

- (1) **Subject to clause 22 and subclause (2) (d) and notwithstanding clause 63 (c) (ii), access licences listed in Schedule 6 are allowed access to very low flows in Zone 3 until the completion of year 5 of this Plan.**

- (2) **Access to very low flows identified in subclause (1) is subject to the following conditions:**
- (a) access to the very low flow class is permitted during years 1 to 5 of this Plan,
 - (b) no access to the very low flow class is permitted during years 6 to 10 of this Plan,
 - (c) the volume of water that may be extracted is limited to the TDEL specified in clauses 45 (1) (c) (i) and 46 (c) (iii) (1) for Zone 3, and
 - (d) if the access licence on Schedule 6 lapses, is cancelled or is assigned elsewhere, then it will be removed from the schedule.
- (15) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 7 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (i) fruit and vegetable washing,
 - (j) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (k) poultry watering and misting, and
 - (l) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (16) The maximum daily volume that can be extracted under subclause (3) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (17) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 7, but only if the licence meets the purpose requirements established in subclause (3), and the purpose existed prior to 1 July 2004.
- (18) A licence will be removed from Schedule 7 if:
- (g) any access licence dealing results in the water being extracted from a different location,
 - (h) an alternative water supply is obtained, that satisfies the requirements of subclause (3), or
 - (i) the licence is surrendered, cancelled, or not renewed.
- (19) Notwithstanding subclauses (3) to (6), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (20) An assessment of the continuing requirements for access under subclauses (3) to (7) will be undertaken before the end of the Plan and Schedule 7 amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (21) The assessment made under subclause (8) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[13] Clause 67 (a)

Omit clause 67 (a). Insert instead:

- (m) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[14] Notes following clause 72

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[15] Clause 73 Amendment of this Plan

Omit clause 73. Insert instead:

72 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[16] Clause 74 (1)

Omit clause 74 (1). Insert instead:

- (6) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, and the cease to pump levels for unregulated river access licences in clause 63 (c), following field verification.

[17] Clause 75 (1)

Omit clause 75 (1). Insert instead:

- (1) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette and following verification of the demand for high flow C class extraction in Zones 1 to 5,
 - (a) establish C class flow categories and thresholds in clause 17,
 - (b) amend clause 21 to allow for environmental health water to be established in C class,
 - (c) establish TDELs for C class in Zones 1 to 5 in clause 44,
 - (d) assign TDELs for C class to categories of access licence in Zones 1 to 5 in clause 45,
 - (e) vary the unassigned TDEL in clause 47,
 - (f) recommend conversion factors for the surrender of A class IDEL in exchange for C class IDEL at clause 55, and
 - (g) recommend conversion factors for the surrender of B class IDEL in exchange for C class IDEL at clause 55.

[18] Clause 76 (2)

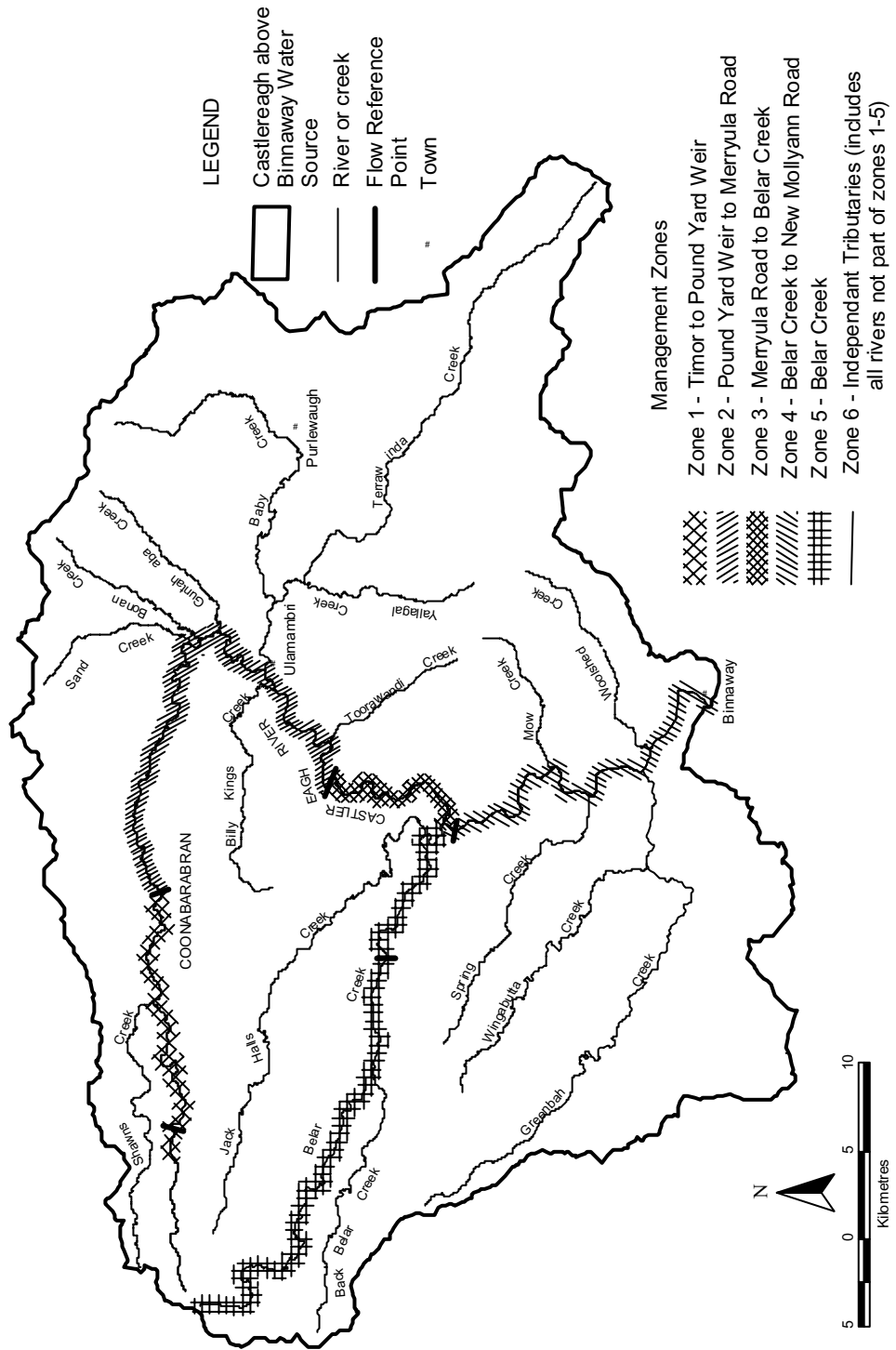
Omit clause 76 (2). Insert instead:

- (7) This review body may be:
 - (j) a water management committee with water sharing responsibilities for this water source, or
 - (k) the relevant Catchment Management Authority, or
 - (l) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a) or (b).

[19] Schedule 2 Castlereagh River above Binnaway Water Source

Omit Schedule 2. Insert instead:

Schedule 2 Castlereagh River above Binnaway Water Source



[20] **Schedule 6 Unregulated river access licences with access to very low flows**

Omit Schedule 6. Insert instead:

Schedule 6 Access licences with access to very low flows under subclauses 62 (1)-(2) of this plan

The access licences with the following numbers have access to very low flows in accordance with subclauses 62 (1)-(2) of this plan:

80SL051581 owned by Baiada Pty Ltd.

Note. The access licence details in this Schedule may change during the period of this Plan. The District Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[21] Schedule 7 Access licences with access to very low flows under subclauses 62 (3)-(8) of this plan

Insert Schedule 7:

Schedule 7 Access licences with access to very low flows under subclauses 62 (3)-(8) of this plan:

The access licences with the following numbers have access to very low flows in accordance with subclauses 62 (3)-(8) of this plan:

No licences at this time.

Note. The access licence details in this Schedule may change during the period of this Plan. The District Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[22] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Castlereagh River above Binnaway Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(s) Change in low flows.	11 (a) 11 (b) 11 (d) 11 (f)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. RFOs are the objectives agreed to by the NSW Government aimed

Performance indicators for the Castlereagh River above Binnaway Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
	11 (m)	commencement, at identified reference points.	<p>at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> • Plan will contribute to a decrease in the frequency and duration of low flows. • This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(t) Change in moderate to high flows.	11 (c) 11 (f)	<ul style="list-style-type: none"> • Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points.. 	<ul style="list-style-type: none"> • RFO 3. • Plan will maintain or increase the frequency and duration of moderate to high flows. • This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with

Performance indicators for the Castlereagh River above Binnaway Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>the water sharing rules, due to the current modelling limitations in most unregulated rivers.</p> <ul style="list-style-type: none"> • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(u) Change in local water utilities access	11 (h)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the

Performance indicators for the Castlereagh River above Binnaway Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			period of the plan.
(v) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (d) 11 (e) 11 (f) 11 (q)	<ul style="list-style-type: none"> Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. The focus of this performance indicator will be the effect of flow strategies. Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. Research and development into the impacts of flow on

Performance indicators for the Castlereagh River above Binnaway Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(w) Extent to which basic landholder rights requirements have been met.	11 (g)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(x) Change in economic benefits derived from water extraction and use.	11 (j) 11 (k) 11 (l) 11 (n)	<ul style="list-style-type: none"> Number of days access provided over the time of the plan. Number of new off stream storages. Change in unit price of water transferred. Change in gross margins. 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity prices. Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(y) Extent to which native title rights requirements have been met.	11 (o)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant

Performance indicators for the Castlereagh River above Binnaway Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			information collected for each water source, as a minimum requirement.
(z) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (a) 11 (b) 11 (c) 11 (d) 11 (f) 11 (o)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[23] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 11 - *Water Sharing Plan for the Mandagery Creek Water Source 2003*

[1] Clause 13 (i)

Omit clause 13 (i).

[2] Clause 21 Environmental health water

Omit clause 21. Insert instead:

21 Environmental health water

(1) Environmental health water is identified and established as follows:

(a) In Zone 1:

(i) in very low flows, the flow occurring in this zone minus 0.5 ML/day, minus the very low flow access permitted under clause 61A of this plan,

Note. 0.5 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 1.

(ii) in A class flows, the flow occurring in this zone minus 2.3 ML/day,

Note. 2.3 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 1.

(iii) in B class flows, the flow occurring in this zone minus 12.5 ML/day, and

Note. 12.5 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 1.

(iv) in C class flows, the flow occurring in this zone minus 17.5 ML/day.

Note. 17.5 ML/day is the amount of water estimated at the commencement of the Plan for C class total daily extraction limit and basic landholder rights in Zone 1.

(b) In Zone 2:

(i) in very low flows, the flow occurring in this zone minus 0.88 ML/day, minus the very low flow access permitted under clause 61A of this plan,

Note. 0.88 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 2.

(ii) in A class flows, the flow occurring in this zone minus 11.68 ML/day,

Note. 11.68 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 2.

(iii) in B class flows, the flow occurring in this zone minus 22.88 ML/day, and

Note. 22.88 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 2.

(iv) in C class flows, the flow occurring in this zone minus 42.88 ML/day.

Note. 42.88 ML/day is the amount of water estimated at the commencement of the Plan for C class total daily extraction limit and basic landholder rights in Zone 2.

- (c) In Zone 3:
- (i) in very low flows, the flow occurring in this zone minus 0.82 ML/day, minus the very low flow access permitted under clause 61A of this plan,
Note. 0.82 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 3.
 - (ii) in A class flows, the flow occurring in this zone minus 15.32 ML/day,
Note. 15.32 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 3.
 - (iii) in B class flows, the flow occurring in this zone minus 27.82 ML/day, and
Note. 27.82 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 3.
 - (iv) in C class flows, the flow occurring in this zone minus 50.82 ML/day.
Note. 50.82 ML/day is the amount of water estimated at the commencement of the Plan for C class total daily extraction limit and basic landholder rights in Zone 3.
- (d) In Zone 4:
- (i) in very low flows, the flow occurring in this zone minus 1.5 ML/day, minus the very low flow access permitted under clause 61A of this plan,
Note. 1.5 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 4.
 - (ii) in A class flows, the flow occurring in this zone minus 95.5 ML/day,
Note. 95.5 ML/day is the amount of water estimated at the commencement of the Plan for A class total daily extraction limit and basic landholder rights in Zone 4.
 - (iii) in B class flows, the flow occurring in this zone minus 146.5 ML/day, and
Note. 146.5 ML/day is the amount of water estimated at the commencement of the Plan for B class total daily extraction limit and basic landholder rights in Zone 4.
 - (iv) in C class flows, the flow occurring in this zone minus 301.5 ML/day.
Note. 301.5 ML/day is the amount of water estimated at the commencement of the Plan for C class total daily extraction limit and basic landholder rights in Zone 4.
- (e) In Zone 5:
- (i) in very low flows, the flow occurring in this zone minus 0.19 ML/day, minus the very low flow access permitted under clause 61A of this plan,, and
Note. 0.19 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 5.
 - (ii) for all flows above the very low flow class, the flow occurring in this zone minus 0.19 ML/day and minus the total extraction under all access licences in this zone.
- (f) In Zone 6, the flow occurring in this zone minus 2.41 ML/day and minus the total extraction under all access licences in this zone.
Note: 2.41 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights in Zone 6.

- (2) Environmental health water is maintained as follows:
- (a) In very low flows:
- (i) in Zones 1 to 5, the holders of access licences are not permitted any access, except for access permitted under clause 61A of this plan,
 - (ii) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 61A, and
 - (iii) persons exercising domestic and stock and native title rights may take a combined total of up to 0.5 ML/day in Zone 1, 0.88 ML/day in Zone 2, 0.82 ML/day in Zone 3, 1.5 ML/day in Zone 4, 0.19 ML/day in Zone 5 and 2.41 ML/day in Zone 6.
- Note.** The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.
- (b) In A class, B class and C class flows:
- (i) in Zones 1 to 4, the holders of access licences have restricted access to water as specified in clause 45,
 - (ii) persons exercising domestic and stock and native title rights may take water, and
 - (iii) if the water taken under domestic and stock and native title rights is assessed to be exceeding 0.5 ML/day in Zone 1, 0.88 ML/day in Zone 2, 0.82 ML/day in Zone 3, 1.5 ML/day in Zone 4, 0.19 ML/day in Zone 5 and 2.41 ML/day in Zone 6, the access to water for access licences will be reduced in accordance with clause 50 to maintain the environmental water in this flow class.
- (c) In all flow classes, limits are imposed on the availability of water in accordance with clauses 35 and 37, that protect a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.

Note. These rules protect the water for the environment by limiting both water extracted over the long-term and the rate of extraction of water in different flow ranges, thereby achieving the objectives of this Plan.

Note. This Plan recognises that the environmental health water provisions provide non-extractive benefits, including traditional Aboriginal spiritual, social, customary, cultural and recreational benefits, and contributes to improved water quality.

[3] Clause 31 (1)

Omit clause 31 (1). Insert instead:

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act in the area in respect of which this Plan is made, the requirements identified for water for extraction under access licences within this water source will total approximately 7748 megalitres per year (hereafter *ML/yr*), distributed as follows:
- (a) 124 ML/yr in Zone 1,
 - (b) 908 ML/yr in Zone 2,
 - (c) 910 ML/yr in Zone 3,
 - (d) 5272 ML/yr in Zone 4,
 - (e) 229 ML/yr in Zone 5, and
 - (f) 305 ML/yr in Zone 6.

[4] Clause 32 (3)

Omit clause 32 (3). Insert instead:

- (5) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
- (c) local water utility access licences,
Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.
 - (g) domestic and stock access licences,
 - (h) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or
 - (i) Unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (9) Subclause (4) does not apply to an application for a new access licence arising from:
- (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

[6] Clauses 32 (7)-(8)

Omit clauses 32 (7)-(8). Insert instead:

- (9) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[7] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (v) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[8] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (21) Water taken from this water source will be accounted for at least annually.

- (22) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (23) A water accounting year shall be the 12 month period commencing 1 July.
- (24) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (25) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43 (1).
- (10) A water allocation account shall remain at or above zero at all times.

[9] Clause 50 (2)

Omit clause 50 (2). Insert instead:

- (6) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
 - (e) first the unassigned TDEL specified in clause 47 for that zone and in each flow class, then, if necessary, the TDEL for unregulated river access licences in clause 46 shall be diminished to allow these additional basic landholder rights to be met, and
 - (f) the IDELs of each unregulated river access licence in that management zone will then be reduced to comply with this diminished TDEL.

[10] Clause 50 (3)

Omit clause 50 (3). Insert instead:

- (7) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
 - (e) the IDEL requirements of applicants for new access licences for local water utility access, domestic and stock access, and unregulated river (Aboriginal cultural) access in that management zone, or
 - (f) a local water utility's IDEL requirements in that management zone resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,then the TDEL for unregulated river access licences in that management zone in clause 46 will be diminished to such an extent as to allow those requirements to be met.

[11] Clause 53 (1)

Omit Note after clause 53 (1).

[12] Clause 61A Access to very low flows

Insert clause 61A:

61A Very low flow access conditions

- (22) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of

the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:

- (m) fruit and vegetable washing,
 - (n) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (o) poultry watering and misting, and
 - (p) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (23) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (24) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (25) A licence will be removed from the Schedule if:
- (j) any access licence dealing results in the water being extracted from a different location,
 - (k) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (l) the licence is surrendered, cancelled, or not renewed.
- (26) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (27) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the Schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (28) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[13] Clause 66 (a)

Omit clause 66 (a). Insert instead:

- (n) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[14] Notes following clause 71

Omit notes. Insert instead:

Note. **Review and Audit of this Plan**

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[15] Clause 72 Amendment of this Plan

Omit clause 72. Insert instead:

72 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[16] Clause 73 (1)

Omit clause 73 (1). Insert instead:

- (8) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.

[17] Clause 74 (1)

Omit clause 74 (1). Insert instead:

- (1) The Minister may, under section 45 (1) (b) of the Act, by notice published in the NSW Government Gazette, and following field verification of high flows, if appropriate, amend clause 55 to include conversion factors associated with the surrender of A class IDELs in return for the issue of C class IDELs between management zones 1, 2, 3 and 4, to apply from years 6 to 10 of this Plan.

[18] Clause 75 (2)

Omit clause 75 (2). Insert instead:

- (9) This review body may be:
- (m) a water management committee with water sharing responsibilities for this water source, or
 - (n) the relevant Catchment Management Authority, or
 - (o) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a) or (b).

[19] Schedule 2 Mandagery Creek Water Source

Omit clause Schedule 2. Insert instead:

Schedule 2 Mandagery Creek Water Source

[20] Schedule 6 Access licences with access to very low flows

Insert Schedule 6:

Schedule 6 Access licences with access to very low flows

The access licences with the following numbers have access to very low flows in accordance with clause 62 of this plan:

Note. No licences identified at the time of making of this amending order.

Note. The access licences in this Schedule may change during the period of this Plan. The District Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[21] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Mandagery Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(aa) Change in low flows.	11 (a) 11 (b) 11 (c) 11 (e) 11 (f) 11 (g) 11 (p)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to

Performance indicators for the Mandagery Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>the current modelling limitations in most unregulated rivers.</p> <ul style="list-style-type: none"> • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(bb) Change in moderate to high flows.	11 (a) 11 (d) 11 (e) 11 (f) 11 (g) 11 (h) 11 (p)	<ul style="list-style-type: none"> • Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points.. 	<ul style="list-style-type: none"> • RFO 3. • Plan will maintain or increase the frequency and duration of moderate to high flows. • This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of

Performance indicators for the Mandagery Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			assessment has been wet or dry.
(cc) Change in local water utilities access	11 (k) 11 (m)	<ul style="list-style-type: none"> Change in safe yield (safe yield is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(dd) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (e) 11 (f) 11 (g) 11 (h)	<ul style="list-style-type: none"> Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. The focus of this performance indicator will be the effect of flow strategies. Information on flow requirements of ecological

Performance indicators for the Mandagery Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
	11 (p)		<p>systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles.</p> <ul style="list-style-type: none"> In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(ee) Extent to which basic landholder rights requirements have been met.	11 (j)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(ff) Change in economic benefits derived from	11 (h) 11 (k) 11 (m) 11 (n)	<ul style="list-style-type: none"> Number of days access provided over the time of the plan. 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity

Performance indicators for the Mandagery Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
water extraction and use.		<ul style="list-style-type: none"> • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<p>prices.</p> <ul style="list-style-type: none"> • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(gg) Extent to which native title rights requirements have been met.	11 (j) 11 (o)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(hh) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (o) 11 (k) 11 (i)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[22] **Appendix 4 Minister's access licence dealing principles**
Omit Appendix 4.

**Schedule 12 - Water Sharing Plan for the Jilliby Jilliby Creek Water Source
2003****[1] Clause 13 (i)**

Omit clause 13 (i)

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (b) In very low flows, the flow occurring in this water source, minus 0.51 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 0.51 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights extraction.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (a) In very low flows:
- (vii) the holders of access licences, excluding access licences listed in Schedule 6, are not permitted any access,
 - (viii) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 61A, and
 - (ix) persons exercising domestic and stock and native title rights may take a combined total of up to 0.51 ML/day.

Note. In times of severe water shortage the Minister may issue an Order under section 60 (2) of the Act which suspends the provisions of this Plan and the priorities it establishes.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[4] Clause 32

Omit clause 32 (3) (c). Insert instead:

- (c) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

Insert 32 (3) (d):

- (d) unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (10) Subclause (4) does not apply to an application for a new access licence arising from:
- (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

[6] Clause 32 (7)

Omit clause 32 (7).

[7] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (11) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (vi) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (26) Water taken from this water source will be accounted for at least annually.
- (27) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (28) A water accounting year shall be the 12 month period commencing 1 July.
- (29) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (30) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43(1).
- (11) A water allocation account shall remain at or above zero at all times.

[10] Clause 50 (2)

Omit clause 50 (2). Insert instead:

- (8) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (a) first the unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
- (b) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.

[11] Clause 50 (3)

Omit clause 50 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (a) the IDEL requirements of applicants for new domestic and stock access licences, or
 - (b) a local water utility's IDEL requirements,
- then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.

[12] Clause 53 (1)

Omit Note after clause 53 (1).

[13] Clause 57 (2) (c)

Omit Clause 57 (2) (c)

[14] Clause 61A Very low flow access conditions

Insert Clause 61 A:

- (29) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (q) fruit washing,
 - (r) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (s) poultry watering and misting, and
 - (t) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (30) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (31) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (32) A licence will be removed from the Schedule if:
- (m) any access licence dealing results in the water being extracted from a different location,
 - (n) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (o) the licence is surrendered, cancelled, or not renewed.

- (33) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (34) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (35) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[15] Clause 62 A Unregulated river (Aboriginal cultural) access licences

Insert Clause 62 A:

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

[16] Notes following clause 70

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[17] Clause 71

Omit clause 71. Insert instead:

This part is made in accordance with section 45 (1) (b) of the Act.

[18] Clause 72

Omit clause 72 (1). Insert instead:

- (10) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of B class established in clause 17, following field verification.

[19] Clause 73 (2)

Omit clause 73 (2). Insert instead:

- (11) This review body may be:
- (p) a water management committee with water sharing responsibilities for this water source,
 - (q) the relevant Catchment Management Authority, or
 - (r) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a).

[20] Schedule 6: Access licences with very low flow access

Insert Schedule 6

Schedule 6: Access licences with very low flow access

(no licences identified at the time of making of this amending order)

[21] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Jilliby Jilliby Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(ii) Change in low flows.	11 (a) 11 (b) 11 (e)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's flow reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. <ul style="list-style-type: none"> There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(jj) Change in moderate to high flows.	11 (c) 11 (d)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on

Performance indicators for the Jilliby Jilliby Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		points.	<p>the plan's flow reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.</p> <ul style="list-style-type: none"> • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. ▪ There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(kk) Change in local water utilities and major water utilities access (where those utilities are involved in urban water provision).	11 (j) 11 (k)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this

Performance indicators for the Jilliby Jilliby Creek Water Sharing Plan			
Performance indicator	Relat e d o b j e c t i v e	As measured by	Commentary
			change in access has led to increased levels of town water supply restrictions during the period of the plan.
(ll) Change in ecological condition of this water source and dependent ecosystems.	11 (d) 11 (g) 11 (l)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at

Performance indicators for the Jilliby Jilliby Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>a particular time and place.</p> <ul style="list-style-type: none"> • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(mm) Extent to which basic landholder rights requirements have been met.	11 (k)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(nn) Change in economic benefits derived from water extraction and use.	11 (i)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(oo) Extent to which native title rights	11 (h) 11 (l)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first

Performance indicators for the Jilliby Jilliby Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
requirements have been met.		to identify the range of values of water to Aboriginal people.	step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(pp) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (h) 11 (l)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[22] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 13 - Water Sharing Plan for the Karuah River Water Source 2003**[1] Clause 13 (i)**

Omit clause 13(i).

[2] Clause 21 (1) (a)

Omit Clause 21 (1) (a). Insert instead:

- (a) In very low flows, the flow occurring in this water source minus 2 ML/day, minus the very low flow access permitted under clause 62A of this Plan.

Note. The 2 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights.

[3] Clause 21 (1) (b)

Omit Clause 21 (1) (b)

[4] Clause 21 (2) (a)

Omit Clause 21 (2) (a). Insert instead:

- (a) In very low flows:
- (i) holders of access licences identified in Schedule 6 have restricted access in accordance with Clause 62A of this Plan.
 - (ii) holders of all other access licences are not permitted access to water, and
 - (iii) persons exercising domestic and stock and native title rights may take a combined total of up to 2 ML/day

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[5] Clause 21 (2) (b) (iv)

Omit Clause 21 (2) (b) (iv). Insert instead:

- (iv) thereafter, the holders of access licences have restricted access to this flow class as specified in clause 46.

[6] Clause 21 (2) (c) (ii)

Omit Clause 21 (2) (c) (ii). Insert instead:

- (ii) thereafter, the holders of access licences have restricted access to this flow class as specified in clause 46.

[7] Clause 21 (2) (d) (ii)

Omit Clause 21 (2) (d) (ii). Insert instead:

- (ii) thereafter, the holders of access licences have restricted access to this flow class as specified in clause 46.

[8] Clause 23 (2)

Omit Clause 23 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, once the Stroud Weir fish passage is constructed and operational, supplementary environmental water is identified and established as follows:
 - (a) each year during the periods 1 June to 31 July and 1 October to 30 November, the very low flow and A class flow levels established in clause 17 (1) (a) and (b) should be increased to provide and maintain a 10 ML/day flow at Stroud Weir,
 - (b) these levels are to be maintained until no more than a 3 week, continuous period of flows greater than 10 ML/day occurs at the Weir for each period, or to the end of either period, at which time the very low flow and A class flow levels specified in clause 17 (1) (a) and (b) will reapply, and
 - (c) the Minister, in consultation with the Minister for Fisheries, may determine a lesser period than three weeks as established in subclause (b), if warranted.

Note. As part of the implementation of this Plan, an expert panel is reviewing the need for a fish passage device on the Weir and the maximum period required for it to operate effectively. This clause establishes the upper limit for the maximum period of restricted flow class access resulting from the operation of the fish passage.

[9] Clause 32 (3)

Omit clause 32 (3). Insert instead:

- (6) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
 - (d) local water utility access licences,
 - Note.** Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.
 - (j) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or
 - (k) Unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application, or
 - (l) unregulated river (research) access licences provided the total share components assigned to all licences in this category does not exceed 10 ML/yr.

[10] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (11) Subclause (4) does not apply to an application for a new access licence arising from:
- (e) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (f) an access licence dealing.

[11] Clauses 32 (7)-(8)

Omit clauses 32 (7)-(8). Insert instead:

- (10) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[12] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (vii) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[13] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (31) Water taken from this water source will be accounted for at least annually.
- (32) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (33) A water accounting year shall be the 12 month period commencing 1 July.
- (34) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (35) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43(1).
- (12) A water allocation account shall remain at or above zero at all times.

[14] Clause 45 (1) (a)

Omit Clause 45 (1) (a).

[15] Clause 45 (1) (b)

Omit Clause 45 (1) (b).

[16] Clause 46 (a) (i)

Omit Clause 46 (a) (i).

[17] Clause 46 (b) (i)

Omit Clause 46 (b) (i).

[18] Clause 46 (c) (i)

Omit Clause 46 (c) (i).

[19] Clause 47 (a)

Omit Clause 47 (a).

[20] Clause 49 Daily extraction limits for the very low flow class

Omit Clause 49.

[21] Clause 51 (2)

Omit clause 51 (2). Insert instead:

- (9) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the volume specified in Part 5 of this Plan:
- (g) first any unassigned TDEL then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
 - (h) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.

[22] Clause 51 (3)

Omit clause 51 (3). Insert instead:

- (10) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (g) the IDEL requirements of applicants for new access licences for unregulated river (Aboriginal cultural) access or unregulated river (research) access, or
 - (h) a local water utility's IDEL requirements,
- then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.**

[23] Clause 54 (1)

Omit Note after clause 54 (1).

[24] Clause 55 (2)

Omit Clause 55 (2). Insert instead:

- (2) Dealings are prohibited under this clause if:
- (a) any of the access licences or water allocations involved are not within this water source,
Note. Clause 57 relates to any dealings that involve an access licence moving from one water source to another.
- (b) the dealing relates to new licence categories specified in clause 32 (3),
- (c) prior to the assignment of IDELs in all flow classes the dealing results in the total share components of all access licences that have nominated water supply works in the receiving management zone exceeding 10% of the total share components existing at the time of the commencement of Part 2 of Chapter 3 of the Act in this water source, unless the dealing is:
- (i) from management zone 1 to management zones 2, 3 or 5
 - (ii) from management zone 2 to management zones 3 or 5
 - (iii) from management zone 3 to management zone 5
 - (iv) from management zone 4 to management zones 3 or 5,
- (d) after the assignment of IDELs in all flow classes the dealing results in the total IDELs of all access licences that have nominated water supply works in the receiving management zone exceeding 10% of the total IDELs existing at the time of the assignment unless the dealing is:
- (i) from management zone 1 to management zones 2, 3 or 5,
 - (ii) from management zone 2 to management zone 3 or 5,
 - (iii) from management zone 3 to management zone 5, or
 - (iv) from management zone 4 to management zone 3 or 5.
- Note.** The management zones are shown in Schedule 2. These provisions facilitate the trading of IDELs in a downstream direction, and limit the potential change to daily river flow that could occur from dealings in an upstream direction.

[25] Clause 57 Rules for change of water source

Omit Clause 57. Insert instead:

57 Rules for change of water source

- (1) This clause relates to dealings under section 71E of the Act.
Note. Section 71E dealings are the mechanism by which access licences can move from one water source to another. Once the change in water source has been affected, if permitted, the new licence will have to nominate specified works (by a dealing under section 71J of the Act) in the receiving water source before extraction can commence.
- (2) Dealings under section 71E of the Act are prohibited in this water source, unless provided for in this clause.
- (3) An access licence with a share component specifying this water source may be cancelled and a new access licence issued in another water source, only if the access licence dealing rules in the other water source permit such a dealing.
- (4) An access licence with a share component specifying another water source may not be cancelled and a new access licence specifying this water source issued.
- (5) The extraction component of any access licence cancelled under this clause is not to be carried over to the new access licence.

[26] Clause 58 (2) (c)

Omit Clause 58 (2) (c).

[27] Clause 60 Rules for water allocation assignments between water sources

Omit Clause 60. Insert instead:

60 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71G of the Act, in relation to water allocation assignments between water sources.
- (2) Dealings that assign water allocations from access licences outside this water source to access licences in this water source are prohibited.

[28] Clause 62A Access to very low flows

Insert clause 62A:

62A Very low flow access conditions

- (36) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
 - (u) fruit and vegetable washing,
 - (v) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (w) poultry watering and misting,
 - (x) cleaning of enclosures used for intensive animal production for the purposes of hygiene, and
 - (y) essential human health and hygiene.
- (37) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (38) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (39) An access licence will be removed from the Schedule if:
 - (p) any access licence dealing results in the water being extracted from a different location,
 - (q) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (r) the licence is surrendered, cancelled, or not renewed.
- (40) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.

- (41) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the Schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (42) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[29] Clause 67 (a)

Omit clause 67 (a). Insert instead:

- (o) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[30] Notes following clause 73

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[31] Clause 74 Amendment of this Plan

Omit clause 74. Insert instead:

74 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[32] Clause 75 (1)

Omit clause 75 (1). Insert instead:

- (12) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.

[33] Clause 76 (2)

Omit clause 76 (2). Insert instead:

- (13) This review body may be:
- (s) a water management committee with water sharing responsibilities for this water source, or
 - (t) the relevant Catchment Management Authority, or
 - (u) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a) or (b).

[34] Schedule 6 Access licences with access to very low flows

Insert Schedule 6:

Schedule 6 Access licences with access to very low flows

The access licences with the following numbers have access to very low flows in accordance with Clause 62A:

<u>Licence Number</u>	<u>Purpose</u>
20SL024517	dairy
20SL029842	dairy
20SL030639	dairy
20SL034204	dairy
20SL040017	dairy
20SL041506	poultry
20SL043003	caravan park
20SL043285	dairy
20SL048719	poultry
20SL060639	poultry
20SL060861	poultry
20SL060862	poultry
20SL060863	poultry
20SL060867	poultry
20SL060887	piggery
20SL061020	piggery/yabbies
20SL024158	dairy/piggery
20SL061019	poultry
20SL060881	poultry
20SL061021	poultry
20SL061018	poultry
20SL061269	poultry

Note. The access licences in this Schedule may change during the period of this Plan. The Regional Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[35] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Karuah River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(qq) Change in low flows.	11 (a) 11 (b) 11 (e) 11 (f) 11 (g) 11 (o)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(rr) Change in moderate to high flows.	11 (c) 11 (d) 11 (e) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of

Performance indicators for the Karuah River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
	11 (k) 11 (n)	commencement, at identified reference points..	<p>moderate to high flows.</p> <ul style="list-style-type: none"> • This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(ss) Change in local water utilities' access (where those utilities are involved in urban water provision).	11 (l)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the

Performance indicators for the Karuah River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(tt) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (c) 11 (e) 11 (f) 11 (g) 11 (l) 11 (o)	<ul style="list-style-type: none"> Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. The focus of this performance indicator will be the effect of flow strategies. Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which

Performance indicators for the Karuah River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>factor is the most influential at a particular time and place.</p> <ul style="list-style-type: none"> • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(uu) Extent to which basic landholder rights requirements have been met.	11 (h) 11 (k) 11 (i)	<ul style="list-style-type: none"> ▪ Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(vv) Change in economic benefits derived from water extraction and use.	11 (h) 11 (i) 11 (j) 11 (k) 11 (m) 11 (n)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(ww) Extent to which native title rights	11 (l)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first

Performance indicators for the Karuah River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
requirements have been met.		to identify the range of values of water to Aboriginal people.	step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(xx) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (l)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[36] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 14 - Water Sharing Plan for the Ourimbah Creek Water Source 2003**[1] Clause 13 (i)**

Omit clause 13 (i)

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (c) In very low flows, the flow occurring in this water source, minus 1.37 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 1.37 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights extraction.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (b) In very low flows:

- (x) the holders of access licences, excluding access licences listed in Schedule 6, are not permitted any access,
- (xi) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 61A, and
- (xii) (ii) persons exercising domestic and stock and native title rights may take a combined total of 6up to 1.37 ML/day.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment, for reasons of public health, or to preserve basic landholder rights.

[4] Clause 32

Omit clause 32 (3) (c). Insert instead:

- (c) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

Insert 32 (3) (d):

- (d) unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (12) Subclause (4) does not apply to an application for a new access licence arising from:

- (c) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
- (d) an access licence dealing.

[6] Clause 32 (7)

Omit clause 32 (7).

[7] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (12) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (viii) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (36) Water taken from this water source will be accounted for at least annually.
- (37) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (38) A water accounting year shall be the 12 month period commencing 1 July.
- (39) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (40) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43(1).
- (13) A water allocation account shall remain at or above zero at all times.

[10] Clause 50 (2)

Omit clause 50 (2). Insert instead:

- (11) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (c) first the unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
- (d) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.

[11] Clause 50 (3)

Omit clause 50 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (c) the IDEL requirements of applicants for new domestic and stock access licences, or
 - (d) a local water utility's IDEL requirements,
- then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.

[12] Clause 50 (6)

Omit clause 50 (6). Insert instead:

- (6) In accordance with subclause (3) and clause 36 (b), if the combined IDEL requirements for the local water utilities cannot be met, the Minister may, under section 45 (1) (b) of the Act, and by notice published in the NSW Government Gazette, amend the TDEL for local water utilities after year 2 of this Plan, and the amended TDEL for local water utilities shall be determined by the Minister and may range from:
- (a) 7.5 to 15 ML/day inclusive within B class,
 - (b) 18 to 36 ML/day inclusive within C class,
 - (c) 41 to 43 ML/day inclusive within D class, and
 - (d) 46 ML/day up to 32% of the flow on any day within E class

[13] Clause 53 (1)

Omit Note after clause 53 (1).

[14] Clause 57 (2) (c)

Omit Clause 57 (2) (c)

[15] Clause 61A Very low flow access conditions

Insert Clause 61 A:

- (43) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (z) fruit washing,
 - (aa) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (bb) poultry watering and misting, and
 - (cc) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (44) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.

- (45) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (46) A licence will be removed from the Schedule if:
 - (s) any access licence dealing results in the water being extracted from a different location,
 - (t) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (u) the licence is surrendered, cancelled, or not renewed.
- (47) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (48) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (49) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[16] Clause 62 A Unregulated river (Aboriginal cultural) access licences

Insert Clause 62 A:

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

[17] Notes following clause 70

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to.

This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved. It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[18] Clause 71

Omit clause 71. Insert instead:

This part is made in accordance with section 45 (1) (b) of the Act.

[19] Notes following clause 72

Omit clause 72 (1). Insert instead:

- (14) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.

[20] Clause 73 (2)

Omit clause 73 (2). Insert instead:

- (15) This review body may be:
- (v) a water management committee with water sharing responsibilities for this water source,
 - (w) the relevant Catchment Management Authority, or
 - (x) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a).

[21] Schedule 6: Access licences with very low flow access

Insert Schedule 6

Schedule 6: Access licences with very low flow access

(no licences identified at the time of making of this amending order)

[22] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Ourimbah Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(yy) Change in low flows.	11 (a) 11 (b) 11 (e)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's flow reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(zz) Change in moderate to high flows.	11 (c)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's flow reference

Performance indicators for the Ourimbah Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.</p> <ul style="list-style-type: none"> • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(aaa) Change in local water utilities and major water utilities access (where those utilities are involved in urban water provision).	11 (j) 11 (k)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water

Performance indicators for the Ourimbah Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			supply restrictions during the period of the plan.
(bbb) Change in ecological condition of this water source and dependent ecosystems.	11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on

Performance indicators for the Ourimbah Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(ccc) Extent to which basic landholder rights requirements have been met.	11 (h)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(ddd) Change in economic benefits derived from water extraction and use.	11 (i)	<ul style="list-style-type: none"> Number of days access provided over the time of the plan. Number of new off stream storages. Change in unit price of water transferred. Change in gross margins. 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity prices. Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(eee) Extent to which native title rights requirements have been met.	11 (h)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. Monitor increase in 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each

Performance indicators for the Ourimbah Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		<p>water supply works approvals applications for Native Title basic rights.</p> <ul style="list-style-type: none"> • Qualitative assessment through focus groups semi-structured interviews. 	<p>water source, as a minimum requirement.</p>
(fff) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (h) 11 (m)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. • Qualitative assessment through focus groups semi-structured interviews. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[23] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 15 - Water Sharing Plan for the Wybong Creek Water Source 2003**[1] Clause 13 (h)**

Omit clause 13(h).

[2] Clause 22 (1) (a)

Omit clause 22 (1) (a). Insert instead:

- (a) in very low flows, the surface water flow occurring in this water source, minus the very low flow access permitted under clause 66A of this plan, plus the groundwater storage component of this water source, plus 100% of the groundwater recharge, minus 1.8 ML/day

Note. 1.8 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights. At the time of making this Plan there were no access licences with very low flow access.

[3] Clause 22 (1) (d)

Omit clause 22 (1) (d). Insert instead:

- (b) in D class flows, the surface water flow occurring in this water source, plus the groundwater storage component of this water source, plus 30% of the groundwater recharge, minus 21.8 ML/day,

Note. 21.8 ML/day is the amount of water estimated at the commencement of the Plan for D class total daily extraction limits and basic landholder rights.

[4] Clause 22 (3) (a)

Omit clause 22 (3) (a). Insert instead:

- (i) the holders of access licences, except for those listed in Schedule 6, are not permitted to access any water,
- (ii) access licences listed in Schedule 6 have restricted access to water as specified in clause 66A, and
- (iii) persons exercising domestic and stock and native title rights may take a combined total of up to 1.8 ML/day,

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment, for reasons of public health, or to preserve basic landholder rights.

[5] Clause 22 (3) (c)

Omit clause 22 (3) (c). Insert instead:

- (c) in all flow classes, limits are imposed on the availability of water in accordance with clauses 36 and 38, that protect a proportion of both natural river flows and the average annual recharge of the aquifer for fundamental ecological needs from increases in long-term water extraction,

[6] Clause 22 (3) (e)

Omit clause 22 (3) (e).

[7] Clause 22 (3) (f) (iv)

Omit clause 22 (3) (f) (iv). Insert instead:

- (iv) pursuant to section 45 (1) (b) of the Act, review the initial pool control levels in accordance with clause 76.

[8] Clause 23 (2)

Omit clause 23 (2). Insert instead:

- (2) In addition to subclause (1), all approved water supply works within 40 metres of the rivers specified in Schedule 3, shall comply with pool control levels and key sites established under clause 22 (3) (f).

Note. Provisions in this clause will help achieve the objective specified in clause 11 (a).

[9] Clause 32 (3)

Omit clause 32 (3). Insert instead:

- (7) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
- (m) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or
 - (n) Unregulated river (Aboriginal cultural) access licences up to 10 ML per application.

[10] Clause 33 Rules for granting access licences

Omit clause 33. Insert instead:

33 Rules for granting access licences

- (3) This Part is made in accordance with sections 20 (2) (b) and 63 of the Act, having regard to the limits to water availability in this water source and the need to protect the ecological health of the river and groundwater dependent ecosystems and groundwater quality.
- (4) **Access licences may be granted in this water source subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.**
- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
 - (a) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or
 - (b) unregulated river (Aboriginal cultural) access licences or aquifer (Aboriginal cultural) licences up to 10 ML/yr per application.

- (4) In applying for a new access licence, the applicant must establish the purpose and circumstances relating to that access licence, and that the share components and extraction components sought will be the minimum required to meet that purpose and circumstance.
- (5) **Subclause (4) does not apply to an application for a new access licence arising from:**
 - (a) **section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or**
 - (b) **an access licence dealing.**
- (6) Any individual daily extraction limit (hereafter *IDEL*) granted in accordance with this clause cannot exceed the IDEL initially assigned to an equivalent share component for that category of access licence, as varied by clause 51.
- (7) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[11] Clause 38 (2) (h)

Omit Clause 38 (2) (h). Insert instead:

- (ix) notwithstanding subclause (g), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[12] Clause 43 Annual accounting for water extraction

Omit Clause 43. Insert instead:

43 Annual accounting for water extraction

- (41) Water taken from this water source will be accounted for at least annually.
- (42) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (43) A water accounting year shall be the 12 month period commencing 1 July.
- (44) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (45) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 44(1).
- (14) A water allocation account shall remain at or above zero at all times.

[13] Clause 46 (1) (c)

Omit clause 46 (1) (c). Insert instead:

- (c) 20 ML/day for D class,

Note. 20 ML/day represents 13% of the 15th percentile flows for the critical month (December) and 70% of the recharge (expressed on a daily basis).

[14] Clause 46 (1) (e)

Omit clause 46 (1) (e). Retain note following clause 46 (1) (e).

[15] Clause 48 (2)

Omit clause 48 (2). Insert instead

- (2) If an access licence is surrendered, cancelled or not renewed the TDEL for unregulated river and aquifer access licences in clauses 47 shall be diminished accordingly.

[16] Clause 51 (1)

Omit clause 51 (1). Insert instead

- (1) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (a) the TDEL for unregulated river and aquifer access licences in clause 47 (b) shall be diminished to allow these additional basic landholder rights to be met, and
- (b) the IDELs of each unregulated river and aquifer access licence will then be reduced to comply with this diminished TDEL.

[17] Clause 58 (1)

Omit Note after clause 58 (1).

[18] Clause 59 (2) (b)

Omit clause 59 (2) (b). Insert instead

- (b) prior to initial assignment of IDELs, the dealing results in the total share component of all access licences that have nominated waters supply works in the receiving management zone exceeding 10% of the total share component existing at the time of the commencement of Part 2 of Chapter 3 of the Act in this water source, unless the dealing is:
- (x) from management zone 1 to management zone 2, or
- (ii) from management zone 3 to management zone 2.

[19] Clause 59 (2) (c)

Omit clause 59 (2) (c). Insert instead

- (c) after initial assignment of IDELs, the dealing would result in the access licence extraction component that had nominated a work in one management zone, nominating a work in another management zone, and the change of location is in an up-river direction, unless the sum of the IDELs held in the up-river zone remains not more than 10% greater than the sum of the IDELs in the receiving zone when IDELs are initially assigned or unless the dealing is into management zone 1 where there is no constraint, or

[20] Clause 62 (2) (c)

Omit Clause 62 (2) (c).

[21] Clause 66A Access during very low flows

Insert clause 66A:

66A Very low flow access conditions

- (50) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (dd) fruit and vegetable washing,
 - (ee) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (ff) poultry watering and misting, and
 - (gg) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (51) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (52) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (53) An access licence will be removed from the Schedule if:
- (v) any access licence dealing results in the water being extracted from a different location,
 - (w) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (x) the licence is surrendered, cancelled, or not renewed.
- (54) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (55) An assessment of the continuing requirements for access under this clause will be undertaken before the end of this Plan, and the Schedule amended or deleted at the end of this Plan, if such a review determines that this concessional access is no longer required.
- (56) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[22] Clause 69A Unregulated river (Aboriginal cultural) access licences

Insert clause 69A:

69A Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) Water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[23] Clauses 70 (d) & (e)

Omit Clauses 70 (d) & (e). Insert instead:

- (d) notwithstanding all other rights and conditions, extraction of water from a river by an approved water supply work shall be permitted only when extraction is consistent with the provisions in clause 23, and, where necessary, the Minister will determine the location and method by which this shall be assessed to suit local circumstances,

[24] Notes following clause 74

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[25] Clause 75 Amendment of this Plan

Omit clause 75. Insert instead:

75 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[26] Clause 76 (1)

Omit clause 76 (1). Insert instead:

(1) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette:

- (a) vary the very low flow levels, and the bottom of B class flows established in clause 17, following field verification,
- (b) vary the initial pool control levels and key sites established in clause 22 (3) (f),
- (c) vary the TDEL for any flow class as specified in clause 46, following a study of water usage and a study of the connectivity of surface water and groundwater, and/or
- (d) vary the environmental health water specified in clause 22 as a result of any variation to a TDEL arising from subclause (1) (c).

[27] Clause 77 (2)

Omit clause 77 (2). Insert instead:

- (16) This review body may be:
 - (y) a water management committee with water sharing responsibilities for this water source, or
 - (z) the relevant Catchment Management Authority, or
 - (aa) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a) or (b).

[28] Clause 77 (3)

Omit clause 77 (3). Insert instead:

- (3) The review body should provide advice to the Minister on the report specified in clause 76 (9) (b), and advise on any changes to the recommendations contained in the report in relation to any variations of the flow levels, any establishment or variation of pool control levels and key sites and any variations of TDELS.

[29] Schedule 6 Access licences with access during very low flows

Insert Schedule 6:

Schedule 6 Access licences with access during very low flows

The access licences with the following numbers have access to very low flows in accordance with Clause 66A:

No licences at this time.

Note. The access licences in this Schedule may change during the period of this Plan. The Regional Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[30] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Wybong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(ggg) Change in low flows.	11 (a) 11 (b) 11 (c) 11 (f) 11 (g) 11 (i) 11 (j)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from the time of this Plan's commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> This Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on this Plan's flow reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(hhh) Change in	11 (c)	<ul style="list-style-type: none"> Assessment of change 	<ul style="list-style-type: none"> RFO 3.

Performance indicators for the Wybong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
moderate to high flows.	11 (d) 11 (e) 11 (i) 11 (j)	in flow duration characteristics, from time of Plan commencement, at identified reference points..	<ul style="list-style-type: none"> • This Plan will maintain or increase the frequency and duration of moderate to high flows. • This assessment will focus on this Plan's flow reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. • Where data is limited, it is only possible to assess change from the period of this Plan's commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(iii) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (e) 11 (f) 11 (g) 11 (h) 11 (i) 11 (j)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of

Performance indicators for the Wybong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
	11 (l)		<p>the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles.</p> <ul style="list-style-type: none"> In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(jjj) Extent to which basic landholder rights requirements have been met.	11 (j) 11 (k)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(kkk) Change in economic benefits derived from water extraction and use.	11 (k) 11 (l) 11 (m)	<ul style="list-style-type: none"> Number of days access provided over the time of the plan. Number of new off stream storages. Change in unit price 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity prices. Measurement of the number of new off stream storages will

Performance indicators for the Wybong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		<p>of water transferred.</p> <ul style="list-style-type: none"> • Change in gross margins. 	<p>indicate the adjustment to the rules and the ongoing access to water.</p> <ul style="list-style-type: none"> • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(III) Extent to which native title rights requirements have been met.	11 (l)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(mmm) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (l)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[31] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 16 - Water Sharing Plan for the Upper Billabong Water Source 2003**[1] Clause 13 (h)**

Omit clause 13 (h).

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (d) In very low flows, the flow occurring in this water source minus 0.55 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 0.55 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (c) In very low flows:
- (xiii) the holders of access licences, excluding access licences listed in Schedule 6, are not permitted any access,
 - (xiv) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 61A,
 - (xv) persons exercising native title and domestic and stock rights may take a combined total of up to 0.55 ML/day.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[4] Clause 32 (3)

Omit clause 32 (3) (c). Insert instead:

- (l) a specific purpose access licences for which application are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

Insert 32 (3) (d):

- (d) unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (13) Subclause (4) does not apply to an application for a new access licence arising from:

- (e) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
- (f) an access licence dealing.

[6] Clause 32 (7)

Omit clause 32 (7).

[7] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (13) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (xi) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (46) Water taken from this water source will be accounted for at least annually.
- (47) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (48) A water accounting year shall be the 12 month period commencing 1 July.
- (49) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (50) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43 (1).
- (15) A water allocation account shall remain at or above zero at all times.

[10] Clause 50 Adjustment to TDELS and IDELS

Omit Clause 50 (2). Insert instead:

- (6) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (i) first the unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
- (j) the IDELS of each unregulated river access licence shall then be reduced to comply with this diminished TDEL.

Omit Clause 50 (3). Insert instead:

- (7) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (a) the IDEL requirements of applicants for new access licences for local water utilities and domestic and stock access, or
 - (b) a local water utility's IDEL requirements resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,

then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.

[11] Clause 53 (1)

Omit Note after clause 53 (1).

[12] Clause 61A Access to very low flows

Insert clause 61A:

61A Very low flow access conditions

- (57) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (hh) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (jj) poultry watering and misting, and
 - (kk) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (58) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (59) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (60) A licence will be removed from the Schedule if:
- (y) any access licence dealing results in the water being extracted from a different location,
 - (z) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (aa) the licence is surrendered, cancelled, or not renewed.
- (61) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.

- (62) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (63) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[13] Clause 62A Unregulated river (Aboriginal cultural) access licences

Insert clause 62A:

62A Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (p) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.
- (q) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (r) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (s) the conditions in subclauses (b) and (c) are not to be imposed if the IDEL of the licence specifies that water may only be taken from a runoff harvesting dam.

[14] Clause 70 Monitoring and reporting of performance indicators

Omit clause 70. Insert instead:

70 Monitoring and reporting performance indicators

The monitoring of the performance indicators specified in clause 12 of this Plan shall be undertaken by the Minister.

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[15] Clause 71 Amendment of this Plan

Omit Clause 71. Insert instead:

71 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[16] Clause 72 Amendment of very low flow provisions

Omit 72 (1). Insert instead:

- (3) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.

[17] Clause 73 (2) Review of field verification

Omit clause 73 (2). Insert instead:

- (17) This review body may be:
- (bb) a water management committee with water sharing responsibilities for this water source,
 - (cc) the relevant Catchment Management Authority, or
 - (dd) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a).

[18] Schedule 6 Access Licences with very low flows

Insert Schedule 6

(no licences identified at the time of making of this amending order)

[19] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Upper Billabong Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(nnn) Change in low flows.	11 (a) 11 (b) 11 (e)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(ooo) Change in moderate to high flows.	11 (b) 11 (c) 11 (d) 11 (e)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will

Performance indicators for the Upper Billabong Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		points.	<p>be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.</p> <ul style="list-style-type: none"> • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(ppp) Change in ecological condition of this water source and dependent ecosystems.		<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place.

Performance indicators for the Upper Billabong Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<ul style="list-style-type: none"> Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(qqq) Extent to which basic landholder rights requirements have been met.	11 (f)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(rrr) Change in economic benefits derived from water extraction and use.	11 (f) 11 (g)	<ul style="list-style-type: none"> Number of days access provided over the time of the plan. Number of new off stream storages. Change in unit price of water transferred. Change in gross margins. 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity prices. Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(sss) Extent to which native title rights requirements have been met.	11 (k)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(ttt) Extent of recognition of	11 (I) 11 (j)	<ul style="list-style-type: none"> Assessment of amount and type of 	<ul style="list-style-type: none"> The collection of information on the values associated with water is

Performance indicators for the Upper Billabong Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
spiritual, social and customary values of water to Aboriginal people.	11 (k)	information collected to identify the range of values of water to Aboriginal people.	considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[20] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 17 - Water Sharing Plan for the Adelong Creek Water Source 2003**[1] Clause 13 (i)**

Omit clause 13 (i).

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (e) In very low flows, the flow occurring in this water source minus 3.63 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 3.63 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights, and low flow access under local water utility, domestic and stock, and unregulated river (Aboriginal cultural) access licences.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (d) In very low flows:
- (xvi) the holders of access licences, other than provided for subclauses (2)(a)(ii) and (2)(a)(iii), are not permitted any access,
 - (xvii) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 61A,
 - (xviii) the holders of domestic and stock, local water utility and unregulated river (Aboriginal cultural) access licences may take water in very low flows, up to a total of 2.5 ML/day, and
 - (xix) persons exercising native title and domestic and stock rights may take a combined total of up to 1.13 ML/day.

Note. In times of severe water shortage the Minister may issue an order under section 60 (2) of the Act which suspends the provisions of this Plan and the priorities it establishes.

Note. The Minister may issue an order under section 323 or 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[4] Clause 31

Omit clause 31 (1). Insert instead

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act in the area in respect of which this Plan is made, the requirements identified for water for extraction under licence within this water source will total approximately 4060 megalitres per year (hereafter ML/yr).

[5] Clause 32 (3)

Omit clause 32 (3) (c). Insert instead:

- (m) a specific purpose access licences for which application are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[6] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (14) Subclause (4) does not apply to an application for a new access licence arising from:
- (g) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (h) an access licence dealing.

[7] Clause 32 (7)

Omit clause 32 (7).

[8] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (14) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[9] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (xii) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[10] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (51) Water taken from this water source will be accounted for at least annually.
- (52) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (53) A water accounting year shall be the 12 month period commencing 1 July.
- (54) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (55) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43 (1).
- (16) A water allocation account shall remain at or above zero at all times.

[11] Clause 50 Adjustment to TDELs and IDELs

Omit Clause 50 (3). Insert instead:

- (8) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (k) first the unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
 - (l) the IDELs of each unregulated river access licence shall then be reduced to comply with this diminished TDEL.

Omit Clause 50 (4). Insert instead:

- (9) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (a) the IDEL requirements of applicants for new access licences for local water utilities and domestic and stock access, or
 - (b) a local water utility's IDEL requirements resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,
- then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.**

[12] Clause 53 (1)

Omit Note after clause 53 (1).

[13] Clause 61A Access to very low flows

Insert clause 61A:

61A Very low flow access conditions

- (64) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (ll) fruit washing,
 - (mm) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (nn) poultry watering and misting, and
 - (oo) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (65) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (66) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (67) A licence will be removed from the Schedule if:

- (bb) any access licence dealing results in the water being extracted from a different location,
 - (cc) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (dd) the licence is surrendered, cancelled, or not renewed.
- (68) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (69) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (70) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[14] Clause 66 Unregulated river (Aboriginal cultural) access licences

Omit clause 66. Insert instead:

66 Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (t) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.
- (u) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (v) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (w) the conditions in subclauses (b) and (c) are not to be imposed if the IDEL of the licence specifies that water may only be taken from a runoff harvesting dam.

[15] Clause 67

Replace second subclause number 67 (a) with 67 (d)

[16] 72 Monitoring and reporting performance indicators

Omit clause 72. Insert instead:

72 Monitoring and reporting performance indicators

The monitoring of the performance indicators specified in clause 12 of this Plan shall be undertaken by the Minister.

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[17] Clause 73 Amendment of this Plan

Omit Clause 71 (1). Insert instead:

(1) This Part is made in accordance with section 45 (1) (b) of the Act.

[18] Schedule 6 Access Licences with very low flows

Insert Schedule 6

Schedule 6 Water Act 1912 licences with access to very low flows

Licence number:

Note. No licences identified at the time of making of this amending order

Note. The licence details in this Schedule may change during the period of this Plan. Licensing officers at the Leeton office of the Department of Infrastructure, Planning and Natural Resources should be contacted on (02) 6953 0700 for a current list.

[19] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Adelong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(uuu) Change in low flows.	11 (2) (c) 11 (2) (b) 11 (2) (f) 11 (2) (n)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(vvv) Change in moderate to high flows.	11 (2) (d) 11 (2) (e) 11 (2) (f) 11 (2) (n)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan

Performance indicators for the Adelong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>commencement to the time the indicator is assessed.</p> <ul style="list-style-type: none"> • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(c) Change in local and major water utilities access (where those utilities are involved in urban water provision).	11 (2) (h) 11 (2) (j)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(d) Change in ecological condition of this water source and dependent ecosystems.	11 (2) (b) 11 (2) (g) 11(2) (m)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth

Performance indicators for the Adelong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>in pools and flow velocity over riffles.</p> <ul style="list-style-type: none"> • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(e) Extent to which basic landholder rights requirements have been met.	11 (2) (a) 11 (2) (i) 11 (2) (l)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(f) Change in economic benefits derived from water extraction and use.	11(2) (a) 11 (2) (h) 11 (2) (i) 11 (2) (j) 11 (2) (k) 11 (2) (n)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water

Performance indicators for the Adelong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			availability, economic climate and input costs.
(g) Extent to which native title rights requirements have been met.	11 (2) (a) 11 (2) (1)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(h) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (2) (i) 11 (2) (1)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[20] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 18 - Water Sharing Plan for the Tarcutta Creek Water Source 2003**[1] Clause 13 (i)**

Omit clause 13 (i).

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (f) In very low flows, the flow occurring in this water source minus 5.25 ML/day, minus the very low flow access permitted under clause 61A of this plan.

Note. 5.25 ML/ is the amount of water estimated at the commencement of this Plan for basic landholder rights, and low flow access under local water utility, domestic and stock, and unregulated river (Aboriginal cultural) access licences.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (e) In very low flows:

- (xx) the holders of access licences, other than as provided for in subclauses (2)(a)(ii) and (2)(a)(iii), are not permitted any access,
- (xxi) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 61A,
- (xxii) the holders of domestic and stock, local water utility and unregulated river (Aboriginal cultural) access licences may take water in very low flows, up to a total of 0.85 ML/day, and
- (xxiii) persons exercising native title and domestic and stock rights may take a combined total of up to 4.4 ML/day.

Note. In times of severe water shortage the Minister may issue an Order under section 60 (2) of the Act which suspends the provisions of this Plan and the priorities it establishes.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[4] Clause 32 (3)

Omit clause 32 (3) (c). Insert instead:

- (n) a specific purpose access licences for which application are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (15) Subclause (4) does not apply to an application for a new access licence arising from:

- (i) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
- (j) an access licence dealing.

[6] Clause 32 (7)

Omit clause 32 (7).

[7] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (15) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (xiii) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (56) Water taken from this water source will be accounted for at least annually.
- (57) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (58) A water accounting year shall be the 12 month period commencing 1 July.
- (59) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (60) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43 (1).
- (17) A water allocation account shall remain at or above zero at all times.

[10] Clause 50 Adjustment to TDELs and IDELs

Omit Clause 50 (2). Insert instead:

- (10) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (m) first the unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
- (n) the IDELs of each unregulated river access licence shall then be reduced to comply with this diminished TDEL.

Omit Clause 50 (3). Insert instead:

(11) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:

- (a) the IDEL requirements of applicants for new access licences for local water utilities and domestic and stock access, or
- (b) a local water utility's IDEL requirements resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,

then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.

[11] Clause 53 (1)

Omit Note after clause 53 (1).

[12] Clause 54 Rules relating to constraints within this water source

Omit Clause 54 (2) (c)

[13] Clause 57 Rules for conversion of access licence category

Omit Clause 57 (2) (d)

[14] Clause 61A Very low flow access conditions

Insert clause 61A:

61A Very low flow access conditions

- (71) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
 - (pp) fruit washing,
 - (qq) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (rr) poultry watering and misting, and
 - (ss) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (72) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (73) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (74) A licence will be removed from the Schedule if:
 - (ee) any access licence dealing results in the water being extracted from a different location,

- (ff) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (gg) the licence is surrendered, cancelled, or not renewed.
- (75) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (76) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (77) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[15] Clause 66 Unregulated river (Aboriginal cultural) access licences

Omit clause 66. Insert instead:

66 Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (x) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.
- (y) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (z) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (aa) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

[16] Clause 72 Monitoring and reporting of performance indicators

Omit clause 72. Insert instead:

72 Monitoring and reporting performance indicators

The monitoring of the performance indicators specified in clause 12 of this Plan shall be undertaken by the Minister.

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[17] Clause 73 Amendment of this Plan

Omit Clause 73. Insert instead:

73 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[18] Clause 74 Amendment of very low flow provisions

Omit 74 (1). Insert instead:

- (4) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.

[19] Clause 75 (2) Review of field verification

Omit clause 75 (2). Insert instead:

- (18) This review body may be:
- (ee) a water management committee with water sharing responsibilities for this water source,
 - (ff) the relevant Catchment Management Authority, or
 - (gg) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a).

[20] Schedule 6 Access Licences with very low flows

Insert Schedule 6

Schedule 6 Water Act 1912 licences with access to very low flows

Note. No licences identified at the time of making of this amending order

Note. The licence details in this Schedule may change during the period of this Plan. Licensing officers at the Leeton office of the Department of Infrastructure, Planning and Natural Resources should be contacted on (02) 6953 0700 for a current list.

[21] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Tarcutta Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(www) Change in low flows.	11 (2) (c) 11 (2) (b) 11 (2) (f) 11 (2) (n)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(xxx) Change in moderate to high flows.	11 (2) (d) 11 (2) (e) 11 (2) (f) 11 (2) (n)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations

Performance indicators for the Tarcutta Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>in most unregulated rivers.</p> <ul style="list-style-type: none"> Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(yyy) Change in local water utilities access.	11 (2) (h) 11 (2) (j)	<ul style="list-style-type: none"> Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(zzz) Change in ecological condition of this water source and dependent ecosystems.	11 (2) (b) 11 (2) (g) 11 (2) (m)	<ul style="list-style-type: none"> Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. The focus of this performance indicator will be the effect of flow strategies. Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. In addition to the environmental water

Performance indicators for the Tarcutta Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place.</p> <ul style="list-style-type: none"> • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(aaaa) Extent to which basic landholder rights requirements have been met.	11 (2) (a) 11 (2) (i) 11 (2) (l)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(bbbb) Change in economic benefits derived from water extraction and use.	11 (2) (a) 11 (2) (h) 11 (2) (i) 11 (2) (j) 11 (2) (k) 11 (2) (n)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(cccc) Extent to which native title rights requirements have been	11 (2) (a) 11 (2) (l)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should

Performance indicators for the Tarcutta Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
met.		of values of water to Aboriginal people.	be relevant information collected for each water source, as a minimum requirement.
(ddd) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (2) (i) 11 (2) (j)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[22] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 19 - Water Sharing Plan for the Apsley River Water Source 2003**[1] Clause 13 (j)**

Omit clause 13 (j)

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (g) In very low flows, the flow occurring in this water source, minus 0.08 ML/day, minus the very low flow access permitted under clause 62A of this plan.

Note. 0.08 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights extraction.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (c) In very low flows:
- (xxiv) the holders of access licences, excluding access licences listed in Schedule 6, are not permitted any access,
 - (xxv) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 62A, and
 - (xxvi) persons exercising domestic and stock and native title rights may take a combined total of up to 0.08 ML/day.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[4] Clause 32

Omit clause 32 (3) (c). Insert instead:

- (c) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (16) Subclause (4) does not apply to an application for a new access licence arising from:
- (k) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (l) an access licence dealing.

[6] Clause 32 (8)

Omit clause 32 (8).

[7] Clause 32 (9)

Omit clause 32 (9). insert instead:

- (9) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 38 (2)(i)

Omit Clause 38 (2)(i). Insert instead:

- (xiv) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clause 43 Annual accounting for water extraction

Omit Clause 43. Insert instead:

43 Annual accounting for water extraction

- (61) Water taken from this water source will be accounted for at least annually.
- (62) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (63) A water accounting year shall be the 12 month period commencing 1 July.
- (64) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (65) In any one water accounting year, water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 44(1).
- (18) A water allocation account shall remain at or above zero at all times.

[10] Clause 51 (2)

Omit clause 51 (2). Insert instead:

- (12) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (a) first the unassigned TDEL specified in clause 48 then, if necessary, the TDEL for unregulated river access licences in clause 47 (b) shall be diminished to allow these additional basic landholder rights to be met, and
- (b) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.

[11] Clause 51 (3)

Omit clause 51 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet a local water utility's IDEL requirements, then the TDEL for unregulated river access licences in clause 47 (b) will be diminished to such an extent as to allow those requirements to be met.

[12] Clause 54 (1)

Omit Note after clause 54 (1).

[13] Clause 58 (2) (c)

Omit Clause 58 (2) (c)

[14] Clause 62A Very low flow access conditions

Insert Clause 62 A:

- (78) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (tt) fruit washing,
 - (uu) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (vv) poultry watering and misting, and
 - (ww) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (79) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (80) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (81) A licence will be removed from the Schedule if:
- (hh) any access licence dealing results in the water being extracted from a different location,
 - (ii) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (jj) the licence is surrendered, cancelled, or not renewed.
- (82) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (83) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.

- (84) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[15] Clause 67 Unregulated river (Aboriginal cultural) access licences

Omit Clause 67. Instead insert:

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

[16] Notes following clause 73

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[17] Clause 74 (1)

Omit clause 74 (1). Insert instead:

- (1) This part is made in accordance with section 45 (1) (b) of the Act.

[18] Schedule 6: Access licences with very low flow access

Insert Schedule 6

Schedule 6: Access licences with very low flow access

Note: No licences identified at the time of making of this amending order.

[19] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Apsley River Water Sharing Plan			
Performance indicator	Relate	As measured by	Commentary
(eee) change in low flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health. Note. Not every objective is relevant to every river in NSW. Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.

Performance indicators for the Apsley River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(ffff) Change in moderate to high flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(gggg) Change in local water utilities and major water utilities access (where those utilities are involved in urban water provision).	11 (e)	<ul style="list-style-type: none"> Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its

Performance indicators for the Apsley River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>implementation.</p> <ul style="list-style-type: none"> Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(hhhh) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. The focus of this performance indicator will be the effect of flow strategies. Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality,

Performance indicators for the Apsley River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place.</p> <ul style="list-style-type: none"> • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(iii) Extent to which basic landholder rights requirements have been met.	11 (e)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(jjj) Change in economic benefits derived from water extraction and use.	11 (c) 11 (e)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability,

Performance indicators for the Apsley River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			economic climate and input costs.
(kkkk) Extent to which native title rights requirements have been met.	11 (h)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(llll) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (b) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.
(mmmm) Change in consultation on Aboriginal values in water licensing decisions.	11 (b) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> The number of licence applications referred to the Amaroo Local Aboriginal Land Council. 	<ul style="list-style-type: none"> Consultation with the local Aboriginal community will seek to minimise effects on important social, customary, cultural, and spiritual values

[20] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 20 - Water Sharing Plan for the Commissioners Waters Water Source 2003**[1] Clause 13 (j)**

Omit clause 13 (j)

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (h) In very low flows, the flow occurring in this water source, minus 0.04 ML/day, minus the very low flow access permitted under clause 62A of this plan.

Note. 0.04 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights extraction.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (d) In very low flows:
- (xxvii) the holders of access licences, excluding access licences listed in Schedule 6, are not permitted any access,
 - (xxviii) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 62A, and
 - (xxix) persons exercising domestic and stock and native title rights may take a combined total of up to 0.04 ML/day.

Note. In times of severe water shortage the Minister may issue an Order under section 60 (2) of the Act which suspends the provisions of this Plan and the priorities it establishes.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment, for reasons of public health, or to preserve basic landholder rights.

[4] Clause 32 (3)

Omit clause 32 (3) (c). Insert instead:

- (c) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

Omit clause 32 (3) (d). Insert instead:

- (d) unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (17) Subclause (4) does not apply to an application for a new access licence arising from:
- (m) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (n) an access licence dealing.

[6] Clause 32 (7)

Omit clause 32 (7).

[7] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (8) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 33A

Insert Clause 33A:

In the event of an application for an Aboriginal commercial access licence, the Minister will seek the views of the Aboriginal Reference Group as to the benefit derived from the proposed application. Where an Aboriginal Reference Group has yet to be established, the advice of the Armidale Local Aboriginal Land Council will be sought.

[9] Clause 38 (2) (i)

Omit Clause 38 (2) (i). Insert instead:

- (xv) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[10] Clause 43 Annual accounting for water extraction

Omit Clause 43. Insert instead:

43 Annual accounting for water extraction

- (66) Water taken from this water source will be accounted for at least annually.
- (67) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (68) A water accounting year shall be the 12 month period commencing 1 July.
- (69) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (70) In any one water accounting year, water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 44(1).
- (19) A water allocation account shall remain at or above zero at all times.

[11] Clause 51 (2)

Omit clause 51 (2). Insert instead:

- (13) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (e) first the unassigned TDEL specified in clause 48 then, if necessary, the TDEL for unregulated river access licences in clause 47 (b) shall be diminished to allow these additional basic landholder rights to be met, and
 - (f) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.

[12] Clause 51 (3)

Omit clause 51 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (e) the IDEL requirements of applicants for new access licences for domestic and stock access, unregulated river (Aboriginal cultural) access and unregulated river (research) access, or
 - (f) a local water utility's IDEL requirements,
- then the TDEL for unregulated river access licences in clause 47 (b) will be diminished to such an extent as to allow those requirements to be met.

[13] Clause 54 (1)

Omit Note after clause 54 (1).

[14] Clause 58 (2) (c)

Omit Clause 58 (2) (c)

[15] Clause 62A Very low flow access conditions

Insert Clause 62 A:

- (85) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 7 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (xx) fruit washing,
 - (yy) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (zz) poultry watering and misting, and
 - (aaa) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (86) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.

- (87) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 7, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (88) A licence will be removed from the Schedule if:
- (kk) any access licence dealing results in the water being extracted from a different location,
 - (ll) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (mm) the licence is surrendered, cancelled, or not renewed.
- (89) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (90) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (91) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[16] Clause 67 Unregulated river (Aboriginal cultural) access licences

Omit Clause 67. Instead insert:

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

[17] Notes following clause 73

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved. It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[18] Clause 74

Omit clause 74. Insert instead:

This part is made in accordance with section 45 (1) (b) of the Act.

[19] Clause 75

Omit clause 75 (1). Insert instead:

- (5) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clauses 17(a)(i) and 17(b)(i), and consequently the bottom of combined A and B class established in clauses 17(a)(ii) and 17(b)(iii), following field verification.

[20] Clause 76 (2)

Omit clause 76 (2). Insert instead:

- (2) This review body may be:
- (hh) a water management committee with water sharing responsibilities for this water source,
 - (ii) the relevant Catchment Management Authority, or
 - (jj) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a).

[23] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Commissioners Waters Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(nnnn) change in low flows to moderate flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health. Note. Not every objective is relevant to every river in NSW. Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.

Performance indicators for the Commissioners Waters Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(oooo) Change in high flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(pppp) Change in local water utilities and major water utilities access (where those utilities are involved in urban water provision).	11 (e)	<ul style="list-style-type: none"> Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its

Performance indicators for the Commissioners Waters Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>implementation.</p> <ul style="list-style-type: none"> Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(qqqq) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. The focus of this performance indicator will be the effect of flow strategies. Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian

Performance indicators for the Commissioners Waters Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place.</p> <ul style="list-style-type: none"> • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(rrrr) Extent to which basic landholder rights requirements have been met.	11 (e)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(ssss) Change in economic benefits derived from water extraction and use.	11 (c) 11 (e)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in

Performance indicators for the Commissioners Waters Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			crops, commodity prices, climate, water availability, economic climate and input costs.
(ttt) Extent to which native title rights requirements have been met.	11 (h)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(uuuu) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (b) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.
(vvvv) Change in consultation on Aboriginal values in water licensing decisions.	11 (b) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> The number of licence applications referred to the Amaroo Local Aboriginal Land Council. 	<ul style="list-style-type: none"> Consultation with the local Aboriginal community will seek to minimise effects on important social, customary, cultural, and spiritual values.

[24] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 21 - Water Sharing Plan for the Coopers Creek Water Source 2003**[1] Clause 13 (h)**

Omit clause 13 (h).

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a) and note. Insert instead:

- (a) In very low flows, the flow occurring in this water source minus 0.05 ML/day, minus the very low flow access permitted under clause 63 of this Plan.

Note. 0.05 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights.

[2] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (f) In very low flows:
- (xxx) the holders of access licences, excluding access licences listed in Schedule 4, are not permitted any access,
 - (xxxi) access licence holders listed on Schedule 4 may have limited access to very low flows in accordance with clause 63,
 - (xxxii) persons exercising native title and domestic and stock basic rights may take a combined total of up to 0.05 ML/day.

Note. The Minister may issue an Order under section 323 or 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[3] Clause 32 (3)

Omit clause 32 (3) (d). Insert instead:

- (o) a specific purpose access licences for which application are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

Omit clause 32 (3) (f). Insert instead:

- (f) unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application, or

[4] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (18) Subclause (4) does not apply to an application for a new access licence arising from:

- (o) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
- (p) an access licence dealing.

[5] Clause 32 (7)

Omit clause 32 (7).

[6] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (16) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[7] Clause 33 Aboriginal assessment of new access licences

Replace the word 'Bundjalong' with 'Bundjalung' in clause 33 (1)

Insert clause 33 (3)

- (19) In the event of an application for an Aboriginal commercial access licence, the Minister will seek the views of the Aboriginal Reference Group as to the benefit derived from the proposed application. Where an Aboriginal Reference Group has yet to be established, the advice of the Bundjalung Aboriginal Elders Council and the Ngulingah Aboriginal Land Council will be sought.

[8] Clause 38 (2) (i)

Omit Clause 38 (2) (i). Insert instead:

- (xvi) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clause 43 Annual accounting for water extraction

Omit Clause 43. Insert instead:

43 Annual accounting for water extraction

- (71) Water taken from this water source will be accounted for at least annually.
- (72) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (73) A water accounting year shall be the 12 month period commencing 1 July.
- (74) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (75) In any one water accounting year, water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43 (1).
- (20) A water allocation account shall remain at or above zero at all times.

[10] Clause 51 Adjustment to TDELs and IDELs

Omit Clause 51 (2). Insert instead:

- (12) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
- (o) first the unassigned TDEL specified in clause 48 then, if necessary, the TDEL for unregulated river access licences in clause 47 (c) shall be diminished to allow these additional basic landholder rights to be met, and
 - (p) the IDELs of each unregulated river access licence shall then be reduced to comply with this diminished TDEL.

Omit Clause 51 (3). Insert instead:

- (13) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (a) the IDEL requirements of applicants for new access licences for local water utilities, domestic and stock access, unregulated river (Aboriginal cultural) access, unregulated river (Aboriginal commercial) access, and unregulated river (research) access, or
 - (b) a local water utility's IDEL requirements resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,

then the TDEL for unregulated river access licences in clause 47 (c) will be diminished to such an extent as to allow those requirements to be met.

[11] Clause 54 (1)

Omit Note after clause 54 (1).

[12] Clause 63 Very low flow access conditions

Omit clause 63. Insert instead:

63 Very low flow access conditions

- (92) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 4 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (bbb) fruit washing,
 - (ccc) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (ddd) poultry watering and misting, and
 - (eee) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (93) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (94) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 4, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.

- (95) A licence will be removed from the Schedule if:
 - (nn) any access licence dealing results in the water being extracted from a different location,
 - (oo) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (pp) the licence is surrendered, cancelled, or not renewed.
- (96) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (97) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (98) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[13] Clause 69 Unregulated river (Aboriginal cultural) access licences

Omit clause 69. Insert instead:

69 Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (bb) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.
- (cc) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (dd) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (ee) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

[14] Clause 75 Monitoring and reporting of performance indicators

Omit clause 75. Insert instead:

75 Monitoring and reporting performance indicators

The monitoring of the performance indicators specified in clause 12 of this Plan shall be undertaken by the Minister.

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[15] Clause 76 Amendment of this Plan

Omit Clause 76. Insert instead:

76 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[16] Clause 77 Assessment of fish passage requirements

Omit 77 (1). Insert instead:

- (6) The Minister may, under section 45 (1) (b) of the Act, and by notice published in the NSW Government Gazette, vary the very low flow level established in clause 17 (a) (iv) and consequently the bottom of A class established in clause 17 (b) (iv), following an assessment of fish passage flow requirements.

Omit clause 77 (4). Insert instead:

- (4) The fish passage assessment should assess whether the provisions in this Plan regarding fish passage flow requirements for the Eastern Freshwater Cod (*Maccullochella ikei*) have changed as a result of the removal or modification of artificial barriers in this water source, or a changed scientific understanding of the flow requirements.

Omit clause 77 (5) (b). Insert instead:

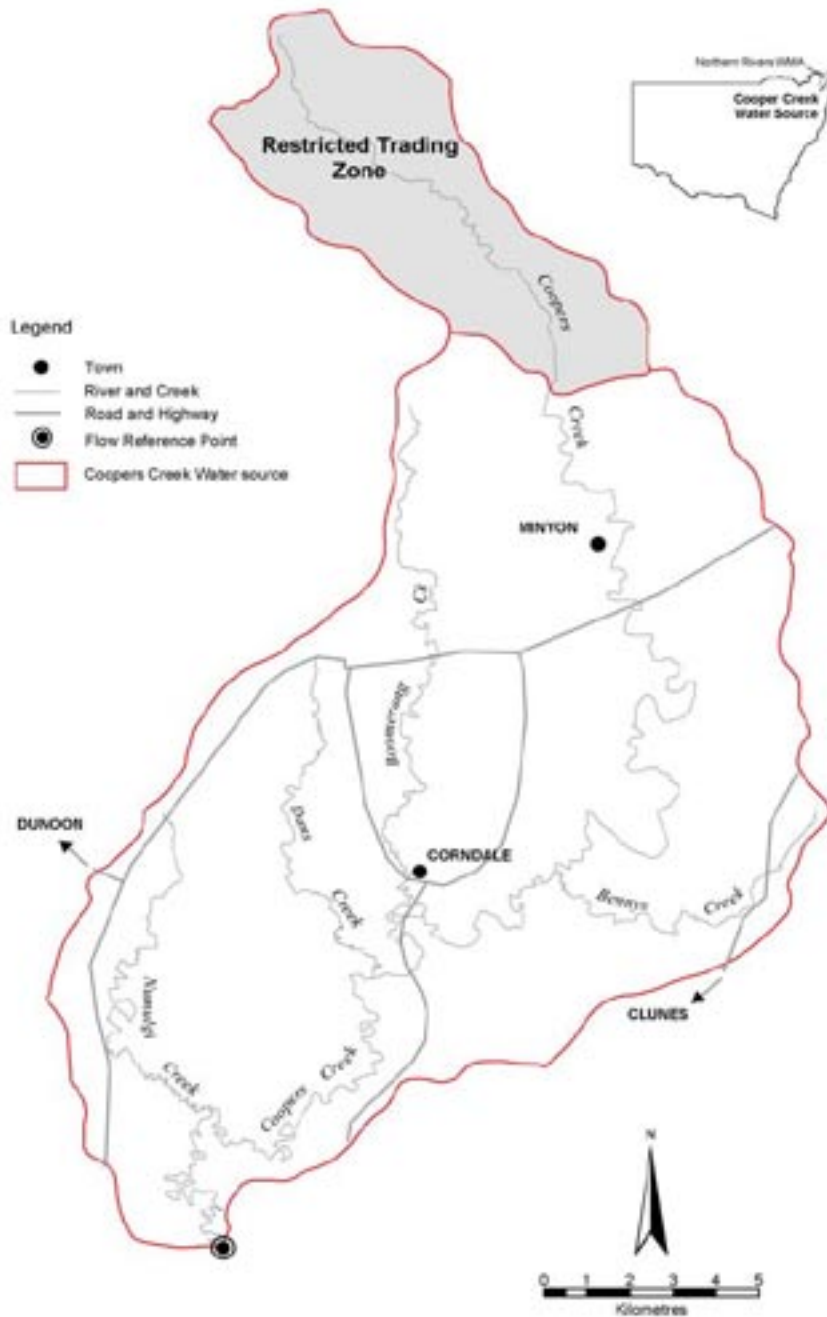
- (b) Prepare a report indicating:
- (i) **the results and conclusions in terms of the degree to which the fish passage flow requirements have been met,**
 - (ii) the flow levels recommended to meet the fish passage flow requirements, and
 - (iii) the socio-economic impacts of any recommended changes to the flow levels.

[17] Clause 78 (2) Review of fish passage assessment

Omit clause 78 (2). Insert instead:

- (2) This review body may be:
- (kk) a water management committee with water sharing responsibilities for this water source,
 - (ll) the relevant Catchment Management Authority, or
 - (mm) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a).

[18] Schedule 2 Coopers Creek Water Source
Omit map from Schedule 2. Insert instead:



[19] Schedule 4 Access licences with very low flow access

Omit the following rows:

30SL066269	Dairy washdown
30SL040357	Crop spraying (insecticide and fertiliser)
30SL066320	Tree spraying

Insert instead:

30SL066147	Chicken cooling
30SL039160	Dairy washdown

[20] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Coopers Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(www) change in low flows.	11 (a) 11 (d) 11 (e) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health. Note. Not every objective is relevant to every river in NSW. Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan

Performance indicators for the Coopers Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>commencement to the time the indicator is assessed.</p> <ul style="list-style-type: none"> • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(xxxx) Change in moderate to high flows.	11 (a) 11 (e) 11 (f) 11 (g)	<ul style="list-style-type: none"> • Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> • RFO 3. • Plan will maintain or increase the frequency and duration of moderate to high flows. • This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(yyyy) Change in ecological condition of this water source and dependent ecosystems.	11(f) 11 (b) 11 (g)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical

Performance indicators for the Coopers Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles.</p> <ul style="list-style-type: none"> • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(zzzz) Extent to which basic landholder rights requirements have been met.	11 (a)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(aaaaa) Change in economic benefits derived from water extraction and use.	11 (e) 11 (f) 11 (g)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the

Performance indicators for the Coopers Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>impact of the plan provisions.</p> <ul style="list-style-type: none"> The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(bbbbb) Extent to which native title rights requirements have been met.	11 (b)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(f) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (b)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. The number referrals to Local Aboriginal Land Councils and Bundjalung Elders. Information on the number of water transfers and number of new licence applications for interpretation. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement. Consultation with the local Aboriginal community will seek to minimise effects on important social, customary, cultural, and spiritual values.

[21] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 22 - *Water Sharing Plan for the Dorrigo Plateau Surface Water Source and the Dorrigo Basalt Groundwater Source 2003*

[1] Clause 13 (j)

Omit clause 13 (j).

[2] Clause 22 (6)

Omit clause 22 (6). Insert instead:

- (6) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the proportion of recharge reserved as the environmental health water in subclause (5)(b) when the total share components in this groundwater source reach 10% of the recharge established in clause 20, based on an assessment by the Minister of the impact of allowing greater levels of groundwater extraction.

Note. The extent of impact on this change is limited by the provisions in clause 38.

[3] Clause 33 (3) (c)

Omit clause 33 (3) (c). Insert instead:

- (c) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[4] Clauses 33 (6)-(7)

Omit clauses 33 (6)-(7). Insert instead:

- (11) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[5] Clause 33 (12)

Omit clause 33 (12). Insert instead:

- (12) Subclauses (9), (10) and (11) do not apply to a new access licence arising from:
- (g) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (h) an access licence dealing.

[6] Clause 34 Aboriginal assessment of new access licences

Omit clause 34. Insert instead:

34 Aboriginal assessment of new access licences

- (1) The Minister will seek the views of the Dorrigo Plateau Local Aboriginal Lands Council and/or relevant Elders group on all new access licence applications in relation to the impact on sites of significance and appropriate mitigation measures.

- (2) In the event of an application for an unregulated river (Aboriginal commercial) access licence, the Minister will seek the views of the Aboriginal Reference Group as to the benefit derived from the proposed application. Where an Aboriginal Reference Group has yet to be established, the advice of the Dorrigo Plateau Local Aboriginal Lands Council and/or relevant Elders group will be sought.

[7] Clause 38 (2)

Omit clause 38 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the long-term average extraction limit for this groundwater source established under clause 37 (2) as a result of any change to the environmental health water arising from clause 22 (6).

[8] Clause 39 (2) (i)

Omit clause 39 (2) (i). Insert instead:

- (xvii) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clauses 44 (4)-(6)

Omit clauses 44 (4)-(6). Insert instead:

- (76) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (77) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 45 (1).

[10] Clauses 51 (5)

Omit clause 51 (5). Insert instead:

- (5) Subsequent to subclause (3), and pursuant to section 45 (1) (b) of the Act, the Minister may reduce the volume of any unassigned A and B class TDEL in clause 49 following the year 5 review of this Plan, based on an assessment by the Minister of the needs of users and the environment within this surface water source and downstream surface water sources in the Nymboida River Catchment Extraction Management Unit.

[11] Clauses 52 (2)-(3)

Omit clause 52 (2)-(3). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights in a zone exceeds the level specified in Part 5 of this Plan:
- (a) first any unassigned TDEL in that zone then, if necessary, the TDEL for unregulated river access licences for that zone in clause 48 (3) shall be diminished to allow these additional basic landholder rights to be met, and

- (b) the IDELs of each unregulated river access licence in that zone will then be reduced to comply with this diminished TDEL.
- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL in a zone cannot meet either:
 - (a) the IDEL requirements of applicants for new access licences for domestic and stock access, unregulated river (Aboriginal cultural) access and unregulated river (research) access, or
 - (b) a local water utility's IDEL requirements resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,then the TDEL for unregulated river access licences in that zone in clause 48 (3) will be diminished to such an extent as to allow those requirements to be met.

[12] Clause 59 (7)

Omit clause 59 (7). Insert instead:

- (7) Pursuant to section 45 (1) (b) of the Act, the Minister may identify further high priority groundwater dependent ecosystems and include them in Schedule 8 in year 6 of this Plan based on further studies of groundwater ecosystem dependency undertaken by the Minister.

[13] Clause 63 (1)

Omit Note after clause 63 (1).

[14] Clause 73 Very low flow access conditions in the surface water source

Omit clause 73. Insert instead:

73 Very low flow access conditions in the surface water source

- (99) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences in the surface water source listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
 - (fff) fruit and vegetable washing,
 - (ggg) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (hhh) poultry watering and misting, and
 - (iii) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (100) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.

- (101) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (102) A licence will be removed from the Schedule if:
 - (qq) any access licence dealing results in the water being extracted from a different location,
 - (rr) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (ss) the licence is surrendered, cancelled, or not renewed.
- (103) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work in the surface water source is only permitted if there is visible flow in the river in the vicinity of the work.
- (104) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the Schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (105) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[15] Clause 75 Local water utility access licences

Omit clause 75. Insert instead:

75 Local water utility access licences

All local water utility access licences in this surface water source shall have mandatory conditions to give effect to the following:

- (a) Water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component,
- (b) the total amount of water extracted from Zone 2 of this surface water source under the subclause (a) shall be the minimum amount necessary and shall not exceed 1.5 ML/day,
- (c) water may only be taken for the purposes of supplying water for:
 - (i) the exercise of a water supply function of the local water utility, and/or
 - (ii) other such purpose provided for under the Act,
- (d) notwithstanding subclause (a), holders of local water utility surface water access licences in Zone 2 issued at the start of this Plan, may continue to access the very low flows for the purpose specified in subclause (c) (i), if there is visible flow in the river in the vicinity of the work.
- (e) notwithstanding subclauses (a) and (d), water may be taken without any restrictions in rate from an in-river dam while the dam is passing flows up to the equivalent of A class flows at the dam site, or when there is zero inflow.

[16] Clause 78 (a)

Omit clause 78 (a). Insert instead:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[17] Clause 86 Amendment of this Plan

Omit clause 86. Insert instead:

86 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[18] Clause 87 (1)

Omit clause 87 (1). Insert instead:

- (1) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17, and consequently the bottom of A class established in clause 17, following field verification.

[19] Clause 87 (3)

Omit clause 87 (3). Insert instead:

- (3) The Minister should undertake the field verification study in subclause (1) as soon as is practical, but before the review of this Plan under section 43(2) of the Act.

[20] Notes following clause 85

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[21] Clause 88 (2)

Omit clause 88 (2). Insert instead:

- (20) This review body may be:
- (nn) a water management committee with water sharing responsibilities for this surface water source, or
 - (oo) the relevant Catchment Management Authority, or
 - (pp) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a) or (b).

[22] Schedule 7 Access licences with access to very low flows in the surface water source

Omit Schedule 7. Insert instead:

Schedule 7 Access licences with access to very low flows in the surface water source

The access licences with the following numbers have access to very low flows in the surface water source in accordance with clause 73 of this plan:

30SL015307	Dairy washdown
30SL027262	Dairy washdown
30SL041519	Dairy washdown
30SL041634	Dairy washdown
30SL038131	Dairy washdown
30SL043081	Dairy washdown
30SL052200	Dairy washdown, vegetable washing
30SL065195	Dairy washdown, vegetable washing
30SL065929	Dairy washdown
30SL066206	Dairy washdown
30SL066256	Dairy washdown
30SL066451	Dairy washdown
30SL066466	Dairy washdown
30SL066477	Dairy washdown
30SL066515	Dairy washdown
30SL066475	Dairy washdown
30SL066260	Dairy washdown
30SL066241	Dairy washdown
30SL049636	Dairy washdown
30SL066261	Dairy washdown

Note. The access licences in this Schedule may change during the period of this Plan. The District Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[23] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Dorrigo Plateau Surface Water Source and the Dorrigo Basalt Groundwater Source Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(d) Change in groundwater extraction relative to the extraction limit.	11 (a)	<ul style="list-style-type: none"> Average annual extraction volume for the groundwater source as a percentage of the extraction limit (commonly known as Sustainable Yield). 	<ul style="list-style-type: none"> Plan provisions will set the mechanism to remain within the sustainable yield over the long-term.
(e) Change in low flows at end of system.	11 (c) 11 (d) 11 (g) 11 (h)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health. <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(f) Change in moderate to	11 (c) 11 (d)	<ul style="list-style-type: none"> Assessment of change in flow 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or

Performance indicators for the Dorrigo Plateau Surface Water Source and the Dorrigo Basalt Groundwater Source Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
high flows at end of system.	11 (g) 11 (h)	duration characteristics, from time of Plan commencement, at identified reference points.	<p>increase the frequency and duration of moderate to high flows.</p> <ul style="list-style-type: none"> • This assessment will focus on end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. <ul style="list-style-type: none"> ▪ There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(g) Change in local water utilities and major water utilities access (where those utilities are involved in urban water provision).	11 (e)	<ul style="list-style-type: none"> • Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the surface water supply headworks and is based on the period of records used and an acceptable level of restriction). • Consumption of town water supply per capita of population over time. 	<ul style="list-style-type: none"> • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town

Performance indicators for the Dorrigo Plateau Surface Water Source and the Dorrigo Basalt Groundwater Source Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			water supply restrictions during the period of the plan.
(h) Change in ecological condition of these water sources and their dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (d) 11 (g) 11 (h)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on ecological condition will be

Performance indicators for the Dorrigo Plateau Surface Water Source and the Dorrigo Basalt Groundwater Source Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			incorporated into assessment of the plan where the information is available and relevant.
(f) Extent to which basic landholder rights requirements have been met.	11 (e)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. Monitor increase in applications for water supply work (bore) approvals. Number of reports of interference between high yield extraction and basic rights, or number of stock and domestic bores deepened. 	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use). Increase in groundwater licences may be due to past unlicensed works.
(g) Change in economic benefits derived from water extraction and use.	11 (f)	<ul style="list-style-type: none"> Number of days access provided over the time of the plan. Number of new off stream storages. Change in unit price of water transferred. Change in gross margins. 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity prices. Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(h) Extent to which native title rights requirements have been met.	11 (h)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years

Performance indicators for the Dorrigo Plateau Surface Water Source and the Dorrigo Basalt Groundwater Source Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		<ul style="list-style-type: none"> • Monitor increase in applications for water supply work (bore) approvals for native title basic rights. • Number of reports of interference between high yield extraction and native title rights holders, or number of bores deepened. 	there should be relevant information collected for each water source, as a minimum requirement.
(i) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (h)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. • The number of licence applications and transfers referred to the Local Aboriginal Land Councils and Gunbaingirr Elders. 	<ul style="list-style-type: none"> • The collection of information on values is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement. • Consultation with the local Aboriginal community will seek to minimise effects on important social, customary, cultural, and spiritual values.

[24] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

**Schedule 23 - *Water Sharing Plan for the Toorumbree Creek Water Source*
2003**

[1] Clause 13 (h)

Omit clause 13 (h)

[2] Clause 25

Omit clause 25. Insert instead:

- (1) The requirement for water under harvestable rights is the amount of water owners of land are entitled to capture pursuant to the harvestable rights Order published in the NSW Government Gazette on 23 March 2001 under section 54 of the Act

[3] Clause 26 (3)

Omit clause 26 (3). Insert instead:

- (3) The bulk access regime established in subclause (2):
- (a) recognises the effect of climatic variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 9, Divisions 1 and 2 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 9 Division 3 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Part 10 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Parts 9 and 10 of this Plan.

[4] Clause 29

Omit clause 29 (3) (b). Insert instead:

- (b) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, and.

[5] Clause 29 (5)

Omit clause 29 (5). Insert instead:

- (19) Subclause (4) does not apply to an application for a new access licence arising from:
- (q) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (r) an access licence dealing.

[6] Clause 29 (6)

Omit clause 29 (6).

[7] Clause 29 (7)

Omit clause 29 (7). Insert instead:

- (7) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 30 (1)

Omit clause 30 (1). Insert instead:

- (1) The Minister should seek the views of the Bellbrook Local Aboriginal Land Council in relation to impacts on significant Aboriginal sites and appropriate mitigation measures, such as buffer distances, for all new access licence or water supply works approval applications.

[9] Clause 30A

Insert Clause 30A

In the event of an application for an Aboriginal commercial access licence, the Minister will seek the views of the Aboriginal Reference Group as to the benefit derived from the proposed application. Where an Aboriginal Reference Group has yet to be established, the advice of the Bellbrook Local Aboriginal Land Council will be sought.

[10] Clause 35 (2) (i)

Omit Clause 35 (2) (i). Insert instead:

- (xviii) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[11] Clause 40 Annual accounting for water extraction

Omit Clause 40. Insert instead:

40 Annual accounting for water extraction

- (78) Water taken from this water source will be accounted for at least annually.
- (79) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (80) A water accounting year shall be the 12 month period commencing 1 July.
- (81) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.

- (82) In any one water accounting year, water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 41(1).
- (21) A water allocation account shall remain at or above zero at all times.

[12] Clause 47 (1)

Omit Note after clause 47 (1).

[13] Clause 49 Rules for access licence dealings which alter the times, rates or circumstances specified in access licence extraction components

Omit Clause 49. Instead insert:

Notwithstanding clause 48, applications under section 71F of the Act to vary the times, rates or circumstances specified in an access licence with respect to the taking of water under the licence are prohibited.

[14] Clause 58 Unregulated river (Aboriginal cultural) access licences

Omit Clause 58. Instead insert:

58 Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

[15] Notes following clause 63

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[16] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Toorumbree Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(ccccc) change in low flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed.

Performance indicators for the Toorumbree Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<ul style="list-style-type: none"> There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(dddd) Change in moderate to high flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(eeee) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems.

Performance indicators for the Toorumbree Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<ul style="list-style-type: none"> • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(ffff) Extent to which basic landholder rights requirements have been met.	11 (e)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).

Performance indicators for the Toorumbree Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(ggggg) Change in economic benefits derived from water extraction and use.	11 (c) 11 (e)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(hhhhh) Extent to which native title rights requirements have been met.	11 (h)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(iiii) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (b) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. • Change in consultation on Aboriginal values in water licensing 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement. • Consultation with the local

Performance indicators for the Toorumbbee Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		decisions, as measured by the number of licence applications referred to the Bellbrook Local Aboriginal Land Council.	Aboriginal community will seek to minimise effects on important social, customary, cultural, and spiritual values.

[17] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 24 - Water Sharing Plan for the Upper Brunswick River Water Source 2003

[1] Clause 13 (i)

Omit clause 13 (i)

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (i) In very low flows, the flow occurring in this water source, minus 0.006 ML/day, minus the very low flow access permitted under clause 62A of this plan.

Note. 0.006 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights extraction.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (e) In very low flows:
- (xxxiii) the holders of access licences, excluding access licences listed in Schedule 6, are not permitted any access,
 - (xxxiv) access licence holders listed on Schedule 6 may have limited access to very low flows in accordance with clause 62A, and
 - (xxxv) persons exercising domestic and stock and native title rights may take a combined total of up to 0.006 ML/day.

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

[4] Clause 32 (3) (d)

Omit clause 32 (3) (d). Insert instead:

- (d) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (20) Subclause (4) does not apply to an application for a new access licence arising from:
- (s) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (t) an access licence dealing.

[6] Clause 32 (7)

Omit clause 32 (7).

[7] Clause 32 (8)

Omit clause 32 (8). insert instead:

- (17) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[8] Clause 38 (2) (i)

Omit Clause 38 (2) (i). Insert instead:

- (xix) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[9] Clause 43 Annual accounting for water extraction

Omit Clause 43. Insert instead:

43 Annual accounting for water extraction

- (83) Water taken from this water source will be accounted for at least annually.
- (84) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (85) A water accounting year shall be the 12 month period commencing 1 July.
- (86) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (87) In any one water accounting year, water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 44(1).
- (22) A water allocation account shall remain at or above zero at all times.

[10] Clause 51 (2)

Omit clause 51 (2). Insert instead:

- (14) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock and native title rights exceeds the volumes specified in Part 5 of this Plan:
- (a) first the unassigned TDEL specified in clause 48 then, if necessary, the TDEL for unregulated river access licences in clause 47 (c) shall be diminished to allow these additional basic landholder rights to be met, and
- (a) the IDELs of each unregulated river access licence will be reduced to comply with this diminished TDEL.

[11] Clause 51 (3)

Omit clause 51 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
- (g) the IDEL requirements of applicants for new domestic and stock access licences, unregulated river (Aboriginal cultural) access licences, unregulated (Aboriginal commercial) access licences, and unregulated river (research) access licences, or
 - (h) a local water utility's IDEL requirements,
- then the TDEL for unregulated river access licences in clause 47 (c) will be diminished to such an extent as to allow those requirements to be met.

[12] Clause 54 (1)

Omit Note after clause 54 (1).

[13] Clause 62A Very low flow access conditions

Insert Clause 62 A:

- (106) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (jjj) fruit washing,
 - (kkk) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (lll) poultry watering and misting, and
 - (mmm) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (107) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (108) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (109) A licence will be removed from the Schedule if:
- (tt) any access licence dealing results in the water being extracted from a different location,
 - (uu) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (vv) the licence is surrendered, cancelled, or not renewed.
- (110) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.

- (111) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (112) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[14] Clause 68 Unregulated river (Aboriginal cultural) access licences

Omit Clause 68. Instead insert:

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the licence specifies that water may only be taken from a runoff harvesting dam.

[15] Notes following clause 74

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[16] Clause 75 (1)

Omit clause 75 (1). Insert instead:

- (1) This part is made in accordance with section 45 (1) (b) of the Act.

[17] Schedule 6: Access licences with very low flow access

Insert Schedule 6:

Schedule 6: Access licences with very low flow access

- 30SL042886 Dairy and piggery washdown
30SL065983 Dairy washdown

Note. The licence details in this Schedule may change during the period of this Plan. The Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

[18] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Upper Brunswick Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(jjjj) change in low flows.	11 (a) 11 (c) 11 (d) 11 (e) 11 (f) 11 (g) 11 (h)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most

Performance indicators for the Upper Brunswick Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>unregulated rivers.</p> <ul style="list-style-type: none"> Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(kkkkk) Change in moderate to high flows.	11 (a) 11 (c) 11 (e) 11 (f) 11 (g) 11 (h)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(lllll) Change in	11 (d)	<ul style="list-style-type: none"> Change in safe yield 	<ul style="list-style-type: none"> Water sharing plans for

Performance indicators for the Upper Brunswick Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
local water utilities access.		(<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction).	<p>unregulated water sources have the potential to impact on urban water supplies.</p> <ul style="list-style-type: none"> • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(mmmm) Change in ecological condition of this water source and dependent ecosystems.	Ch 11 (b) 11 (c) 11 (d) 11 (e) 11 (g) 11 (h)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of

Performance indicators for the Upper Brunswick Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>wetted area, depth in pools and flow velocity over riffles.</p> <ul style="list-style-type: none"> In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(nnnn) Extent to which basic landholder rights requirements have been met.	11 (a)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(oooo) Change in economic benefits derived from water extraction and use.	11 (f) 11 (g) 11 (h)	<ul style="list-style-type: none"> Number of days access provided over the time of the plan. Number of new off stream storages. Change in unit price of water transferred. 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity prices. Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water.

Performance indicators for the Upper Brunswick Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		<ul style="list-style-type: none"> Change in gross margins. 	<ul style="list-style-type: none"> Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(ppppp) Extent to which native title rights requirements have been met.	11 (b)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(qqqqq) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (b)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. The number of licence applications referred to the Amaroo Local Aboriginal Land Council. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement. Consultation with the local Aboriginal community will seek to minimise effects on important social, customary, cultural, and spiritual values.

[19] **Appendix 4 Minister's access licence dealing principles**
Omit Appendix 4.

Schedule 25 - Water Sharing Plan for the Kangaroo River Water Source 2003**[1] Clause 13 (i)**

Omit clause 13(i).

[2] Clause 21 (1) (a)

Omit clause 21 (1) (a). Insert instead:

- (j) In very low flows, the flow occurring in this water source, minus 1.12 ML/day, minus the very low flow access permitted under clauses 62 and 62A of this plan.

Note. 1.12 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights extraction.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (g) In very low flows:

(xxxvi) the holders of access licences, excluding access licences listed in Schedules 5 and 6, are not permitted any access,

(xxxvii) the holders of access licences listed on Schedule 5 may have limited access to very low flows in accordance with clause 62,

(xxxviii) the holders of access licences listed on Schedule 6 may have limited access to very low flows, to comply with the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act, in accordance with clause 62A, and

(xxxix) persons exercising native title and domestic and stock rights may take a combined total of up to 1.12 ML/day.

[4] Clause 32 (3)

Omit clause 32 (3). Insert instead:

- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is rapid growth in population.

- (o) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

- (b) unregulated river (Aboriginal cultural) access licences where:

(i) the total share component granted under these licences does not exceed 10 ML/yr, and

(ii) the individual daily extraction limit is assigned in proportion to the share component and the cumulative daily extraction limit assigned to this category of licence does not exceed 0 ML/day in very low flows during years 1, 9 and 10 of this Plan, 0.006 ML/day in very low flows

during year 2 of this Plan, 0.009 ML/day in very low flows during years 3 to 8 of this Plan, 0.050 ML/day in A class flows, 0.112 ML/day in B class flows, and 0.134 ML/day in C class flows, or

- (c) unregulated river (research) access licences where:
 - (i) the total share component granted under these licences does not exceed 10 ML/yr, and
 - (ii) the individual daily extraction limit is assigned in proportion to the share component and the cumulative daily extraction limit assigned to this category of licence does not exceed 0 ML/day in very low flows during years 1, 9 and 10 of this Plan, 0.006 ML/day in very low flows during year 2 of this Plan, 0.009 ML/day in very low flows during years 3 to 8 of this Plan, 0.050 ML/day in A class flows, 0.112 ML/day in B class flows, and 0.134 ML/day in C class flows.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (5) Subclause (4) does not apply to an application for a new access licence arising from:
 - (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (a) an access licence dealing.

[6] Clauses 32 (7) and 32 (8)

Omit clauses 32 (7) and 32 (8). Insert instead:

- (12) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[7] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (xx) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[8] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (88) Water taken from this water source will be accounted for at least annually.
- (89) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (90) A water accounting year shall be the 12 month period commencing 1 July.

- (91) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (92) In any one water accounting year, water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43(1).
- (23) A water allocation account shall remain at or above zero at all times.

[9] Note following Clause 46 (d) (vii)

Omit note following Clause 46 (d) (vii). Insert instead:

Note. Where this category of licence is granted, and IDELs are issued in A, B or C class flows, pursuant to section 45 (1) (b) of the Act and the provisions of clause 50, the TDEL for the licences in clause 46 (c) (iii), (iv) and (v) may be reduced.

[10] Note following Clause 46 (e) (vii)

Omit note following Clause 46 (e) (vii). Insert instead:

Note. Where this category of licence is granted, and IDELs are issued in A, B or C class flows, pursuant to section 45 (1) (b) of the Act and the provisions of clause 50, the TDEL for the licences in clause 46 (c) (iii), (iv) and (v) may be reduced.

[11] Clause 50 (2)

Omit clause 50 (2). Insert instead:

- (15) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights exceeds the level specified in Part 5 of this Plan:
 - (i) first, any unassigned TDEL then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
 - (j) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.

[12] Clause 50 (3)

Omit clause 50 (3). Insert instead:

- (16) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
 - (i) the IDEL requirements of applicants for new access licences for domestic and stock access, unregulated river (Aboriginal cultural) access or unregulated river (research) access, or
 - (j) a local water utility's IDEL requirements,then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.

[13] Clause 53 (1)

Omit Note after clause 53 (1).

[14] Clause 56 (3)

Omit clause 56 (3). Insert instead:

- (3) An access licence with a share component specifying this water source may be cancelled and a new access licence issued only if the access licence dealing rules in the other water source permit such a dealing, and the access licence granted is in Bugong Creek, Bomaderry Creek, Shoalhaven Estuary, Jaspers Brush or Broughton Creek.

[15] Clause 57 (2) (b)

Omit Clause 57 (2) (b)

[16] Clause 62A Access to very low flows to comply with the Food Production (Safety)**Act or the Prevention of Cruelty to Animals Act**

Insert clause 62A:

62A Access to very low flows to comply with the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act

- (113) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
- (nnn) fruit and vegetable washing,
 - (ooo) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (ppp) poultry watering and misting, and
 - (qqq) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (114) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (115) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (116) A licence will be removed from the Schedule if:
- (ww) any access licence dealing results in the water being extracted from a different location,
 - (xx) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (yy) the licence is surrendered, cancelled, or not renewed.

- (117) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work is only permitted if there is visible flow in the river in the vicinity of the work.
- (118) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the Schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
- (119) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[17] Clause 67(a)

Omit clause 67(a). Insert instead:

- (ff) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[18] Notes following clause 73

Omit notes after clause 73. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[19] Clause 74 Amendment of this Plan

Omit clause 74. Insert instead:

74 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[20] Clause 75 (1)

Omit clause 75 (1). Insert instead:

- (21) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.

[21] Clause 76 (2)

Omit clause 76 (2). Insert instead:

- (22) This review body may be:
- (qq) a water management committee with water sharing responsibilities for this water source,
 - (rr) the relevant Catchment Management Authority, or
 - (ss) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a) or (b).

[22] Schedule 5 Water Act 1912 licences with access to very low flows

Omit from Schedule licence number 10SL026816

[23] Schedule 6 Access licences with access to very low flows under clause 62A

Insert Schedule 6:

Schedule 6 Access licences with access to very low flows under clause 62A

The following licences have access to very low flows under Clause 62A of this plan:

<u>Licence No.</u>	<u>River</u>	<u>Purpose</u>
10SL040496	Kangaroo River	Dairy washdown
10SL040822	Kangaroo River	Dairy washdown
10SL055153	Kangaroo River	Dairy washdown
10SL021519	Barrengarry Creek	Dairy washdown
10SL033762	Barrengarry Creek	Dairy washdown
10SL055148	Barrengarry Creek	Dairy washdown
10SL015021	Brogers Creek	Dairy washdown
10SL031389	Brogers Creek	Dairy washdown
10SL051617	Devils Glen Creek	Dairy washdown
10SL044687	Barrengarry Ck	Grape washing

[24] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Kangaroo River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(rrrr) Change in low flows.	11 (a) 11 (b) 11 (c) 11 (d)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(ssss) Change in moderate to high flows.	11 (d)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of

Performance indicators for the Kangaroo River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		commencement, at identified reference points..	<p>moderate to high flows.</p> <ul style="list-style-type: none"> This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(tttt) Change in local water utilities and major water utilities access (where those utilities are involved in urban water provision).	11 (g) 11 (h) 11 (k)	<ul style="list-style-type: none"> Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the

Performance indicators for the Kangaroo River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(uuuuu) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (d) 11 (i) 11 (k)	<ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. 	<ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which

Performance indicators for the Kangaroo River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>factor is the most influential at a particular time and place.</p> <ul style="list-style-type: none"> • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(vvvvv) Extent to which basic landholder rights requirements have been met.	11 (e) 11 (k)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(wwwww) C Change in economic benefits derived from water extraction and use.	11 (f) 11 (g) 11 (h) 11 (i)	<ul style="list-style-type: none"> • Number of days access provided over the time of the plan. • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<ul style="list-style-type: none"> • There are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(xxxxx) Extent to which native title rights	11 (j) 11 (k)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first

Performance indicators for the Kangaroo River Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
requirements have been met.		to identify the range of values of water to Aboriginal people.	step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(yyyyy) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (j) 11 (k)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.

[25] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 26 - Water Sharing Plan for the Wandella Creek Water Source 2003**[1] Clause 13 (i)**

Omit clause 13(i).

[2] Clause 21 (1)

Omit clause 21 (1). Insert instead:

- (1) Environmental health water is identified and established as follows:
 - (c) in very low flows, the flow occurring in this water source minus 0.1 ML/day, minus the very low flow access permitted under clause 62 of this plan,
Note. 0.1 ML/day is the amount of water estimated at the commencement of this Plan for basic landholder rights.
 - (d) in B class flows, the flow occurring in this water source minus 2.5 ML/day, and
Note. 2.5 ML/day is amount of water estimated at the commencement of this Plan for B class total daily extraction limit and basic landholder rights.
 - (e) in C class flows, the flow occurring in this water source minus 3.1 ML/day,
Note. 3.1 ML/day is amount of water estimated at the commencement of this Plan for C class total daily extraction limit and basic landholder rights.
 - (f) in D class flows, the flow occurring in this water source minus 7.9 ML/day,
Note. 7.9 ML/day is amount of water estimated at the commencement of this Plan for D class total daily extraction limit and basic landholder rights.
 - (g) the first 24 hours of flow minus 0.2 ML/day, after the flow exceeds 2 ML/day, following 30 or more consecutive days of flows at or below 1 ML/day, is reserved for the environment.

[3] Clause 21 (2) (a)

Omit clause 21 (2) (a). Insert instead:

- (a) In very low flows:
 - (i) the holders of access licences, excluding access licences listed in Schedule 4, are not permitted any access,
 - (ii) if the flows have been less than 1 ML/day for 30 consecutive days, the holders of access licences, excluding access licences listed in Schedule 4, are not permitted any access for 24 hours after the flow has reached 2 ML/day, and
 - (iii) persons exercising native title and domestic and stock rights may take a combined total of up to 0.1 ML/day.

[4] Clause 32 (3)

Omit clause 32 (3). Insert instead:

- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
 - (b) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61(1) (a) of the Act

- (c) an access licence resulting from an application of a type listed in section 61 (1) (a) of the Act,
- (c) unregulated river (research) access licences where the share components do not exceed 4 ML/yr in total for this water source,
- (d) Unregulated river (Aboriginal cultural) access licences up to 10 ML/yr per application.

[5] Clause 32 (5)

Omit clause 32 (5). Insert instead:

- (6) Subclause (4) does not apply to an application for a new access licence arising from:
 - (b) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

[6] Clauses 32 (7) and 32 (8)

Omit clauses 32 (7) and 32 (8). Insert instead:

- (13) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

[7] Clause 37 (2) (i)

Omit Clause 37 (2) (i). Insert instead:

- (i) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,

[8] Clause 42 Annual accounting for water extraction

Omit Clause 42. Insert instead:

42 Annual accounting for water extraction

- (1) Water taken from this water source will be accounted for at least annually.
- (2) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (3) A water accounting year shall be the 12 month period commencing 1 July.
- (4) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (5) In any one water accounting year, water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 43(1).
- (6) A water allocation account shall remain at or above zero at all times.

[9] Clause 50 (2)

Omit clause 50 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under native title or domestic and stock rights exceeds the level specified in Part 5 of this Plan:
 - (a) first the unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (d) shall be diminished to allow these additional basic landholder rights to be met, and
 - (b) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.

[10] Clause 50 (3)

Omit clause 50 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL cannot meet either:
 - (i) the IDEL requirements of applicants for new access licences for unregulated river (Aboriginal cultural) access, and unregulated river (research) access, or
 - (j) a local water utility's IDEL requirements,then the TDEL for unregulated river access licences in clause 46 (d) will be diminished to such an extent as to allow those requirements to be met.

[11] Clause 53 (1)

Omit Note after clause 53 (1).

[12] Clause 54 (2) (c)

Omit Clause 54 (2) (c). Insert instead:

- (c) subclause (b) does not apply where the dealing is between neighbouring properties and the new extraction component nominates a work that is no more than 1 kilometre from the work nominated by the original extraction component,

[13] Clause 57 (2) (b)

Omit Clause 57 (2) (b)

[14] Clause 62 Schedule 4 access licences

Omit clause 62. Insert instead:

62 Schedule 4 access licences

- (1) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences listed on Schedule 4 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
 - (a) fruit and vegetable washing,

- (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting,
 - (d) domestic use and stock watering, and
 - (e) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (2) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
 - (3) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 4, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
 - (4) A licence will be removed from the Schedule if:
 - (a) any access licence dealing results in the water being extracted from a different location,
 - (b) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (c) the licence is surrendered, cancelled, or not renewed.
 - (5) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the schedule amended or deleted at the end of the Plan, if such a review determines that this concessional access is no longer required.
 - (6) The assessment made under subclause (5) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

[15] Clause 66 (a)

Omit clause 66 (a). Insert instead:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[16] Notes following clause 72

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[17] Clause 73 Amendment of this Plan

Omit clause 73. Insert instead:

73 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

[18] Clause 74 (1)

Omit clause 74 (1). Insert instead:

- (1) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of B class established in clause 17, following field verification.

[19] Clause 75 (2)

Omit clause 75 (2). Insert instead:

- (23) This review body may be:
- (tt) a water management committee with water sharing responsibilities for this water source,
 - (uu) the relevant Catchment Management Authority, or
 - (rrr) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (2) (a) or (b).

[20] Appendix 3 Performance Indicators

Omit Appendix 3. Insert instead:

Appendix 3 Performance indicators

Performance indicators for the Wandella Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(i) Change in low flows.	11 (b) 11 (f) 11 (j)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement , at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. <p>RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health.</p> <p>Note. Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. <ul style="list-style-type: none"> There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(j) Change in moderate to high flows.	11 (c) 11 (d) 11 (f) 11 (i) 11 (j)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement , at identified reference points.. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only

Performance indicators for the Wandella Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			<p>possible to assess change from the period of plan commencement to the time the indicator is assessed.</p> <ul style="list-style-type: none"> There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.
(k) Change in local water utilities access.	11 (e)	<ul style="list-style-type: none"> Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> Water sharing plans for unregulated water sources have the potential to impact on urban water supplies. Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
(l) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (i) 11 (h)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objectives of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(m) Change in ecological condition of	11 (a) 11 (b)	<ul style="list-style-type: none"> Periodic assessment of identified 	<ul style="list-style-type: none"> The ecological influence of the Plan is limited to

Performance indicators for the Wandella Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
this water source and dependent ecosystems.	11 (e) 11 (f) 11 (j)	attributes of this water source and dependent ecosystems.	<p>providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems.</p> <ul style="list-style-type: none"> • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant.
(n) Extent to which basic landholder rights requirements have been met.	11 (c) 11 (d)	Assessment of cease to pump levels in relation to basic rights requirements.	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(o) Change in	11 (c)	<ul style="list-style-type: none"> • Number of 	<ul style="list-style-type: none"> • There are many factors affecting

Performance indicators for the Wandella Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
economic benefits derived from water extraction and use.	11 (d)	<p>days access provided over the time of the plan.</p> <ul style="list-style-type: none"> • Number of new off stream storages. • Change in unit price of water transferred. • Change in gross margins. 	<p>economic status of a region, for example commodity prices.</p> <ul style="list-style-type: none"> • Measurement of the number of new off stream storages will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions. • The data can reflect changes in crops, commodity prices, climate, water availability, economic climate and input costs.
(p) Extent to which native title rights requirements have been met.	11 (c) 11 (d) 11 (i)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.

[21] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 27 - *Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003*

[1] Clause 13 (c)

Omit clause 13 (c). Insert instead:

- (c) change in water levels adjacent to identified high priority groundwater dependent ecosystems,

[2] Clause 16 (2)

Omit clause 16 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, the average annual recharge to each groundwater source established in subclause (1) may be varied by the Minister after year 5 of this Plan, following further recharge studies undertaken by the Minister.

Note. The extent of impact of this change on access by licence holders is limited by the provisions in clause 28.

[3] Clause 18 (2)

Omit clause 18 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the proportion of recharge reserved as the environmental health water in subclause (1) after year 5 of this Plan, based on further studies of groundwater ecosystem dependency undertaken by the Minister.

Note. The extent of impact of this change on access by licence holders is limited by the provisions in clause 28 (2).

[4] Clause 25 (2) (d)

Omit clause 25 (2) (d). Insert instead:

- (d) 736 ML/yr in Zone 4,

[5] Clause 26 (4)

Omit clause 26 (4). Insert instead:

- (4) The embargo referred to in subclause (3) should apply to applications for all access licences, other than access licences of the following kinds:

- (a) local water utility access licences,

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may vary a local water utility's licence at 5 yearly intervals, or on application of the local water utility where there is a rapid growth in population.

- (b) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or

- (c) aquifer (Aboriginal cultural) access licences up to 10 ML/yr per application.

[6] Clause 26 (11)

Omit clause 26 (11). Insert instead:

- (11) Subclauses (6), (8), (9) and (10) do not apply to a new access licence arising from:
- (i) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (j) an access licence dealing.

[7] Clause 26 (12)

Omit clause 26 (12).

[8] Clause 27 (2)

Omit clause 27 (2). Insert instead:

- (2) The long-term average extraction limit for each groundwater source each year of this Plan is the recharge established in clause 16, minus the proportion of recharge reserved as environmental health water established in clause 18, and is as follows:
- (a) 0 ML/yr in Zone 1,
 - (b) 306 ML/yr in Zone 2,
 - (c) 710 ML/yr in Zone 3,
 - (d) 736 ML/yr in Zone 4,
 - (e) 820 ML/yr in Zone 5,
 - (f) 750 ML/yr in Zone 6,
 - (g) 2,234 ML/yr in Zone 7, and
 - (h) 2,444 ML/yr in Zone 8.

[9] Clause 28 (1)

Omit clause 28 (1). Insert instead:

- (1) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the long-term average extraction limits established under clause 27 (2) after year 5 of this Plan as a result of:
- (a) any change to the average annual recharge arising from clause 16 (2),
 - (b) any change to the environmental health water arising from clause 18 (2), and
 - (c) a socio-economic impact analysis of any change to the extraction limit.

Note. Any socio-economic analysis should, as a minimum, consider inter-generational issues, future timeframes and development forgone.

[10] Clause 36 (5)

Omit clause 36 (5). Insert instead:

- (5) Pursuant to section 45 (1) (b) of the Act, the Minister may amend the maximum extraction density established in subclause (4) if change is required as a result of further studies undertaken by the Minister.

[11] Clause 38 (12)

Omit clause 38 (12). Insert instead:

- (12) Pursuant to section 45 (1) (b) of the Act, the Minister may vary Schedule 4 by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information provided to the Minister.

Note. Schedule 4 is only to be used in relation to the granting of access licences and water supply work (bore) approvals under the Water Management Act 2000.

[12] Clause 39

Omit subclauses 39 (3) and 39 (4). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, the Minister may amend the exclusion distances in subclauses (1) and (2), based on further studies of groundwater ecosystems dependency undertaken by the Minister.
- (4) Pursuant to section 45 (1) (b) of the Act, the Minister may identify further high priority groundwater dependent ecosystems and include them in Schedule 5 and Appendix 4 after year 5 of this Plan, based on further studies of groundwater ecosystem dependency undertaken by the Minister.

[13] Clause 44 (1)

Omit Note after clause 44 (1).

[14] Clause 52 (5)

Insert clause 52 (5):

- (5) All aquifer (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[15] Notes following clause 54

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. **Implementation Program**

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[16] Clause 55 (1)

Omit clause 55 (1). Insert instead:

- (1) This Part is made in accordance with section 45 (1) (b) of the Act.

[17] Appendix 3 subclause (c)

Omit Appendix 3 subclause (c). Insert instead:

(c) Change in water levels adjacent to identified high priority groundwater dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (i)	<ul style="list-style-type: none"> • Identification of groundwater dependent ecosystems (GDEs). • Assessment of the adequacy of buffer zones or local impact restrictions by comparison of water levels near in or GDEs compared to plan baseline. 	<ul style="list-style-type: none"> • High priority groundwater dependent ecosystems are identified in Schedule 5 of this plan.
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[18] Appendix 5 Minister's access licence dealing principles

Omit Appendix 5.

Schedule 28 - *Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003*

[1] Clause 16 (2)

Omit clause 16 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, the average annual recharge for each groundwater source established in subclause (1) may be varied by the Minister after June 30 2008, following further recharge studies undertaken by the Minister.

Note: The extent of the impact of this change on access by licence holders is limited by the provisions in clause 28.

[2] Clause 18 (2)

Omit clause 18 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the proportion of recharge reserved as the environmental health water in subclause (1) after June 30 2008, based on further studies of groundwater ecosystem dependency undertaken by the Minister.

Note. The extent of the impact of this change on access by licence holders is limited by the provisions in clause 28.

[3] Clause 25 (3)

Omit clause 25 (3). Insert instead:

- (6) The Minister should declare an embargo on the making of applications for access licences in these groundwater sources, other than access licences of the following kinds:
- (d) major utility access licences in Stockton,
Note. Hunter Water Corporation's augmentation strategy for the life of this Plan is focused on further development of the Grahamstown surface water source supplies. Hunter Water Corporation has advised that it is unlikely to seek any increase in its component from the Tomago and Tomaree Groundwater Sources during the life of this Plan.
 - (e) domestic and stock access licences,
 - (f) access licences where the individual share component does not exceed 5 ML/yr, and total share components granted under this subclause remain below 100 ML/yr for each groundwater source,
 - (g) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act, or
 - (h) aquifer (Aboriginal cultural) access licences up to 10 ML/yr per application.

[4] Clause 25 (9)

Omit clause 25 (9). Insert instead:

- (9) Subclauses (4), (6), (7) and (8) do not apply to a new access licence arising from:
- (k) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (l) an access licence dealing.

[5] Clauses 25 (10) and 25 (11)

Omit clauses 25 (10) and (11). Insert instead:

(10) The major utility access licences may have the share component expressed as a volume in megalitres over any 3 year period.

[6] Clause 27 (1)

Omit clause 27 (1). Insert instead:

- (1) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the long-term average extraction limits under clause 26 after 30 June 2008, as a result of:
- (a) any change to the average annual recharge arising from clause 16, or
 - (b) any change to the environmental health water arising from clause 18.

[7] Clause 28 (2) (d)

Omit clause 28 (2) (d). Insert instead:

- (d) for the major utility access licences, an initial available water determination of 76,000 ML in Tomago, and 11,000 ML in Tomaree, should be made on 1 July 2003, and such determination should apply for a period of 3 water accounting years, and thereafter,

[8] Clause 35 (3)

Omit clause 35 (3). Insert instead:

- (3) Subclause (1) does not apply to:
- (a) extraction under existing access licences until such time as the relevant water supply work (bore) is replaced, or
 - (b) a major utility water supply work.

[9] Clause 37 (12)

Omit clause 37 (12). Insert instead:

- (12) Pursuant to section 45 (1) (b) of the Act, the Minister may vary Schedule 4 by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information provided to the Minister on that contamination source.

Note. Schedule 4 is only to be used in relation to the granting of access licences and water supply work (bore) approvals under the *Water Management Act 2000*.

[10] Clause 38 (4)

Omit clause 38 (4). Insert instead:

- (4) Pursuant to section 45 (1) (b) of the Act, the Minister may identify further high priority groundwater dependent ecosystems and include them in Schedule 5 after July 1 2008 based on further studies of groundwater ecosystem dependency undertaken by the Minister.

[11] Clause 41 (1)

Omit Note after clause 41 (1).

[12] Clause 42 (2) (c)

Insert clause 42 (2) (c):

- (c) the dealing relates to new licences arising from applications under Clause 25 (3) of this Plan.

[13] Clause 46 (3) (a)

Omit clause 46 (3) (a). Insert instead:

- (a) the total water allocations credited to all access licences in the groundwater source to which the water allocation is assigned remains below the extraction limit of that groundwater source established in clause 26 less the requirements for basic rights as established in clause 22 (1), and

[14] Clause 49 (3)

Omit clause 49 (3). Insert instead:

- (3) Pursuant to section 45 (1) (b) of the Act, the Minister may amend the requirements in Schedule 6 following the review of the major utility access licences at 5 year intervals.

[15] Clause 49 (4)

Insert clause 49 (4):

- (4) All aquifer (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[16] Notes following clause 51

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[17] Clause 52 (1)

Omit clause 52 (1). Insert instead:

- (2) This Part is made in accordance with section 45 (1) (b) of the Act.

[18] Clause 52 (2) (g)

Insert 52 (2) (g):

- (g) Schedule 6, clause 4 in respect to:
- (i) any water allocation account management rules for the Hunter Water Corporation major utility access licence in Stockton;
 - (ii) water level and water quality management rules for the Hunter Water Corporation major utility access licence.

[19] Schedule 6 Rules and additional mandatory conditions for Hunter Water Corporation major utility

Omit Schedule 6. Insert instead:

Schedule 6 Rules and additional mandatory conditions for Hunter Water Corporation major utility

1 Water allocation account management rules for Hunter Water Corporation major utility access licences

(1) In any 3 water accounting years, subject to local impact management restrictions arising from this Schedule, water taken from a groundwater source under major utility access licences may not exceed a volume consisting of:

- (a) 76,000ML in Tomago (and only from within the Tomago Sandbeds Special Area), and

Note. The Tomago Special Area is shown on the *Tomago Special Area and Monitoring Bores* map attached to this Schedule.

- (b) 11,000ML in Tomaree (and only from within the Nelson Bay Special Area),

Note. The Nelson Bay Special Areas are shown on the *Nelson Bay Special Area and Tomaree Monitoring Bores* map attached to this Schedule.

- (c) plus any water allocations assigned from another licence under section 71G of the Act in that year,
 - (d) plus any water allocations recredited in accordance with section 76 of the Act in that year, and
 - (e) minus any water allocations assigned to another licence under section 71G of the Act in that year.
- (2) Total water in any major utility access licence account at any time may not exceed a volume consisting of:
- (a) 76,000ML in Tomago (and only from within the Tomago Sandbeds Special Area),
 - (b) 11,000ML in Tomaree (and only from within the Nelson Bay Special Area),
 - (c) plus any water allocations assigned from another licence under section 71G of the Act in that year,
 - (d) plus any water allocations recredited in accordance with section 76 of the Act in that year, and
 - (e) minus any water allocations assigned to another licence under section 71G of the Act in that year.
- (3) A water allocation account shall remain at or above zero at all times.

2 Water level and water quality management rules for Hunter Water Corporation major utility access licences

- (1) The rate of extraction of groundwater from Tomago (and only from within the Tomago Sandbeds Special Area) must not exceed 200 megalitres per day.
- (2) The major utility (Hunter Water Corporation) must undertake the following operational monitoring in the Tomago (within the Tomago Special Area):
 - (a) approximately weekly, that is at intervals of no more than 10 days, measure the groundwater level at monitoring bore IP109 (nominated level RL 5.2 metres Australian Height Datum, hereafter *m AHD*), and
 - (b) once every month, measure the groundwater levels at the following 4 monitoring bores:
 - (i) bore number 40A (nominated level RL 0.9m AHD),
 - (ii) bore number SK3534 (nominated level RL 2.5m AHD),
 - (iii) bore number SK3491 (nominated level RL 4.0m AHD), and
 - (iv) bore number 284 (nominated level RL 6.0m AHD).
 - (c) maintain hydrographs showing the trends in groundwater levels since 1990 at monitoring bore IP109 and at the 4 observation bores monitored in accordance with subclause (2) (b),
 - (d) once every 3 months, measure the groundwater levels at the following 32 monitoring bores: SK5266, 295, SK3505, SK4932, SK3514, SK3530, SK4934, SK4939, SK5387, 230A, SK3499, SK5819, SK5992, F8, 9-SE-4000, SK3524, 287, SK5389, SK3525, SK1709, SK3516, SK3493, SK3523, SK4936, SK4935, SK3492, SK4933, SK3487, SK3481, SK3500, P2, and P5,

- (e) once every 3 months, measure the groundwater level and salinity profile at the following 15 monitoring bores: BL501, BL502, BL503, BL84, SK3508, SK5676, BL504, BL505, BL506, SK3515, BL507, BL508, BL69, BL509, and BL37,
- (f) measure the salinity (electrical conductivity (EC)) in subclause (2)(e) at each of the nominated monitoring bores at 2 metre intervals measured from the top of the bore casing to the base of the bore, and
- (g) measure the electrical conductivity (uS/cm) monthly, and iron (total inmg/L), manganese (mg/L), and arsenic (mg/L) weekly, at each pump station when operating.

Note. The Tomago monitoring bores are shown on the *Tomago Special Area and Monitoring Bores* map attached to this Schedule.

(3) If the groundwater level in any 2 or more of the monitoring bores in Tomago, monitored in accordance with subclauses (2)(a) and (2)(b), falls below the levels nominated in those subclauses, the major utility must:

- (a) advise the Regional Director of the Department of Infrastructure, Planning and Natural Resources of the situation in writing within 7 days of the reading, or readings, being taken,
- (b) increase the frequency of the monitoring in subclause (2)(b) to once every 2 weeks,
- (c) once every month, measure the groundwater level at the following 9 monitoring bores: SK5266, SK1709, SK3505, SK4932, SK3514, SK3530, SK4934, SK4939, and SK5387, and
- (d) maintain monitoring in accordance with this subclause until groundwater levels are higher than the nominated levels in subclauses (2)(a) and (2)(b), and the Regional Director of the Department of Infrastructure, Planning and Natural Resources approves a return to the monitoring regime prescribed subclause (2).

(4) If any EC measurement taken in accordance with subclause (2)(e) or (2)(f) from monitoring bores BL503, SK5676, BL506, BL508, or BL37, excluding any measurement taken within 2m of the aquifer basement material, is greater than or equal to 10,000uS/cm, the major utility (Hunter Water Corporation) must:

- (a) inform the Regional Director of the Department of Infrastructure, Planning and Natural Resources as soon as practicable,
- (b) increase the frequency of the monitoring in subclauses (2)(e) and (2)(f) to once every two weeks, and
- (c) maintain monitoring in accordance with this subclause until EC measurements fall below 10,000uS/cm, and the Regional Director of the Department of Infrastructure, Planning and Natural Resources approves a return to the monitoring regime prescribed subclause (2).

(5) If, at any pump station in Tomago, consecutive measurements of one or more of the determinands specified in subclause (2)(g) exceed the rolling mean plus two standard deviations, the major utility (Hunter Water Corporation) must report the exceedance in the Annual Water Licence Report, and include in that report:

- (a) the date and pumping station, or station, where the exceedance occurred,
- (b) the level of exceedance,
- (c) an assessment of the risk of harm or damage to Hunter Water Corporation infrastructure and/or the environment or any other parties,
- (d) any action taken to prevent, control or mitigate the exceedance, and

- (e) any action that has been taken or will be taken to prevent the re-occurrence of the exceedance.
- (6) The major utility must undertake the following operational monitoring in Tomaree:
 - (a) approximately weekly, that is at intervals of no more than 10 days, measure the groundwater level at monitoring bore SK1273B,
 - (b) once every 3 months, measure the groundwater levels and salinity levels at the following 9 monitoring bores: SW1, SW8, SW2, BL40, BL68, BL206 (at Shoal Bay),
 - (c) once every 3 months, measure the groundwater levels and salinity levels (EC) at the following 4 monitoring bores: SW4, SW5, SW6, and SW7 (at Fingal Bay), and
 - (d) the salinity measurements specified in subclauses (6)(b) and (6)(c) shall be taken at 2m intervals measured from the top of the bore casing to the base of the bore,
 - (e) once every 3 months measure the groundwater level at monitoring bore SK3913,
 - (f) measure the electrical conductivity (uS/cm) quarterly, and pH (pH units) daily, at the inlet to the water treatment plant for Glovers Hill and Anna Bay, when operating.

Note. The Tomaree monitoring bores are shown on the *Nelson Bay Special Area and Tomaree Monitoring Bores* map attached to this Schedule.

- (7) If the monitoring specified in subclause (6)(f) with respect to pH gives 14 consecutive measurements that exceed the rolling mean plus or minus 0.5 pH units, or with respect to EC gives 3 consecutive measurements that exceed the rolling mean plus two standard deviations, the major utility (Hunter Water Corporation) must report the exceedance in the Annual Water Licence Report, and include in that report:
 - (a) the date and water treatment plant or plants where the exceedance occurred,
 - (b) the level of exceedance,
 - (c) an assessment of the risk of harm or damage to Hunter Water Corporation infrastructure and/or the environment or any other parties,
 - (d) any action taken to prevent, control or mitigate the exceedance, and
 - (e) any action that has been taken or will be taken to prevent the re-occurrence of the exceedance.
- (8) If any EC measurement taken in accordance with subclause (6)(b) from monitoring bores SW2 or BL40, excluding any measurement taken within 2m of the aquifer basement material, is greater than or equal to 10,000uS/cm, the major utility (Hunter Water Corporation) must:
 - (a) inform the Regional Director of the Department of Infrastructure, Planning and Natural Resources as soon as practicable,
 - (b) increase the frequency of the monitoring in subclause (6)(b) to once every two weeks, and
 - (c) maintain monitoring in accordance with this subclause until EC measurements fall below 10,000uS/cm, and the Regional Director of the Department of Infrastructure, Planning and Natural Resources approves a return to the monitoring regime prescribed subclause (6).
- (9) If any EC measurement taken in accordance with subclause (6)(c) from monitoring bores SW5 or SW7, excluding any measurement taken within 2m of the aquifer basement material, is greater than or equal to 10,000uS/cm, the major utility (Hunter Water Corporation) must:
 - (a) inform the Regional Director of the Department of Infrastructure, Planning and Natural Resources as soon as practicable,

- (b) increase the frequency of the monitoring in subclause (6)(c) to once every two weeks,
 - (c) measure the watertable level at SK5059d every two weeks,
 - (d) not extract more than 150ML per year from the Fingal Bay bores (AB12 to AB16), calculated from the date when at least 10,000uS/cm is detected at either SW5 or SW7, and
 - (e) maintain monitoring in accordance with this subclause until EC measurements fall below 10,000uS/cm, and the Regional Director of the Department of Infrastructure, Planning and Natural Resources approves a return to the monitoring regime prescribed subclause (6)(c).
- (10) If any watertable level measurement taken in accordance with subclause (9)(c) from monitoring bore SK5059 is equal to or less than 0.9m AHD, the major utility (Hunter Water Corporation) must:
- (a) inform the Regional Director of the Department of Infrastructure, Planning and Natural Resources as soon as practicable,
 - (b) not extract more than 150ML per year from the Anna Bay bores (AB1 to AB11), calculated from the date when a watertable level equal to or less than 0.9m AHD was detected at monitoring bore SK5059d, and
 - (c) maintain monitoring in accordance with this subclause until watertable level measurements at SK5059d exceed 0.9m AHD, and the Regional Director of the Department of Infrastructure, Planning and Natural Resources approves a return to the extraction and monitoring regime prescribed subclause (9).
- (11) If any watertable level measurement taken in accordance with subclause (6)(e) from monitoring bore SK3913 is equal to or less than 1.4m AHD, the major utility (Hunter Water Corporation) must:
- (a) inform the Regional Director of the Department of Infrastructure, Planning and Natural Resources as soon as practicable,
 - (b) increase the frequency of the monitoring in subclause (6)(e) to once every two weeks,
 - (c) measure the watertable level at SK3917 every two weeks,
 - (d) not extract more than 150ML per year from the Anna Bay bores (AB1 to AB11), calculated from the date when a watertable level equal to or less than 1.4m AHD was detected at monitoring bore SK3913, and
 - (e) maintain monitoring in accordance with this subclause until watertable level measurements at SK3913 exceed 1.4m AHD, and the Regional Director of the Department of Infrastructure, Planning and Natural Resources approves a return to the extraction and monitoring regime prescribed subclause (6).
- (12) If any watertable level measurement taken in accordance with subclause (11)(c) from monitoring bore SK3917 is equal to or less than 1.3m AHD, the major utility (Hunter Water Corporation) must:
- (a) inform the Regional Director of the Department of Infrastructure, Planning and Natural Resources as soon as practicable,
 - (b) not extract more than 150ML per year from the Fingal Bay bores (AB12 to AB16), calculated from the date when a watertable level equal to or less than 1.3m AHD was detected at monitoring bore SK3917, and
 - (c) maintain extraction in accordance with subclause (12)(b) until watertable level measurements at SK3917 exceed 1.3m AHD, and the Regional Director of the Department of Infrastructure, Planning and Natural Resources approves a return to the extraction and monitoring regime prescribed subclause (11).

3 Additional mandatory conditions on water supply works and monitoring bores for Hunter Water Corporation major utility

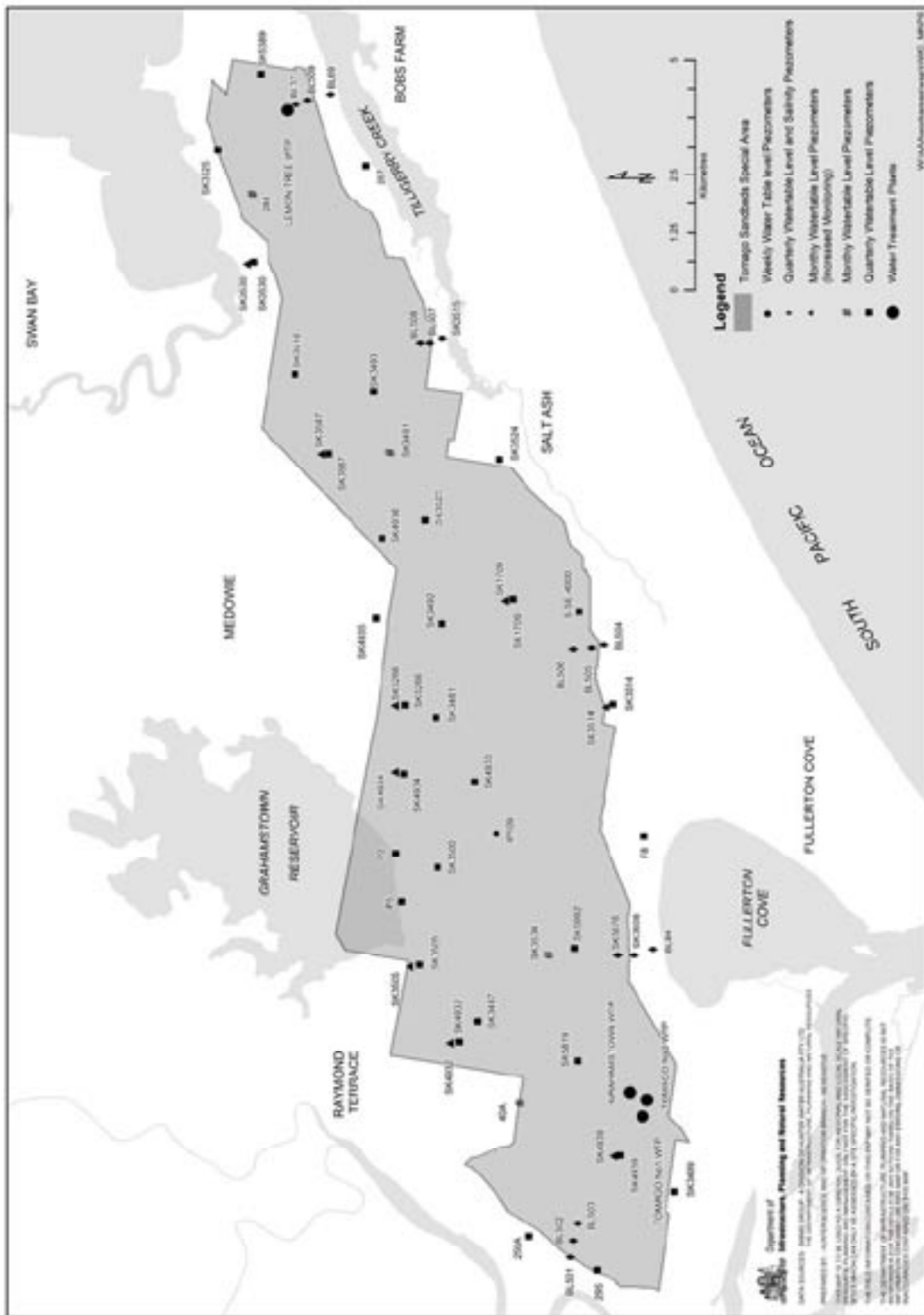
- (1) The major utility is permitted to relocate or replace water supply works in Tomago, Tomaree and Stockton (and only from within the special areas), provided that:
 - (a) the relocation or replacement of the water supply works in Stockton is within 50 metres of the abandoned bore,
 - (b) the relocation or replacement of the water supply works in Tomago or Tomaree is within 50 metres of a boreline, where the boreline is defined by the boreline header pipe,
 - (c) the relocation or replacement of the water supply works does not increase the installed extraction capacity, except with the agreement of the Minister,
 - (d) the relocation or replacement of the water supply works does not adversely impact upon any environmental, economic or social values of these groundwater sources,
 - (e) any abandoned water supply work is abandoned by means suitable to prevent degradation of these groundwater sources and the Regional Director of the Department of Infrastructure, Planning and Natural Resources is notified of the method of abandonment, and
 - (f) the Regional Director of the Department of Infrastructure, Planning and Natural Resources is provided with details of relocation and abandonment annually.
- (2) Should any of the monitoring bores referred to in this Schedule become lost or unsuitable for measurement, Hunter Water Corporation must substitute the bore or bores with a nearby bore, or sink a bore at the previous location within three months, and notify the Regional Director of the Department of Infrastructure, Planning and Natural Resources of the replacement.

4 Amendments to this Schedule

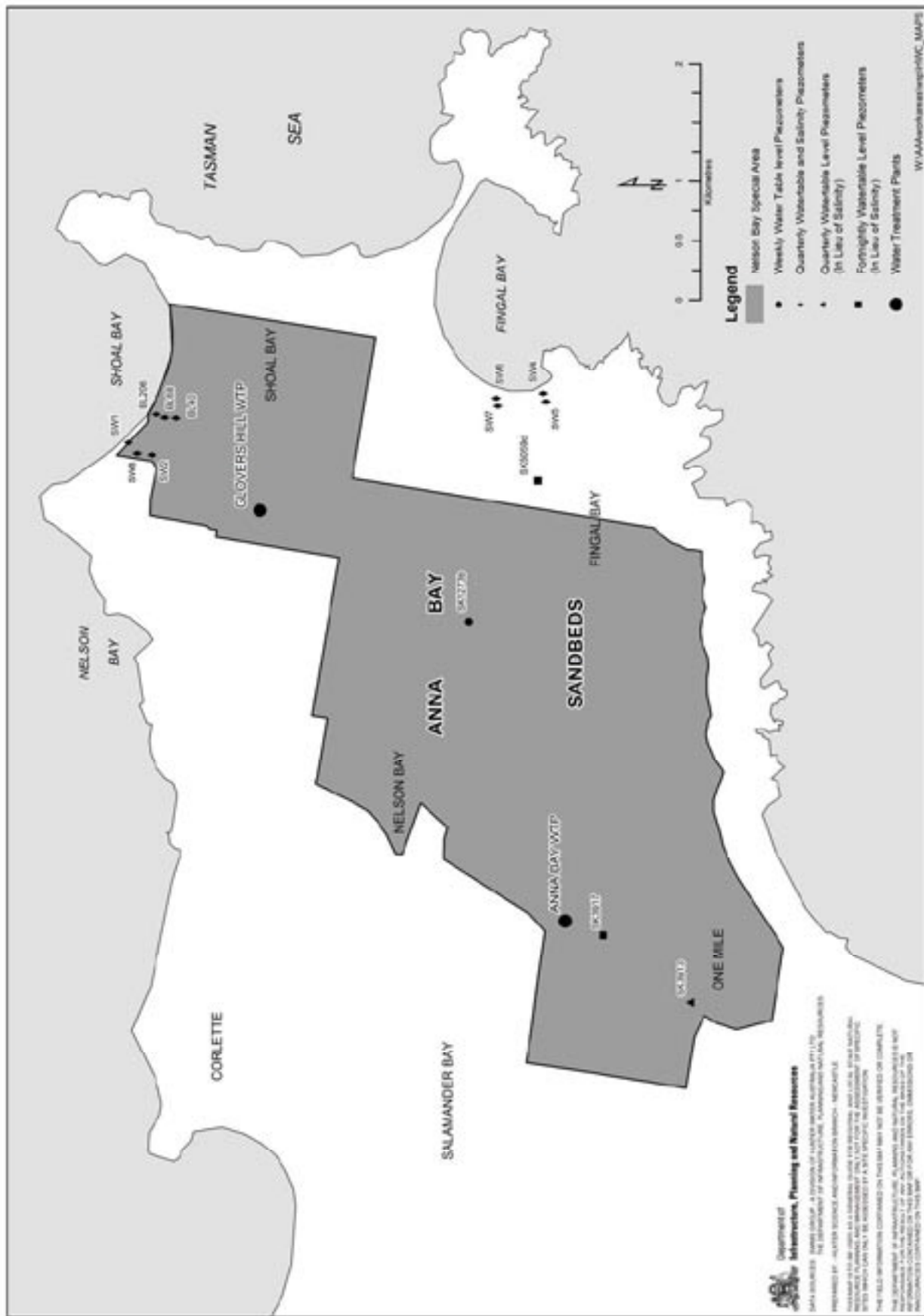
- (1) This clause is made in pursuant to section 45(1)(b) of the Act.
- (2) The Minister may amend clause 1 of this Schedule to include water allocation account management rules for any Hunter Water Corporation major utility access licence granted in Stockton, in accordance with clause 25(3) of this Plan.
- (3) The Minister may amend clause 2 of this Schedule following approval by the Minister of a Sustainable Groundwater Extraction Strategy prepared by Hunter Water Corporation.
- (4) The amendments referred to in subclause (3) may include any such monitoring and extraction restrictions in Tomago, Tomaree and Stockton required to:
 - (a) avoid exposure of pyritic layers to oxidating conditions,
 - (b) minimise water quality impacts from mined areas,
 - (c) avoid water level drawdowns that result in a detrimental impact on groundwater dependent ecosystems, and
 - (d) avoid saline intrusion to the groundwater sources.

Note. The Stockton observation bores are shown on the North Stockton Special Area and Observation Bores map attached to this Schedule.

Tomago Special Area and Monitoring Bores



Nelson Bay Special Area and Tomaree Monitoring Bores



Schedule 29 - Water Sharing Plan for the Alstonville Plateau Groundwater Sources 2003**[1] Clause 13 (c)**

Omit clause 13 (c). Insert instead:

- (d) change in water levels adjacent to identified high priority groundwater dependent ecosystems,

[2] Clause 18 (2)

Omit clause 18 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the proportion of recharge reserved as the environmental health water in subclause (1) after 30 June 2008, based on further studies of groundwater ecosystems dependency undertaken by the Minister.

Note. The extent of impact of this change on access by licence holders is limited by the provisions in clause 28.

[3] Clause 18 (3)

Omit clause 18 (3). Insert instead:

- (24) Before making a variation under subclause (2), the Minister should seek the advice from:
 - (a) a water management committee with water sharing responsibilities for this water source,
 - (b) the relevant Catchment Management Authority, or
 - (c) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or Catchment Management Authority referenced at subclause (3) (a) or (b).

[4] Clause 26 (3)

Omit clause 26 (3). Insert instead:

- (3) The Minister should declare an embargo on the making of applications for access licences in these groundwater sources, other than access licences of the following kinds:
 - (d) local water utility access licences,
 - Note.** Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's access licence share component at 5 yearly intervals, or on application of the local water utility where there is a rapid growth in population.
 - (e) domestic and stock access licences,
 - (f) aquifer (Aboriginal commercial) access licences, where the share component does not exceed 10 ML/yr per application,
 - (g) aquifer (Aboriginal cultural) access licences, up to 10 ML/yr per application,
 - (h) aquifer (research) access licences, up to 10 ML/yr per application, or

- (i) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[5] Clause 26 (10)

Omit clause 26 (10). Insert instead:

- (10) Subclauses (5), (7), (8) and (9) do not apply to a new access licence arising from:
 - (m) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (n) an access licence dealing.

[6] Clause 26 (11)

Omit clause 26 (11).

[7] Clause 26 (13)

Insert clause 26 (13):

- (13) In the event of an application for an Aboriginal commercial access licence, the Minister will seek the views of the Aboriginal Reference Group as to the benefit derived from the proposed application. Where an Aboriginal Reference Group has yet to be established, the advice of the Local Aboriginal Land Councils or the Bundjalung Elders Group will be sought.

[8] Clause 28 (1)

Omit clause 28 (1). Insert instead:

- (1) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the long-term average extraction limits established under clause 27 after 30 June 2008 as a result of any change to the environmental health water arising from clause 18 (2).

[9] Clause 38 (10)

Omit clause 38 (10). Insert instead:

- (13) Pursuant to section 45 (1) (b) of the Act, the Minister may vary Schedule 4 by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information provided to the Minister on that contamination source.

Note. Schedule 4 is only to be used in relation to the granting of access licences and water supply work (bore) approvals under the *Water Management Act 2000*.

[10] Clause 39 (2)

Omit clause 39 (2). Insert instead:

- (2) Pursuant to section 45 (1) (b) of the Act, the Minister may amend Schedule 5 if further groundwater dependent ecosystem studies are undertaken by the Minister.

[11] Clause 39 (8)

Insert clause 39 (8):

- (10) Subclause (6) does not apply to extraction of basic landholder rights from a water supply work within 40 metres of a river subject to a harvestable rights Order published in the NSW Government Gazette under section 54 of the Act.

[12] Clause 43 (1)

Omit Note after clause 43 (1).

[13] Clause 51 (4)

Omit clause 51 (4). Insert instead:

- (4) All aquifer (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[14] Notes following clause 53

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of *the Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[15] Clause 54 (1)

Omit clause 54 (1). Insert instead:

- (3) This Part is made in accordance with section 45 (1) (b) of the Act.

[16] Appendix 3 subclause (c)

Omit Appendix 3 subclause (c). Insert instead:

(d) Change in water levels adjacent to identified high priority groundwater dependent ecosystems.	11 (c) 11 (e)	<ul style="list-style-type: none"> • Identification of high priority groundwater dependent ecosystems (GDEs). • Assessment of the adequacy of buffer zones or local impact restrictions by comparison of water levels near or in high priority GDEs compared to plan baseline. 	<ul style="list-style-type: none"> • High priority groundwater dependent ecosystems are identified in Schedule 5 of this plan.
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[17] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Schedule 30 - Water Sharing Plan for the Stuarts Point Groundwater Source 2003**[1] Clause 13 (c)**

Omit clause 13 (c). Insert instead:

- (e) change in water levels adjacent to identified high priority groundwater dependent ecosystems,

[2] Clause 26 (3)

Omit clause 26 (3). Insert instead:

- (3) The Minister should declare an embargo on the making of applications for access licences in this groundwater source, other than access licences of the following kinds:
 - (a) local water utility access licences,
Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may vary a local water utility's licence at 5 yearly intervals, or on application of the local water utility where there is a rapid growth in population.
 - (b) aquifer (Aboriginal cultural) access licences,
 - (c) aquifer (Aboriginal commercial) access licences,
 - (d) licence applications lodged as a result of a Ministerial approved access licence amnesty completed before 1 July 2003, or
 - (e) a specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act.

[3] Clause 26 (6)

Omit clause 26 (6). Insert instead:

- (10) Subclause (5) does not apply to a new access licence arising from:
 - (o) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (p) an access licence dealing.

[4] Clause 26 (11)

Omit clause 26 (11).

[5] Clause 27 Aboriginal assessment of new access licences

Omit clause 27. Insert instead:

27 Aboriginal assessment of new access licences

- (3) The Minister will seek the views of the Kempsey Local Aboriginal Land Council in relation to the impact on significant Aboriginal sites of new access licence applications and appropriate mitigation measures.

- (4) In the event of an application for an aquifer (Aboriginal commercial) access licence, the Minister will seek the views of the Aboriginal Reference Group as to the benefit derived from the proposed application. Where an Aboriginal Reference Group has yet to be established, the advice of the Kempsey Local Aboriginal Land Council will be sought.

[6] Clause 38 (10)

Omit clause 38 (10). Insert instead:

- (14) Pursuant to section 45 (1) (b) of the Act, the Minister may vary Schedule 4 by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information provided to the Minister on that contamination source.

Note. Schedule 4 is only to be used in relation to the granting of access licences and water supply work (bore) approvals under the *Water Management Act 2000*.

[7] Clause 43 (1)

Omit Note after clause 43 (1).

[8] Clause 51 (3)

Insert clause 51 (3):

- (3) All aquifer (Aboriginal cultural) access licences shall have mandatory conditions that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.

[9] Notes following clause 53

Omit notes. Insert instead:

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

[10] Clause 54 (1)

Omit clause 54 (1). Insert instead:

(4) This Part is made in accordance with section 45 (1) (b) of the Act.

[11] Appendix 3 subclause (c)

Omit Appendix 3 subclause (c). Insert instead:

(e) Change in water levels adjacent to identified high priority groundwater dependent ecosystems.	11 (c)	<ul style="list-style-type: none"> • Identification of groundwater high priority dependent ecosystems (GDEs). • Assessment of the adequacy of buffer zones or local impact restrictions by comparison of water levels in or near high priority GDEs compared to plan baseline. 	<ul style="list-style-type: none"> • High priority groundwater dependent ecosystems are identified in Schedule 5 of this Plan.
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[12] Appendix 4 Minister's access licence dealing principles

Omit Appendix 4.

Water Management (Minister's Plans) Order No 1 of 2004
under the
Water Management Act 2000

I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, in pursuance of Parts 3 and 4 of Chapter 2 of the *Water Management Act 2000*, do, by this my Order, amend each Minister's plan listed in the Schedule to this Order by omitting from clause 3 of each plan the matter '1 July 2004' and by inserting instead the matter '1 July 2005'.

This Order takes effect on the date it is published in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The object of this Order is to postpone the commencement of a number of Minister's plans for water sharing from 1 July 2004 to 1 July 2005.

SCHEDULE

Water Sharing Plan for the Lower Gwydir Groundwater Source 2003
Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003
Water Sharing Plan for the Lower Lachlan Groundwater Source 2003
Water Sharing Plan for the Lower Macquarie Groundwater Sources 2003
Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2003

Water Sharing Plan for the Hunter Regulated River Water Source 2004 Order

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Natural Resources, make the following Minister's plan.

CRAIG KNOWLES M.P.,
Minister for Natural Resources

 Water Sharing Plan for the Hunter Regulated River Water Source 2003

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Water Sharing Plan for the Hunter Regulated River Water Source 2003

Water Sharing Plan for the Hunter Regulated River Water Source 2002

Part 1 Introduction

1 Name of plan

This Plan is the *Water Sharing Plan for the Hunter Regulated River Water Source 2003* (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 covers the core provisions of section 20 of the Act for water sharing, and additional provisions of section 21 of the Act, and other relevant matters.

3 Date of commencement

This Plan takes effect on gazettal and ceases 10 years after that date.

4 Area and waters to which this Plan applies

- (1) The water source in respect of which this Plan is made is:
 - (a) between the banks of all rivers, from the upstream limit of Glenbawn Dam water storage downstream to the estuary of the Hunter River, and from the upstream limit of Glennies Creek Dam water storage downstream to the junction with the Hunter River, which at the date of commencement of this Plan have been declared by the Minister to be regulated rivers, and
 - (b) the unconsolidated alluvial sediments underlying the waterfront land of all rivers referred to in subclause (a), except those unconsolidated alluvial sediments within one metre of works taking water pursuant to licences issued under Part V of the Water Act 1912 or their equivalent aquifer access licences issued under the Act.

Note. A regulated river is a river that has been declared by the Minister, by order published in the New South Wales Government Gazette, to be a regulated river.

Note. The regulated rivers referred to in subclause (1) are listed in Appendix 1.

Note. Waterfront land has the meaning defined in the Act.

- (2) The water source shall be known as the Hunter Regulated River Water Source (hereafter **this water source**).
- (3) The rivers included in this water source may be varied, clause 4 (1) (b) replaced and other changes made to this Plan under section 45 (1) (b) of the Act as set out in Part 14 of this Plan.

Water Sharing Plan for the Hunter Regulated River Water Source 2003

- (4) This water source is within the Hunter Water Management Area as constituted by the Ministerial Order published in the NSW Government Gazette (hereafter *the Gazette*) on 23 November 2001.

Note. The Hunter Water Management Area is shown on the map in Appendix 2.

Note. Management of floodplain harvesting is not a component of this water sharing plan. Management of floodplain harvesting will occur according to a number of state-wide management principles, attached in Appendix 3.

5 Interpretation

- (1) Terms that are defined in the Act have the same meaning in this Plan, unless redefined in Schedule 1, and the effect of these terms may be explained in Notes.
- (2) Additional terms are defined in Schedule 1.
- (3) Notes in this Plan do not form part of this Plan.
- (4) Schedules to this Plan form part of this Plan.
- (5) Appendices to this Plan do not form part of this Plan.

6 Effect on licences, authorities and permits under the Water Act 1912

- (1) This Plan applies from the date of commencement to those matters that are being administered under the Act at that time.
- (2) This Plan applies to other matters from the date the relevant provisions of the Act are commenced.

Note. To the extent possible the rules embodied in this Plan will apply to matters administered under the *Water Act 1912* in the interim.

7 State Water Management Outcomes Plan

- (1) In accordance with section 16 (1) (a) of the Act this Plan is consistent with the State Water Management Outcomes Plan published in the Gazette on 20 December 2002 (hereafter *the SWMOP*).
- (2) Schedule 2 identifies the SWMOP targets applicable to this Plan and how this Plan contributes to meeting those targets.

8 Management zones, flow reference sites, river reaches and reach gauges

Management zones, flow reference sites, river reaches and reach gauges referred to in this Plan are those defined in Schedule 3.

Part 2 Vision, objectives, strategies and performance indicators

9 Vision, objectives, strategies and performance indicators

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

10 Vision

- (1) The vision for this Plan is to achieve a healthy, diverse and productive regulated river water source providing sustainable management of the water source for the community, environment, towns, agriculture and industry.
- (2) This Plan also recognises the following respect statement for Aboriginal values in the regulated river water source:

Life giving water is of extreme significance to Aboriginal culture for its domestic, traditional and spiritual values. Whilst water supplied for the environment will provide protection for native flora and fauna, fishing, food gathering and recreational activities, it is important that the community respects the spiritual significance of water to the Aboriginal people.

11 Objectives

The objectives of this Plan are to:

- (a) protect the natural seasonal variation of low flows during dry periods,
- (b) protect the initial flow in natural freshes,
- (c) protect a high proportion of moderate and high flows,
- (d) protect a high proportion of the natural inundation pattern and distribution of floodwaters supporting natural wetland and floodplain ecosystems,
- (e) mimic natural flow variability of medium and high flows,
- (f) maintain rates of rise and fall of river heights within their natural bounds for medium and high flows,
- (g) provide a reserve of water that can be used to assist in management of environmental contingencies,
- (h) contribute to maintenance of estuarine processes and habitats,
- (i) contribute to maintenance of the ecological condition of this water source and its riparian areas over the longer term,
- (j) mitigate the impacts of instream structures,
- (k) mitigate downstream water quality impacts of storage releases,

Water Sharing Plan for the Hunter Regulated River Water Source 2003

- (l) maintain water supply priority for basic rights for domestic and stock access licences at all times,
- (m) maintain a highly reliable supply of water to towns to meet the existing and potential population needs of urban communities,
- (n) provide clarity of rights of access to water for the major utility,
- (o) maintain a highly reliable supply water to the major utility access licence,
- (p) provide clarity of rights for holders of regulated river (high security) access licences,
- (q) provide a defined level of water supply access to the irrigation industry,
- (r) provide clarity of access to supplementary water,
- (s) contribute to protection of recreational and tourism opportunities, and
- (t) recognise priority for traditional water rights of Aboriginal people.

12 Strategies

The strategies for reaching the objectives set out in clause 11 are to:

- (a) establish environmental water provisions (Part 3 of this Plan),
- (b) identify water requirements for basic landholder rights (Part 4 of this Plan),
- (c) identify water requirements for access licences (Part 6 of this Plan),
- (d) establish rules for granting of access licences (Part 7 of this Plan),
- (e) establish provisions that place limits on the availability of water (Part 8 of this Plan),
- (f) establish rules for making available water determinations (Part 8 of this Plan),
- (g) establish rules for the operation of water accounts (Part 9 of this Plan),
- (h) establish provisions specifying circumstances under which water may be extracted (Part 9 of this Plan), and
- (i) establish access licence dealing rules (Part 10 of this Plan).

13 Performance indicators

The following indicators are to be used to determine the performance of this Plan against its objectives:

- (a) change in ecological condition of this water source and dependent ecosystems,
- (b) change in low flow regime,

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- (c) change in moderate to high flow,
- (d) change in water quality in this water source,
- (e) extent to which basic landholder rights requirements have been met,
- (f) extent to which local water utility and major utility requirements have been met,
- (g) change in economic benefits derived from water extraction and use,
- (h) extent of recognition of spiritual, social and customary values of water to Aboriginal people, and
- (i) extent to which native title rights have been met.

Note. Appendix 4 details the objectives to which these performance indicators relate and the methods for assessing indicators.

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Part 3 Environmental water provisions**14 Environmental water provisions**

This Part is made in accordance with sections 5 (3), 8 (1), 8 (2) and 20 (1) (a) of the Act.

15 Environmental health water

This Plan establishes the following environmental health water rules:

- (a) water volume in excess of the long-term extraction limit established in clause 32 of this Plan may not be taken from this water source and used for any purpose,
- (b) water availability is to be managed as specified in clause 34 of this Plan to ensure water volume in excess of the long-term extraction limit is not being taken,

Note. By limiting long-term extractions to 217,000 Megalitres per year, this Plan ensures that approximately 80% of long-term average flow in this water source (estimated to be 1,040,000 megalitres per year) will be preserved and will contribute to the maintenance of basic ecosystem health.

- (c) this water source shall be managed to ensure that flows, in megalitres per day (hereafter *ML/day*), exceed those listed in the following table:

Flow reference site	December to February	March to May	June to August	September to November
1. (Liddell)	17 ML/day	18 ML/day	56 ML/day	38 ML/day
3. (Greta)	36 ML/day	40 ML/day	73 ML/day	61 ML/day

and,

- (d) sufficient volumes of water are to be held in reserve in storage to ensure these flows can be provided through a repeat of the worst drought in this water source for which reliable flow information is available.

16 Supplementary environmental water

- (1) This Plan establishes the following supplementary environmental water rules for the management of an environmental contingency allowance :
 - (a) at the start of each water year a total of 20,000 megalitres in Glenbawn and Glennies Creek water storages is to be reserved in an environmental contingency allowance account for release as specified in subclause (b),
 - (b) releases of water from the environmental contingency allowance account are to be made in accordance with procedures established by the Minister to assist in management of critical environmental events, such as algal blooms

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and chemical spills, and to provide flows at critical times for purposes such as fish migration or stony bed scouring,

- (c) the volume of releases under subclause (b) debited to the environmental contingency allowance account is to be the volume of releases in excess of those necessary to meet all other water requirements, and
 - (d) any volume remaining in the environmental contingency allowance account at the end of a water year is to be forfeited from the account.
- (2) This Plan establishes the following supplementary environmental water rule in relation to periods when access to uncontrolled flows is declared under clause 50 or supplementary water access licences are permitted to extract water under clause 51:
- (a) 50% of the daily flow in each river reach defined in Schedule 3 is to be protected during periods when access to uncontrolled flows or access under supplementary water access licences is declared.

Note. In addition to these rules, there are significant restrictions on the proportion of flow that can be taken during each water year and when extractions under supplementary water access licences can occur (see Part 8 Division 2 and Part 9 Division 2 of the Act). These rules do not meet the Act's definition of supplementary environmental water, because they do not "commit" water to the environment as they do not prevent use of these flows to supply water allocated to access licences, other than supplementary water access licences. Nevertheless, they will result in the protection of a major proportion of medium to high flows for the environment and ensure that these flows pass through this water source into the Hunter estuary. It is anticipated that, in all but the most exceptional years, at least 70% of total annual flows in this water source in excess of the 40th percentile flow level will pass through to the estuary.

17 Adaptive environmental water

- (1) At any time an access licence holder can, by a process determined by the Minister, commit all or part of their licence as adaptive environmental water.
- (2) The conditions of the commitment specified in subclause (1):
 - (a) are to be established by the Minister,
 - (b) are to be specified on the licence, and
 - (c) shall be such as to ensure that there will be a contribution to the objectives of this Plan.
- (3) At the commencement of this Plan there are no access licences committed to an environmental purpose in accordance with section 8 (1) (c) of the Act.

Part 4 Basic landholder rights

18 Basic landholder rights

This Part is made in accordance with sections 5 (3) and 20 (1) (b) of the Act.

19 Domestic and stock rights

Note. Water from this water source should not be consumed without prior treatment, which is adequate to ensure its safety.

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the water requirements of holders of domestic and stock rights will total 5,515 megalitres per year (hereafter *ML/year*) and that these will be distributed between the management zones defined in Schedule 3 in the following way:
 - (a) 2,592 ML/year in management zone 1,
 - (b) 2,375 ML/year in management zone 2, and
 - (c) 548 ML/year in management zone 3.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

Note. Increase in use of domestic and stock rights may occur as a result of an increase in the number of landholdings fronting this water source or as a result of an increase in the exercise of domestic and stock rights on existing landholdings.

- (3) The water supply system shall be managed so that it would be capable of maintaining supply to those exercising domestic and stock rights through a repeat of the worst period of low inflows to this water source, as represented in flow information held by the Department.
- (4) To achieve subclause (3), sufficient volumes of water must be set aside from assured inflows into this water source and in reserves held in Glenbawn Dam and Glennies Creek Dam water storages.

Note. The Minister may issue an order under section 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment, for reasons of public health, or to preserve basic landholder rights.

20 Native title rights

Note. Water from this water source should not be consumed without prior treatment, which is adequate to ensure its safety.

- (1) At the commencement of this Plan there are no holders of native title rights in this water source and therefore native title rights are 0 ML/year.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

Note. Increases in native title rights may occur as a result of granting of native title rights under the Commonwealth's *Native Title Act 1993*.

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- (3) The water supply system shall be managed so that it would be capable of maintaining supply to those exercising native title rights through a repeat of the worst period of low inflows to this water source, as represented in flow information held by the Department.
- (4) To achieve subclause (3) sufficient volumes of water must be set aside from assured inflows into this water source and in reserves held in Glenbawn Dam and Glennies Creek Dam water storages.

Part 5 Bulk access regime

21 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (e) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in this water source having regard to:
 - (a) the environmental water provisions identified under Part 3 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 4 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 6 of this Plan.
- (3) The bulk access regime established under subclause (2):
 - (a) establishes rules according to which access licences are granted as provided for in Part 7 of this Plan,
 - (b) recognises and is consistent with the limits to the availability of water as provided for in Part 8 of this Plan,
 - (c) establishes rules according to which available water determinations are to be made as provided for in Part 8 of this Plan,
 - (d) recognises the effect of climatic variability on the availability of water as provided for in Part 8 of this Plan,
 - (e) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction of the availability of water as provided for in Part 8 of this Plan, and
 - (f) establishes rules according to which access licences are managed as provide for in Part 9 of this Plan.

Part 6 Requirements for water under access licences

22 Requirements for water under access licences

This Part is made in accordance with section 20 (1) (c) of the Act.

Note. The following clauses in this Part represent the total volumes specified in the share components of access licences in this water source. There is no commitment to make these volumes available. The actual volumes available at any time will depend on climate, access licence priority and the rules in this Plan.

23 Share component of domestic and stock access licences

It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of domestic and stock access licences authorised to extract water from this water source will total 1,681 megalitres and that these will be distributed between the management zones defined in Schedule 3 in the following way:

- (a) 725 ML/year in management zone 1,
- (b) 827 ML/year in management zone 2, and
- (c) 186 ML/year in management zone 3.

24 Share component of major utility access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of major utility access licences authorised to extract water from this water source will total 36,000 ML/year.

Note. Macquarie Generation also hold other entitlements to access water, but these are not major utility access licences as defined by the Act.

25 Share component of local water utility access licences

It is estimated that, at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of local water utility access licences authorised to access water from this water source will total 10,832 ML/year and that these will be distributed between the management zones defined in Schedule 3 in the following way:

- (a) 2,000 ML/year for Scone/Aberdeen,
- (b) 3,250 ML/year for Muswellbrook
- (c) 550 ML/year for Denman,
- (d) 5,000 ML/year for Singleton, and
- (e) 32 ML/year for Jerry's Plains.

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26 Share component of regulated river (high security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (high security) access licences authorised to access water from this water source will total 21,766 unit shares and that these will be distributed between the management zones defined in Schedule 3 in the following way:

- (a) 10,378 unit shares in management zone 1,
- (b) 10,016 unit shares in management zone 2, and
- (c) 1,765 unit shares in management zone 3.

27 Share component of regulated river (general security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the share components of regulated river (general security) access licences authorised to access water from this water source will total 130,026 unit shares and that these will be distributed between the management zones defined in Schedule 3 in the following way:

- (a) 75,035 unit shares in management zone 1,
- (b) 47,078 unit shares in management zone 2, and
- (c) 6,050 unit shares in management zone 3.

28 Share component of supplementary water access licences

- (1) Supplementary water access licences in this water source will be specified as a number of shares in the water available to supplementary water access licences.
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the supplementary water access licences authorised to access water from this water source will total 49,000 unit shares.

29 Changes to total share component

This Plan recognises that total requirements for water under access licences in each access licence category may change during the term of this Plan as a result of:

- (a) the granting, surrender, cancellation or non renewal of access licences, or
- (b) variations to local water utility access licences arising from section 66 of the Act.

Part 7 Rules for granting of access licences

30 Access licence applications

- (1) This Part is made in accordance with sections 20 (2) (b) and 63 of the Act.
- (2) Access licences may be granted in this water source, subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.
- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than for access licences of the following kinds:
 - (a) regulated river (high security) –(Aboriginal cultural) access licences, providing that the application does not exceed 10 megalitres per year,
 - (b) regulated river (high security - research) access licences for water supply for research purposes, provided that such research is undertaken by an organisation approved by the Minister as an accredited research body, and
 - (c) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a)
- (4) In applying for a new access licence, the applicant must establish the purpose and circumstances relating to that access licence, and that the share component sought will be the minimum required to meet that purpose and circumstances.
- (5) Subclause (4) does not apply to an application for a new access licence arising from:
 - (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process., or
 - (b) an access licence dealing,

Part 8 Limits to the availability of water

Division 1 Long-term extraction limit

31 Limit to the availability of water

This Division is made in accordance with section 20 (2) (a) of the Act.

32 Volume of the long-term extraction limit

- (1) This Plan establishes a long-term extraction limit for this water source of an average of 217,000 ML/year.

Note. The long-term extraction limit established by this Plan is sufficient to allow water extractions to grow by 30% above their current level, and full use of all access licences referred to in Part 6. Should there be a demand for greater volumes of water to service industry or agriculture in the future, the Plan limit may be reviewed. However, any increase would only occur after an assessment of the various ways in which additional water supply could be provided and full consideration of potential environmental effects socio-economic benefits and the impacts, if any, on the rights under existing access licences.

- (2) At the end of each water year the Minister may, under section 45 (1) (b) of the Act alter the volume referred to in subclause (1) as a result of any access licence dealing under section 71E of the Act during that water year.
- (3) For the purposes of auditing compliance with the long-term extraction limit, the following will be included:
- (a) all water extractions under all categories of access licences,
 - (b) domestic and stock rights and native title rights extractions,
 - (c) volumes of water delivered as adaptive environmental water,
 - (d) floodplain harvesting extractions determined to be taken for use in conjunction with extractions from this water source, and
 - (e) assignment of water allocations from the water allocation accounts of access licences in this water source to the water allocation accounts of access licences in other water sources.
- (4) For the purposes of auditing compliance with the long-term extraction limit the assessed volume of extractions shall be reduced by the volume of water allocations being assigned from the water allocation accounts of access licences in any other water source to the water allocation accounts of access licences in this water source.

33 Assessment of current long-term average annual extraction

- (1) Assessment of the current long-term average annual extraction shall be carried out after the end of each water year, using the hydrologic computer model that, at the time, is approved by the Minister for assessing long-term water extraction from this water source.

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- (2) To assess the current long-term average annual extraction from this water source, the model referred to in subclause (1) shall be set to represent as closely as possible all water use development, water supply system management and other factors affecting the quantity of long-term average annual water extraction from this water source at the time of the assessment.

34 Maintaining compliance with the long-term extraction limit

- (1) The long-term average annual extraction from this water source shall not be permitted to exceed the long-term extraction limit specified in clause 32.
- (2) Pursuant to subclause (1), the maximum total allocation provided by available water determinations in any water year in respect of supplementary water access licences, and if necessary, regulated river (general security) access licences shall be reduced if:
 - (a) it has been assessed that the current long-term average annual water extraction from this water source exceeds the long-term extraction limit specified in clause 32 by 3%, or
 - (b) assessments in accordance with clause 33 for 3 consecutive years indicate that the current long-term average annual extraction from this water source exceeds the long-term extraction limit.
- (3) The degree of reduction under subclause (2) shall be the degree that is assessed necessary to return the long-term average annual extraction from this water source to the long-term extraction limit.
- (4) The first reduction method used under subclause (2) shall be to reduce the water volumes made available to supplementary water access licences by reducing the value of "A" applied to calculations under clause 40 (4).
- (5) Once no extractions under supplementary water access licences are allowed as a result of sub-clause (4), then the limit to the sum of allocations made to regulated river (general security) access licences specified in clause 39 shall be reduced.
- (6) If the total volume of water made available in any water year has been reduced as a result of subclause (2), and a subsequent assessment of extractions performed under clause 33 indicates that long-term average annual extractions are below the long-term extraction limit by more than 3%, then previous reductions under subclause (2) may be reversed to the degree that it is assessed necessary to return extractions to the long-term extraction limit.
- (7) Any reversal of previous reductions shall:
 - (a) first be applied to regulated river (general security) access licences, and
 - (b) not exceed the previous reductions made under subclause (2).
- (8) The assessment of the degree of reduction required under subclause (2) or degree of reversal under subclause (6) shall be made using the same computer model used to carry out assessments of extractions compared to the long-term extraction limit under clause 33.

Division 2 Available water determinations

35 Available Water Determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in this water source shall be expressed as:
 - (a) a percentage of the share component, for all categories of access licence where share components are specified as ML/year,
 - (b) megalitres per unit share for all categories of access licence where share components are specified as unit shares.

36 Available water determinations for domestic and stock access licences

- (1) The water supply system shall be managed so that available water determinations for domestic and stock access licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to this water source, represented in flow information held by the Department.
- (2) Sufficient volumes of water must be set aside from assured inflows into this water source and reserves held in Glenbawn Dam and Glennies Creek Dam water storages to provide for subclause (1).
- (3) The available water determination for domestic and stock access licenses made for the commencement of each water year shall be 100% of share components whenever possible.
- (4) The sum of allocations made for domestic and stock access licences in any water year shall not exceed 100% of share components.
- (5) This Plan recognises that the water requirement of domestic and stock access licences may increase during the term of this Plan in accordance with clause 30.
- (6) The volumes of water set aside from assured inflows into this water source and reserves held in Glenbawn Dam and Glennies Creek Dam water storages shall be adjusted as required over the course of this Plan if necessary to do so, to ensure that subclause (1) is satisfied.

37 Available water determinations for major utility access licences

- (1) The water supply system shall be managed so that available water determinations for major utility licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to this water source, represented in flow information held by the Department.
- (2) Sufficient volumes of water must be set aside from assured inflows into this water source and reserves held in Glenbawn Dam and Glennies Creek Dam water storages to provide for subclause (1).
- (3) The available water determination for major utility access licences made for the commencement of each water year shall be 100% of share component, whenever possible.

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- (4) The sum of allocations made for major utility access licences in any water year shall not exceed 100% of the share component.
- (5) The volumes of water set aside from assured inflows into this water source and reserves held in Glenbawn Dam and Glennies Creek Dam water storages shall be adjusted as required over the course of this Plan if it is believed necessary to ensure that subclause (1) is satisfied.

38 Available water determinations for local water utility access licences

- (1) The water supply system shall be managed so that available water determinations for local water utility access licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to this water source, represented in flow information held by the Department.
- (2) Sufficient volumes of water must be set aside from assured inflows into this water source and reserves held in Glenbawn Dam and Glennies Creek Dam water storages to provide for subclause (1).
- (3) The available water determination for local water utility access licenses made for the commencement of each water year shall be 100% of share component whenever possible.
- (4) The sum of available water determinations made for local water utility access licences in any water year shall not exceed 100% of share components.
- (5) This Plan recognises that the water requirement of local water utility access licences may increase during the term of this Plan in accordance with clause 30 of this Plan and section 66 of the Act.
- (6) The volumes of water set aside from assured inflows into this water source and reserves held in Glenbawn Dam and Glennies Creek Dam water storages shall be adjusted as required over the course of this Plan if it is necessary to do so, to ensure subclause (1) is satisfied.

39 Available water determinations for regulated river (high security) access licences and for regulated river (general security) access licences

- (1) The sum of available water determinations to regulated river (high security) access licences in any water year shall not exceed 1 megalitre per unit share.
- (2) The sum of allocations to regulated river (general security) access licences in any water year shall not exceed 1 megalitre per unit share, or such lower amount as results from the operation of clause 34.
- (3) Available water determinations for regulated river (high security) access licences and regulated river (general security) access licences shall be made at the commencement of each water year.
- (4) If the available water determinations made under subclause (3) are less than the maximum amount referred to in subclause (1) or subclause (2), then further assessments of available water shall be carried out during the water year and available water determinations made until the sums of available water determinations for the water year are equal to the maximum amounts referred to in subclause (1) or subclause (2).

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- (5) No available water determination is to be made for regulated river (general security) access licences in any water year, until
 - (a) the sum of available water determinations for regulated river (high security) access licences in the water year reaches 0.75 megalitres per unit share, and
 - (b) there is sufficient water to guarantee an available water determination for regulated river (high security) access licences in the following water year of at least 0.75 megalitres per unit share.
- (6) If an assessment of available water indicates that there is more than sufficient water to satisfy subclause (5), then available water determinations shall be made such that for each 0.01 megalitres per unit share by which the sum of available determinations for regulated river (high security) access licences exceeds 0.75 megalitres per unit share there is an 0.02 megalitres per unit share increase in the sum of available determinations for regulated river (general security) access licences, until the sum of available water determinations for regulated river (high security) access licences is 1 megalitre per unit share.
- (7) Once the sum of available water determinations for regulated river (high security) access licences is 1 megalitre per unit share, then any additional available water shall be made available to regulated river (general security) access licences, subject to the limit at subclause (2).
- (8) Available water determinations made for regulated river (high security) access licences and regulated river (general security) licences must take into account:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock rights,
 - (c) requirements for native title rights,
 - (d) requirements for domestic and stock access licences,
 - (e) requirements for major utility access licences,
 - (f) requirements for local water utility access licences,
 - (g) allocations remaining in access licence water allocation accounts from previous available water determinations,
 - (h) water losses associated with holding and delivery of water to meet the requirements specified in subclauses (a) to (g),
 - (i) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination,
 - (j) water held in the Barnard Reserve account under clause 47, and
 - (k) any other relevant matters.
- (9) Whenever the sum of available water determinations for regulated river (high security) access licences in a water year is less than 1 megalitre per unit share, available water determinations shall also indicate that:

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- (a) water may be extracted without debit to regulated river (high security) access licence accounts from uncontrolled flows as specified in clause 50 of this Plan, providing that:
 - (b) that the volume extracted under subclause (a) is to be in accordance with announcements by the Minister, and
 - (c) that the sum of extractions taken under subclause (a) in a water year and the water allocations accrued from available water determinations in that water year, is limited to 1 megalitre per unit share of the regulated river (high security) access licence.
- (10) Whenever the sum of available water determinations for regulated river (general security) access licences in a water year is less than 1 megalitre per unit share of share components, available water determinations shall also indicate that:
- (a) water may be extracted without debit to regulated river (general security) access licence accounts from uncontrolled flows, as specified in clause 50 of this Plan, providing that,
 - (b) the volume extracted under subclause (a) is to be in accordance with announcements by the Minister, and
 - (c) the sum of extractions taken under subclause (a) in a water year and the water allocations accrued from available water determinations in that water year, is limited to 1 megalitre per unit share of the regulated river (general security) access licence.
- (11) Announcements made in relation to subclauses (9) (a) and 10 (a) shall be such that:
- (a) the total volume extracted under subclauses (9) and (10) at any point in a water year, during periods when supplementary water access licences are also permitted to take water, is no more than 11% of the annual high flow tally calculated in accordance with clause 40,
 - (b) the extractions that are permitted during periods of access to uncontrolled flows do not result in flows being reduced below those necessary to satisfy all environmental water provisions and the volume required to supply basic landholder rights and higher priority licences, and
 - (c) the total volume of water each licence is permitted to extract under subclauses (9) and (10) is proportional to the share component volume of the licence.

40 Available water determinations for supplementary water access licences

- (1) An annual high flow tally and an annual supplementary water tally shall be kept for the purpose of making available water determinations for supplementary water access licences in this water source.
- (2) At the start of each water year the annual high flow tally and the annual supplementary water tally shall be set to zero.
- (3) For each day during the water year when flows are sufficient to permit extraction of water by supplementary water access licences in accordance with clause 51 a

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volume, calculated according to the following formula, shall be added to the annual high flow tally:

Volume added = C + D + E where

“C” is the lesser of the daily flow at flow reference site 3 and 2,040 megalitres,

“D” is the volume of water extracted by supplementary water access licences on that day,

“E” is the volume of water extracted by regulated river (general security) access licences and regulated river (high security) access licences on that day, pursuant to the provisions of an available water determination made in accordance with clauses 39 (9) or 39 (10).

- (4) At any time during the water year the volume of the annual supplementary water tally shall be A x B (the volume of the annual high flow tally), where:

“A” is the lesser of 100% and the percentage resulting from the operation of Part 8 Division 1 of this Plan, and

“B” is 19%.

- (5) The first available water determinations for supplementary water access licences in each water year shall provide a volume per supplementary water access licence unit share which is equal to the current annual supplementary water tally, divided by the number of supplementary water access licence unit shares in this water source.
- (6) Each available water determinations subsequent to the first of each water year shall provide a volume per supplementary water access licence unit share which is equal to the difference between the current annual supplementary water tally and the annual supplementary water tally upon which the previous available water determination was based, divided by the number of supplementary water access licence unit shares in this water source.

Part 9 Rules for managing access licences

Division 1 General

41 Rules for managing access licences

This Part is made in accordance with sections 20 (2) (b), 20 (2) (e), 21 (a), 21 (c) and 85 of the Act having regard to:

- (a) the environmental water rules established in Part 3 of this Plan,
- (b) requirements for water to satisfy basic landholder rights identified in Part 4 of this Plan, and
- (c) requirements for water for extraction under access licences in Part 6 of this Plan.

Division 2 Water allocation account management

42 Water allocation accounts

In accordance with section 85 of the Act, a water allocation account shall be established for each access licence in this water source.

43 Accrual of water allocation accounts

Water allocations will be accrued into water allocation accounts in accordance with the Minister's available water determinations made under Part 8 Division 2 of this Plan.

44 Volume taken under access licences

- (1) The water allocation taken under domestic and stock access licences, local water utility access licences, regulated river (high security) access licences and regulated river (general security) access licences shall be assessed as:
 - (a) the volume of water extracted by the approved water supply works nominated by the access licence, or
 - (b) where the Minister has applied such a discretionary condition to the access licence, the greater of:
 - (i) the volume of water extracted by the approved water supply works nominated by the access licence, and
 - (ii) the volume of water ordered for extraction by the approved water supply works nominated by the access licence.
- (2) The Minister should only apply a discretionary condition in relation to subclause (1) (b) where this has been provided for in a compliance management strategy, approved by the Minister.

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- (3) The water allocation taken under a major utility access licence shall be assessed as stated on the relevant access licence.
- (4) The allocation taken under a regulated river (high security) access licence will be debited from the water allocation account subject to the provisions of clause 39 (9) and relevant available water determinations.
- (5) The allocation taken under a regulated river (general security) access licence will be debited from the water allocation account subject to the provisions of clause 39 (10) and relevant available water determinations.
- (6) The allocation taken under supplementary water access licences will be the volume of water extracted, in accordance with announcements made and access licence conditions, by the approved water supply works nominated by the access licence.

45 Accounting of assigned allocations and return flows

- (1) Water allocations assigned from a water allocation account under Chapter 3 Part 2 Division 4 of the Act shall be debited from that water allocation account and water allocations assigned to a water allocation account under Chapter 3 Part 2 Division 4 of the Act shall be credited to that water allocation account.
- (2) Water allocations may also be re-credited to access licence water allocation accounts under section 76 of the Act, in accordance with water return flow rules established under section 75 of the Act.

46 Carrying over of water allocation credits and water allocation account limits

- (1) Water allocation remaining in the water allocation accounts of domestic and stock access licences, local water utility access licences, regulated river (high security) access licences and supplementary water access licences at the end of each water year may not carry over into the following water year.
- (2) Water allocation remaining in a water allocation account of a major utility access licence may be carried over into the next water year subject to:
 - (a) the volume carried over not exceeding 32,400 megalitres, and
 - (b) the volume of water in Glenbawn Dam water storage, minus any allowance for dead storage, exceeding 25% of the conservation storage volume.

Note. The conservation storage volume of Glenbawn Dam water storage is the volume between the invert of the lower outlet works and the start of the flood mitigation zone. The dead storage is the volume below the invert of the lower outlet works.

- (3) Water allocation remaining in a water allocation account of a regulated river (general security) access licence may be carried over to the next water year subject to:
 - (a) the volume carried over not exceeding 10% of the share component volume of the access licence, and
 - (b) an assessment that the available water determination for regulated river (general security) access licences for the beginning of the next water year will provide an allocation equal to or exceeding 50%.

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- (4) If water is spilled from Glenbawn Dam, either over its spillway or as a release of water through the Dam for the purpose of maintaining airspace in the flood mitigation zone or for the safety of the Dam and, the volume spilled exceeds the volume held in the Barnard Reserve water account at the commencement of the spill, then allocation shall be withdrawn in the following order:
 - (a) firstly, from each regulated river (general security) access licence water allocation account in proportion to the carryover remaining in the account at the time of spill, and
 - (b) secondly, from the major utility access licence water allocation account.
- (5) The volume of water withdrawn from regulated river (general security) access licence water allocation accounts under subclause (4) shall be the lesser of:
 - (a) the total of the carryover remaining in the regulated river (general security) access licence water allocation accounts, and
 - (b) the volume of spill minus the volume held in the Barnard Reserve account at the commencement of the spill.
- (6) The volume of water withdrawn from the major utility access licence water allocation account under subclause (5) shall be the lesser of:
 - (a) the total of the carryover remaining in the major utility access licence water allocation account, and
 - (b) the volume of spill minus the volume held in the Barnard Reserve account at the commencement of the spill minus the volume of allocation withdrawn from regulated river (general security) access licence water allocation accounts under subclause (5).
- (7) For the purposes of subclauses (5) and (6), the carryover remaining in each access licence water allocation account shall be the greater of :
 - (a) the volume of allocation carried over from the previous water year under subclause (2) or subclause (3), minus any allocation already taken during the current water year, and
 - (b) zero.

47 Barnard Reserve account management

- (1) The volume of water moved by Macquarie Generation or its successor, from the Barnard River to Glenbawn Dam water storage shall be calculated and administered as set out in this clause and shall be held in a Barnard Reserve account.
- (2) The volume of water held in the Barnard Reserve account at any time may not exceed 60,000 megalitres.
- (3) Subject to subclause (2), the Barnard Reserve account is to be credited with the volume of water moved from the Barnard River to the Hunter Water Management Area, less any transmission losses between the point of entry of the water into the Hunter Water Management Area and its point of entry into the Glenbawn Dam water storage.

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- (4) The Barnard Reserve account shall be debited by the volume of water released from the Glenbawn Dam water storage to supply orders for water from the Barnard Reserve account, placed by Macquarie Generation or its successor.
- (5) The volume released from the Glenbawn Dam water storage to supply orders from the Barnard Reserve account shall be the volume ordered plus the volume of transmission loss assessed to be associated with the delivery of the order from Glenbawn Dam to the point of extraction from this water source.
- (6) When Glenbawn Dam spills, either over the spillway or by release from the flood mitigation zone, the volume of water held in the Barnard Reserve account is to be debited by the lesser of:
 - (a) the volume of spill, and
 - (b) the volume remaining in the Barnard Reserve account.
- (7) Evaporation of Barnard Reserve account water held in the Glenbawn Dam water storage is to be assessed and debited from the account.
- (8) This clause may be varied under section 45 (1) (b) of the Act as set out in Part 14 of this Plan.

Division 2 Extraction conditions

48 General priority of extractions

Where extraction components of access licences do not specify the rate as a share of supply capability or a volume per unit of time, the following priority of extractions shall apply whenever supply capability is insufficient to satisfy all order for water in any section of this water source:

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

49 Numerical specification of extraction components

- (1) At any time during the term of this Plan, the Minister may, in accordance with the mandatory conditions on access licences, amend the extraction components of access licences in this water source, or in any section of this water source.
- (2) Action under subclause (1) should be undertaken as follows:
 - (a) the specified rate in the extraction component of each access licence should be a volume per unit of time or a share of supply capability,
 - (b) the specified rate in the extraction component of each domestic and stock, local water utility and regulated river (high security) access licence should be sufficient to satisfy the maximum daily water needs, and

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- (c) after satisfying subclause (b), the remaining supply capability should be distributed among regulated river (general security) access licences in proportion to the share component of each access licence.
- (3) When action under subclause (1) is undertaken the Minister may also, in accordance with mandatory conditions on access licences, amend the extraction components of access licences in other sections of this water source to exclude extractions in sections of this water source affected by the action under subclause (1).

50 Access to Uncontrolled flows

- (1) Periods of access to uncontrolled flows in relation to clauses 39 (9) and 39 (10) may be announced by the Minister whenever all the following circumstances are occurring:
 - (a) the sum of available water determinations for regulated river (general security) access licences in a water year is less than 1 megalitres per unit share, and
 - (b) flows are sufficient to permit water to be taken under supplementary water access licences.
- (2) Periods of access to uncontrolled flows in relation to clauses 39 (9) and 39 (10) may also be announced by the Minister whenever all the following circumstances are occurring:
 - (a) the sum of available water determinations for regulated river (general security) access licences in a water year is less than 0.75 megalitres per unit share,
 - (b) flows are insufficient to permit water to be taken under supplementary water access licences, and
 - (c) flows are in excess of those necessary to satisfy all environmental water provisions and the volume required to supply basic landholder rights and higher priority access licences.
- (3) Extractions in each river reach are to be managed to ensure that the total volume of water extracted on any day under all access licences, domestic and stock rights and native title rights do not exceed 50% of the total inflows to the river reach.
- (4) Access to uncontrolled flows shall be shared in proportion to the number of unit shares of access licences.

51 Extraction under supplementary water access licences

- (1) The taking of water under supplementary water access licences shall only be permitted in accordance with announcements made by the Minister.
- (2) In river reaches 1A and 1B, extraction of water by supplementary water access licences:
 - (a) shall only be allowed to commence if the flows at the reach gauge in the immediately preceding period have been sufficient to ensure that the excess

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- flows at flow reference sites 1, 2 and 3 will exceed the threshold flows in subclause (5) for at least 12 hours, and
- (b) shall only be allowed to continue while flows at the reach gauge are sufficient to ensure that the resulting excess flows at flow reference sites 1, 2 and 3 will continue to exceed the threshold flows in subclause (5).
- (3) In river reaches 2A, 2B and 3A extraction of water by supplementary water access licences:
- (a) may only be allowed to commence if the flows at the reach gauge in the immediately preceding period have been sufficient to ensure that the excess flows at flow reference sites 2 and 3 will exceed the threshold flows in subclause (5) for at least 12 hours, and
- (b) may only be allowed to continue while flows at the reach gauge are sufficient to ensure that the resulting excess flows at flow reference sites 2 and 3 will continue to exceed the threshold flows in subclause (5).
- (4) The excess flow for the purposes of permitting extraction under supplementary water access licences under subclauses (2) and (3) is the flow at a point in the river that is in excess of that needed to supply downstream:
- (a) environmental water provisions as specified in Part 3,
- (b) domestic and stock rights and native title rights requirements,
- (c) higher priority access licence requirements, and
- (d) any losses expected to be involved in supplying water in accordance with the environmental water provisions as specified in Part 3 and to meet domestic and stock and native title rights requirements and higher priority access licence requirements.
- (5) Threshold flows for the purposes of permitting extraction under supplementary water access licences under subclause (2) are:
- (a) flow reference site 1 (Liddell) - 100 ML/day from 1 May to 30 September and 150 ML/day between 1 October to 30 April,
- (b) flow reference site 2 (Singleton) - 120 ML/day from 1 May to 30 September and 300 ML/day between 1 October to 30 April, and
- (c) flow reference site 3 (Greta) – twice the flow rates specified in clause 15 (3).
- (6) Extractions by supplementary water access licences in each river reach are to be managed to ensure that the total volume of water extracted on any day under these access licences, all other access licences, domestic and stock rights and native title rights do not exceed 50% of the total inflows to the river reach.
- (7) The sharing of water between supplementary water access licences in each river reach to achieve subclause (6) shall take into account the number of share components held by each supplementary water access licence taking water from a river reach.

Part 10 Dealings with access licences

52 Access licence dealings

- (1) This Part is made in accordance with section 20 (1) (d) of the Act and with the Minister's access licence dealing principles gazetted on 27 December 2002, under section 71L of the Act.
- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71L of the Act and the rules in this Part.

Note. Access licence dealings include changes of licence ownership, conversions of licence category, movement of share component from one access licence to another access licence, movement of water allocation from one access licence allocation account to another access licence allocation account and changes in the location of water supply that can take water available under the licence. These dealings must comply with the provisions of the Act, the Minister's access licence dealing principles, and the rules in this Part.

Note. Where there is an inconsistency between access licence dealing rules established in this Plan and Minister's access licence dealing principles gazetted subsequent to the commencement of this Plan, section 71L of the Act provides for the access licence dealing rules to prevail.

53 Rules relating to constraints within this water source

- (1) This clause relates to dealings under sections 71B, 71D and 71J of the Act and to dealings in respect of water allocation assignments within this water source under section 71G of the Act.
- (2) Any dealing that would result in the total volume resulting from the sum of X, Y and Z exceeding 81,000 shall be prohibited, where:

X = the total number of Ml/year or unit shares in the share components of domestic and stock access licences, local water utility access licences, major utility access licences and regulated river (high security) access licences nominating water supply works in Management Zone 1,

Y = the total number of Ml/year or unit shares in the share components of regulated river (general security) access licences nominating water supply works in Management Zone 1 multiplied by the conversion factor applying to conversions from a regulated river (general security) access licence to a regulated river (high security) access licence under clause 55, and

Z = the current estimated number of Ml/year for the basic landholder rights requirements in zone 1.

Note. Assessments indicate that the conversion factor applied to conversion of a regulated river (general security) access licence share component to a regulated river (high security) access licence share component should be 1/3 rd - see Note after clause 55 (6) (a).

- (3) The Minister may increase the 81,000 limit set in subclause (2) under section 45 (1) (b) of the Act as set out in Part 14 of this Plan.
- (4) Assignment of water allocations from a major utility access licence water allocation account shall be prohibited.

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- (5) Assignment of water allocations from a water allocation account of an access licence nominating water supply works in management zone 2 or management zone 3 to a water allocation account of an access licence nominating water supply works in Management Zone 1 shall be prohibited if, in the opinion of the Minister:
- (a) this would place the supply of water allocations already in the water allocation accounts of access licences nominating water supply works in Management Zone 1 at any risk, or
 - (b) it would place the future reliability of supply to access licences nominating water supply works in Management Zone 1 at a significant risk.
- (6) Assignment of water allocations from a water allocation account of an access licence nominating water supply works in Management Zone 1 or Management Zone 2 to a water allocation account of an access licence nominating water supply works in Management Zone 3 shall be prohibited if, in the opinion of the Minister:
- (a) this would place the supply of water allocations already in the water allocation accounts of access licences nominating water supply works in Management Zone 3 at any risk, or
 - (b) it would place the future reliability of supply to access licences nominating water supply works in Management Zone 3 at a significant risk.
- (7) Assignment of water allocations from a supplementary water access licence water allocation account to an access licence of any other access licence category shall be prohibited.
- (8) Assignment of water allocations to a supplementary water access licence water allocation account from an access licence of any other access licence category shall be prohibited.

54 Rules for change of water source

- (1) This clause relates to dealings under section 71E of the Act.
- Note.** Section 71E dealings are the mechanism by which access licences can move from one water source to another. Once the change in water source has been effected, if permitted, the new licence will have to nominate specified works (by a dealing under section 71J of the Act) in the receiving water source before extraction can commence.
- (2) Access licences in this water source shall not be issued following cancellation of access licences in other water sources.

55 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is prohibited except as provided for under this clause.
- (3) On application of the access licence holder, the Minister may cancel a major utility access licence and issue a regulated river (high security) access licence with a number of unit shares which is equivalent to the number of ML/year of the cancelled access licence.

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- (4) A conversion under subclause (3) should only be permitted if the water provided by the access licence is no longer required for electricity generation purposes.
- (5) On application of the access licence holder, the Minister may cancel a regulated river (general security) access licence or a regulated river (high security) access licence, and issue a major utility access licence subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects the environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
- (b) the volume of water in the regulated river (general security) access licence or regulated river (high security) access licence water allocation account being equal to or greater than its share component volume.

Note. The volume of water in the regulated river (general security) access licence or regulated river (high security) access licence water allocation account which is in excess of the share component volume of the new regulated river (major utility) access licence will not be credited to the new regulated river (major utility) access licence water allocation account.

- (6) On application of the access licence holder, the Minister may cancel a regulated river (general security) access licence, and issue a regulated river (high security) access licence, subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects the environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and

Note. Assessments indicate that a conversion factor of 1/3 should be used, which would result in 1 Megalitre of regulated river (high security) access licence share component resulting from conversion of 3 Megalitres of regulated river (general security) access licence share component.

- (b) the volume of water in the regulated river (general security) access licence water allocation account being equal to or greater than its share component volume.

Note. The volume of water in the regulated river (general security) access licence water allocation account which is in excess of the share component volume of the new regulated river (high security) access licence will not be credited to the new regulated river (high security) access licence water allocation account.

- (7) On application of the access licence holder, the Minister may cancel a regulated river (high security) access licence, and issue a regulated river (general security) access licence, subject to:
- (a) the application of a conversion factor equal to one divided by the conversion factor established in subclause (6), and
- (b) the total volume of regulated river (general security) access licence share components not increasing above the volume of regulated river (general security) access licence share components at the time of commencement of Part 2 of Chapter 3 of the Act.

Note. This subclause would allow conversion of a regulated river (high security) access licence to a regulated river (general security) access licence only if there had been a

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corresponding or larger volume of regulated river (general security) access licence share component converted to regulated river (high security) access licence.

56 Rules for interstate access licence transfer

- (1) This clause relates to dealings under section 71H of the Act.
- (2) Access licence equivalents in other States may not be transferred into this water source.
- (3) Access licences in this water source may not be transferred into another State.

57 Rules for water allocation assignment between water sources

- (1) This clause relates to dealings under section 71G of the Act in relation to water allocation assignments between water sources.
- (2) Water allocations from the water allocation account of an access licence in this water source may not be assigned to the water allocation account of an access licence in any other water source.
- (3) Water allocations from the water allocation account of an access licence in any other water source may not be assigned to the water allocation account of an access licence in this water source.

58 Rules for interstate assignment of water allocations

- (1) This clause relates to dealings under section 71I of the Act.
- (2) Water allocation equivalents from in other States may not be assigned to the water allocation accounts of access licences in this water source.
- (3) Water allocations from the water allocation accounts of access licences in this water source may not be assigned to water allocation equivalents in other States.

Part 11 Mandatory conditions

59 Mandatory conditions on access licences

- (1) This Part is made in accordance with sections 17 (c) and 20 (2) (e) of the Act.
Note. The Minister may impose discretionary conditions at any time on an access licence in accordance with section 66 (1) (b) of the Act.
- (2) All access licences in this water source shall have mandatory conditions to give effect to the following:
 - (a) the specification of the share component of the access licence,
 - (b) the specification of the extraction component of the access licence,
 - (c) the requirement that extraction under the access licence will be subject to the available water determinations,
 - (d) the requirement that extraction under the access licence will be subject to the water allocation account management rules established in Part 9 of this Plan,
 - (e) the requirement that the taking of water in accordance with the access licence may only occur if the resulting debit to the access licence account will not exceed the volume of water allocation remaining in the access licence water allocation account,
 - (f) the requirement that water may only be taken by water supply works nominated on the access licence, and
 - (g) any other conditions required to implement the provisions of this Plan.
- (3) All access licences, except supplementary water access licences, shall have a mandatory condition that facilitates the provisions of clause 49 of this Plan.
- (4) All domestic and stock access licences, local water utility access licences and major utility access licences shall have mandatory conditions that only allow the taking of water if it has been ordered in accordance with any procedures established by the Minister.
- (5) All regulated river (general security) access licences and regulated river (high security) access licences shall have mandatory conditions that only allow the taking of water if it has been ordered in accordance with any procedures established by the Minister, except as provided by a relevant available water determination and relevant announcements.
- (6) All supplementary access water licences shall have mandatory conditions that only allow the taking of water in accordance with announcements made under clause 51 and after satisfying any procedures established by the Minister.
- (7) All domestic and stock access licences, other than domestic and stock (domestic only) access licences, shall have mandatory conditions that only allow the taking of water for the purpose of domestic consumption or stock watering as defined in section 52 of the Act.

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- (8) All domestic and stock (domestic only) access licences shall have mandatory conditions that only allow the taking of water for the purpose of domestic consumption as defined in section 52 of the Act.
- (9) All local water utility access licences shall have mandatory conditions that only allow the taking of water for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act.
- (10) The major utility access licence shall also have a mandatory condition that requires the development and application of a water efficiency management plan.
- (11) All regulated river (high security) (Aboriginal cultural) access licences shall have mandatory water that only allow the taking of water by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes.
- (12) All regulated river (high security - research) access licences shall have mandatory conditions that only allow the taking of water if;
 - (a) it is for the conduct of scientific research purposes by an organisation approved by the Minister as an accredited research body, and
 - (b) any resulting crops or produce are not to be sold for profit.

60 Mandatory conditions on water supply works approvals

- (1) All approvals for water supply works in this water source shall have mandatory conditions to give effect to the following:
 - (a) flow measurement devices shall be installed and maintained on all water supply works used for extraction of water under an access licence and shall be of a type and shall be maintained in a manner which is acceptable to the Minister,
 - (b) water extraction, property water management infrastructure and cropping details shall be provided on request, in accordance with procedures established by the Minister,
 - (c) the taking of water may only occur in accordance with the conditions applying to the access licence from whose water allocation account the taking of water will be debited, and
 - (d) any other conditions required to implement the provisions of this Plan.
- (2) Subclause (1) does not apply to approvals for water supply works held by State Water provided such an approval is not nominated by an access licence.
- (3) Approvals for water supply works in this water source that will be used to take water from the Barnard Reserve account shall have mandatory conditions that prohibit the taking of such water unless it has been ordered in accordance with procedures established by the Minister.

Part 12 System operation rules

61 System operation rules

This Part is made in accordance with section 21 (e) of the Act.

62 Water delivery and channel capacity constraints

Where necessary for determining extractions, managing water releases or providing water under access licences, the maximum water delivery or operating channel capacity shall be determined and specified in accordance with procedures established by the Minister, taking into account:

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

Note: Operation of the system at the commencement of this Plan has the following constraints on maximum flows:

Glenbawn Dam - 7500 ML/day

Glennies Creek Dam 5000 ML/day

63 Rates of change to releases from water storages

Rules regarding rates of change to releases from water storages should be specified in accordance with procedures established by the Minister and should take into account:

- (a) relevant environmental considerations,
- (b) damage to river banks, and
- (c) public safety.

64 Dam operation during floods and spills

- (1) The operation of Glenbawn Dam and Glennies Creek Dam water storages during times of flood and spilling of water is to be undertaken in a manner that maintains the safety of dam infrastructure.
- (2) Providing it is consistent with subclause (1), operation :
 - (a) should leave the storage at full supply level at the completion of the flood or spilling of water,

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- (b) during floods should ensure the general rate of increase of outflow does not exceed the rate of increase of inflow,
- (c) should aim to lessen downstream flood damage where possible, and
- (d) may involve temporary storage of water above the normal maximum available storage level to reduce flood effects, and management of the rate of release of this water to avoid aggravating downstream flood damage.

65 Airspace operation rules

Evacuation of the airspace volume of 120,000 megalitres in Glenbawn Dam water storage is to occur as rapidly as possible providing that the release pattern simulates the rate of natural flood recession and takes into consideration any downstream channel capacity constraints.

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Part 13 Monitoring and reporting

66 Monitoring

The monitoring of the performance indicators identified in clause 13 of this Plan shall be undertaken by the Minister.

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the Catchment Management Authorities Act 2003).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister and in consultation with the water management committee, where one exists.

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51 (5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

Part 14 Amendment of this Plan

67 Revision of the water source boundary and Plan area

- (1) The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may add a river or section of river to this water source or remove a river or section of river from this water source providing that:
 - (a) any river or section of river that is added has been declared to be a regulated river by an Order published in the Gazette, and
 - (b) the Minister is satisfied that there will be no impact on environmental water in this water source or on future water allocations to access licences in this water source.
- (2) The Minister may, under section 45 (1) (b) of the Act, replace the provisions of subclause 4 (1) (b) to include in this water source any or all of the portions of waterfront land which have been excised from this water source or extend the area of unconsolidated sediments included in this water source providing that there has been:
 - (a) a comprehensive assessment of potential environmental impacts,
 - (b) a comprehensive assessment of potential impacts on future water allocations to access licences in the water source and access licences that are to be included in the water source, and
 - (c) consultation with representatives of affected licence holders and relevant environmental agencies.
- (3) Following a decision in relation to subclause (2) the Minister may, under section 45 (1) (b) of the Act and by notice published in the Gazette, make consequent modifications or additions elsewhere in the Plan.
- (4) The modifications or additions under subclause (3) may include provisions in:
 - (a) Part 6 to provide for the requirements of those access licences which, at the time of inclusion of the additional portions of water source under subclause (2), authorise extraction of water from those additional portions of water source,
 - (b) Part 7 in relation to the granting of the licences referred to in (a),
 - (c) Part 8 in relation to an increase in the long-term extraction limit or modification of available water determinations relating to extractions from the included portions of water source,
 - (d) Part 9 in relation to water allocation account management or extraction conditions that will apply to those access licences taking water from the included portions of water source,
 - (e) Part 10 in relation to dealing rules that will apply to access licences taking water from the included portions of water source, and

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- (f) Part 11 in relation to mandatory conditions that will apply to access licences taking water from the included portions of water source.
- (5) Modifications or additions to this Plan under subclause (3) should be carried out before making of any other management plan that will apply to unconsolidated aquifers that are hydrologically connected to this water source.

68 Changes to the Management of the Barnard Reserve account.

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, may increase the volume referred to in clause 47 (2) providing that such a change :

- (a) do not conflict with any conditions or other inclusions contained in relevant access licences or licences under the Water Act 1912 which are held by Macquarie Generation or its successor,
- (b) the Minister is satisfied that there will be no impact on environmental water in this water source or on future water allocations to access licences in this water source.

69 Increase in the management zone 1 limit in relation to dealings

The Minister, under section 45 (1) (b) of the Act and by notice published in the Gazette, replace the limit set in clause 53 (2) with a limit in excess of 81,000 providing that:

- (a) an assessment of the possible impacts on the environment and the allocation of water to access licences has been carried out,
- (b) consultation with access licence holders and the Minister for the Environment has been undertaken, and
- (c) the Minister is satisfied that there will be no impact on environmental water in this water source or on future water allocations to access licences in this water source.

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Schedule 1 Dictionary

The following definitions apply to this Plan in addition to the definitions set out in the Act:

airspace is a volume in a water storage, which is kept empty for the purpose of mitigating potential floods.

assured inflows are the volumes of water which historic hydrologic information indicates are the minimum which can be expected to flow into this water source.

available water in relation to a water management area or water source, is the water that is available in that area or water source in accordance with an available water determination that is in force in respect of that area or water source.

available water determination is a written order by the Minister as to the availability of water for the various categories of access licence in relation to a specified water management area or water source.

Department is the Department of Infrastructure, Planning and Natural Resources or its successor.

conversion factor refers to the adjustment factor that may be applied to the size of share components when they are part of a dealing under 71B or 71E of the Act.

environmental contingency allowance is a volume of water held in storage from which releases are made for particular environmental purposes or in response to particular environmental circumstances.

extraction component is the extraction component of an access licence as defined in 56 (1) of the Act.

floodplain harvesting is the collection or capture of water flowing across floodplains.

full supply level is the storage level considered to be the limit for the purposes of storage of water, except in periods of flood operation.

long term average annual extraction is the average of annual water extractions from this water source over the period for which an assessment is carried out.

Minister is the Minister for Natural Resources. The Minister may delegate functions under section 389 of the Act.

river reach is a section of this water source as defined in Schedule 3.

reach gauge is a river flow measurement point as defined in Schedule 3.

reserves are volumes of water put aside in a water storage to allow the supply of future water requirements.

reliability of supply means the frequency with which a given volume of water allocation is available to be taken under an access licence, measures of which may include the long-term average annual allocation available to licence holders, the frequency with which full

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allocations allowed by the Plan are available and the frequency and sequencing of periods of low and zero allocation levels.

share component is the share component of an access licence as defined in 56 (1) of the Act and, for the purposes of this Plan, any right to take water under the Water Act 1912 that gives rise to share component of an access licence under the Water Management Act 2000.

supply capability is defined as the rate at which water that can be supplied to a section of a water source after satisfying the environmental water provisions and the requirements for water to satisfy basic land holder rights.

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

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

water supply system includes the water storages and all other factors influencing water supply that are under the State control.

water use development includes all privately owned water management structures, and all aspects of farm, industry, town or private household development which affect the volumes of water taken from these water sources, and the management practices that are applied in relation to them.

water year is a 12 month period from 1 July to 30 June.

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Schedule 2 Contribution to relevant targets in December 2002 SWMOP

Levels of assessed contribution:

FULL	contributes to target in full
HIGH	while not fully contributing to target, there is a good level of contribution
PARTIAL	goes some way to contributing to the target
LOW	only small degree of contribution to target

Relevant SWMOP Target	Level of Contribution	Comments
Target 1c Long term average annual extraction limits which are ecologically sustainable and which minimise downstream impacts, established in all coastal catchments	PARTIAL	<ul style="list-style-type: none"> An extraction limit is included in this Plan. There is scope for some growth in extractions however the limit would ensure that a high percentage of flows will be protected for the environment when compared to most other developed regulated rivers in the State.
Target 1f Rules for adjustments to future available water determinations in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant management committee, and acted upon.	FULL	<ul style="list-style-type: none"> Rules set out in Part 8.
Target 2 All water management plans incorporating mechanisms to protect and restore aquatic habitats, and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities and key threatening processes.	PARTIAL	<ul style="list-style-type: none"> This Plan sets minimum flow levels and sets aside water to help manage critical environmental events. The extraction rules for supplementary water access licences and the Plan limit should also substantially protect current wetland and estuary inflows.
Target 4a Where the frequency of “end of system” daily flows would be less than 60 percent of the predevelopment level without environmental water rules or extraction limits, the flows increased to 60 percent of predevelopment levels or increased by at least 10 percent of the predevelopment frequency.	FULL	<ul style="list-style-type: none"> Frequency of flows are greater than 60% across whole of flow range
Target 4b Frequency of “end of system” daily very low flows (as defined by local field investigation) protected or restored to predevelopment levels to maintain or restore their critical ecological functions, drought refuges and habitat connectivity. In the absence of such local assessments, protection extended up to at least the predevelopment 95 th percentile.	HIGH	<ul style="list-style-type: none"> Frequency of flows below natural 95th percentile increased

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Relevant SWMOP Target	Level of Contribution	Comments
Target 5 Access rights for water access licensees clearly and legally specified in terms of share and extraction components.	FULL	<ul style="list-style-type: none"> Access for regulated supply licences and supplementary water access licences are specified and tradeable.
Target 9a Flow thresholds for declaration of supplementary water access, which take into account environmental needs, clearly specified.	HIGH	<ul style="list-style-type: none"> The initial 12 hours of flows are protected and thresholds are applied to subsequent extractions. These thresholds may not however be sufficient to cater for all environmental needs.
Target 9b Annual limits on supplementary water extractions, consistent with the long-term average annual extraction limits, established in all regulated river water sources.	FULL	<ul style="list-style-type: none"> This Plan's rules provide a formula for determining a maximum annual extraction volume for supplementary access licences each year and for formula adjustment should this Plan's limit be exceeded.
Target 9c Rules for sharing between supplementary water licence holders made explicit.	HIGH	<ul style="list-style-type: none"> This Plan ensures that at least 50% of flows in a reach must pass into the next downstream reach. It allows for access to be shared on within each reach in proportion to the number of shares held.
Target 9d Supplementary access licence dealings made possible in regulated river water sources, subject to extraction limits and environmental assessment and Aboriginal spiritual and cultural constraints.	FULL	<ul style="list-style-type: none"> Trading of supplementary access water is permitted
Target 12 Measures in place in all water sources subject to a gazetted water sharing plan to protect domestic and stock rights from the impact of other water access and use.	FULL	<ul style="list-style-type: none"> Obligations are set out in Part 4
Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal people identified, plans of management prepared, and measures put in place to protect and improve them.	PARTIAL	<ul style="list-style-type: none"> This Plan does not address specific Aboriginal cultural or traditional requirements and has not identified any sites of particular importance The application of a long-term extraction limit that protects a substantial portion of river flows, and this Plan's environmental flow and supplementary water access rules should provide some protection.
Target 16a All share components of access licences tradeable.	FULL	<ul style="list-style-type: none"> All entitlements (including supplementary water) will be tradeable under this Plan.
Target 16c Conversion factors and protocols established to facilitate trading and dealings between water sources, whilst also protecting existing access and environmental water.	PARTIAL	<ul style="list-style-type: none"> Plan provides for introduction of trading between the Hunter regulated river and other water sources in the Hunter water management area if assessments indicate this can be done

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Relevant SWMOP Target	Level of Contribution	Comments
		with minimal environmental or water supply impacts.
Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery	FULL	<ul style="list-style-type: none"> • This Plan does not impose reduction factors.
Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made explicit.	PARTIAL	<ul style="list-style-type: none"> • Limit on movement of share components into the river system above the Glennies Creek junction has been applied to protect supply reliability. • Movements of water allocations into upstream reaches subject to assessments of impacts on other access licences.
Target 35 All management plans incorporating water quality objectives that have considered Government approved Interim Environmental Objectives, the current Australian and New Zealand Environment and Conservation Council Guidelines and the recommendations of relevant Healthy Rivers Commission Inquiries.	PARTIAL	<ul style="list-style-type: none"> • Plan includes a water quality objective in relation to releases. • Some water sharing provisions, particularly the supplementary environmental water provisions would be expected to produce benefits in line with the Interim Environmental Objectives.

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Schedule 3 Management zones and flow reference sites**1. Management zones**

Management zones referred to in this Plan are:

Management zone	Description
1	all of the Hunter Regulated River Water Source upstream of the junction of the Hunter River and Glennies Creek
2	all of the Hunter Regulated River Water Source downstream of the junction of the Hunter River and Glennies Creek
3	all of the Hunter Regulated River Water Source within the catchment of Glennies Creek

2. Flow reference sites

Flow reference sites referred to in this Plan are:

Flow reference site	Description
1	Liddell flow monitoring gauge 210083
2	Singleton flow monitoring gauge 210001
3	Greta flow monitoring gauge 210064

3. River reaches and reach gauges

River reaches and reach gauges for the purposes of management of extractions by supplementary water access licences are:

River reach	River reach definition	Reach gauge name and number
1A	Hunter River from the upper reaches of Glenbawn Dam to the Goulburn River junction	Muswellbrook 210002
1B	Hunter River from the Goulburn River junction to the Glennies Creek junction	Liddell 210083
2A	Hunter River from the Glennies Creek junction to the Wollombi Brook junction	Liddell 210083 plus Middle Falbrook 210044
2B	Hunter River from the Wollombi Brook junction to the downstream end of the Hunter Regulated River Water Source	Singleton 210001
3A	Glennies Creek from the upper reaches of Glennies Creek Dam to the Hunter River junction	Middle Falbrook 210044

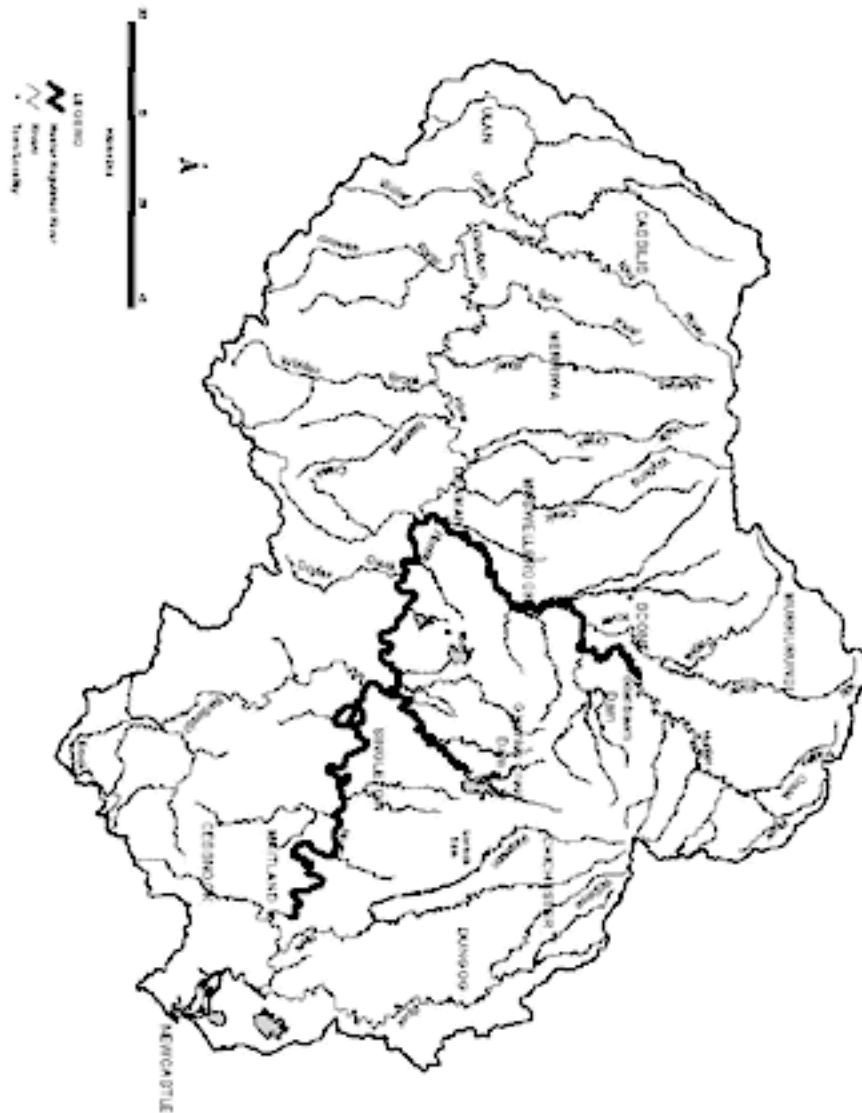
Water Sharing Plan for the Hunter Regulated River Water Source 2003

Appendix 1 Rivers in the Hunter Regulated River Water Source.

At the commencement of this Plan the Hunter Regulated River Water Source includes the following:

- (i) Dart Brook from its junction with the Hunter River to a point adjacent to the north-eastern corner of Lot 3, Section 3, DP 758554, Parish of Ellis, County of Brisbane;
- (ii) Glendon Brook from its junction with the Hunter River to a point adjacent to the western boundary of Lot 1, DP 954580, Parish of Marwood, County of Durham;
- (iii) Glennies Creek from the upper limit of the Glennies Creek Dam water storage, including all tributaries to the storage (named and unnamed) up to high water mark of the storage, downstream to the confluence of Glennies Creek with the Hunter River;
- (iv) Hunter River from the upper limit of Glenbawn Dam water storage, including all tributaries to the storage (named and unnamed) up to high water mark of the storage, downstream to a point adjacent to the eastern boundary of Lot 2, DP 1012258, Parish of Maitland, County of Northumberland on the southern bank of the River and adjacent to a point 150m downstream of the western boundary of Lot 1, DP 856702, Parish of Middelhope, County of Durham on the northern bank of the River, 1400m upstream of Oakhampton rail bridge;
- (v) Mudies Creek from its junction with the Hunter River to a concrete culvert located at a point 150 m upstream from the eastern boundary of Lot 1, DP 962858, Parish of Whittingham, County of Northumberland;
- (vi) Stanhope Creek from its junction with the Hunter River to a point 382 m upstream from the southern boundary of Lot 101, DP 809436, Parish of Stanhope, County of Durham;
- (vii) Station Creek from its junction with Glennies Creek (adjacent to the western boundary of Lot G, DP 37613, Parish of Auckland, County of Durham) to the rock bar 60 m upstream; and
- (viii) Sandy Creek (Stream Code 265000) from its junction with the Hunter River at Muswellbrook to a point 1400m upstream, adjacent to the southern boundary of Lot 229, DP 838624, Parish of Rowan, County of Durham.

Appendix 2 Hunter Water Management Area



Appendix 3 State floodplain harvesting principles

Section 1 Definition and categories of floodplain harvesting

- (1) Floodplain harvesting is the collection, extraction or impoundment of water flowing across floodplains. The floodplain flows can originate from local runoff that has not yet entered the main channel of a river, or from water that has overflowed from the main channel of a river during a flood. For the purposes of this policy the floodplain is defined as extending to the 1 in 100 year flood line.
- (2) Floodplain harvesting can generally be put into one of three categories:
 - (a) diversion or capture of floodplain flows using purpose built structures or extraction works to divert water into storages, supply channels or fields or to retain flows,
 - (b) capture of floodplain flows originating from outside of irrigated areas using works built for purposes other than floodplain harvesting. Examples are:
 - (i) levees and supply works such as off river storages constructed in billabongs or depressions that fill from floodplain flows, and
 - (ii) below ground level water channels from which the water is pumped into on farm storages, and
 - (c) opportunistic diversions from floodplains, depressions or wetlands using temporary pumps or other means.

Note. Capture of rainfall or runoff from farm irrigation fields, via tailwater systems or other means, is not floodplain harvesting.

Section 2 Floodplain harvesting management issues

- (1) The harvesting of water from floodplains reduces the amount of water reaching or returning to rivers. This decreases the amount of water available to meet downstream river health, wetland and floodplain needs and the water supply entitlements of other users.
- (2) Floodplain harvesting can seriously affect the connectivity between the local floodplain, wetlands and the river, through the loss of flow volume and redirection of water flows.
- (3) The *Water Act 1912* provided powers to license floodplain harvesting. However this was never applied as there was generally no requirement to restrict total overall water extractions or off-allocation diversions. Harvested floodplain water has been treated as a freely available bonus to a farmer's licensed entitlement.
- (4) This situation has now changed. The Murray-Darling Basin cap applies to all water diverted from inland NSW catchments and rivers. Licensed and off-allocation access has been subject to increasing restrictions. Embargoes on water licences are also in place on many areas on the coast.
- (5) Floodplain harvesting works and water extractions also clearly fall into those activities that the *Water Management Act 2000* requires to be only undertaken by way of a licence. The Act also requires such licensing to consider the ecological functioning of floodplains.

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- (6) Floodplain harvesting can no longer be left outside of the State's water management and compliance system or as a source of increase in further water extractions. Given this, it is the Government's intention that floodplain harvesting works and taking of water from floodplains be licensed and managed. It will take a number of years to complete the process. However, the water sharing plans must signal the basic principles that will govern the process.

Section 3 Management of floodplain harvesting

- (1) Floodplain harvesting will not be a component of individual water sharing plans being produced for the regulated and unregulated rivers. During flood times water originating in one river system may flow across floodplains and along "flood runners" into adjacent river systems. It is therefore often not possible to assign an area of floodplain to a particular river.
- (2) Management of floodplain harvesting will occur on a state-wide basis, according to the six principles set out in section 4.
- (3) There are many thousands of existing floodplain works which will require licensing and this will be done over the next couple of years. The licensing process will include proper environmental impact assessments.
- (4) A separate category of licence will be established.

Section 4 Floodplain harvesting principles

- (1) Principle 1 is that all existing floodplain harvesting works and floodplain harvesting extractions will be licensed.
- (2) Principle 2 is that licensing will focus initially on controlling the structures, but with movement towards specifying volume limits and flow related access conditions, including metering of pumps

Note. While all surface and groundwater licences now (or will shortly) specify volume entitlements or annual limits to water, it is not possible to do this for floodplain harvesting licences at this stage. This is because the pattern of use is highly episodic and site and infrastructure specific, and current data on structures and use is minimal.

The Department of Sustainable Natural Resources will licence existing structures and specify monitoring of use (including metering of pumps) as a licence condition where possible. This may not be possible initially in cases where a tailwater system is also picking up floodplain water as they are difficult to separate, or where overland flow is being captured by a billabong for which we do not have any information on its capacity. Options for application of volumetric conditions will be developed and implemented where appropriate within the first five years of the initial water sharing plans.

- (3) Principle 3 is that no new works or expanded floodplain harvesting activities in the Murray-Darling Basin that will result in the diversion of additional water will be authorised.

Note. All new floodplain harvesting works are required by law to be licensed. However, as any new works would result in a growth in diversion, which would threaten river health and/or the water entitlements of others, such works would have to be offset by a reduction in other forms of water diversion.

- (4) Principle 4 is that floodplain diversions associated with works in place in the Murray-Darling Basin prior to the end of the 1994 irrigation season will be considered as within the NSW cap.

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Note. Because cap is based on the use of water with development as it was in 1994, NSW considers that the water use that would result from use of the floodplain infrastructure in place in 1994, is part of the cap in each system.

- (5) Principle 5 is that once licensing is completed, an assessment of long-term use resulting from authorised structures against that from structures which existed in 1994 will be carried out and appropriate steps taken to keep harvesting to cap levels.

Note. It is likely that there has been some growth in floodplain harvesting works and extractions since 1994. However, it is expected that the licensing process will result in some modification of existing works. This may be adequate to offset any post 1994 development. If not, restrictions on the use of the licensed works will have to be applied to return diversions to cap levels. Such restrictions could include restrictions on pumping times or a requirement to modify the work to allow a proportion of flows to be bypassed. By preventing the construction or enlargement of new works, the opportunity for any further growth in floodplain harvesting diversions will be minimised.

- (6) Principle 6 is that floodplain harvesting rights will not be tradeable.

Note. Trading of floodplain harvesting rights will not be permitted because the frequency and volume of use is site and infrastructure specific, and volume management will take some time to implement.

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Appendix 4 Performance indicators

Performance indicators for the Hunter Regulated River Water Sharing Plan			
Performance indicator	Related objective	As measured by:	Commentary
(a) Change in ecological condition of the water source and dependent ecosystems.	clause 11 (a) to clause 11 (i)	<ul style="list-style-type: none"> Monitoring of ecological response to changed flow regimes, by IMEF (each water source will have specific hypotheses from the set developed under IMEF). Other relevant studies as may be undertaken in specific water sources. 	<ul style="list-style-type: none"> IMEF tests a number of hypotheses to indicate how elements of river ecology respond to different aspects of the flow regime (including EFRs, irrigation flows, and floods and wetland connectivity).
(b) Change in low flow regime	clause 11 (a)	<ul style="list-style-type: none"> Number of days per water year where flow is below natural 95th and 80th percentiles. Average and maximum number of days per water year of continuous periods of flow which is below natural 95th and 80th percentiles. Measurement at end of system and specified key sampling sites. 	<ul style="list-style-type: none"> Government's River Flow Objectives (RFOs) 1 and 6. Analysis would need to incorporate reference to seasonal indicators. Long term modelling will reflect the influence of climate on flows. Appropriate data relating to flow distribution, such as summer/winter cropping balance, agronomical practices, on farm storage development, management and operation of environmental releases etc. Baseline audit should be the modelled WSP scenario (rather than natural flows).
(c) Change in moderate to high flow regime	clause 11 (c) to clause 11 (f) and clause 11 (j)	<ul style="list-style-type: none"> Number of days per water year where flow is above natural 30th, 15th and 5th percentiles. Average and maximum number of days per water year of continuous periods of flow which is above natural 30th, 15th and 5th percentiles. Measurement at end of system and other key sampling sites in the water source. 	<ul style="list-style-type: none"> RFO 3

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Performance indicators for the Hunter Regulated River Water Sharing Plan			
Performance indicator	Related objective	As measured by:	Commentary
(d) Change in water quality	clause 11 (k)	<ul style="list-style-type: none"> Assessment and statistical analysis of key water quality parameters, and relationship to flow. 	<ul style="list-style-type: none"> The Plan rules will contribute to a long term change in water quality by affecting flow regimes and flow management to address issues such as algal management. There are many non-water sharing plan related factors that affect water quality (eg land-based activities and thermal pollution).
(e) Extent to which basic landholder rights requirements have been met	clause 11 (l)	<ul style="list-style-type: none"> Basic rights allowances made according to plan provisions/implementation program requirements. Flows adequate to meet basic rights requirements (taking into consideration allowances for delivery). 	<ul style="list-style-type: none"> Basic rights usage figures in water sharing plans are estimated volumes (not actual use). Basic rights represents a very small proportion of water extraction in regulated systems.
(f) Extent to which local water utility and major utility requirements (where major utilities are involved in urban water provision) have been met.	clause 11 (m) clause 11 (n)	<ul style="list-style-type: none"> Percentage of years that reserves were adequate to satisfy urban water requirements and major utility requirements. 	
(g) Change in economic benefits derived from water extraction and use	clause 11 (o) to clause 11 (s)	<ul style="list-style-type: none"> Change in regional gross margins versus annual total extractions based on year 1 benchmarks (as represented in IQQM). Movement of water to higher value crops as measured by increases in area and/or water extracted by these enterprises versus lower value uses. Change in unit price of water transferred. Annual total volume of access licence transferred (ML) in each water year. 	<ul style="list-style-type: none"> There are many factors affecting economic status of a region, for example commodity prices, other sources of water (eg groundwater). The PI is intended to isolate as much as possible the effects of water availability and price on the gross margin returns at a regional level. Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions.

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Performance indicators for the Hunter Regulated River Water Sharing Plan			
Performance indicator	Related objective	As measured by:	Commentary
(h) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	clause 11 (t)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.
(i) Extent to which native title rights have been met.	clause 11 (t)	<ul style="list-style-type: none"> Native title rights allowances made according to plan provisions/implementation program requirements. 	

WATER MANAGEMENT ACT 2000**Gwydir Water Management Area Regulated River Order**

PURSUANT to the definition of '*regulated river*' in the Dictionary to the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, by this Order revoke *Regulated River Order No 4*, as published in the Government Gazette of 21 February 2003, and declare by this Order that the *rivers* in the Gwydir Water Management Area that are downstream of the upper limit of Copeton Dam water storage and listed in the Schedule below are *regulated rivers*. This Order takes effect on the date of publication in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The dictionary definition of a regulated river in the Water Management Act, 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Boomi River from its confluence with Gil Gil Creek in portion 3, Parish of Bibble, County of Benarba, downstream to its confluence with the Barwon River in portion 2, Parish of Bibble, County of Benarba.

Carole Creek from its offtake from the Gwydir River in portion 52, Parish of Boolooroo, County of Courallie downstream to its confluence with Gil Gil Creek.

Gil Gil Creek from its confluence with Carole Creek in T.S.R. 15022, Parish of Gocalla, County of Benarba, downstream to its confluence with Boomi River.

Gwydir Pool from the bifurcation near portion 56, Parish of Carore, County of Courallie, downstream to "The Raft."

Gwydir River from Copeton Dam downstream to northwestern boundary of portion 27, Parish of Gin, County of Benarba.

Marshalls Ponds Creek from its confluence with Carole Creek upstream to a point 100 metres east of the common boundary of portions 15 and 16, Parish of Bogree, County of Courallie.

Mehi River, from the Tareelaroi cutting in portion 16, Parish of Mia Mia, County of Courallie, downstream to the Barwon River.

Moomin Creek from Combadello Weir downstream to its confluence with the Mehi River.

Tyreel Anabranh.

Unnamed watercourse, from its upstream confluence with Moomin Creek, located approximately 404m downstream from the eastern boundary of portion 33, Parish of Bunna Bunna, County of Benarba, to its downstream confluence with Moomin Creek, located approximately 503m from the upstream confluence, all within the abovementioned portion, parish and county.

Unnamed watercourse offtaking from the Gwydir River within portion 39, Parish of Ardgowan, County of Courallie and rejoining the Gwydir River within portion 54, Parish of Ardgowan, County of Courallie.

WATER MANAGEMENT ACT 2000**Namoi Water Management Area Regulated River Order**

PURSUANT to the definition of '*regulated river*' in the Dictionary to the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, by this Order revoke *Regulated River Order No 3*, as published in the Government Gazette of 21 February 2003, and declare by this Order that the *rivers* in the Namoi Water Management Area that are downstream of the upper limit of Split Rock Dam water storage or Keepit Dam water storage and listed in the Schedule below are *regulated rivers*. This Order takes effect on the date of publication in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The dictionary definition of a regulated river in the Water Management Act, 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Anabranh of Namoi River, offtaking in T.S.R. 31104, Parish of Tipereena, County of Nandewar.

Duncan Warrambool.

Gunidgera Creek, offtaking from the Namoi River within T.S.R. 10783, Parish of Tulladunna, County of Jamison, downstream to the northern boundary of portion 21, Parish of Merah, County of Jamison.

Horsearm Creek, from its confluence with Narrabri Creek upstream to a point coinciding with the upstream alignment of the Narrabri to Wee Waa road bridge on Main Road No.127 located in the town of Narrabri, Parish of Narrabri, County of Nandewar.

Manilla River from Split Rock Dam, downstream to its junction with the Namoi River.

Namoi River, from its junction with the Manilla River to Keepit Dam, including all tributaries (named and unnamed) to the storage of Keepit Dam, and up to the high water mark of the storage.

Namoi River, from Keepit Dam downstream to the offtake of Narrabri Creek.

Namoi River from its confluence with Narrabri Creek to Barwon River.

Narrabri Creek.

Pian Creek, from the confluence of unnamed watercourse within portion 27, Parish of Pian, County of Jamison, the confluence being approximately 200 metres east of the western boundary of portion 27 and approximately 400 metres north of the southwestern boundary of that portion, downstream to the northernmost western boundary of portion 37, Parish of Murra Murra, County of Denham.

Ulled lagoon.

Unnamed watercourse, offtaking from Gunidgera Creek within portion 4, Parish of Weeta Waa, County of Jamison, downstream to its confluence with Pian Creek, within T.S.R. 27151, Parish of Pian, County of Jamison.

Unnamed watercourse off taking from the Namoi River within Lot 63 DP753929, Parish of Drildool, County of Jamison to its confluence with the Namoi River within Lot 63 DP753929 Parish of Drildool, County of Jamison

Unnamed watercourse, from its offtake from Namoi River, in portion 10, Parish of Bullerawa, County of Baradine, to its re-entry in portion 11, said Parish.

Warrian lagoon.

WATER MANAGEMENT ACT 2000**Central West Water Management Area Regulated River Order**

PURSUANT to the definition of '*regulated river*' in the Dictionary to the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, by this Order revoke *Regulated River Order No 5*, as published in the Government Gazette of 21 February 2003, and declare by this Order that the *rivers* in the Central West Water Management Area that are downstream of the upper limit of Windamere Dam water storage or the upper limit of Burrendong Dam water storage and listed in the Schedule below are *regulated rivers*. This Order takes effect on the date of publication in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The dictionary definition of a regulated river in the Water Management Act, 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Bena Billa Creek

Bulgeraga Creek from its confluence with Marebone Break in portion 6, Parish of Marebone, County of Gregory, downstream to the Gum Cowal offtake within portion 13, Parish of Duffity, County of Gregory.

Bulgeraga Creek from the Gum Cowal offtake within portion 13, Parish of Duffity, County of Gregory, downstream to its confluence with the Macquarie River.

Crooked Creek from its offtake from Gunningbar Creek in portion 239, parish of Warren, County of Oxley, downstream to the north-west boundary of portion 93, Parish of Mumblebone, County of Gregory.

Cudgegong River from the upper limit of Windamere Dam water storage downstream to its confluence with the upper limit of Burrendong Dam water storage.

Cumboogle Creek from its junction with Macquarie River to a point 90 metres upstream.

Duck Creek.

Gunningbar Creek from the downstream end of the Gunningbar Creek cutting downstream to the Bogan River.

Macquarie River from the upstream limit of Burrendong Dam water storage, downstream to the Monkeygar Creek offtake.

Marebone Break from its offtake from the Macquarie River in road reserve adjacent to the eastern boundary of portion 12, parish of Marebone, County of Gregory downstream to its confluence with Bulgeraga Creek, in portion 6, Parish of Marebone, County of Gregory.

Mebul Creek from its junction with the Cudgegong River to a point 25 metres upstream.

Ruins Creek from its junction with the Cudgegong River to a point 20 metres upstream.

WATER MANAGEMENT ACT 2000**Lachlan Water Management Area Regulated River Order**

PURSUANT to the definition of '*regulated river*' in the Dictionary to the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, by this Order revoke *Regulated River Order No 2*, as published in the Government Gazette of 14 February 2003, and declare by this Order that the *rivers* in the Lachlan Water Management Area that are downstream of the upper limit of Wyangala Dam water storage and listed in the Schedule below are *regulated rivers*. This Order takes effect on the date of publication in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The dictionary definition of a regulated river in the Water Management Act, 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Ana Branch of Willandra/Billabong Creek, offtaking within portion 1, Parish of Gunagai, County of Blaxland.

Bumbuggan Creek from its confluence with the Lachlan River to its confluence with Goobang Creek.

Carrawabbity Creek, to the northern boundary of Portion 148, Parish of Carrawabbity, County of Ashburnham, from its junction with the Lachlan River.

Goobang Creek from its confluence with Bumbuggan Creek to its confluence with the Lachlan River.

Island Creek from the upstream to the downstream confluences with the Lachlan River.

Jemalong Creek, from its confluence with the Lachlan River to the southern boundary of Portion 18, Parish of Tallabung, County of Forbes.

Lachlan River, from the upper limit of Wyangala Dam storage downstream to the Murrumbidgee River; including all tributaries to the storage (named and unnamed) up to high water mark of the storage.

Lake Brewster.

Lake Cargelligo.

Nerathong Creek from its confluence with Wallamundry Creek to its confluence with the Lachlan River.

The channel or cutting connecting The Curlew Water and Lake Cargelligo.

The channel or cutting connecting The Sheet of Water and The Curlew Water.

The Curlew Water.

The cutting connecting the Lachlan River and The Sheet of Water.

The Lake Creek connecting Lake Cargelligo and Lachlan River.

The Sheet of Water.

Torriganny Creek.

Unnamed lagoon offtaking from the Lachlan River in portion W.I. 3882, Parish of Jundrie, County of Blaxland.

Unnamed watercourse offtaking from the Lachlan River within portion 6, Parish of Hunthawong, County of Nicholson.

Wallamundry Creek from its confluence with Island Creek to its confluence with the Lachlan River.

Wallaroi Creek from its confluence with Wallamundry Creek to its confluence with the Lachlan River.

Willandra Creek from the offtake from the Lachlan River downstream to the Willandra Homestead Weir located on Portion 11, Parish of Bundunglong, County of Franklin and Portion 7, Parish of Warranary, County of Mossgiel.

WATER MANAGEMENT ACT 2000**Murrumbidgee Water Management Area Regulated River Order**

PURSUANT to the definition of '*regulated river*' in the Dictionary to the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, by this Order revoke *Regulated River Order No 1*, as published in the Government Gazette of 27 December 2002, and declare by this Order that the *rivers* in the Murrumbidgee Water Management Area that are downstream of the upper limit of Burrinjuck Dam water storage or Blowering Dam and listed in the Schedule below are *regulated rivers*. This Order takes effect on the date of publication in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The dictionary definition of a regulated river in the Water Management Act, 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Adelong Creek, that part which adjoins the generally northwestern boundary of portion 113 REM., Parish of Willie Ploma, County of Wynyard.

Back Creek from its confluence with unnamed watercourse within portion 73, Parish of Uroly, County of Boyd, to its confluence with Pine Watercourse and Washpen Creek within portion 72, Parish of Uroly, County of Boyd.

Beavers Creek.

Billabong Creek from its junction with Colombo Creek to its confluence with the Edward River.

Billabong Creek upstream from its confluence with Colombo Creek to the concrete dam situated between portion 63, Parish of Cocketgedong and portion 24, Parish of Nowranie both in the County of Urana.

Bombowlee Creek from its confluence with the Tumut River within Portion 199, parish of Killimicat, County of Buccleuch, to its intersection with the northern boundary of the road between the aforesaid portion and Portion 75, Parish of Mundongo, County of Buccleuch.

Bullenbong Creek from its junction with Old Man Creek to a point 305 metres upstream.

Bundidgerry Creek from western boundary of portion 67, Parish of Berrembed, County of Bourke, downstream to western boundary of portion 253, Parish of Narrandera, County of Cooper.

Colombo Creek from its offtake from Yanco Creek to its confluence with Billabong Creek.

Coonoococabil Lagoon, County of Cooper.

Cowabbie Creek from the western boundary of portion 224, Parish of Berrembed, County of Bourke, downstream to its confluence with Bundidgerry Creek.

Cuddell Creek from the intersection point of creek bank and the common boundary between portions 4 and 5, Parish of Cuddell, County of Mitchell, to its confluence with Yanco Creek.

Eringowarra Creek from its effluence with the Murrumbidgee River within portion 20, Parish of Bilda, County of Clarendon, downstream to a point 100 metres south of portion 18, within portion 34, parish of Bilda, County of Clarendon.

Forest Creek from its offtake from Billabong Creek within T.S.R. 30139, Parish of Thulabin, County of Townsend downstream to Warriston Weir.

Killimicat Creek from its junction with Nimbo Creek downstream to its junction with Brungle Creek.

Island Creek offtaking from the Murrumbidgee River between portions 138 and 139, Parish of Tenandra, County of Clarendon.

Island Lagoon in its entirety from its common effluence/confluence with the Murrumbidgee River, located within portion 209, Parish of Tooyal, County of Bourke.

Murrumbidgee River from Taemas Bridge within the storage of Burrinjuck Dam, downstream to the Murray River.

Nimbo Creek.

Nowranie Creek upstream from its confluence with Billabong Creek to the concrete dam situated within portion 27, Parish of Nowranie, County of Urana.

Old Man Creek.

Sheepwash Creek from its confluence with Billabong Creek within portion 49, Parish of Wanganella, County of Townsend, upstream to its intersection with the eastern boundary of said portion, parish and county.

Tumut River from the upper limit of the storage of Blowering Dam downstream to the Murrumbidgee River.

Unnamed watercourse (known locally as "The Washaway") offtaking from the Tumut River within portion 40, Parish of Blowering, County of Buccleuch.

Unnamed watercourse offtaking from the Murrumbidgee River within portion 21, Parish of Borambula, County of Wynyard, to its confluence with the Murrumbidgee River within portion 102, Parish of Borambula, County of Wynyard.

Unnamed watercourse offtaking from the Murrumbidgee River in portion 39, Parish of Mundarlo, County of Wynyard, downstream to its confluence with the Murrumbidgee River.

Unnamed watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd.

Unnamed watercourse offtaking at two points from the Murrumbidgee River within portion 136, Parish of Tenandra, County of Clarendon.

Unnamed watercourse formerly offtaking from a bend in the Murrumbidgee River within portion 13, Parish of Burt, County of Boyd and now cut off from a supply by construction of Gogeldrie Weir. Alternative supply is now obtained from diversion works constructed by the Crown in the form of a cutting and regulator offtaking from the pool of this weir in portion 8 of the said parish.

Unnamed lagoon and unnamed watercourse located within portions 38, 15 and C.R. 482, Parish of Bundidgerry, County of Cooper.

Unnamed watercourse connection an unnamed lagoon with Bundidgerry Creek within C.R. 482, Parish of Bundidgerry, County of Cooper.

Unnamed lagoon, from its upstream effluence to its downstream confluence with Colombo Creek both located adjacent to Morundah Racecourse all within Reserve 67478, Parish of Waugh, County of Urana.

Unnamed watercourse, from its confluence with Yanco Creek within portion 22, Parish of Moonbria, County of Townsend, to the earth dam located 158 metres upstream within portion 3, Parish of Moonbria, County of Townsend.

Unnamed watercourse offtaking from Yanco Creek within portion 159, Parish of Bundure, County of Urana, to its upper limits within portion 58, Parish of Douglas, County of Urana.

Unnamed watercourse from its offtake from an unnamed watercourse within portion 57, Parish of Douglas, County of Urana, and traversing portions 58, 61 and 156, Parish of Douglas, County of Urana.

Unnamed watercourse (artificially improved), from its confluence with Yanco Creek within WR 1630 adjacent to portion 73, Parish of Uroly, County of Boyd, to its confluence with Back Creek within said portion.

Unnamed watercourse from its offtake from Colombo Creek within Reserve 1631, east of Portion 127, Parish of Bingagong, County of Urana, downstream to its confluence with Yanco Creek within Portion 114, Parish of Bingagong, County of Urana.

Unnamed watercourse from its junction with Yanco Creek, within Reserve 1630, fronting Portion 128, Parish of Uroly, County of Boyd, to its junction with another unnamed watercourse within Portion 132, Parish of Uroly, County of Boyd, at a point approximately 870 metres east from the western boundary and 50 metres south from the northern boundary of the said portion.

Uri Creek from its junction with the Unnamed Watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd, downstream to its confluence with the Murrumbidgee River.

Washpen Creek from its confluence with Pine Watercourse and Back Creek within portion 72, Parish of Uroly, County of Boyd to its confluence with Pine Watercourse and Woolshed Creek within the Road Reserve located between portions 163 and 176, Parish of Howell, County of Boyd.

Woolshed Creek from its confluence with Pine Watercourse and Washpen Creek within Road Reserve between portions 163 and 176, Parish of Howell, County of Boyd, to its confluence with Yanco Creek within WR 1684 adjacent to portion 142, Parish of Howell, County of Urana.

Yanco Creek from its offtake from the Murrumbidgee River to its confluence with Billabong Creek.

WATER MANAGEMENT ACT 2000**Murray Water Management Area Regulated River Order (Murray)**

PURSUANT to the definition of '*regulated river*' in the Dictionary to the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, by this Order revoke *Regulated River Order No 6*, as published in the Government Gazette of 28 February 2003, and declare by this Order that the *rivers* in the Murray Water Management Area that are downstream of the upper limit of Hume Dam water storage and listed in the Schedule below are *regulated rivers*. This Order takes effect on the date of publication in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The dictionary definition of a regulated river in the Water Management Act, 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Barbers Creek from upstream (eastern) boundary in Lot 13, Parish of Moorangatta, County Wakool, to its confluence with the Wakool River in Lot 15, Parish Nunnagoit, County Wakool.

Benanee Creek

Black Swan Lagoon.

Bookit Creek from its effluence from Merribit Creek between Lots 23 and 39, Parish of Mia Mia, County of Wakool downstream to a dam and regulator located between Lots 4 and 10, Parish of Mia Mia, County of Wakool authorised by Licence L15918.

Bullanginya Lagoon.

Collendina Lagoon.

Colligen Creek, from its offtake from the Edward River, Lot 2, DP 857161 Parish of Tumudgery, County of Townsend, downstream to its confluence with the Niemur River within Werai State Forest No. 384, Parish of Werai, County of Townsend.

Coobool Creek, from the southern boundary (bridge on disused rail line), of Lot 32, Parish Toolmah, County Wakool, to its confluence with the Wakool River, boundaries of Lots 2 and 3, Parish of Coobool, County Wakool.

Dairy Lagoon, offtaking from the Murray River at the southern end of Lot 7014, DP 1021139, in the Reserve 78631, Parish of Corowa, County of Hume.

Darling River - Wentworth Weir Pool, from the north east corner of Lot 11 DP 756952, Parish of Merche, County of Wentworth downstream to the confluence with the Murray.

Deep Creek, from its confluence with the Murray River between part Lot 19 and Lot 76, Parish of Benarca, County of Cadell to its upper limits within Lot 76, Parish of Benarca, County of Cadell.

Dights Creek.

Dry Lake, Parish of Taila, County of Taila.

Edward River; from its offtake from the Murray River downstream to its junction with the Wakool River.

Frenchmans Creek.

Gol Gol Channel, the unnamed watercourse known locally as Gol Gol Channel, commencing at a point where Gol Gol Creek enters Gol Gol Swamp downstream to its point of termination with the southern section of Lot 16, Parish Gol Gol, County of Wentworth.

Gol Gol Creek, Parish of Gol Gol, County of Wentworth.

Gol Gol North Creek, Parish of Gol Gol, County of Wentworth.

Great Anabranche of the Darling River, from its confluence with the Murray River on Lot 672 DP 761719 to the location of the earthen block bank under Licence 60SL8689, Lot 12 DP 756168.

Gulpa Creek.

Gum Creek, from earthen block bank and regulator in Lot 45, Parish Toolmah, County Wakool, to its confluence with the Wakool River, Lot 74, Parish Coobool, County Wakool.

Jingera Jingera Lagoon, from its junction with unnamed watercourse offtaking from the Murray River within Lot 162, Parish of Albury, County of Goulburn, downstream to its confluence with the Murray River.

Lake Benanee.

Lake Mulwala.

Lake Victoria.

Larrys Creek, from its junction with Mulligans Creek in Lot 26, Parish Toolmah, County Wakool, to an earthen block bank and regulator in Lot 45, Parish of Toolmah, County Wakool.

Lesters Lagoon.

Little Barbers Creek, offtaking from Merran Creek in Lot 25, Parish Nunnagoyt, County Wakool, to its confluence with Barbers Creek in Lot 25, Parish Nunnagoyt, County Wakool.

Little Murray River; offtaking from the Murray River within Campbells Island State Forest, (in the vicinity of easting 236685, northing 6057818, zone 55) to its confluence with the Murray River at the northern end of Lot 13, DP 756541, Parish of Gonn, County of Wakool.

Merran Creek Cutting, offtaking from the Little Murray River in Campbells Island State Forest, Parish Nunnagoyt, County Wakool, to its confluence with Merran Creek, Lot 14, Parish Nunnagoyt, County Wakool.

Merran Creek, from block dam and regulator in Lot 21, Parish Nunnagoyt, County Wakool, to its confluence with the Wakool River in Lot 36, Parish Poon Boon, County Wakool.

Merribit Creek, from its effluence from the Wakool River between Lot 143, Parish of Bookit, County of Wakool and Lot 47, Parish of Mia Mia, County of Wakool to its confluence with the Wakool River between Lot 125, Parish of Toolon, County of Wakool and Lot 46, Parish of Mia Mia and County of Wakool.

Moira Creek.

Mulligans Creek, offtaking from St Helena Creek in Lot 12, Parish Moorangatta, County Wakool, to its confluence with Larrys Creek in Lot 26, Parish Toolmah, County Wakool.

Murray River, from the upper limit of the storage of Hume Dam downstream to the South Australian border.

Neimur River, from its confluence with Colligen Creek within Werai State Forest No. 384 to its confluence with the Wakool River in Lots 21, Parish of Wetuppa and 48, Parish of Coobool both in the County of Wakool.

Nowranie Creek.

Paddock Lagoon.

Porthole Creek, from its confluence with the Wakool River between Lots 3 and 77, Parish of Porthole, County of Cadell upstream to the Boundary between Lots 3 and 72, Parish of Porthole, County of Cadell.

Ruel Lagoon.

Rufus River.

Salt Creek, from its offtake from the Murray River within WL 165, Parish of Cal Lal, County of Tara to its intersection with the South Australian Border.

Sheepwash Creek

Sheepwash Lagoon, offtaking from the Murray River in Lot 1 DP751155, Parish of Perricoota, County of Cadell and bounded by Lot 1 DP751155, Lot 2 DP521201 and Lot 1 DP131403, Parish of Perricoota, County of Cadell.

St Helena Creek, from a concrete regulator in Lot 3, Parish Moorangatta, County Wakool, to its confluence with the Wakool River in Lot 42, Parish of Toolmah, County Wakool.

Taila Creek, offtaking from the Murray River in Lot 4441, DP 76426 in the Parish of Taila, County of Taila to Lake Benanee.

Tallys Lake, from the confluence of the Unnamed Watercourse (Box Creek) in Lot 55, Parish Merran, County Wakool, to the offtake of the Unnamed Watercourse (Box Creek) in Lot 54, Parish Merran, County Wakool.

Tuckers Creek.

unnamed lagoon, (known locally as Cemetery Creek), offtaking in part Temporary Common, Parish of Euston, County of Taila.

unnamed lagoon, (known locally as Doctors Point Lagoon) offtaking from Murray River between Lots 317 and 26, Parish of Albury, County of Goulburn.

unnamed lagoon and watercourse, (known locally as Parlour or Howlong Creek), offtaking from the Murray River within Lot 63, Parish of Bungowannah, County of Hume, to its junction with Lesters Lagoon.

unnamed lagoon, offtaking from Colligen Creek in Lot 6, Parish of Tumudgery, County of Townsend.

unnamed lagoon, offtaking from Murray River in Lot 2, Parish of Boomanoomana, County of Denison.

unnamed lagoon, offtaking from the Murray River between Lots 16 and 18, Parish of Woperana, County of Denison.

unnamed lagoon, offtaking from the Murray River between Lots 29 and 65, Parish of Quat Quatta, County of Hume, and also between Lots 20 and 68.

unnamed lagoon, offtaking from the Murray River in Lot 10, Parish of Wangumma, County of Tara.

unnamed lagoon, offtaking from the Murray River in Lot 4, Parish of Collendina, County of Hume.

unnamed lagoon, offtaking from the Murray River in W.L. 673, Parish of Moorna, County of Tara.

unnamed lagoon, offtaking from the Murray River within Lot 298 Parish of Corowa, County of Hume.

unnamed lagoons, connected to the Murray River and situated within Lots 298, 297 and 299, Parish of Corowa, County of Hume.

unnamed lagoons, connected to the Murray River and situated within Lots 298, 297 and 299, Parish of Corowa, County of Hume.

unnamed watercourse, anabranch of the Murray River offtaking between Lots 80 and 83, forming the northern boundary of Lot 79, traversing Lot 92 and rejoining the Murray River within Lot 29, Parish of Quat Quatta, County of Hume.

unnamed watercourse and effluents, (known locally as Breakaway Creek) offtaking from the Murray River in Lot 14, Parish of Bungowannah, County of Hume.

unnamed watercourse and effluents, (known locally as Yellowbelly Creek) offtaking from the Murray River in Lot 3, Parish of Bungowannah, County of Hume.

unnamed watercourse and lagoon, connecting Lesters Lagoon with Black Swan Lagoon, Parish of Howlong, County of Hume.

unnamed watercourse, (Box Creek), offtaking from Coobool Creek in Lot 48, Parish Toolmah, County Wakool, to Tallys Lake in Lot 55, Parish Merran, County Wakool.

unnamed watercourse, (Box Creek), Offtaking from Tallys Lake in Lot 54, Parish Merran County Wakool, to earthen block dam and pipe regulator in Lot 12, Parish Merran, County Wakool.

unnamed watercourse, (known as Hemp Creek) offtaking from the Bookit Creek in Lot 4 DP756559, Parish of Mia Mia, County of Wakool to the eastern boundary of Lot 4 DP756559, Parish of Mia Mia, County of Wakool.

unnamed watercourse, (known locally as Boilingdown Creek), offtaking from the Murray River within Lot 524, Parish of Corowa, County of Hume, and rejoining the Murray River within Collendina State Forest No. 98, block 1.

unnamed watercourse, (known locally as Hans Creek), offtaking from the Murray River, within Lot 199, Parish of Corowa, County of Hume.

unnamed watercourse, (known locally as Horseshoe Lagoon), offtaking from the Murray River between Lots 12 and 46, Parish of Tocumwal, County of Denison.

unnamed watercourse, connected to the Edward River within section 60, Town of South Deniliquin, Parish of South Deniliquin, County of Townsend, for a distance of 200 metres south easterly from the point of connection.

unnamed watercourse, connecting Washpen Creek with Lake Caringay.

unnamed watercourse, from its offtake from the Edward River in Lot 78 (T S & C R 35646) Parish of Tumudgery, County of Townsend to its confluence with Colligen Creek in Lot 47 Parish of Tumudgery, County of Townsend.

unnamed watercourse, offtaking from an unnamed lagoon within that part of Collendina State Forest No. 98 east of Lot 9, Parish of Collendina, County of Hume.

unnamed watercourse, offtaking from another unnamed watercourse within Lot 64, Parish of Bungowannah, County of Hume, and traversing downstream successively, in a north westerly direction, Lots 275, 257, 241, 240, 248, 249, 250, 251, 172 and 171 Parish of Howlong, County of Hume to its confluence with Lesters Lagoon.

unnamed watercourse, offtaking from Gum Creek in Lot 49, Parish Toolmah, County Wakool, to its confluence with Coobool Creek in Lot 49, Parish Toolmah, County Wakool.

unnamed watercourse, offtaking from the Murray River within Lot 162, Parish of Albury, County of Goulburn, downstream to its confluence with Jingera Jingera Lagoon.

unnamed watercourse, offtaking from the Murray River within Lot 23, Parish of Albury, County of Goulburn.

unnamed watercourse, offtaking from the Murray River within Lot 34, Parish of Albury, County of Goulburn.

unnamed watercourse, offtaking from the Murray River within Lot 5, Parish of Wangumma, County of Tara.

unnamed watercourse, offtaking from the Murray River within Lot 56, Parish of Bungowannah, County of Hume.

unnamed watercourse, offtaking from the Murray River within that part of Mulwala State Forest No 100 west of Lot 209, Parish of Mulwala, County of Denilson.

Wakool River, from its offtake on the Edward River downstream to its confluence with the Murray River.

Washpen Creek, to a point 805 metres upstream of the junction of the Unnamed Watercourse connecting Washpen Creek with Lake Caringay.

Yallakool Creek, from its effluence from the Edward River between TS & CR 25840, Parish of Brassi, County of Townsend and Lot 78, Parish of Tumudgery, County of Townsend and its confluence with the Wakool River between Lot 54, Parish of Gobran, County of Townsend and Lot 3, Parish of Corry, County of Wakool.

WATER MANAGEMENT ACT 2000**Murray Water Management Area Regulated River Order (Lower Darling)**

PURSUANT to the definition of '*regulated river*' in the Dictionary to the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, by this Order revoke *Regulated River Order No 7*, as published in the Government Gazette of 28 February 2003, and declare by this Order that the *rivers* in the Murray Water Management Area that are downstream of the upper limit of Lake Wetherell water storage and listed in the Schedule below are *regulated rivers*. This Order takes effect on the date of publication in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The dictionary definition of a regulated river in the Water Management Act, 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Balaka Lake.

Bijjijie Lake.

Cawndilla Creek.

Copi Hollow.

Darling River; from adjacent to "Billilla Homestead" on Lot 3671, DP 766053, County of Livingstone (grid ref. YKD35760 Wilcannia 1:100 000), downstream to the north east corner of Lot 11 DP 756952, Parish of Merche, County of Wentworth.

Lake Cawndilla.

Lake Menindee.

Lake Pamamaroo.

Lake Spectacle.

Lake Speculation.

Lake Wetherell.

Malta Lake.

Menindee Creek.

Pamamaroo Creek.

Redbank Creek; from Lake Tandou, downstream to the crossing situated within Lot W.L. 3345, Parish of Mitta, County of Menindee, known locally as Packers Crossing.

Tandou Creek; where it off takes from the southern most end of Cawndilla Channel (DP 767272, at easting 614946, northing 6391413, Zone 54) traversing Lot 2123 DP 764065 Parish of Bintullia, County of Menindee, Lot 2125 DP 764067 Parish of Bintullia, County of Menindee, and DP 767026 Parish of Mitta, County of Menindee, to where it joins Tandou Lake (Lot 3345 DP 765601 Parish of Mitta, County of Menindee, at easting 602179, northing 6380223, Zone 54).

Tandure Lake.

unnamed lagoon; offtaking from the Darling River within Lot 89 Parish of Avoca County of Wentworth.

WATER MANAGEMENT ACT 2000**Hunter Water Management Area Regulated River Order**

PURSUANT to the definition of '*regulated river*' in the Dictionary to the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, declare by this Order that the *rivers* in the Hunter Water Management Area that are downstream of the upper limit of Glenbawn Dam water storage and listed in the Schedule below are *regulated rivers*. This Order takes effect on the date of publication in the Gazette.

Dated this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

Explanatory Note

The dictionary definition of a regulated river in the Water Management Act, 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Dart Brook from its junction with the Hunter River to a point 100 metres upstream.

Glendon Brook from its junction with the Hunter River to a point 563 m upstream from the eastern boundary of portion 5, Parish of Marwood, County of Durham.

Glennies Creek from the upper limit of the Glennies Creek Dam water storage, including all tributaries to the storage (named and unnamed) up to high water mark of the storage, downstream to the confluence of Glennies Creek with the Hunter River.

Hunter River from the upper limit of Glenbawn Dam water storage, including all tributaries to the storage (named and unnamed) up to high water mark of the storage, downstream to the Oakhampton Rail Bridge at Maitland.

Minimbah Creek from its junction with the Hunter River to a concrete culvert located at a point 150 m upstream.

Stanhope Creek from its junction with the Hunter River to a point 382 m upstream.

Station Creek from its junction with Glennies Creek to the rock bar 60 m upstream.

Access Licence Dealing Principles Order 2004

under the
Water Management Act 2000

PURSUANT to section 71Z of the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, make the following Order under the *Water Management Act 2000*.

This Order takes effect on 1 July 2004.

Dated at Sydney, this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP,
Minister for Natural Resources

Explanatory note

Section 71Z of the *Water Management Act 2000* provides that the Minister may, by order published in the Gazette, establish access licence dealing principles to regulate or prohibit access licence dealing rules and kinds of access licence dealings. Dealings refer to trading in water licences and water entitlements under those licences. The purpose of this Order is to establish access licence dealing principles. The *Access Licences Dealing Principles Order 2002* is revoked.

Access Licence Dealing Principles Order 2004

Part 1 Introduction

1 Name of Order

This Order is the *Access Licence Dealing Principles Order 2004*.

2 Commencement

This Order commences on 1 July 2004.

3 Establishment of access licence dealing principles and revocation of *Access Licence Dealing Principles Order 2002*

- (1) The access licence dealing principles set out in this Order are established.
- (2) The *Access Licence Dealing Principles Order 2002* as published in Government Gazette of 27 December 2002 is revoked by this Order.

4 Interpretation

Notes in this Order do not form part of the Order.

5 Effect

- (1) Consistent with section 71Y (1) of the Act, all applications for access licence dealings under Division 4 of Part 2 of Chapter 3 of the Act which require the Minister's consent are to be dealt with in accordance with:
 - (a) the water management principles, and
 - (b) the principles in this Order, and
 - (c) access licence dealing rules established by any relevant management plan.
- (2) Consistent with section 71Z of the Act, any access licence dealing rules established by management plans must be consistent with the principles in this Order.

6 Definitions

In this order the following definitions apply:

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs.

groundwater source means a water source specified in a groundwater management plan.

hydrologically connected water sources are water sources where water from one flows into the other, or, in the case of river systems, where flow from both goes into a common river downstream.

management plan means a plan made under section 41 or 50 of the *Water Management Act 2000*.

regulated river water source means a water source specified in a regulated river management 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 53 of the *Water Management Act 2000*. 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.

unregulated river water source means a water source specified in an unregulated river management plan.

Part 2 General principles

7 Impacts on water sources

- (1) Dealings should not adversely affect environmental water and water dependent ecosystems as identified in any relevant management plan.
- (2) Dealings should be consistent with any strategies to maintain or enhance water quality identified in any relevant management plan.
- (3) In unregulated river water sources, dealings should not increase commitments to take water from water sources or parts of water sources identified in any relevant management plan as being of high conservation value.
- (4) In unregulated river water sources or a groundwater sources, dealings should not increase commitments to take water from water sources or parts of water sources above sustainable levels identified in any relevant management plan.
- (5) In regulated river water sources, dealings should not increase daily demand for water delivery at those locations and times where it is identified in any relevant management plan that demand exceeds delivery capacity.
- (6) In this clause, **commitments to take water** refers, in relation to all access licences with nominated works in that water source or part of a water source, to:
 - (a) the total volume of water allocations in water allocation accounts, or
 - (b) where relevant, the sum of limits on rates of extraction in extraction components.

8 Impacts on indigenous, cultural, heritage or spiritual matters

- (1) Dealings should not adversely affect geographical and other features of indigenous significance.
- (2) Dealings should not adversely affect geographical and other features of major cultural, heritage or spiritual significance.

9 Impacts on water users

- (1) Dealings should not adversely affect the ability of a person to exercise their basic landholder rights.
- (2) Dealings should have no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences. This should be addressed by constraints on dealings established in access licence dealing rules in relevant management plans.

10 Maximising social and economic benefits

- (1) The objective of access licence dealings is to help to facilitate maximising social and economic benefits to the community of access licences as required under the objects of the Act. Dealings do this by:
 - (a) allowing water to move between alternative uses, and
 - (b) allowing the establishment of water markets that value the access licences, thereby encouraging investment in water efficient infrastructure, and
 - (c) allowing greater flexibility to access licence holders.
- (2) Subject to other principles in this Order, access licence dealing rules should allow maximum flexibility in dealings to promote the objectives set out in subclause (1).

Part 3 Principles for specific types of access licence dealings**11 Conversion of access licence to new category**

- (1) This clause applies to access licence dealings under section 71O of the Act.
- (2) Dealings under section 71O are prohibited:
 - (a) if the licence is proposed to be converted to category regulated river (conveyance) or category estuarine or category coastal or category supplementary, or
 - (b) if the licence is suspended, or
 - (c) if the licence is a specific purpose access licence, unless there is no provision in the regulations or the relevant water sharing plan for applications to be made under section 61 of the Act for new licences of that category/subcategory in relation to the water source to which the licence relates.
- (3) Dealings under section 71O are prohibited unless provisions of the relevant management plan:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (4) The share and extraction components of a new licence issued under a dealing under section 71O must comply with any requirements that are specified in the relevant

management plan for a licence granted under section 63 of the Act for the new category.

- (5) Except for where it is otherwise specified in access licence dealing rules in the relevant management plan water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licence.
- (6) The share component on a new access licence issued under a dealing under section 71O is to be of a quantity equal to the quantity on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in the relevant management plan.
- (7) Conversion factor rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Subject to (4), the extraction component and nominated water supply works on the new licence are to be the same as those that were on the cancelled licence.
- (9) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this Order.

Note. Under section 71O applications to convert local water utility access licences and supplementary access licences are prohibited, and licences granted are subject to the mandatory conditions applicable to the category or subcategory of licence to which it belongs. Also licences may only be granted in relation to the same water source or water management area as the cancelled licence.

12 Subdivision of access licences

- (1) This clause applies to subdivision dealings under section 71P of the Act.
- (2) Dealings under section 71P are prohibited if the licence is suspended.
- (3) The category or subcategory of the new licences is to be the same as the category or subcategory of the cancelled licence.
- (4) Apart from the quantity of shares and any quantified rights in the extraction component, the share and extraction components and the nominated works specified in the new licences are to be the same as those that were on the cancelled licence.
- (5) Water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licences so that the combined water allocations in the accounts of the new licences are no greater than the water allocations which remained in the account of the cancelled licence.
- (6) Access licence dealing rules established by a management plan shall not regulate or prohibit subdivision dealings under section 71P of the Act.

Note. As indicated in section 71P (3), the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licence are to be carried over to the new licences.

13 Consolidation of access licences

- (1) This clause applies to consolidation dealings under section 71P of the Act.
- (2) Consolidation dealings under section 71P are prohibited:
 - (a) if any of the licences are suspended, or
 - (b) if the share and extraction components and the nominated works specified in the licences are not the same, apart from the quantity of shares and any quantified rights in the extraction component.
- (3) The category or subcategory of the new licence is to be the same as the category or subcategory of the cancelled licences.
- (4) Apart from the quantity of shares and any quantified rights in the extraction component, the share and extraction components and the nominated works specified in the new licence are to be the same as those that were on the cancelled licences.
- (5) The quantity of shares and any quantified rights in the extraction component of the new licence is to be the sum of those on the cancelled licences.
- (6) Water allocations remaining in the water allocation accounts on the cancelled licences are to be credited to the new licence so that the water allocations in the account of the new licence is no greater than the sum of the water allocations remaining in the accounts of the cancelled licences.
- (7) Access licence dealing rules established by a management plan shall not regulate or prohibit consolidation dealings under section 71P of the Act.

Note. as indicated in section 71P, the licences to be consolidated must be of the same category or subcategory, the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licences are to be carried over to the new licences.

14 Assignment of rights under access licences

- (1) This clause applies to assignment of rights dealings under section 71Q of the Act.
- (2) Dealings under section 71Q are prohibited:
 - (a) if any of the licences are suspended, or
 - (b) if any of the licences is a specific purpose access licence.
- (3) Only share or extraction components, or parts thereof, that are numerically quantified may be assigned from one licence to another.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71Q, the licences which are involved in a dealing under section 71Q must be of the same category and have share components in the same water source or water management area. This dealing does not apply to local water utility access licences.

15 Change of water source

- (1) This clause applies to amendment of share component dealings under section 71R of the Act.

- (2) Dealings under section 71R are prohibited:
 - (a) if the licence is suspended, or
 - (b) if the licence a specific purpose access licence, or
 - (c) from an unregulated river water source to a regulated river water source, or
 - (d) from a groundwater source to a regulated river or unregulated river water source, or vice versa, or
 - (e) if the licence is of category supplementary.
- (3) A dealing under section 71R is prohibited unless there is a hydrologic connection between the water sources of the cancelled and issued licences.
- (4) A dealing under section 71R is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) The quantity of shares on the new access licence is to be of a quantity equal to the quantity on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factors rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining the available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) No water allocations remaining in the water allocation account of the cancelled licence may be credited to the new licence.
- (9) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this Order.

Note. As indicated in section 71R, the new licence arising from a dealing under section 71R is subject to the mandatory conditions relevant to its category or subcategory and water source. This dealing does not apply to local water utility access licences.

16 Amendment of extraction component of access licence

- (1) This clause applies to amendment of extraction component dealings under section 71S of the Act.
- (2) Dealings under section 71S are prohibited:
 - (a) if the licence is suspended, or

- (b) if the licence is a specific purpose access licence, apart from local water utility access licences.
- (3) Amendment of the times, rates and circumstances part of the extraction component may only occur where:
 - (a) access licence dealing rules in the relevant plan make provision for it consistent with the principles in Part 2 of this Order, and
 - (b) those rules specifically indicate the nature of those amendments which are allowed.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this Order.

Note. As indicated in section 71S, the area or location arising from a variation of an access licence under this dealing must relate to the same water management area or water source as that to which the original area or location related.

17 Assignment of water allocations between access licences

- (1) This clause applies to assignment of water allocation dealings under section 71T of the Act.
- (2) Dealings under section 71T are prohibited:
 - (a) if the access licence from which water allocations are proposed to be assigned from is suspended, or
 - (b) if either of the access licences are specific purpose access licences, apart from local water utility access licences and major water utility access licences and access licences of subcategory Aboriginal commercial, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on both access licences, or
 - (d) if any of the access licences has a nominated work which is a runoff harvesting dam, or
 - (e) if any of the access licences is of category major utility, unless specific provision is made in access licence dealing rules to allow this, or
 - (f) from a supplementary water access licence to a licence of any other category.
- (3) Assignment of water allocations between access licences relating to different water sources is prohibited if:
 - (a) either licence is of category supplementary, or
 - (b) there is no hydrologic connection between the water sources, or
 - (c) one water source is a regulated river and the other is an unregulated river, or
 - (d) one water source is a groundwater source and the other is a regulated river or unregulated river water source.
- (4) Assignment of water allocations between access licences relating to different water sources is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and

- (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) Assignment of water allocations from a local water utility access licence is prohibited unless:
- (a) the Minister has approved a demand management plan for all NSW town water supply schemes supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW town water supply schemes supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this Order.

18 Interstate transfer dealings

- (1) This clause applies to dealings under section 71U of the Act.
- (2) Any dealings under section 71U must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71U are prohibited unless the waters for which the interstate access licence equivalent has or will have rights to are hydrologically connected to the water source in which to which the access licence to be issued or revoked relates.
- (4) Dealings under section 71U which revoke an access licence are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended, or
 - (c) if the licence is a specific purpose access licence.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) Dealings under section 71U are prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (7) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this Order.

19 Interstate assignment of water allocations

- (1) This clause applies to interstate assignment of water allocation dealings under section 71V of the Act.

- (2) Any dealings under section 71V must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71V are prohibited:
 - (a) if the access licence is suspended, or
 - (b) if the licence is a specific purpose access licence, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on the access licence, or
 - (d) if the access licence is of category supplementary.
- (4) This dealing is prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by the dealing, and
 - (b) protect basic landholder rights from being affected by the dealing, and
 - (c) protect the available water under other access licences from being affected by the dealing.
- (5) Interstate assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW town water supply schemes supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW town water supply schemes supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this Order.

20 Nomination of water supply works

- (1) This clause applies to nomination of water supply works dealings under section 71W of the Act.
- (2) Dealings under section 71W are prohibited if the access licence is suspended.
- (3) Dealings under section 71W are prohibited if the access licence is a specific purpose access licence, with the following exceptions:
 - (a) if the licence is a local water utility access licence or a major water utility access licence, or
 - (b) if new or additional works are to be nominated, where those works supply the same property as the current nominated works, or a contiguous property to the property supplied by the current nominated works which is occupied by the same landholder.
- (4) Dealings under section 71W are prohibited if the access licence is of category local water utility, with the following exceptions:

- (a) if new or additional works are to be nominated, that those works supply the same town water supply scheme as the current nominated works, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (5) Nomination of a water supply work is prohibited if the access licence does not have an extraction component allowing taking of water at the location of the nominated work.
- (6) Where a nominated water supply work is a runoff harvesting dam, the withdrawal of that nominated work may only be granted where arrangements are in place to ensure that the nominated work does not conserve any more water than is permitted pursuant to the exercise of basic landholder rights
- (7) Where the application is to add a nominated water supply work that is a runoff harvesting dam, the application must be refused unless the runoff harvesting dam is of no greater capacity than that which the Minister considers would conserve water consistent with the share component of the access licence.
- (8) Withdrawal of nomination may not be prohibited by access licence dealing rules, except for as otherwise specified in this clause.
- (9) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this Order.

RIVERS AND FORESHORES IMPROVEMENT ACT 1948
Order under Section 22B(4)

HARVESTABLE RIGHTS

PURSUANT to section 22(B)(4) of the *Rivers and Foreshores Improvement Act 1948* the Water Administration Ministerial Corporation, hereby specifies that Part 3A of the Act does not apply to the following works:

1. Works to which any Order made under section 54 of the *Water Management Act 2000* applies.
2. Works approved under Part 3 of Chapter 3 of the *Water Management Act 2000*.
3. Dams solely for the control or prevention of soil erosion, provided no water is reticulated or pumped from such dams and the size of the structure is the minimum necessary to fulfil the erosion control function. However if such a dam is fenced off for erosion control purposes water may be reticulated to a stock drinking trough in an adjoining paddock without prejudicing the exempt status.
4. Dams solely for the capture, containment and recirculation of drainage and/or effluent, consistent with best management practice or required by a government agency or local council to prevent the contamination of a water source.
5. Dams approved in writing by the Minister for specific environmental management purposes.
6. Dams licensed under Part 2 of the *Water Act 1912*, and works approved under Part 8 of that Act.
7. This Order does not apply to works located on land that is within a zone designated "residential", "rural residential", "village", "township", "industrial", "business" (or similar) or "recreation", "open space", "environmental protection" (or similar, but not including "scenic protection") in an environmental planning instrument, as defined in the Environmental Planning and Assessment Act, 1979, to which Part 3A of the Act still applies.
8. This Order revokes the Order made under section 22B(4)(1) of the *Rivers and Foreshores Improvement Act 1948* on 18 January 2001 and published on 23 March 2001 in *Government Gazette* No. 57 on page 1479, specifying the works with respect to which Part 3A of the Act did not apply.

This Order takes effect on 1 July 2004.

Dated at Sydney this 28th day of June 2004.

Signed for the Water Administration Ministerial Corporation.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

WATER MANAGEMENT ACT 2000
Order under Section 54

HARVESTABLE RIGHTS – WESTERN DIVISION

I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, make the following Harvestable Rights Order in accordance with section 54 of the *Water Management Act 2000*:

1. This Order applies to all lands in the Western Division of the State of New South Wales as referred to in Section 4 of the Crown Lands Act, 1989 except for land of special environmental or cultural significance which could be adversely impacted by exercise of the harvestable right. Such lands are designated in Schedule 1 to the Order.
2. The streams of water referred to in paragraph 1 of the Order of the Water Administration Ministerial Corporation made on 18 January 2001 and published on 23 March 2001 in *Government Gazette* No. 57 on page 1480, in relation to the definition of "river" in section 5(1) of the Water Act 1912 are declared to be "minor streams" for the purposes of Part 1 Division 2 of Chapter 3 of the *Water Management Act, 2000*.
3. A landholder has the right to capture all rain water run-off on land to which this Order applies by means of a dam or dams which are located on "minor streams". This water may be used for any purpose, except as provided in paragraph 4.
4. Where a dam authorised by paragraph 3, is also used for holding water taken in accordance with:
 - a) a right to take water from a river or lake in accordance with a licence issued under Part 2 of the Water Act 1912 which is subject to a condition restricting its use to stock or domestic or stock and domestic purposes, or
 - b) a domestic and stock right conferred on a landholder by section 52 of the *Water Management Act 2000*,
 - c) a domestic and stock access licence granted under Part 2 of Chapter 3 of the *Water Management Act 2000* or given under clause 3 of Schedule 10the use of water from that dam is restricted to domestic consumption and stock watering.
5. Paragraph 3 does not apply to dams on lands shown in the legend of the 1:100 000 scale (or 1:50 000 scale where available) topographic maps issued by the Land Information Centre (formerly the Central Mapping Authority) applying at 1 June 2000 to the Western Division as land subject to flooding or inundation;
6. Paragraph 3 does not apply to dams on lakes shown in the legend of the maps referred to in paragraph 5 as Perennial or Intermittent.
7. This Order revokes the Order made under section 54 of the *Water Management Act 2000* on 18 January 2001 and published on 23 March 2001 in *Government Gazette* No. 57 on page 1491.

This Order takes effect on 1 July 2004.

Dated at Sydney this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

SCHEDULE 1 – Designated Lands

The following lands are of special environmental or cultural significance:

- 1) land on or within 3 kilometres of a wetland included in the List of Wetlands of International Importance of the International Convention on Wetlands (Ramsar, Iran, 1971).

WATER MANAGEMENT ACT 2000
Order under Section 54

HARVESTABLE RIGHTS – EASTERN AND CENTRAL DIVISION

I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, make the following Harvestable Rights Order in accordance with section 54 of the *Water Management Act 2000*:

1. This Order applies to all lands in the Eastern and Central Division of the State of New South Wales as defined in Section 4 of the *Crown Lands Act 1989*, except for land of special environmental or cultural significance which could be adversely impacted by exercise of the harvestable right. Such lands are designated in Schedule 4 to the Order.
2. The streams of water referred to in paragraph 1 of the Order of the Water Administration Ministerial Corporation made on 18 January 2001 and published on 23 March 2001 in *Government Gazette* No. 57 on page 1480, in relation to the definition of “river” in section 5(1) of the *Water Act 1912* are declared to be “minor streams” for the purposes of Part 1 Division 2 of Chapter 3 of the *Water Management Act, 2000*.
3. A landholder has the right to capture 10% of the average regional rain water run-off on the land by means of a dam or dams having not more than the total capacity calculated in accordance with Schedule 1, which are located on “minor streams”. This water may be used for any purpose, except as provided in paragraph 9.
4. Dams to which Part 2 of the *Water Act 1912* extends shall be included in calculation of use of the total capacity calculated in accordance with Schedule 1 to the Order, except:
 - a) where the dam is on a river (as defined in Part 2 of the *Water Act 1912* and as amended from time to time by order) or a lake, or
 - b) where the dam was licensed under Part 2 of the *Water Act 1912* prior to 1 January 1999.
5. Dams subject to a water supply work approval granted under Part 3 of Chapter 3 of the *Water Management Act 2000*, or given under clause 3 of Schedule 10 of the *Water Management Act 2000*, shall be included in calculation of use of the total capacity calculated in accordance with Schedule 1, except:
 - a) where the dam is on a river which is not a minor stream, or
 - b) where the approval for the dam was given under clause 3 of Schedule 10 of the *Water Management Act 2000*, in replacement of a licence issued under the *Water Act 1912* prior to 1 January 1999.
6. Dams of the classes set out in Schedule 2 are not included in the calculation of total capacity as set out in Schedule 1.
7. The method of apportioning harvestable rights for a dam where the wall of the dam crosses the boundary between two or more parcels of land is that the rights are apportioned between the parcels in proportion to the surface area of the water stored on the respective parcels when the dam is full, unless the respective landholders agree otherwise.
8. Where a harvestable right dam, being a work within the total capacity as determined in paragraph 3, is also used for holding water taken in accordance with any of the following water rights and obligations:
 - a) a right to take water from a river or lake in accordance with an entitlement issued under Part 2 of the *Water Act 1912*,

- b) a right to use water from a bore in accordance with a licence issued under Part 5 of the *Water Act 1912*, or
 - c) an access licence or approval granted under Chapter 3 of the *Water Management Act 2000* or given under clause 3 of Schedule 10 of the *Water Management Act 2000*, the landholder must demonstrate to the satisfaction of the Minister that the use of water from the dam is consistent with the water rights and obligations referred to above and the harvestable right.
9. Where a harvestable right dam, being a work within the total capacity as determined in paragraph 3, is also used for holding water taken in accordance with:
- a) a domestic and stock right conferred on a landholder by section 52 of the *Water Management Act 2000*,
 - b) a right to take water from a river or lake in accordance with a licence issued under Part 2 of the *Water Act 1912* which is subject to a condition restricting its use to stock or domestic or stock and domestic purposes, or
 - c) a right to take water from a river or lake in accordance with a domestic and stock access licence granted under Part 2 of Chapter 3 of the *Water Management Act 2000* or given under clause 3 of Schedule 10.

the use of water from that dam is restricted to domestic consumption and stock watering.

10. The water available for extraction as a harvestable right from:
- a) a dam which is also used for a water right or obligation referred to in paragraph 8, or
 - b) from a dam which is licensed under Part 2 of the *Water Act 1912* and is also used for harvestable right,
 - c) a dam subject to an approval granted under Part 3 of Chapter 3 or clause 3 of Schedule 10 of the *Water Management Act 2000*,
- shall be calculated where necessary in accordance with Schedule 3 to the Order.
11. This Order revokes the Order made under section 54 of the *Water Management Act 2000* on 18 January 2001 and published on 23 March 2001 in *Government Gazette* No. 57 on page 1489.

This Order takes effect on 1 July 2004.

Dated at Sydney this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

SCHEDULE 1 - Total Capacity of a Dam or Dams

1. The total capacity of a dam or dams for a landholding in megalitres is to be calculated by multiplying the area of the landholding in hectares by the multiplier corresponding to the location of the land shown on the Maximum Harvestable Right Dam Capacity Map of the Department of Infrastructure Planning and Natural Resources applicable to the parcel of land, the maps being Registered Numbers 38/1530 to 38/1575 held by the Department at its Parramatta Office.
2. Paragraph 1 does not apply to dams on lots in subdivisions where the subdivisions were approved by local councils before 1 January 1999 and those lots would have a right to capture rainwater run-off calculated under paragraph 1 for a total capacity of less than one megalitre, in which cases the total capacity for each lot is to be one megalitre.

SCHEDULE 2 – Exempt Classes of Dam

1. Dams solely for the control or prevention of soil erosion, provided no water is reticulated or pumped from such dams and the size of the structure is the minimum necessary to fulfil the erosion control function. However if such a dam is fenced off for erosion control purposes water may be reticulated to a stock drinking trough in an adjoining paddock without prejudicing the exempt status.
2. Dams solely for flood detention and mitigation, provided no water is reticulated or pumped from such dams.
3. Dams solely for the capture, containment and recirculation of drainage and/or effluent, consistent with best management practice or required by a government agency or local council to prevent the contamination of a water source.
4. Dams approved in writing by the Minister for specific environmental management purposes.
5. Dams without a catchment, such as “turkeys nest” dams and ring tanks, provided no water from harvestable right works is diverted into them.

SCHEDULE 3 – “Mixed Right” Dams

1. The maximum capacity of harvestable right dams for the property shall be calculated in accordance with Schedule 1.
2. The capacity taken up by other harvestable right dams on the property shall be subtracted from this maximum capacity, giving the harvestable right dam capacity available for the mixed right dam.
3. The harvestable right dam capacity available for the mixed right dam shall be divided by the factor shown in the table below, to give a volume in megalitres per year. The multiplier shown in the table is the average multiplier for the property as shown in the maps designated in paragraph (1) of Schedule 1. Values should be interpolated where necessary.

Multiplier	Factor
0.05	2.50
0.051	2.32
0.052	2.17
0.053	2.04
0.054	1.93
0.055	1.83
0.056	1.75
0.057	1.68
0.058	1.61
0.059	1.55
0.06	1.50
0.062	1.41
0.064	1.33
0.066	1.27
0.068	1.21
0.07	1.17
0.075	1.07
0.08	1.00
0.09	0.90
0.10	0.83
0.11	0.79
0.12	0.75
0.13	0.72
0.14	0.70
0.15	0.68
0.16	0.67
0.17	0.65
0.18	0.64
0.19	0.63

SCHEDULE 4 – Designated Lands

The following lands are of special environmental or cultural significance:

- 1) land on or within 3 kilometres of a wetland included in the List of Wetlands of International Importance of the International Convention on Wetlands (Ramsar, Iran, 1971).

WATER MANAGEMENT ACT 2000
Order under section 60(2)

SEVERE WATER SHORTAGE
Lachlan Regulated River Water Source

PURSUANT to section 60(2) of the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, on being satisfied that there exists a severe water shortage in the Lachlan Regulated River water source as defined in the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003*, do, by this Order, suspend the operation of the rules of distribution in section 60(1) of that Act and insert instead the rules of distribution in section 60(3) of that Act in relation to the water source.

This Order takes effect on the date of publication in the Gazette and continues until it is repealed by a further Order.

Dated at Sydney this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

**WATER MANAGEMENT ACT 2000
Order under section 323**

**TEMPORARY WATER RESTRICTION ORDER
Lachlan Regulated River Water Source**

PURSUANT to section 323 of the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, on being satisfied that it is necessary in the public interest to do so because of water shortage, do, by this Order direct that the taking of water under regulated river (general security) access licences from the Lachlan Regulated River Water Source as defined in the *Water Sharing Plan for the Lachlan Regulated River Water Source 2003* and currently in force is totally prohibited.

This Order takes effect on the date of first broadcasting and will continue until it is repealed by a further Order.

Dated at Sydney this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
Minister for Natural Resources

WATER MANAGEMENT ACT 2000

Order under section 65

**CONTROLLED ALLOCATION OF ACCESS LICENCES
BETWEEN WATER SOURCES**

PURSUANT to section 65 of the *Water Management Act 2000*, I, CRAIG JOHN KNOWLES, MP, Minister for Natural Resources, do, by this Order declare that the right to apply for a new regulated river (high security) access licence, a regulated river (general security) access licence or an unregulated river access licence arises where:

- (a) the applicant agrees to the cancellation of a licence or part of a licence under Part 2 of the *Water Act 1912* for a volume that is assessed according to the relevant conversion factor to be of equivalent value to the access licence sought, and
- (b) the water sharing plan for the water source in which the access licence is sought allows for the grant of an access licence in such circumstances.

This Order takes effect on 1 July 2004 and continues until it is revoked.

Dated at Sydney this 28th day of June 2004.

CRAIG JOHN KNOWLES, MP
MINISTER FOR NATURAL RESOURCES

HEALTH SERVICES ACT 1997**Order under section 29**

MARIE BASHIR, Governor

PURSUANT to section 29 of the Health Services Act 1997, I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council, do by this my order appoint Associate Professor Debora Picone as the Administrator of the South Western Sydney Area Health Service for a further term of office commencing on and from 1 July 2004 until and including 30 September 2004.

Signed this thirtieth day of June 2004.

MORRIS IEMMA, M.P.,
Minister for Health

**STATE OWNED CORPORATIONS ACT 1989**

Directions given under section 20P

Pursuant to section 20P of the *State Owned Corporations Act 1989* (the Act), I MICHAEL COSTA M.L.C, Minister for Transport Services, have directed Rail Infrastructure Corporation and Rail Corporation New South Wales to enter into certain agreements and arrangements with Australian Rail Track Corporation (the ARTC arrangements). I am satisfied that, because of exceptional circumstances, it is necessary to give these directions in the public interest under section 20P of the Act for the following reasons.

The ARTC arrangements offer benefits to New South Wales, the opportunity to create a national integrated interstate track for the benefit of the freight industry and the economy, and the scope for improving track maintenance and to expand freight lines in New South Wales. The ARTC arrangements provide a unique and exceptional opportunity, involving Commonwealth financial assistance, to realise these benefits. I also note that the Parliament of New South Wales has passed legislation to facilitate the ARTC arrangements.

MICHAEL COSTA, M.L.C
Minister for Transport Services

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